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Consumer Opinion Corp, LLC

7  
8 **IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

9 CONSUMER OPINION LLC, a Nevada  
10 limited liability company,  
11 Plaintiff,

12 v.

13 ZCS, Inc., a California corporation;  
HAIR SOLUTIONS, INC., a California  
14 corporation;  
ATLANTIC COAST MEDIA, LLC, a New  
Jersey limited liability company;  
15 ADN, LLC, an entity of unknown origin;  
DAN NEWLIN, an individual;  
16 REPDEFENSE SOLUTIONS, INC.,  
a California corporation;  
17 REPUTATIONDEFENDER, a Delaware  
corporation;  
18 MAJESTIC VACATIONS, LLC, an entity of  
unknown origin;  
19 BLUEGREEN CORPORATION, a Florida  
corporation;  
20 A&D INTERNATIONAL, LLC, a California  
limited liability company;  
21 AGORA FINANCIAL, LLC, a Maryland  
limited liability company;  
22 COLLINS MATTOS, an individual;  
JOHN RADONICH, an individual;  
23 NICHOLAS MOREAN, an individual;  
DEMOIN STROMAN III, an individual;  
24 ANGELICA LEBRON, an individual;  
TARRA MARTIN, an individual;  
25 MARK W. LAPHAM, ESQ., an individual;  
OWEN T. MASCOTT, ESQ., an individual;  
26 and DOE CORPORATIONS,

27 Defendants.

Case No.

**COMPLAINT FOR:**

- 1) **UNLAWFUL, UNFAIR, AND FRAUDULENT BUSINESS PRACTICE UNDER CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200;**
- 2) **CIVIL CONSPIRACY; and**
- 3) **ABUSE OF PROCESS.**

**DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1  
2 1. This case involves a creative solution to a common frustration for  
3 many businesses, who do not like negative reviews that are published about them  
4 on the Internet. However, removing consumer reviews from the Internet is a  
5 difficult process given that they are protected by the First Amendment.

6 2. Nevada Corporate Headquarters, has gone to great lengths to  
7 attempt to suppress consumer reviews in the past. It has filed at least one SLAPP<sup>1</sup>  
8 suit in Nevada seeking injunctive relief to censor those negative reviews. In that  
9 case, Nevada Corporate Headquarters suffered a resounding loss when they  
10 were hit with an anti-SLAPP order. (See Referee's Findings of Fact, *Nevada*  
11 *Corporate Headquarters, Inc. v. Opinion Corp.*, Justice Court, Las Vegas  
12 Township, Case No. 13-A-003332 (Jan. 22, 2014), attached hereto as **Exhibit 1**.)  
13 They also lost at summary judgment in a SLAPP-back suit. That action resulted in  
14 a significant judgment for attorney fees and costs. (See Order, *Opinion Corp. v.*  
15 *Nevada Corporate Headquarters, Inc.*, Eighth Judicial District Court for Clark  
16 County, Nevada, Case No. A-14-698267-C (December 11, 2014), attached hereto  
17 as **Exhibit 2**.)

18 3. Undaunted by these set-backs, Nevada Corporate Headquarters  
19 has now conspired with other companies and individuals to create a scam  
20 whereby they suppress negative reviews from the Internet, while evading any First  
21 Amendment or due process considerations. This scam also allows them to avoid  
22 the risk of another anti-SLAPP attorney fee award.

23 ...  
24 ...  
25 ...

26 \_\_\_\_\_  
27 <sup>1</sup> SLAPP is an acronym for Strategic Litigation Against Public Participation and  
refers to lawsuits designed specifically to quell speech.

1           4. Several other businesses and professionals who have been the  
2 subject of negative reviews online have also employed the same fraudulent  
3 machinery as Nevada Corporate Headquarters, as a means of removing this  
4 content while evading detection and liability.

5           5. The scam is not all that complicated. Google will remove search  
6 engine results from its well-known search engine if it is provided with a court order  
7 determining that the information is indeed defamatory.

8           6. However, when Nevada Corporate Headquarters sued consumer  
9 review websites in the past, it was severely disappointed. (See **Exhibits 1 & 2.**)  
10 Therefore, they needed to concoct a new censorship scam. So they used a  
11 stooge plaintiff, ZCS Inc. ("ZCS"), to sue a stooge defendant, Collins Mattos  
12 ("Mattos").

13           7. Defendant Doe Corporations, so called "reputation management  
14 companies," conceived and organized the scam as an alternative way to  
15 remove negative posts in lieu of undergoing an adversarial proceeding. Several  
16 other businesses and professionals have contacted these "reputation  
17 management companies," which have used similar schemes to remove negative  
18 consumer reviews about them.

19           8. The other conspirators engaged attorneys Mark W. Lapham  
20 ("Lapham") and Owen T. Mascott ("Mascott") to file sham lawsuits either by the  
21 subjects of the negative reviews or by corporations that had no interest in the  
22 allegedly defamatory statements, against a defendant who most certainly was  
23 not the party that published the allegedly defamatory statements, and the parties  
24 immediately stipulated to a judgment of injunctive relief, so the conspirators could  
25 provide the order to Google and other search engines, thus achieving the goal  
26 of deindexing all pages containing negative reviews.

27

1 9. At first blush, Defendants' scam appears rather brilliant but incredibly  
2 unethical. Now that Plaintiff has uncovered and exposed Defendants' unlawful  
3 deeds, Consumer Opinion LLC respectfully requests that this Court discipline them  
4 for those misdeeds.

