

1 Reza Ganjavi
2331 Westwood Boulevard #152
2 Los Angeles, CA 90064-2109
3 case@rezamusic.com
4 (310)956-0426
5
6
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 REZA GANJAVI,) **Case Number:**
11) CV05- 8619 DDP (JWJx)
12) **First Amended Complaint for:**
13 **Plaintiff,**)
14 v.) 1. Identity Theft, 18 U.S.C. §
15) 1028
16 Jeremy Smith,) 2. Violations of the Lanham
17 Todd Tipton,) Act, 15 U.S.C. § 1125
18 William Jennings,) 3. Invasion of Privacy: False
19 Douglas Carlson,) Light
20 DOES:) 4. Defamation Per Se
21) 5. Defamation
22) 6. Invasion of Privacy:
23) Appropriation of Name or
24) Likeness
25) 7. Intentional Infliction of
26) Emotional Distress
27) 8. Negligent Infliction of
28) Emotional Distress
29) 9. Intentional Interference
30) with Prospective Economic
31) Advantage
32) 10. Unfair Competition
33) 11. Infringement of Copyright
34) 17 U.S.C. § 501
35) 12. Transportation of Obscene
36) Matters 18 U.S.C. § 1462
37) 13. Intentional
38) Misrepresentation
39) 14. Negligent Misrepresentation
40) Injunctive Relief
41)

1 [THIS IS THE FIRST AMENDED COMPLAINT. THE ORIGINAL COMPLAINT WAS FILED ON 9
2 DECEMBER 2005; A RELATED DOCUMENT "EXHIBIT 5" WAS FILED UNDER SEAL ON
3 12/20/05].

4 COMES NOW, Plaintiff, REZA GANJAVI, and, as against each of the
5 Defendants named herein, respectfully complains, avers and alleges as
6 follows:

7 **PARTIES**

8 1. Plaintiff Reza Ganjavi ("Plaintiff") is an individual who is presently
9 a professional musician with two Classical Guitar CD's which have done
10 extremely well both in terms of sales within their genre, and in terms of
11 listener responses which are represented on some two hundred pages of
12 listener comments on his main website, www.rezamusic.com. Plaintiff has
13 honors degrees in Computer Science, Philosophy, and an MBA. He has never
14 sued anyone before, nor has he ever been sued. Plaintiff travels extensively
15 throughout the world, performing and meeting people. He believes his work
16 stands for friendship, dialogue, peace, harmony, understanding, cooperation,
17 cultural exchange, equality of all people, and other positive values.
18 Plaintiff was born in Tehran and resided in the USA since age 15. Hi address
19 in the USA is: 2331 Westwood Boulevard #152, Los Angeles, CA 90064-2109.

20 2. Upon information and belief, Defendant Jeremy Smith ("Smith") is an
21 individual, a musician, and currently an employee of Deloitte, residing at
22 605 W. Madison Street, Apt 4811, Chicago, Illinois 60661. Smith has
23 published libelous statements regarding the Plaintiff via websites on the
24 Internet, including news group, rec.music.classical.guitar Usenet newsgroup
25 (currently owned and operated by Google Incorporated, this is the largest
26 online classical guitar community) and other websites on the Internet. Smith
27 has issued false statements to companies and individuals engaged in trade
28 with the Plaintiff and to companies and individuals potentially interested

1 in engaging in trade with the Plaintiff. Smith has at times forged
2 Plaintiff's identity and writings.

3 3. Upon information and belief, Defendant Todd Tipton, also known as
4 Timothy T. Tipton, ("Tipton") is an individual, a musician, and his website
5 is www.toddtipton.com. Tipton's only available address is via the
6 university, which he apparently works at and at which he is a PhD candidate
7 (University of Minnesota, School of Music, 100 Ferguson Hall, 2106 4th Street
8 South, Minneapolis, Minnesota 55455). Tipton has published libelous
9 statements regarding the Plaintiff via websites on the Internet, including
10 news group, rec.music.classical.guitar and other websites on the Internet
11 accessed throughout the U.S., including the State of California. Tipton has
12 issued false statements to companies and individuals engaged in trade with
13 the Plaintiff and to companies and individuals potentially interested in
14 engaging in trade with the Plaintiff. Tipton has at times forged Plaintiff's
15 identity and writings.

16 4. Upon information and belief, Defendant William Jennings ("Jennings")
17 is an individual, a musician, residing at 1415 Babcock Road, Apt. 704, San
18 Antonio, Texas 78201. Jennings has published libelous statements regarding
19 the Plaintiff via websites on the Internet, including news group,
20 rec.music.classical.guitar and other websites on the Internet accessed
21 throughout the U.S., including the State of California. Jennings has issued
22 false statements to companies and individuals engaged in trade with the
23 Plaintiff and to companies and individuals potentially interested in
24 engaging in trade with the Plaintiff. Jennings has at times forged
25 Plaintiff's identity and writings.

26 5. Upon information and belief, Defendant Douglas Carlson ("Carlson") is
27 an individual residing at 3731 Oak Drive, Clearlake, California 95422-9785.
28 Carlson has published libelous statements regarding the Plaintiff via

1 websites on the Internet, including news group, rec.music.classical.guitar
2 and other websites on the Internet accessed throughout the U.S., including
3 the State of California. Carlson has issued false statements to companies
4 and individuals engaged in trade with the Plaintiff and to companies and
5 individuals potentially interested in engaging in trade with the Plaintiff.

6 6. Upon information and belief, DOE1 Defendant John Ed Gore ("Gore") is
7 an individual. The true name, citizenship, domicile, and residency of Gore
8 is unknown to Plaintiff at this time. Plaintiff knows Gore only by the email
9 address available on the date and time at which the unlawful activity of
10 Gore was observed. Plaintiff believes that information obtained in discovery
11 will lead to the identification of the true name, citizenship, domicile, and
12 residency of Gore.

13 7. Upon information and belief, DOE2 Defendant Rosa ("Rosa") is an
14 individual. The true name, citizenship, domicile, and residency of Rosa is
15 unknown to Plaintiff at this time. Plaintiff knows Rosa only by the email
16 address available on the date and time at which the unlawful activity of
17 Rosa was observed. Plaintiff believes that information obtained in discovery
18 will lead to the identification of the true name, citizenship, domicile, and
19 residency of Rosa.