5 **PARTIES**

6 10. Plaintiff Consumer Opinion LLC is a Nevada limited liability company  
7 with its principal place of business in Nevada.

8 11. There are four categories of Defendants in this scheme:  
9 (1) the entities that file and/or benefit from the suit (the "Filing Defendants");  
10 (2) the attorneys who knowingly and unethically file and prosecute these  
11 fraudulent lawsuits (the "Attorney Defendants"); (3) the "defendants" in these  
12 fake lawsuits who falsely claim to be the authors of allegedly defamatory  
13 statements (the "Stooge Defendants"); and (4) the "reputation management  
14 companies" that devised and carried out these schemes (the "RMC  
15 Defendants").

16 **The Filing Defendants**

17 12. Defendant ZCS, Inc. is a California business organized under the laws  
18 of the State of California. In its complaint against Collins Mattos, ZCS, Inc. claimed  
19 to be a California company. Records obtained from the California Secretary of  
20 State website indicate that ZCS, Inc.'s business registration has been suspended  
21 for failure to meet filing requirements of the California Franchise Tax Board.  
22 ZCS, Inc. stood in place of Nevada Corporate Headquarters in the fake lawsuit  
23 against Collins Mattos, most likely to avoid detection of the scheme.

24 13. Defendant Hair Solutions is a California business organized under the  
25 laws of California, and is the plaintiff in the fraudulent lawsuit against Defendant  
26 John Radonich. Hair Solutions stood in place of Defendant Atlantic Coast  
27

1 Media, LLC in the fake lawsuit against Defendant John Radonich, most likely to  
2 avoid detection of the scheme.

3 14. Defendant Atlantic Coast Media, LLC is a New Jersey business and is  
4 the owner of the registered trademark KERANIQUE and, on information and belief,  
5 is the operator of the web site <keranique.com>, the actual subject of the review  
6 at issue in the fake lawsuit against Defendant John Radonich.

7 15. Defendant ADN, LLC is an entity of unknown origin that claims to be  
8 located in California. In its complaint against Nicholas Morean, ADN asserts that  
9 it is a California business, but the California Secretary of State web site does not  
10 contain any record of ADN. ADN stood in place of Defendant Dan Newlin, most  
11 likely to avoid detection of the scheme.

12 16. Defendant Dan Newlin is an attorney residing and doing business in  
13 Orlando, Florida, and is the beneficiary of the fake lawsuit against Defendant  
14 Nicholas Morean.

15 17. Defendant RepDefense Solutions, Inc. is a California business and the  
16 plaintiff in the fake lawsuit against Defendant Demoin Stroman III. RepDefense  
17 stood in place of Defendant ReputationDefender, LLC, the actual subject of the  
18 review at issue in that case, most likely to avoid detection of the scheme.

19 18. Defendant ReputationDefender is a Delaware business operating in  
20 California, and is the entity benefited by the fake lawsuit against Demoin  
21 Stroman III.

22 19. Defendant Majestic Vacations, LLC is an entity of unknown origin and  
23 is the plaintiff in the fake lawsuit against Defendant Angelica Lebron. In the  
24 complaint against Angelica Lebron, Majestic Vacations claims to be a California  
25 entity, but the California Secretary of State web site does not display any record  
26  
27

1 of such entity.<sup>2</sup> Majestic Vacations stood in place of Defendant Bluegreen  
2 Corporation, the actual subject of the review at issue in that case, most likely to  
3 avoid detection of the scheme.

4 20. Defendant Bluegreen Corporation is a Florida business and the owner  
5 of Bluegreen Resorts, the subject of the review in question in the fake lawsuit  
6 against Angelica Lebron.

7 21. Defendant A&D International, LLC is a defunct California business  
8 and is the plaintiff in the fake lawsuit against Defendant Tarra Martin. A&D stood  
9 in the place of Defendant Agora Financial, LLC, the actual subject of the review  
10 at issue in that case, most likely to avoid detection of the scheme.

11 22. Defendant Agora Financial, LLC is a Maryland business and is the  
12 actual subject of the review in question in the fake lawsuit against Defendant  
13 Tarra Martin.

14 **The Stooge Defendants**

15 23. Plaintiff is informed and believes and based thereon alleges that  
16 Defendant Collins Mattos is an individual who resides in Contra Costa County,  
17 California.

18 24. Plaintiff is informed and believes and based thereon alleges that  
19 Defendant John Radonich is an individual who resides in Contra Costa County,  
20 California.

21 25. Plaintiff is informed and believes and based thereon alleges that  
22 Defendant Nicholas Morean is an individual who resides in Contra Costa County,  
23 California.

24  
25 \_\_\_\_\_  
26 <sup>2</sup> There is a record for a company called Majestic Vacations, Inc., but that is not  
27 the subject of the review in the lawsuit and Plaintiff will not assume that Defendant  
Majestic Vacations misspelled its own name.

1 26. Plaintiff is informed and believes and based thereon alleges that  
2 Defendant Demoin Stroman III is an individual who resides in Sacramento County,  
3 California.

4 27. Plaintiff is informed and believes and based thereon alleges that  
5 Defendant Angelica Lebron is an individual who resides in California.

6 28. Plaintiff is informed and believes and based thereon alleges that  
7 Defendant Tarra Martin is an individual who resides in Alameda County,  
8 California.

9 **The Attorney Defendants**

10 29. Defendant Mark W. Lapham is an attorney licensed to practice in  
11 California with the state bar number 146352. Mr. Lapham maintains a law  
12 practice in Danville, California.

13 30. Defendant Owen T. Mascott, is an attorney licensed to practice in  
14 California with the state bar number 134243. Mr. Mascott maintains a law  
15 practice in Palm Desert, California.

16 **The RMC Defendants**

17 31. Plaintiff is informed and believes and based thereon alleges that  
18 RMC Defendants are “reputation management companies” that orchestrated  
19 these schemes of fake litigation to remove consumer reviews. Plaintiff is unaware  
20 of the true identity of RMC Defendants and therefore currently identifies these  
21 defendant using the fictitious name Doe Corporations until such time as Plaintiff  
22 may discover the true names of the Defendants. Upon learning the identity of  
23 Doe Corporations, Plaintiff shall seek leave to amend the Complaint in order to  
24 name the Defendants using their true names.

25 **JURISDICTION**

26 32. This Court has original jurisdiction over this action based on diversity  
27 pursuant to 28 U.S.C. § 1332, as Plaintiff is a resident of Las Vegas Nevada, and

1 Defendants, on information and belief, are citizens and residents of the States of  
2 California, Florida, Delaware, Maryland, and/or New Jersey, and the amount in  
3 controversy exceeds \$75,000.

4 **VENUE**

5 33. Defendants ZCS, Inc., Hair Solutions, ADN LLC, Repdefense  
6 Solutions, Inc., Majestic Vacations, LLC, A&D International, LLC, Collins Mattos,  
7 John Radonich, Nicholas Morean, Demoin Stroman III, Angelica Lebron, Tarra  
8 Martin, Mark W. Lapham, Esq., and Owen T. Mascott, Esq. are residents of the state  
9 of California and Collins Mattos, John Radonich, Nicholas Morean, Angelica  
10 Lebron, Tarra Martin, and Mark W. Lapham are residents of this jurisdiction.  
11 Plaintiff is informed and believes and based thereon alleges that Defendant Doe  
12 Corporations are residents of the State of California. Defendants Atlantic Coast  
13 Media LLC, Dan Newlin, Reputationdefender, Bluegreen Corporation, and Agora  
14 Financial, LLC committed the acts complained of in this Complaint directed to  
15 the State of California, specifically Contra Costa County. Accordingly, venue is  
16 proper pursuant to 28 U.S.C. § 1391(b)(1).

17 **INTRADISTRICT ASSIGNMENT**

18 34. This action arose in Contra Costa County in that the Defendants filed  
19 the abusive complaints in Contra Costa County Superior Court. Accordingly,  
20 pursuant to Local Rules of Court 3-2(c) and (d), the Clerk shall assign the action  
21 to the San Francisco or Oakland division.

22 **FACTS SUPPORTING CLAIMS**

23 35. Consumer Opinion LLC operates a website residing at the uniform  
24 resource locator ("URL") <pissedconsumer.com>.

25 36. <pissedconsumer.com> is a consumer review website where  
26 individuals can share information about their experiences with businesses  
27 providing goods and services, thereby allowing consumers to make better



1 choices between competing products and giving consumers an empowering  
2 and unbiased view of companies and products.

3 37. The First Amendment and various state anti-SLAPP statutes protect  
4 the right to publish opinions and true statements of fact. Therefore, aside from  
5 improving their business standards, there is little a company can do to prevent  
6 individuals from publishing negative opinions or true facts about them.

7 38. Moreover, under 47 U.S.C. § 230, providers of interactive computer  
8 services like <pissedconsumer.com> cannot be held liable for defamatory  
9 statements individuals post by and through their interactive services.

10 39. Understanding the difficulties of removing reviews consisting of  
11 negative opinions or statements of true fact, Defendants conspired to misuse  
12 California's legal system to hide the unflattering statements from the consuming  
13 public by having popular search engines such as Google to deindex the  
14 webpages containing the comments.

15 40. RMC Defendants are "reputation management companies" that  
16 offer services to help individuals rehabilitate their on-line image. The Filing  
17 Defendants engaged RMC Defendants to achieve their goal of minimizing the  
18 impact of negative reviews on pissedconsumer.com.

19 41. RMC Defendants first identified individuals or entities willing to stand  
20 in the place of the professionals or businesses that were the actual subject of  
21 negative reviews on <pissedconsumer.com>. At this time Plaintiffs do not know if  
22 the nominal plaintiffs in the fake lawsuits had pre-existing relationships with the  
23 benefited parties of these lawsuits, or if they were simply engaged for the limited  
24 purpose of serving as the sham plaintiffs in the fake lawsuits. The conspirators likely  
25 understood that if the benefited parties brought the action in their own name, the  
26 scam was more likely to be discovered.

27

1 42. Next, RMC Defendants and Filing Defendants sought out someone  
2 willing to take responsibility for posting one or more of the allegedly defamatory  
3 comments. They found these individuals in the Stooage Defendants.

4 43. It is unclear whether Stooage Defendants were actually responsible for  
5 posting *any* of the allegedly defamatory statements at issue in any given fake  
6 lawsuit. However, it is clear that they were not responsible for posting all of the  
7 reviews on <pissedconsumer.com> and comments posted in response to the  
8 reviews. Nonetheless, in each case the conspirators successfully used the scheme  
9 to obtain an injunction ordering all of those reviews deindexed, which was  
10 precisely their goal.