20 8. Upon information and belief, DOE3 Defendant Cyber troll Administrator
21 ("Cyber troll Administrator") is an individual. The true name, citizenship,
22 domicile, and residency of Cyber troll Administrator is unknown to Plaintiff
23 at this time. Plaintiff knows Cyber troll Administrator only by the email
24 address available on the date and time at which the unlawful activity of
25 Cyber troll Administrator was observed. Plaintiff believes that information
26 obtained in discovery will lead to the identification of the true name,
27 citizenship, domicile, and residency of Cyber troll Administrator.

1 9. Upon information and belief, DOE4 Defendant Cyber Troll ("Cyber
2 Troll") is an individual. The true name, citizenship, domicile, and
3 residency of Cyber Troll is unknown to Plaintiff at this time. Plaintiff
4 knows Cyber Troll only by the email address available on the date and time
5 at which the unlawful activity of Cyber Troll was observed. Plaintiff
6 believes that information obtained in discovery will lead to the
7 identification of the true name, citizenship, domicile, and residency of
8 Cyber Troll.

9 10. The true names and capacities of the Defendants Does 5-10 ("Doe
10 Defendants") are unknown to Plaintiff at this time. Plaintiff is informed
11 and believes, and based upon such information and belief alleges, that each
12 Doe Defendant was in some way responsible for, participated in, or
13 contributed to the matters and things of which Plaintiff complains herein,
14 and in some fashion, has legal responsibility therefore. Plaintiff believes
15 that information obtained in discovery will lead to the identification of
16 the true name, citizenship, domicile, and residency of each Doe Defendant.
17 When the exact nature and identity of such Doe Defendants and their
18 responsibility for participation and contribution to the matters and things
19 herein alleged is ascertained by Plaintiff, Plaintiff will amend this
20 Complaint to set forth the same.

21
22 **JURISDICTION AND VENUE**

23
24 11. This Court has jurisdiction over the subject matter of this action
25 pursuant to the provisions of 15 U.S.C. § 1125; 17 U.S.C. §§ 101 *et seq.*; 17
26 U.S.C. § 501; 18 U.S.C. § 1028; 18 U.S.C. § 1462; 28 U.S.C. §§ 1331 (federal
27 question); 28 U.S.C. § 1338(a) (copyright); and 1332 (diversity), are at
28 issue and are central to the claims in this action, and other claims are so

1 related to the federal issues that they form part of the same case or
2 controversy.

3 12. This Court has personal jurisdiction over Jeremy Smith, Todd Tipton,
4 William Jennings, Douglas Carlson, and Does 1-10 (collectively,
5 "Defendants") as the allegations herein relate to Defendants' purposeful
6 attempts to transact business in the State of California, and their
7 infliction of tortuous injury on Plaintiff in the State of California
8 through such attempted transactions. Through their conduct at issue,
9 Defendants have purposefully availed themselves of the State of California.
10 Defendants have published within this District, or contributed to publishing
11 within this District; material that defames Plaintiff. Defendants have
12 published within this District, or contributed to publishing within this
13 District; material that infringes the rights to Plaintiff's copyrighted
14 matter. Defendants have contracted over the Internet with residents of the
15 State of California for the provision of services. The ongoing bilateral
16 nature of the Defendants' business activities with residents of the State of
17 California is sufficient to establish personal jurisdiction. Because
18 Defendants seek business relations with residents of the State of
19 California, and conduct business relations with residents of the State of
20 California, this Court has personal jurisdiction over Defendants and venue
21 is proper in this judicial district.

22 13. Venue is proper in this judicial district pursuant to the provisions
23 of 28 U.S.C. § 1391 and/or 28 U.S.C. § 1400(a) as Defendants are subject to
24 the personal jurisdiction of the Court situated therein. Although the true
25 identity of each Defendant is unknown to Plaintiff at this time, on
26 information and belief, each Defendant may be found in this District and/or
27 a substantial part of the acts of infringement complained of herein occurred
28 in this District. On information and belief, personal jurisdiction in this

1 District is proper because each Defendant, without consent or permission of
2 the copyright owner, disseminated over the Internet copyrighted works owned
3 and/or controlled by Plaintiff. On information and belief, such illegal
4 dissemination occurred in every jurisdiction of the United States, including
5 this judicial district. Furthermore, on information and belief, Defendants
6 have unfairly competed with Plaintiff via the Internet and otherwise, in
7 every jurisdiction of the United States, including this judicial district.
8 In addition, each Defendant uses an online service provider found in the
9 State of California to access the Internet, which facilitated Defendants'
10 infringing activities. Additionally, on information and belief, personal
11 jurisdiction in this District is proper because each Defendant, without
12 privilege, published false communications which exposed Plaintiff to hatred,
13 contempt, ridicule, or obloquy, or which caused the Plaintiff to be shunned
14 or avoided, or which had a tendency to injure the Plaintiff in Plaintiff's
15 business. On information and belief, such slander and libel occurred in
16 every jurisdiction of the United States, including this judicial district.

17
18 **FIRST CAUSE OF ACTION**

19
20 (Identity Theft and Assumption Deterrence Act of 1998

21 (18 U.S.C. § 1028 amended)

22
23 14. The averments set forth in all preceding paragraphs are incorporated
24 herein by reference.

25 15. For the period from about 14 December 2004 to about 13 September 2005,
26 the Defendants attempted to assume, steal and misappropriate Plaintiff's
27 identity in the manner described presently through unauthorized use of
28

1 Plaintiff's name and email address and possibly a mock password all in
2 violation of the Identity Theft and Deterrence act, Title 18 U.S.C. § 1028.

3 16. At all times relevant, Sixteen (16) messages were published on the
4 Internet by Defendants who used the Plaintiff's name, email address and
5 possibly a mock password to present themselves as the Plaintiff: ["Reza
6 Ganjavi (www.rezamusic.com)" <ganjavi@dtc.ch>]. The Plaintiff did not write
7 these messages. Inarguably, the combination of four identity features, i.e.,
8 first name, last name, website URL, and email address very uniquely and
9 unambiguously purports to identify the Plaintiff. Plaintiff has in the past
10 used the same set of attributes to publish material on the Internet. While
11 there are many persons named "Reza" in the world, to the best knowledge of
12 the Plaintiff there are no other "Reza Ganjavi's", and even if there were,
13 technically it is impossible to have another "Reza Ganjavi" with the email
14 address: "ganjavi@dtc.ch" and even more impossible to have anybody with any
15 name who can claim to be the "Reza" referred to by "www.rezamusic.com" as
16 the Plaintiff is the sole and legal owner of this website URL. Therefore,
17 using a combination of these identity features uniquely and unambiguously
18 purports to identify the Plaintiff, and it is this exact combination, which
19 the Defendants used to pose as the Plaintiff, and publish material with the
20 Plaintiff posed as the author. Furthermore, Defendants may have forged the
21 Plaintiff's password in order to post messages as the Plaintiff.