11 44. It is also not clear what RMC Defendants and Filing Defendants  
12 offered the Stooage Defendants to secure their cooperation in their scheme to  
13 remove First Amendment protected reviews from pissedconsumer.com.

14 45. Of course, the conspirators required a cooperating attorney willing  
15 to file a bogus lawsuit on their behalf. Accordingly, they invited attorneys  
16 Mark W. Lapham, Esq. and Owen T. Mascott, Esq. to join the conspiracy.  
17 They accepted.

18 46. Like most review websites, the profitability of pissedconsumer.com is  
19 directly tied to the amount of traffic the website receives. Also, like most websites,  
20 individuals usually locate the website through the use of search engines such as  
21 Google, Yahoo!, and Bing.

22 47. Many consumers considering the purchase of goods or services will  
23 search for information about a company prior to purchasing good or services by  
24 entering the name of the provider into a search engine. By causing the pages to  
25 be deindex, Defendants deprived consumers of information posted about the  
26 businesses and professionals benefited by these fake lawsuits, and thereby  
27

1 undermined the value of the <pissedconsumer.com> website to the consuming  
2 public.

3 48. Defendants' actions caused further long term damage to  
4 pissedconsumer.com by limiting the usefulness of the website to obtain  
5 information about individuals and companies providing goods and services to the  
6 consuming public.

7 **The Mattos Case**

8 49. ZCS, Inc. filed a bogus complaint against Collins Mattos in California  
9 Superior Court for Contra Costa County, claiming that Mattos had posted  
10 defamatory statements about ZCS, Inc./Nevada Corporate Headquarters on a  
11 consumer gripe website operated by Plaintiff Consumer Opinion LLC.  
12 (See Complaint in *ZCS, Inc. v. Mattos*, Case No. C16-00425 (hereinafter referred to  
13 as the "Mattos Case"), attached hereto as **Exhibit 3.**)

14 50. In reality, the statements at issue concerned only Nevada Corporate  
15 Headquarters.

16 51. Based on Nevada Corporate Headquarters' unsuccessful attempts  
17 to remove reviews from Plaintiff's website in the past, Defendants understood that  
18 Plaintiff would resist requests to have the statements removed, especially  
19 statements that had not been adjudicated to be defamatory. Therefore, instead  
20 of seeking removal of the statements, Nevada Corporate Headquarters  
21 conspired with ZCS and Collins Mattos to file a sham lawsuit for the sole purpose  
22 of entering a stipulated judgment and permanent injunction. According to the  
23 scheme, the conspirators then delivered a copy of the stipulated judgment to  
24 Google and other search engines demanding that they deindex all negative  
25 reviews about Nevada Corporate Headquarters.

26 ...

27 ...

1 52. Plaintiff is informed and believes and based thereon alleges that  
2 Defendant Doe Corporation, operating as a reputation management company,  
3 conceived of the plan and organized the cooperation of ZCS, Collins Mattos, and  
4 Mark W. Lapham to bring the plan to fruition.

5 53. Defendant ZCS, Inc. is an inactive California Corporation. Plaintiffs  
6 are aware of no business operations of the company, other than standing in the  
7 place of Nevada Corporate Headquarters in the underlying litigation. Nevada  
8 Corporate Headquarters provides consulting services to businesses, including  
9 providing information and offering assistance with incorporating businesses.

10 54. Since September 2010, four individuals have posted complaints  
11 about Nevada Corporate Headquarters on pissedconsumer.com. Additionally,  
12 twenty-nine comments have been posted in response to those four complaints.  
13 The vast majority of the comments have been negative.

14 55. Plaintiff is informed and believes and based thereon alleges that at  
15 the bequest of Defendant Doe Corporation and with the full cooperation of  
16 Defendant Mattos, Mr. Lapham filed a complaint on behalf of ZCS, Inc. against  
17 Collins Mattos for defamation. (See **Exhibit 3.**)

18 56. In the underlying action the conspirators sought *only* injunctive relief.  
19 Specifically, the complaint requested an injunction that Collins be "prohibited  
20 from creating statements about Plaintiff or its officers, managers, employees,  
21 business partners, agents, servants, attorneys, representatives, products, goods or  
22 services, which defame, disparage, or contain libelous statements about  
23 Plaintiff," and that Mr. Collins be "ordered to take all action, including but not  
24 limited to, requesting removal from the internet search engines including Google,  
25 Yahoo!, and Bing, of all defamatory, disparaging, libelous, and false statements  
26 about Plaintiff that Defendant has posted on the Internet."  
27

1 57. Curiously, the prayer for relief did not request an order directing  
2 Mr. Collins, to take all action to remove or request removal of the statements from  
3 <pissedconsumer.com>. The conspirators did not want to bring the scheme to  
4 the attention of anyone who would shine light on their unlawful actions.

5 58. Mr. Lapham filed the Complaint on March 2, 2016.

6 59. The next day, March 3, 2016, Mr. Lapham filed a Stipulation for Final  
7 Judgment and Permanent Injunction with the Superior Court. A true and  
8 complete copy of that Stipulation is attached hereto as **Exhibit 4**.

9 60. Having obtained a stipulated injunction from the Court, the  
10 conspirators then approached various search engines including, on information  
11 and belief, Google, Yahoo!, and Bing and requested that those search engines  
12 deindex the pages of <pissedconsumer.com>. Instead of limiting the deindexing  
13 to the pages that contained statements Mr. Collins claimed to have posted, the  
14 request to deindex included all web pages with entries about Nevada Corporate  
15 Headquarters.