22 17. At all times relevant, there was no way to stop the recurrence of such
23 violations as the Usenet/Internet does not provide such technical
24 capability. Anybody can go online and post as anybody else. It is common
25 sense that not only such behavior is not civil, it is fraudulent. Here, the
26 Defendants intentionally and maliciously used the Plaintiff's identity,
27 without the Plaintiff's authorization, to post messages that the Plaintiff
28 had not written, unambiguously presenting the Plaintiff as the author. The

1 Plaintiff asked the Defendants to stop assuming Plaintiff's identity and to
2 retract their violations many times to no avail, as the Defendants refused
3 to retract their statements.

4 18. The messages which were fraudulently posted with Plaintiff as the
5 author contained highly offensive material and violent content completely
6 contrary to the Plaintiff's character, beliefs and philosophy of life.

7 19. Most of the material posted with the Plaintiff fraudulently presented
8 as the author is too offensive to reproduce here in the body of this
9 complaint, however, some ingredients include the following, which is merely
10 a small example of numerous counts of violations. [An extensive body of
11 evidence was filed under seal on 12/20/05)

12
13 Time Warner Cable / Roadrunner

14
15 a) Using the Plaintiff's identity, Defendants threatened to kill a person
16 with use of extreme, graphic, and physical violence.

17 b) Using the Plaintiff's identity, Defendants threatened and used obscene
18 language on the Defendants themselves - something the Plaintiff would
19 never do.

20 c) Using the Plaintiff's identity, Defendants publicized false, negative,
21 scandalous, and damaging statements about the Plaintiff's products,
22 artistic credibility, and reputation.

23
24 Giganews

25
26 d) Using the Plaintiff's identity, Defendants directed obscenity at the
27 Plaintiff himself and posted highly defamatory material about the
28 Plaintiff.

1 e) Using the Plaintiff's identity, Defendants expressed sympathy for acts
2 of violence and terrorism, which are absolutely contrary to the
3 Plaintiff's beliefs and moral values.

4 f) Using the Plaintiff's identity, Defendants scandalously associated the
5 Plaintiff with extremist groups and ideologies; something which is
6 absolutely, utterly, false.

7
8 Teranews / NNTPServer

9
10 g) Using the Plaintiff's identity, Defendants directed many obscene
11 remarks to the Plaintiff and others.

12 h) Using the Plaintiff's identity, Defendants directed racial slurs,
13 including publicly publishing a message with the tile: "*THIS IS WHY*
14 *BLACK PEOPLE ARE NIGGERS*" (Exhibit 5 - filed under seal on 12/20/05)
15 containing a link to a picture of an African American person. This is
16 absolutely and unquestionably against the Plaintiff's belief. Falsely
17 attributing such an insult to the Plaintiff, as the source of such
18 statements, is a violation of Plaintiff's rights. Plaintiff has utmost
19 respect and affection for the Black race especially, as he does for
20 civil fellow human beings of every race, ethnicity, country, gender,
21 and religion. In addition, Plaintiff has many Black friends and fans
22 and prospective customers who would be disgruntled if they stumble
23 upon such lies and insults purportedly written on behalf of the
24 Plaintiff on the Internet.

25 i) Using the Plaintiff's identity, Defendants made other remarks
26 exhibiting racial prejudice, for example, referring to the Plaintiff
27 as a "*sand Nigger*" who would do extreme graphic and obscene, filthy,
28 lewd sexual acts.

1 j) Using the Plaintiff's identity, Defendants made vulgar sexual threats
2 to others.

3 k) Using the Plaintiff's identity, Defendants made vulgar sexual insults
4 and inappropriate and false remarks towards the Plaintiff.

5 l) Using the Plaintiff's identity, Defendants made inappropriate sexual
6 overtures to others.

7 m) Using the Plaintiff's identity, Defendants verbally attacked a
8 civilized member of the community.

9 n) Using the Plaintiff's identity, Defendants falsely discarded and
10 quashed writings that were actually written by the Plaintiff.

11 o) Using the Plaintiff's identity, Defendants altered and posted
12 Plaintiff's copyrighted material without permission.

13
14 20. The Plaintiff posted messages stating that the aforementioned
15 fraudulent messages were not written by Plaintiff. However, as demonstrated
16 in Exhibit 5 (filed under seal on 12/20/05) the Defendants would turn
17 around, forge the Plaintiff's ID and post a message uniquely identifying the
18 Plaintiff as the author, quashing the corrective message the Plaintiff had
19 actually just posted. The result was that a reader would believe that the
20 corrective message was not written by the Plaintiff.

21 21. As a result of the foregoing, Plaintiff has suffered injuries to
22 himself, his profession, his reputation, his artistic career, his health,
23 and his relationships, in an amount to be determined at time of trial, but
24 within the jurisdictional limits of this Court. In the alternative,
25 Plaintiff prays for any applicable statutory damages for this cause of
26 action.

27 22. Plaintiff will suffer immediate and irreparable harm if this Court
28 does not order injunctive relief, in that his business, practice, and

1 artistic reputation will be irreparably damaged. Monetary relief cannot
2 completely remedy Plaintiff's damages.

3 23. Plaintiff has exhausted his administrative remedies.

4
5 **SECOND CAUSE OF ACTION**

6
7 (False Presentation in violation of the Anti-Cybersquatting Consumer
8 Protection Act, 15 U.S.C. § 1125)

9
10 24. The averments set forth in all preceding paragraphs are incorporated
11 herein by reference.

12 25. On or about August 5, 2005, and on or about September 11 2005, it was
13 brought to the Plaintiff's attention that the Defendants had set up mock
14 websites strongly resembling the Plaintiff's registered websites in name,
15 design, and content (including Plaintiff's common law trademarks).

16 26. One mock website hosted on Yahoo/Geocities (Exhibit 5 - filed under
17 seal on 12/20/05) referred explicitly and unambiguously to the Plaintiff, in
18 both text and photo. The mock website purported that Plaintiff endorsed
19 products that the Plaintiff did not endorse. The websites directed insults
20 and invectives at the Plaintiff and his products and services; putdown his
21 professional competence; and offended the Plaintiff's potential customers.
22 This website was announced by a Defendant that posed as "Official Moderator
23 <moderator@rmcg.com>" (Exhibit 5 - filed under seal on 12/20/05).