16 61. By engaging in this scheme, Defendant Conspirators obtained a  
17 court order under false pretenses and used the court order to persuade popular  
18 search engines to deindex every statement about Nevada Corporate  
19 Headquarters, including the First Amendment protected statements of opinion  
20 and true fact posted by other individuals who were not a party to the underlying  
21 action.

### 22 **The Radonich Case**

23 62. Hair Solutions filed a bogus complaint against John Radonich in  
24 California Superior Court for Contra Costa County, claiming that Radonich had  
25 posted defamatory statements about Hair Solutions/Atlantic Coast Media LLC on  
26 a consumer gripe website operated by Plaintiff Consumer Opinion LLC.  
27

1 (See case file in *Hair Solutions, Inc. v. Radonich*, Case No. C16-00011 (hereinafter  
2 referred to as the "Radonich Case"), attached hereto as **Exhibit 5**.)

3 63. In reality, the statements at issue regarded only Keranique, a web site  
4 and trademark owned and operated by Atlantic Coast Media.

5 64. Hair Solutions and Atlantic Coast Media understood that Plaintiff  
6 would resist requests to have the statements removed, especially statements that  
7 had not been adjudicated to be defamatory. Therefore, instead of seeking  
8 removal of the statements, Atlantic Coast Media conspired with Hair Solutions  
9 and Radonich to file a sham lawsuit for the sole purpose of entering a stipulated  
10 judgment and permanent injunction. According to the scheme, the conspirators  
11 then delivered a copy of the stipulated judgment to Google and other search  
12 engines demanding that they deindex all negative reviews about Atlantic Coast  
13 Media.

14 65. Plaintiff is informed and believes and based thereon alleges that  
15 Defendant Doe Corporation, operating as a reputation management company,  
16 conceived of the plan and organized the cooperation of Hair Solutions,  
17 Radonich, and Owen T. Mascott to bring the plan to fruition.

18 66. Since September 2010, 865 individuals have posted complaints  
19 about Keranique on <pissedconsumer.com>. Additionally, numerous comments  
20 have been posted by third parties in response to those complaints. The majority  
21 of the comments have been negative.

22 67. Plaintiff is informed and believes and based thereon alleges that at  
23 the bequest of Defendant Doe Corporation and with the full cooperation of  
24 Defendant Radonich, Mr. Mascott filed a complaint on behalf of Hair Solutions  
25 against Radonich for defamation. (See **Exhibit 5**.)

26 68. In the underlying action the conspirators sought *only* injunctive relief.  
27 Specifically, the complaint requested an injunction that Radonich be "ordered to

1 take all action, including but not limited to, requesting removal from the Internet  
2 search engines including Google, Yahoo!, and Bing of all defamatory,  
3 disparaging, libelous, and false statements about Plaintiff that Defendant has  
4 posted on the Internet.” (**Exhibit 5.**)

5 69. Mr. Mascott filed the Complaint on January 7, 2016.

6 70. Shortly thereafter, on January 13, 2016, Mr. Mascott filed a Stipulation  
7 for Final Judgment and Permanent Injunction with the Superior Court, containing  
8 a jurat from Radonich dated January 9, 2016. (See **Exhibit 5.**)

9 71. Having obtained a stipulated injunction from the Court, the  
10 conspirators then approached various search engines including, on information  
11 and belief, Google, Yahoo!, and Bing and requested that those search engines  
12 deindex the pages of <pissedconsumer.com.> Instead of limiting the deindexing  
13 to the pages that contained statements Radonich claimed to have posted, the  
14 request to deindex included all web pages with entries about Keranique.

15 72. By engaging in this scheme, Defendant Conspirators obtained a  
16 court order under false pretenses and used the court order to persuade popular  
17 search engines to deindex every statement about Keranique, including the First  
18 Amendment protected statements of opinion and true fact posted by other  
19 individuals who were not a party to the underlying action.

### 20 **The Morean Case**

21 73. ADN, LLC filed a bogus complaint against Nicholas Morean in  
22 California Superior Court for Contra Costa County, claiming that Morean had  
23 posted defamatory statements about ADN/Attorney Dan Newlin<sup>3</sup> on a consumer  
24 gripe website operated by Plaintiff Consumer Opinion LLC. (See case file in

25 \_\_\_\_\_  
26 <sup>3</sup> ADN appears to be a non-existent entity used solely for the purpose of initiating  
27 the Morean Case. In fact, “ADN” appears to an initialism for “Attorney Dan  
Newlin,” making the fraudulent purpose of Defendant ADN even more apparent.

1 ADN, LLC v. Morean, Case No. C16-00119 (hereinafter referred to as the "Morean  
2 Case"), attached hereto as **Exhibit 6.**)

3 74. In reality, the statements at issue regarded only Dan Newlin, an  
4 attorney located in Orlando, Florida.

5 75. ADN and Newlin understood that Plaintiff would resist requests to  
6 have the statements removed, especially statements that had not been  
7 adjudicated to be defamatory. Therefore, instead of seeking removal of the  
8 statements, Newlin conspired with ADN and Morean to file a sham lawsuit for the  
9 sole purpose of entering a stipulated judgment and permanent injunction.  
10 According to the scheme, the conspirators then delivered a copy of the  
11 stipulated judgment to Google and other search engines demanding that they  
12 deindex all negative reviews about Newlin.