24 27. The site also directed sexual slurs towards the Plaintiff and his
25 business associates, implying that the Plaintiff was a homosexual, which he
26 is not. This last allegation is important because Plaintiff travels to Iran,
27 where his relatives still reside. In Iran, homosexuality is a crime and is
28

1 severely punishable, so posting this false allegation on the Internet is
2 especially dangerous for Plaintiff and harmful to him.

3 28. The aforementioned mock site was announced to the Plaintiff on or
4 about September 11 2005, from the IP address [24.148.29.235] (that belonging
5 to Defendant Jeremy Smith). The Defendant wrote: "*You and I share similar*
6 *interests and even look alike. www.geocities.com/rezasworld*". On the same
7 day the site was also announced publicly (Exhibit 5 - filed under seal on
8 12/20/05). The site's visit-counter indicated the site was visited by at
9 least 99 visitors as of [September 11, 2005]. From the same IP address
10 [24.148.29.235], on or about September 12, 2005, the Plaintiff received an
11 email: "*Care to negotiate a peace settlement?*" but this one was from the IP
12 address [167.219.0.140] which indicated that the Defendant might be an
13 employee of Deloitte's (Exhibit 5 - filed under seal on 12/20/05). On 13
14 April 2006, in response to a subpoena, Deloitte confirmed that the name of
15 the responsible employee is Jeremy Smith. He works for Deloitte and uses RCN
16 as a home online service provider.

17 29. On or about August 4, 2005, another mock site (Exhibit 5 - filed under
18 seal on 12/20/05), hosted on Homestead, was publicly announced by Defendant
19 Todd Tipton (Exhibit 5 - filed under seal on 12/20/05) using Time Warner
20 Cable / Roadrunner ISP. Todd Tipton's own website (www.toddtipton.com) is
21 also hosted on Homestead. The mock site maliciously impersonated the
22 Plaintiff, misrepresented the Plaintiff's beliefs, and insulted the
23 Plaintiff, his family and friends.

24 30. These false presentations violated Section 43 of the Lanham Act, 15
25 U.S.C. § 1125, insofar as Plaintiff did not authorize, broker, sell, or
26 otherwise license the right to use his name, image, or professional
27 reputation, to any of the Defendants. The Plaintiff requested the hosting
28

1 companies to pull down the mock websites. The sites were deleted after being
2 online for several days and attracting numerous visitors.

3 31. As a result of the foregoing, Plaintiff has suffered injuries to
4 himself, his profession, his reputation, his artistic career, his health,
5 and his relationships, in an amount to be determined at time of trial, but
6 within the jurisdictional limits of this Court. In the alternative,
7 Plaintiff prays for any applicable statutory damages for this cause of
8 action.

9 32. Plaintiff will suffer immediate and irreparable harm if this Court
10 does not order injunctive relief, in that his business, practice, and
11 artistic reputation will be irreparably damaged. Monetary relief cannot
12 completely remedy Plaintiff's damages.

13
14 **THIRD CAUSE OF ACTION**

15
16 (Invasion of Privacy: False Light)

17
18 33. The averments set forth in all preceding paragraphs are incorporated
19 herein by reference.

20 34. Defendants published material, highly offensive in nature, in the
21 context of replies to quotations, which were falsely attributed as authored
22 by the Plaintiff.

23
24 Defendant Todd Tipton, and DOEs using Time Warner Cable / Roadrunner

25
26 35. On or about 7 Jul 2005, Defendant Todd Tipton published a statement,
27 which the Plaintiff had not written, unambiguously attributing it to the
28 Plaintiff as the author. The statement offended and insulted the group

1 members (Exhibit 5 - filed under seal on 12/20/05). Once caught, on or about
2 7 August 2005, Tipton emailed the Plaintiff and confessed as to having setup
3 the mock website hosted on Homestead as discussed hereinabove, and to the 7
4 July 2005's forged statement.

5 36. Using the screen name (John Ed Gore <gore0026@3dm.net>), Defendants
6 published appalling statements, which the Plaintiff had not written. These
7 statements were published as Plaintiff's writings four times, uniquely
8 identifying the Plaintiff as the author of a quoted text.

9 37. Using the screen name (Rosa <rosa@rosarosarosa.soup>), Defendants made
10 appalling statements, which the Plaintiff had not written. These statements
11 were published as Plaintiff's writing six times, uniquely identifying the
12 Plaintiff as the author of a quoted text.

13
14 Defendant William David Jennings using DataFoundry / Email.com

15
16 38. William David Jennings has used multiple aliases to publish material
17 that have violated the Plaintiff's rights and placed the Plaintiff in a
18 False Light. Jennings posted on, or about 26 October 2005, a message titled:
19 *"Pinging the Cyber troll Administrator: I'm walking out the door headed for*
20 *Mexico where I'll eat a dead kid tonight"*. Jennings further encourages and
21 prompts the other Defendants, known in the Newsgroup as "Cyber Trolls", to
22 presumably continue their unlawful acts.

23 39. On several occasions on or about 20 December 2004, the Defendants
24 fraudulently presented writings, that the Plaintiff had not written, as
25 having been authored by the Plaintiff, explicitly and uniquely identifying
26 the Plaintiff by his first name, last name, email address and website URL.
27 Defendant also negatively misrepresented the amount of sales of the
28 Plaintiff's CD's.

1 40. At least on two instances, on or about 28 December 2004, the
2 Defendants fraudulently presented writings, that the Plaintiff had not
3 written, as having been authored by the Plaintiff, explicitly and uniquely
4 identifying the Plaintiff by his first name, last name, email address and
5 website URL. Defendants also attacked Plaintiff's CD, falsely relating
6 Plaintiff to "*Pink Striped Pajamas Gang of Abu Ghraib*", "*the gay scene in*
7 *Tehran*", and in one of the messages, Defendants made ethnic slurs, and lied
8 about the functionality of certain links on the Plaintiff's website that
9 refer to the music reviews.

10 41. On or about 28 December 2004 and on or about 29 December 2004, the
11 Defendants fraudulently presented writings, that the Plaintiff had not
12 written, as those of having been authored by the Plaintiff, explicitly and
13 uniquely identifying the Plaintiff by his first name, last name, email
14 address and website URL. Defendant also heavily attacked Plaintiff's CD,
15 resembling it to weapons of mass destruction.

16 42. On or about 13 September 2005, the Defendants fraudulently presented
17 writings, that the Plaintiff had not written, as having been authored by the
18 Plaintiff, explicitly and uniquely identifying the Plaintiff by his first
19 name, last name, email address and website URL. This message fraudulently
20 presented the Plaintiff as having requested the Defendant to write a song
21 for him, with lyrics included the hate lines: "*I'd sooner see your neatly*
22 *smoked carcass hanging on a meat hook in Hell.*"

23 43. On or about 31 October, Jennings wrote a review about Plaintiff's "*In*
24 *Friendship*" CD. Jennings' review went far beyond expressing mere critical
25 opinions. He lied and misrepresented the CD as follows:

26 a) *'I listened to Reza's CD one time. On the second repeat of Spanish*
27 *Romance I began to cringe ...after hear 6 (SIX) repeats of the same*
28 *song with different titles (which indicates a clear lack of creative*

1 *distinction) "Spanish Romance" (with flute and guitar) is played yet*
2 *again as "Sunset At The Alhambra"'. Fact is there is more difference*
3 *between the variations than just the title. The melodies of the lead*
4 *instrument are different in every single piece.*

5 b) *"Reza's CD's are not sold in stores and have almost no distribution...*
6 *occasionally sold in small Swiss music stores."* This is false as the
7 Plaintiff's CD's (1) are sold in stores and do have distribution, both
8 physical and digital, (2) in Switzerland, the physical distribution
9 includes large music stores.

10 44. On at least two instances each, on or about 7 July 2005, on or about 8
11 July 2005 and on or about 31 October 2005, the Defendants fraudulently
12 presented writings, that the Plaintiff had not written, as having been
13 authored by the Plaintiff, explicitly and uniquely identifying the Plaintiff
14 by his first name, last name, email address and website URL. These messages
15 disparage the Plaintiff's products, person, personality, education, skills,
16 and the like. The messages are linked to the Defendants as the Defendants
17 have consistently identified themselves as the owner of
18 "seadrifter@email.com" and often sign emails from "seadrifter@email.com" and
19 "journey@texas.net" as "Che' de Guy". Mail.com Corporation has confirmed
20 that Jennings is at least one of the owners of the email address:
21 "seadrifter@email.com".

22
23 Defendant Douglas Carlson using Hotmail, Everyone's Internet (EV1), and the
24 like.

25
26 45. Defendant Douglas Carlson, using "hogrider7@hotmail.com" has
27 repeatedly disparaged the Plaintiff's CD's without privilege. There is
28 evidence that Carlson has collaborated with some of the above named

1 Defendants on occasion to put Plaintiff in a false light. Carlson has
2 repeatedly accused the Plaintiff of being homosexual, and also of having
3 engaged in crude sexual acts, all of which are untrue.

4 46. Carlson made one such remark in a message posted on or about 14
5 December 2004 (#232976). On or about 4 August 2005 (#263108) Carlson
6 published a message claiming that the Plaintiff has no testicles. This is
7 not true.

8 47. On or about 27 December 2004 (#234260) Carlson associated the
9 Plaintiff with terrorism (which is absolutely and utterly false) and
10 suggested that Plaintiff should be reported to the FBI. Carlson's rationale
11 for Plaintiff being associated with terrorism amount to only the fact that
12 the Plaintiff was born in Iran.

13 48. On or about 13 September 2005, Carlson disparaged Plaintiff's
14 professional qualifications as a guitarist. (#256125).

15 49. On or about 21 December 2005 (#233782), Carlson falsely accused the
16 Plaintiff of being a racist and of other lies, which are absolutely false.
17 Carlson also asserted that the Plaintiff has no other place for promotion
18 other than the newsgroup, which is absolutely false and Carlson well knew
19 this but maliciously lied.

20 50. On or about 1 November 2005 (#259225), Carlson wrote about the
21 Plaintiff's CD, "In Friendship," published more false statements about the
22 Plaintiff's education and sexual orientation, and accused the Plaintiff of
23 having a Sexually Transmitted Disease (absolutely false). Carlson continued:
24 '*Pepe of the Gay Mexico City Quartet said, "Reza spent a night playing with*
25 *us, I only wish he would have brought his guitar with him", Jose also of the*
26 *Gay Mexico City Quartet added, "its not my fault he got the STD, he's the*
27 *one who wanted it bareback."*'

1 51. Carlson finishes the messages by fraudulently presenting a quote that
2 the Plaintiff had not written, as having been authored by the Plaintiff, in
3 which the Plaintiff talks about lack of customer satisfaction in Plaintiff's
4 products (statistically false).

5 52. As a result of the foregoing, Plaintiff has suffered injuries to
6 himself, his profession, his reputation, his artistic career, his health,
7 and his relationships, in an amount to be determined at time of trial, but
8 within the jurisdictional limits of this Court. In the alternative,
9 Plaintiff prays for any applicable statutory damages for this cause of
10 action.

11 53. Plaintiff will suffer immediate and irreparable harm if this Court
12 does not order injunctive relief, in that his business, practice, and
13 artistic reputation will be irreparably damaged. Monetary relief cannot
14 completely remedy Plaintiff's damages.

15
16 Defendant Jeremy Smith using RCN, Deloitte, Nibble, etc.

17
18 54. Smith has committed a large array of violations against the Plaintiff,
19 including but not limited to impersonating the Plaintiff to publicly show
20 sympathy with terrorism, using the Plaintiff's identity to utter racial
21 slurs against Blacks, cyber-stalking the Plaintiff with fraudulent
22 electronic communications, setting up a mock website, and numerous other
23 vulgar acts. A large body of evidence is available against Smith who has
24 used innumerable aliases to post on Usenet including but not limited to:
25 Howard, Tommy Grand, Cyber Troll, howardj911, Dookie Williams, Rudy T. Red
26 N.R., Spookie Williams, Burial Policy, Thomas Grand Esq.,

27
28 **FOURTH CAUSE OF ACTION**

(Defamation Per Se, Libel & Slander)

55. The averments set forth in all preceding paragraphs are incorporated herein by reference.

56. Plaintiff claims that the Defendants' actions have caused Plaintiff's reputation to seriously suffer.

57. Said libel and slander as described in preceding paragraphs was certainly written statements, possibly also spoken statements, and certainly statements placed on the Internet.

58. Said statements were untrue, and were conveyed to third parties.

59. Said statements, were defamatory per se and also caused third parties to hate, dislike and avoid Plaintiff. The statements:

- a) were defamatory, and false to the Plaintiff's discredit;
- b) were understood as being of and concerning the Plaintiff;
- c) were understood as tending to harm the reputation of Plaintiff;
- d) exposed the Plaintiff to hatred, ridicule, contempt, obloquy;
- e) lowered him in the esteem of his fellows and caused him to be shunned;
- f) injured him in respect to his business and profession;
- g) imputed to him general disqualifications in those respects which his occupation peculiarly requires, e.g., ability to perform music;
- h) created a great deal of mental anguish;
- i) exposed the Plaintiff to grave danger, especially in international travel; and
- j) were made with actual malice.