13 76. Plaintiff is informed and believes and based thereon alleges that  
14 Defendant Doe Corporation, operating as a reputation management company,  
15 conceived of the plan and organized the cooperation of ADN, Morean, and  
16 Owen T. Mascott to bring the plan to fruition.

17 77. Since November 2014, 59 individuals have posted complaints about  
18 Newlin on pissedconsumer.com. Additionally, numerous comments have been  
19 posted in response to those complaints.

20 78. Plaintiff is informed and believes and based thereon alleges that at  
21 the bequest of Defendant Doe Corporation and with the full cooperation of  
22 Defendant Morean, Mr. Mascott filed a complaint on behalf of ADN against  
23 Morean for defamation. (See **Exhibit 6.**)

24 79. In the underlying action the conspirators sought *only* injunctive relief.  
25 Specifically, the complaint requested an injunction that Morean be "ordered to  
26 take all action, including but not limited to, requesting removal from the Internet  
27 search engines including Google, Yahoo!, and Bing of all defamatory,



1 disparaging, libelous, and false statements about Plaintiff that Defendant has  
2 posted on the Internet.” (**Exhibit 6.**)

3 80. Mr. Mascott filed the Complaint on February 2, 2016.

4 81. Two days later, on February 4, 2016, Mr. Mascott filed a Stipulation for  
5 Final Judgment and Permanent Injunction with the Superior Court. (See **Exhibit 6.**)

6 82. Having obtained a stipulated injunction from the Court, the  
7 conspirators then approached various search engines including, on information  
8 and belief, Google, Yahoo!, and Bing and requested that those search engines  
9 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to  
10 the pages that contained statements Morean claimed to have posted, the  
11 request to deindex included all web pages with entries about Newlin.

12 83. By engaging in this scheme, Defendant Conspirators obtained a  
13 court order under false pretenses and used the court order to persuade popular  
14 search engines to deindex every statement about Newlin, including the First  
15 Amendment protected statements of opinion and true fact posted by other  
16 individuals who were not a party to the underlying action

### 17 **The Stroman Case**

18 84. RepDefense Solutions, Inc. filed a bogus complaint against Demoin  
19 Stroman III in California Superior Court for Contra Costa County, claiming that  
20 Stroman had posted defamatory statements about RepDefense/  
21 ReputationDefender on a consumer gripe website operated by Plaintiff  
22 Consumer Opinion LLC. (See case file in *RepDefense Solutions, Inc. v. Stroman*,  
23 Case No. C16-00205 (hereinafter referred to as the “Stroman Case”), attached  
24 hereto as **Exhibit 7.**)

25 85. In reality, the statements at issue regarded only ReputationDefender,  
26 a Delaware business operating in California that offers “reputation management”  
27 services.

1 86. RepDefense and Stroman understood that Plaintiff would resist  
2 requests to have the statements removed, especially statements that had not  
3 been adjudicated to be defamatory. Therefore, instead of seeking removal of  
4 the statements, ReputationDefender conspired with RepDefense and Stroman to  
5 file a sham lawsuit for the sole purpose of entering a stipulated judgment and  
6 permanent injunction. According to the scheme, the conspirators then delivered  
7 a copy of the stipulated judgment to Google and other search engines  
8 demanding that they deindex all negative reviews about ReputationDefender.

9 87. Plaintiff is informed and believes and based thereon alleges that  
10 Defendant Doe Corporation, operating as a reputation management company,  
11 conceived of the plan and organized the cooperation of RepDefense, Stroman,  
12 and Owen T. Mascott to bring the plan to fruition.

13 88. Since March 2010, seven individuals have posted complaints about  
14 ReputationDefender on pissedconsumer.com. Additionally, 13 comments have  
15 been posted in response to those complaints. The vast majority of these reviews  
16 are negative.

17 89. Plaintiff is informed and believes and based thereon alleges that at  
18 the bequest of Defendant Doe Corporation and with the full cooperation of  
19 Defendant Stroman, Mr. Mascott filed a complaint on behalf of RepDefense  
20 against Stroman for defamation. (See **Exhibit 7.**)

21 90. In the underlying action the conspirators sought *only* injunctive relief.  
22 Specifically, the complaint requested an injunction that Morean be "ordered to  
23 take all action, including but not limited to, requesting removal from the Internet  
24 search engines including Google, Yahoo!, and Bing of all defamatory,  
25 disparaging, libelous, and false statements about Plaintiff that Defendant has  
26 posted on the Internet." (**Exhibit 7.**)

27 91. Mr. Mascott filed the Complaint on February 2, 2016.

1 92. Two days later, on February 4, 2016, Mr. Mascott acquired a jurat from  
2 Stroman admitting to all the allegations in the complaint, and received a Final  
3 Judgment and Permanent Injunction on February 10, 2016. (See **Exhibit 7.**)

4 93. Having obtained a stipulated injunction from the Court, the  
5 conspirators then approached various search engines including, on information  
6 and belief, Google, Yahoo!, and Bing and requested that those search engines  
7 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to  
8 the pages that contained statements Stroman claimed to have posted, the  
9 request to deindex included all web pages with entries about  
10 ReputationDefender.