60. As a result of the foregoing, Plaintiff has suffered injuries to himself, his profession, his reputation, his artistic career, his health,

1 and his relationships, in an amount to be determined at time of trial, but
2 within the jurisdictional limits of this Court. In the alternative,
3 Plaintiff prays for any applicable statutory damages for this cause of
4 action.

5 61. Plaintiff will suffer immediate and irreparable harm if this Court
6 does not order injunctive relief, in that his business, practice, and
7 artistic reputation will be irreparably damaged. Monetary relief cannot
8 completely remedy Plaintiff's damages.

9
10 **FIFTH CAUSE OF ACTION**

11
12 (Defamation, Libel & Slander)

13
14 62. The averments set forth in all preceding paragraphs are incorporated
15 herein by reference.

16 63. Plaintiff claims that the Defendants' actions have caused Plaintiff's
17 reputation to seriously suffer.

18 64. Said libel and slander as described in preceding paragraphs was
19 certainly written statements, possibly also spoken statements, and certainly
20 statements placed on the Internet.

21 65. Said statements were untrue, and were conveyed to third parties.

22 66. Said statements were defamatory and also caused third parties to hate,
23 dislike and avoid Plaintiff. The statements:

- 24 a) were defamatory, and false to the Plaintiff's discredit;
25 b) were understood as being of and concerning the Plaintiff;
26 c) were understood as tending to harm the reputation of Plaintiff;
27 d) exposed the Plaintiff to hatred, ridicule, contempt, obloquy;
28 e) lowered him in the esteem of his fellows and caused him to be shunned;

- f) injured him in respect to his business and profession;
- g) imputed to him general disqualifications in those respects which his occupation peculiarly requires, e.g., ability to perform music;
- h) created a great deal of mental anguish;
- i) exposed the Plaintiff to grave danger, specially in international travel; and were made with actual malice.

67. On several occasions, Defendants disparaged Plaintiff's product on Amazon.com in an orchestrated fashion leaving highly defamatory and false reviews far exceeding the limits of their First Amendment rights. Defendants also directed profanity at anyone on the group who did not cooperate in attacking the Plaintiff.

68. As a result of the foregoing, Plaintiff has suffered injuries to himself, his profession, his reputation, his artistic career, his health, and his relationships, in an amount to be determined at time of trial, but within the jurisdictional limits of this Court. In the alternative, Plaintiff prays for any applicable statutory damages for this cause of action.

69. Plaintiff will suffer immediate and irreparable harm if this Court does not order injunctive relief, in that his business, practice, and artistic reputation will be irreparably damaged. Monetary relief cannot completely remedy Plaintiff's damages.

SIXTH CAUSE OF ACTION

(Invasion of Privacy: Appropriation of Name or Likeness)

1 70. The averments set forth in all preceding paragraphs are incorporated
2 herein by reference.

3 71. As demonstrated in the preceding paragraphs the Defendants have at all
4 times relevant explicitly appropriated to their own use the name or likeness
5 of the Plaintiff without the Plaintiff's authorization.

6 72. As a result of the foregoing, Plaintiff has suffered injuries to
7 himself, his profession, his reputation, his artistic career, his health,
8 and his relationships, in an amount to be determined at time of trial, but
9 within the jurisdictional limits of this Court. In the alternative,
10 Plaintiff prays for any applicable statutory damages for this cause of
11 action.

12 73. Plaintiff will suffer immediate and irreparable harm if this Court
13 does not order injunctive relief, in that his business, practice, and
14 artistic reputation will be irreparably damaged. Monetary relief cannot
15 completely remedy Plaintiff's damages.

16
17
18 **SEVENTH CAUSE OF ACTION**

19 (Intentional Infliction of Emotional Distress;
20

21 74. The averments set forth in all preceding paragraphs are incorporated
22 herein by reference.

23 75. As demonstrated in the preceding paragraphs the Defendants have
24 demonstrated outrageous conduct with intention of causing or reckless
25 disregard of the probability of causing emotional distress. Such conduct has
26 caused the Plaintiff extreme suffering and severe emotional distress
27 including highly unpleasant mental reactions such as nightmares, fright,
28

1 nervousness, grief, anxiety, worry, mortification, shock, humiliation and
2 indignity, as well as physical pain and injury.

3 76. In addition to the actions described in the preceding paragraphs,
4 Defendant Jeremy Smith stalked the Plaintiff with numerous crank emails
5 posing as a potential customer and ultimately accusing the Plaintiff of
6 having criminal intension (Exhibit 5 - filed under seal on 12/20/05). Twelve
7 emails from: "Billy Zantzinger <modelthry@yahoo.com>" IP address:
8 [167.219.0.147] (confirmed by Deloitte to be Defendant Jeremy Smith) sought
9 to engage Plaintiff in conversation and subsequently accused Plaintiff of
10 defrauding him for not sending him a CD for the money he never paid and
11 threatened to sue the Plaintiff. Smith was never able to provide proof that
12 he had paid.

13 77. As a result of the foregoing, Plaintiff has suffered injuries to
14 himself, his profession, his reputation, his artistic career, his health,
15 and his relationships, in an amount to be determined at time of trial, but
16 within the jurisdictional limits of this Court. In the alternative,
17 Plaintiff prays for any applicable statutory damages for this cause of
18 action.

19 78. Plaintiff will suffer immediate and irreparable harm if this Court
20 does not order injunctive relief, in that his business, practice, and
21 artistic reputation will be irreparably damaged. Monetary relief cannot
22 completely remedy Plaintiff's damages.

23
24 **EIGHT CAUSE OF ACTION**

25
26 (Negligent Infliction of Emotional Distress)

1 79. The averments set forth in all preceding paragraphs are incorporated
2 herein by reference.

3 80. As demonstrated in the preceding paragraphs the Defendants' acts of
4 extreme misconduct have caused the Plaintiff extreme suffering and severe
5 emotional distress including highly unpleasant mental reactions such as
6 nightmares, fright, nervousness, grief, anxiety, worry, mortification,
7 shock, humiliation and indignity, as well as physical pain and injury.

8 81. As a result of the foregoing, Plaintiff has suffered injuries to
9 himself, his profession, his reputation, his artistic career, his health,
10 and his relationships, in an amount to be determined at time of trial, but
11 within the jurisdictional limits of this Court. In the alternative,
12 Plaintiff prays for any applicable statutory damages for this cause of
13 action.