11 94. By engaging in this scheme, Defendant Conspirators obtained a  
12 court order under false pretenses and used the court order to persuade popular  
13 search engines to deindex every statement about ReputationDefender, including  
14 the First Amendment protected statements of opinion and true fact posted by  
15 other individuals who were not a party to the underlying action

#### 16 **The Lebron Case**

17 95. Majestic Vacations, LLC filed a bogus complaint against Angelica  
18 Lebron in California Superior Court for Contra Costa County, claiming that Lebron  
19 had posted defamatory statements about Majestic Vacations/Bluegreen  
20 Corporation on a consumer gripe website operated by Plaintiff Consumer  
21 Opinion LLC. (See case file in *Majestic Vacations, LLC v. Angelica Lebron*, Case  
22 No. C16-00319 (hereinafter referred to as the "Lebron Case"), attached hereto as  
23 **Exhibit 8.**)

24 96. In reality, the statements at issue regarded only Bluegreen Resorts, a  
25 name under which Defendant Bluegreen Corporation provides hospitality  
26 services.

27

1 97. Majestic Vacations and Bluegreen understood that Plaintiff would  
2 resist requests to have the statements removed, especially statements that had  
3 not been adjudicated to be defamatory. Therefore, instead of seeking removal  
4 of the statements, Bluegreen conspired with Majestic Vacations to file a sham  
5 lawsuit for the sole purpose of entering a stipulated judgment and permanent  
6 injunction. According to the scheme, the conspirators then delivered a copy of  
7 the stipulated judgment to Google and other search engines demanding that  
8 they deindex all negative reviews about Bluegreen.

9 98. Plaintiff is informed and believes and based thereon alleges that  
10 Defendant Doe Corporation, operating as a reputation management company,  
11 conceived of the plan and organized the cooperation of Majestic Vacations,  
12 Lebron, and Mark W. Lapham to bring the plan to fruition.

13 99. 707 individuals have posted complaints about Bluegreen on  
14 pissedconsumer.com. Additionally, numerous comments have been posted in  
15 response to those complaints. The majority of these reviews are negative.

16 100. Plaintiff is informed and believes and based thereon alleges that at  
17 the bequest of Defendant Doe Corporation and with the full cooperation of  
18 Defendant Lebron, Mr. Lapham filed a complaint on behalf of Majestic Vacations  
19 against Lebron for defamation. (See **Exhibit 8.**)

20 101. In the underlying action the conspirators sought *only* injunctive relief.  
21 Specifically, the complaint requested an injunction that Lebron be "ordered to  
22 take all action, including but not limited to, requesting removal from the Internet  
23 search engines including Google, Yahoo!, and Bing of all defamatory,  
24 disparaging, libelous, and false statements about Plaintiff that Defendant has  
25 posted on the Internet." (**Exhibit 8.**)

26 102. Mr. Lapham filed the Complaint on February 22, 2016.  
27

1 103. On March 2, 2016, Mr. Lapham filed a Stipulation for Final Judgment  
2 and Permanent Injunction with the Superior Court.

3 104. Having obtained a stipulated injunction from the Court, the  
4 conspirators then approached various search engines including, on information  
5 and belief, Google, Yahoo!, and Bing and requested that those search engines  
6 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to  
7 the pages that contained statements Lebron claimed to have posted, the  
8 request to deindex included all web pages with entries about Bluegreen.

9 105. By engaging in this scheme, Defendant Conspirators obtained a  
10 court order under false pretenses and used the court order to persuade popular  
11 search engines to deindex every statement about Bluegreen, including the First  
12 Amendment protected statements of opinion and true fact posted by other  
13 individuals who were not a party to the underlying action

#### 14 **The Martin Case**

15 106. A&D International filed a bogus complaint against Tarra Martin in  
16 California Superior Court for Contra Costa County, claiming that Martin had  
17 posted defamatory statements about A&D/Agora Financial, LLC on a consumer  
18 gripe website operated by Plaintiff Consumer Opinion LLC. (See case file in A&D  
19 *International v. Martin*, Case No. C16-00353 (hereinafter referred to as the "Martin  
20 Case"), attached hereto as **Exhibit 9**.)

21 107. In reality, the statements at issue regarded only Agora Financial, a  
22 financial services company in Maryland.

23 108. A&D and Agora understood that Plaintiff would resist requests to  
24 have the statements removed, especially statements that had not been  
25 adjudicated to be defamatory. Therefore, instead of seeking removal of the  
26 statements, Agora conspired with A&D and Martin to file a sham lawsuit for the  
27 sole purpose of entering a stipulated judgment and permanent injunction.

1 According to the scheme, the conspirators then delivered a copy of the  
2 stipulated judgment to Google and other search engines demanding that they  
3 deindex all negative reviews about Agora.

4 109. Plaintiff is informed and believes and based thereon alleges that  
5 Defendant Doe Corporation, operating as a reputation management company,  
6 conceived of the plan and organized the cooperation of A&D, Martin, and Mark  
7 W. Lapham to bring the plan to fruition.

8 110. Since October 2010, 68 individuals have posted complaints about  
9 Agora on pissedconsumer.com. Additionally, numerous comments have been  
10 posted in response to those complaints. The vast majority of these reviews are  
11 negative.

12 111. Plaintiff is informed and believes and based thereon alleges that at  
13 the bequest of Defendant Doe Corporation and with the full cooperation of  
14 Defendant Martin, Mr. Lapham filed a complaint on behalf of A&D against Martin  
15 for defamation. (See **Exhibit 9.**)

16 112. In the underlying action the conspirators sought *only* injunctive relief.  
17 Specifically, the complaint requested an injunction that Morean be "ordered to  
18 take all action, including but not limited to, requesting removal from the Internet  
19 search engines including Google, Yahoo!, and Bing, of all defamatory,  
20 disparaging, libelous, and false statements about Plaintiff that Defendant has  
21 posted on the Internet." (**Exhibit 9.**)

22 113. Lapham filed the Complaint on February 22, 2016.