14 82. Plaintiff will suffer immediate and irreparable harm if this Court
15 does not order injunctive relief, in that his business, practice, and
16 artistic reputation will be irreparably damaged. Monetary relief cannot
17 completely remedy Plaintiff's damages.

18
19 **NINTH CAUSE OF ACTION**

20
21 (Intentional Interference with Prospective Economic Advantage)

22
23 83. The averments set forth in all preceding paragraphs are incorporated
24 herein by reference.

25 84. Plaintiff believes that some of the Defendants are classical
26 guitarists who engage in similar business as the Plaintiff (e.g.
27 performance) and that there is a prospective economic relationship as a
28 result. The Defendants intentionally committed the aforementioned violations

1 with awareness of that relationship in order to disrupt Plaintiff's business
2 activity, and managed to do so.

3 85. As a result of the foregoing, Plaintiff has suffered injuries to his
4 profession in an amount to be determined at time of trial, but within the
5 jurisdictional limits of this Court. In the alternative, Plaintiff prays for
6 any applicable statutory damages for this cause of action.

7 86. Plaintiff will suffer immediate and irreparable harm if this Court
8 does not order injunctive relief, in that his business, practice, and
9 artistic reputation will be irreparably damaged. Monetary relief cannot
10 completely remedy Plaintiff's damages.

11
12 **TENTH CAUSE OF ACTION**

13
14 (Unfair Competition)

15
16 87. The averments set forth in all preceding paragraphs are incorporated
17 herein by reference.

18 88. Plaintiff believes some of the Defendants are classical guitarists who
19 engage in similar business as the Plaintiff (e.g. performance) and as such
20 the aforementioned violations were partly committed with the motive to hurt
21 the Plaintiff's business unfairly.

22 89. As a result of the foregoing, Plaintiff has suffered injuries to his
23 profession, in an amount to be determined at time of trial, but within the
24 jurisdictional limits of this Court. In the alternative, Plaintiff prays for
25 any applicable statutory damages for this cause of action.

26 90. Plaintiff will suffer immediate and irreparable harm if this Court
27 does not order injunctive relief, in that his business, practice, and
28

1 artistic reputation will be irreparably damaged. Monetary relief cannot
2 completely remedy Plaintiff's damages.

3 91. Plaintiff is informed and believes, and on that basis alleges, that
4 Defendants' conduct as alleged in this Complaint involves the willful and
5 intentional unlawful infringement of Plaintiff's own copyrighted materials
6 and other unlawful acts, as described herein, for use in direct competition
7 with Plaintiff to the benefit of Defendants, the deception of the public,
8 and the great detriment of Plaintiff and Plaintiff websites, constitutes
9 unlawful, unfair, and/or fraudulent business acts or practices in violation
10 of California Business & Professions Code § 17200 et seq. that has a
11 substantial effect on commerce, resulting in Defendants' unjust enrichment.
12 On information and belief, Defendants willfully intended to trade on the
13 business goodwill of Plaintiff, Plaintiff websites, and Plaintiff's
14 intellectual property, and to deceive the public and cause injury to
15 Plaintiff through their acts of unfair competition as described herein.

16 92. On information and belief, Plaintiff alleges that Defendants are
17 continuing to engage in one or more acts of unfair competition involving the
18 conduct alleged in this Complaint (and related conduct) to Plaintiff's
19 substantial economic detriment, including willful and intentional unlawful
20 infringement of Plaintiff's copyrighted materials, identity, likeness, and
21 reputation for use in direct competition with Plaintiff and the deception of
22 the public with the knowledge, aid, encouragement, and support of each
23 other.

24 93. As a direct and proximate result of Defendants' unlawful acts as
25 described herein, Plaintiff has suffered and will continue to suffer injury
26 to Plaintiff's business, goodwill, and property for which it is entitled to
27 restitution pursuant to California Business & Professions Code § 17203.
28

1 94. Furthermore, Plaintiff has no adequate remedy at law to compel
2 Defendants to cease their wrongful acts, and therefore seeks injunctive
3 relief. Unless the Court grants an injunction, Plaintiff will be compelled
4 to prosecute a multiplicity of actions to remedy this continuing unfair,
5 unlawful, and/or fraudulent conduct. Unless Defendants are preliminarily and
6 permanently enjoined from committing the unlawful acts described herein,
7 Plaintiff will continue to suffer irreparable harm. Plaintiff's damages are
8 irreparable because it is extremely difficult to ascertain the amount of
9 compensation that will afford Plaintiff adequate relief if Defendants are
10 not enjoined at this time, in part because of the nature of intellectual
11 property. Plaintiff is entitled, pursuant to California Business &
12 Professions Code §§ 17203 and 17535, to injunctive relief in the form of a
13 temporary restraining order, a preliminary injunction, and/or a permanent
14 injunction restraining Defendants, their officers, agents, and employees,
15 and all persons acting in concert with them, from engaging in any further
16 such acts of unfair competition.

17
18 **ELEVENTH CAUSE OF ACTION**

19
20 (Infringement of Copyright Protection Act, 17 U.S.C. § 501)

21
22 95. The averments set forth in all preceding paragraphs are incorporated
23 herein by reference.

24 96. Plaintiff is the owner of certain registered copyrights, in connection
25 with his CDs entitled "In Friendship" and "Dancing Hands", and copyrights in
26 connection with the design and contents of websites such as "rezamusic.com",
27 "rezaworld.com".
28

1 97. On or about 5 August 2005, and 11 September 2005, Defendants attempted
2 to assume, steal and misappropriate Plaintiff's intellectual property in the
3 manner described hereinabove under the Second Cause of Action, all in
4 violation of the Copyright Act, Title 18 U.S.C. § 501.

5 98. On or about 25 November 2005 Defendant Douglas Carlson violated the
6 Plaintiff's copyright five times by publishing on the Internet a private
7 message from the Plaintiff asking him to remove the problematic posts. The
8 message had an explicit copyright statement. The Defendant defended his
9 action upon questioning from a fellow group member (and Professor) by
10 responding: *'...what kind of crap is it when he says "this email message is
11 the property of the author " etc. Once I received it it was mine to do with
12 as I pleased.'* totally disregarding the intellectual property law which was
13 clearly reiterated to him.

14 99. On or about 13 September 2005, a Defendant illegally assuming the
15 identity of the Plaintiff as described under First Cause of Action, sub-
16 section "o", altered and posted Plaintiff's copyrighted material without
17 permission (Exhibit 5 - filed under seal on 12/20/05)

18 100. As a result of the foregoing, Plaintiff has suffered injuries to
19 himself, his profession, his reputation, his artistic career, his health,
20 and his relationships, in an amount to be determined at time of trial, but
21 within the jurisdictional limits of this Court. In the alternative,
22 Plaintiff prays for any applicable statutory damages for this cause of
23 action.

24 101. Plaintiff will suffer immediate and irreparable harm if this Court
25 does not order injunctive relief, in that his business, practice, and
26 artistic reputation will be irreparably damaged. Monetary relief cannot
27 completely remedy Plaintiff's damages.

1 TWELFTH CAUSE OF ACTION

2 (Transportation of Obscene Matters 18 U.S.C. § 1462)

3
4 102. The averments set forth in all preceding paragraphs are incorporated
5 herein by reference.

6 103. The content of several instances of written communication posted on
7 the nationally, cross-state, and globally accessible Usenet system, was
8 highly obscene, lewd, lascivious, and filthy. These communications were
9 directed towards the Plaintiff, or directed at others while the Defendant
10 posed as the Plaintiff uniquely identifying himself as the Plaintiff.
11 Exhibit 5 (filed under seal on 12/20/05) contains several instances of such
12 communication that incidentally, is also available to minors, and there have
13 been cases of minors who have read, posted, and communicated on the Usenet
14 group in question.

15 104. As a result of the foregoing, Plaintiff has suffered injuries to
16 himself, his profession, his reputation, his artistic career, his health,
17 and his relationships, in an amount to be determined at time of trial, but
18 within the jurisdictional limits of this Court. In the alternative,
19 Plaintiff prays for any applicable statutory damages for this cause of
20 action.

21 105. Plaintiff will suffer immediate and irreparable harm if this Court
22 does not order injunctive relief, in that his business, practice, and
23 artistic reputation will be irreparably damaged. Monetary relief cannot
24 completely remedy Plaintiff's damages.

25
26 THIRTEENTH CAUSE OF ACTION

27 (Intentional Misrepresentation)
28

1 106. The averments set forth in all preceding paragraphs are incorporated
2 herein by reference.

3 107. Writings that were not written by Plaintiff were explicitly attributed
4 to the Plaintiff and published as such.

5 108. Writings that were written by Plaintiff were altered and published as
6 Plaintiff's writings.

7 109. As a result of the foregoing, Plaintiff has suffered injuries to
8 himself, his profession, his reputation, his artistic career, his health,
9 and his relationships, in an amount to be determined at time of trial, but
10 within the jurisdictional limits of this Court. In the alternative,
11 Plaintiff prays for any applicable statutory damages for this cause of
12 action.

13 110. Plaintiff will suffer immediate and irreparable harm if this Court
14 does not order injunctive relief, in that his business, practice, and
15 artistic reputation will be irreparably damaged. Monetary relief cannot
16 completely remedy Plaintiff's damages.

17
18 **FOURTEENTH CAUSE OF ACTION**

19 (Negligent Misrepresentation)

20
21 111. The averments set forth in all preceding paragraphs are incorporated
22 herein by reference.

23 112. Defendants made misrepresentations of past and existing facts,
24 concealed facts, false promises, and intentionally failed to disclose facts
25 regarding Plaintiff, as described herein, such that Defendants'
26 representations were untrue.

27 113. Defendants made representations without any reasonable ground to
28 believe that the statements were untrue.

1 114. Defendants intended to induce Plaintiff and others to rely upon
2 Defendants' false statements.

3 115. As a result of the foregoing, Plaintiff has suffered injuries to
4 himself, his profession, his reputation, his artistic career, his health,
5 and his relationships, in an amount to be determined at time of trial, but
6 within the jurisdictional limits of this Court. In the alternative,
7 Plaintiff prays for any applicable statutory damages for this cause of
8 action.

9 116. Plaintiff will suffer immediate and irreparable harm if this Court
10 does not order injunctive relief, in that his business, practice, and
11 artistic reputation will be irreparably damaged. Monetary relief cannot
12 completely remedy Plaintiff's damages.

13
14 **PRAYER FOR RELIEF**

15
16 WHEREFORE, Plaintiff prays judgment against Defendants as follows:

17 1. An award of actual damages fully compensating Plaintiff for all injuries
18 he has suffered as a direct and proximate result of Defendants' deprivation
19 of Plaintiff's liberty and rights, without due process of law;

20 2. Punitive and exemplary damages;

21 3. Reasonable attorney fees according to proof, pursuant to 17 U.S.C. §
22 505;

23 4. That Defendants, and each of them, be held liable for unfair competition
24 in violation of California Business & Professions Code § 17200 et seq., as
25 alleged herein;

26 5. For expedited discovery from Defendants on all issues arising out of or
27 relating to the allegations of this Complaint, in order to prepare for a
28

1 temporary restraining order or preliminary injunction hearing in this
2 matter;

3 6. That Defendants' unlawful conduct as alleged herein be deemed a willful
4 violation of Plaintiff's intellectual property rights;

5 7. That Plaintiff be awarded its actual compensatory damages according to
6 proof;

7 8. That Defendants be ordered to disgorge any profits or gains in
8 Defendants' possession attributable to the infringement of Plaintiff's
9 copyrights or to Defendants' acts of unfair competition, and that Plaintiff
10 be awarded restitution in connection therewith;

11 9. That the Court order an accounting of all of any gains, profits, and
12 advantages realized by Defendants, or others acting in concert or
13 participation with them, from their unlawful conduct, and that all such
14 gains, profits, and advantages be deemed to be in constructive trust for the
15 benefit of Plaintiff, at the sole cost and expense of Defendants, by means
16 of an independent accountant

17 10. Immediate issuance of a temporary restraining order, followed by a
18 preliminary injunction, and ultimately by a permanent injunction preventing
19 Defendants and their respective agents, employees and representatives from
20 using Plaintiff's name on the Internet;

21 11. That the Court order online services which are hosting fraudulent and
22 defamatory articles composed by Defendants to remove such articles.

23 12. That Plaintiff recover its costs of this suit, including expert witness
24 costs, pursuant to 17 U.S.C. § 505; and

25 13. Such other and further relief as the court may deem just and proper.

26 DATED: April 14, 2006

27 RESPECTFULLY SUBMITTED BY:



28 REZA GANJAVI, Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues.

DATED: April 14, 2006

RESPECTFULLY SUBMITTED BY:



REZA GANJAVI, Plaintiff