23 114. Three days later, on February 26, 2016, Mr. Mascott filed a Stipulation  
24 for Final Judgment and Permanent Injunction with the Superior Court. (See  
25 **Exhibit 9.**)

26 115. Having obtained a stipulated injunction from the Court, the  
27 conspirators then approached various search engines including, on information

1 and belief, Google, Yahoo!, and Bing and requested that those search engines  
2 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to  
3 the pages that contained statements Martin claimed to have posted, the request  
4 to deindex included all web pages with entries about Agora.

5 116. By engaging in this scheme, Defendant Conspirators obtained a  
6 court order under false pretenses and used the court order to persuade popular  
7 search engines to deindex every statement about Agora, including the First  
8 Amendment protected statements of opinion and true fact posted by other  
9 individuals who were not a party to the underlying action

10 **FIRST CLAIM FOR RELIEF**  
11 **Unlawful, Unfair, and Fraudulent Business Practice under**  
12 **California Business and Professions Code § 17200**  
13 **(Against All Defendants)**

14 117. Plaintiff incorporates by reference each of the preceding  
15 paragraphs of this Complaint as though fully set forth herein, in support of this  
16 claim.

17 118. The acts and conduct of Defendants, and each of them as alleged  
18 above in this Complaint constitute unlawful, unfair, and/or fraudulent business  
19 acts or practices as defined by California Business and Professions Code § 17200  
20 *et seq.*

21 119. Defendants' acts of unlawful, unfair, and fraudulent competition  
22 have caused harm to competition, to consumers, to the competitors of the  
23 business defendants, and to Plaintiff.

24 120. Defendants' acts of unlawful, unfair, and fraudulent competition  
25 have proximately caused Plaintiff to suffer injury in fact and loss of money and/or  
26 property (including as a result of expenses that Plaintiff has and will incur in its  
27

1 efforts to prevent and deter Defendants from engaging in unlawful conduct) in  
2 an amount to be proven at trial.

3 121. Defendants' acts of unlawful, unfair, and fraudulent competition  
4 have also caused irreparable and incalculable injury to Plaintiff, its business, and  
5 its good will, and unless enjoined, could cause further irreparable and  
6 incalculable injury, whereby Plaintiff has no adequate remedy at law.

7  
8 **SECOND CLAIM FOR RELIEF**  
9 **Abuse of Process**  
10 **(Against All Defendants)**

11 122. Plaintiff incorporates by reference each of the preceding  
12 paragraphs of this Complaint as though fully set forth herein, in support of this  
13 claim.

14 123. Acting in concert, Defendants, and each of them, filed the Mattos  
15 Case, the Radonich Case, the Morean Case, the Stroman Case, the Lebron Case,  
16 and the Martin Case in the Superior Court of the State of California for the County  
17 of Contra Costa.

18 124. Defendants did not file the above described actions for the purpose  
19 of determining the liability of the Stooze Defendants or assessing an amount of  
20 damages. Rather, the Defendants filed the complaints for the purpose of  
21 obtaining a court order to serve on third party search engines such as Google in  
22 order to persuade those search engines to deindex portions of Plaintiff's website.  
23 Defendants filed the actions to avoid the adversarial process ordinarily involved  
24 in litigation.

25 125. As a result of Defendants' unlawful acts, Plaintiff Consumer  
26 Opinion LLC was damaged. Specifically, for a time when individuals searched for  
27 information about the beneficiaries of the fake lawsuits, search engines no longer  
produced any results indicating that consumers had posted information about



1 the beneficiaries on the pissedconsumer.com website. Those consumers did not  
2 proceed to pissedconsumer.com and did not learn of the negative reviews.

3 126. Defendants' conduct as described herein was a substantial factor in  
4 causing harm to Plaintiff.

5 **THIRD CLAIM FOR RELIEF**  
6 **CIVIL CONSPIRACY**  
7 **(Against All Defendants)**

8 127. Plaintiff incorporates by reference each of the preceding  
9 paragraphs of this Complaint as though fully set forth herein, in support of this  
10 claim.

11 128. Defendants, and each of them, conspired, confederated, and  
12 colluded with the other defendants to engage in the above described scheme  
13 which constitutes a fraudulent and unfair business practice and an abuse of legal  
14 process to Defendants' economic benefit and Plaintiff's economic harm.

15 129. Defendants, and each of them took affirmative steps to advance the  
16 conspiracy by taking part in the fraudulent litigation designed to have complaints  
17 deindexed.

18 130. Plaintiff is informed and believes and based thereon alleges that  
19 Defendants Doe Corporations conceived and organized the scheme to file  
20 bogus legal actions in order to obtain an injunction designed to deceive search  
21 engines and trick them into deindexing pages of pissedconsumer.com webpages  
22 containing legitimate consumer reviews. Defendants Doe Corporations  
23 engaged in these actions with full knowledge that those actions and the actions  
24 of its fellow conspirators would cause harm to Plaintiff.

25 131. Plaintiff is informed and believes and based there on alleges that  
26 Defendants ZCS, Inc.; Hair Solutions, Inc.; ADN, LLC; Repdefense Solutions, Inc.;  
27 Majestive Vacations, LLC; and A&D International, LLC, stood in the place of the

1 actual targets of the reviews in question in the fake lawsuits and the actual  
2 beneficiaries of them. They did so for financial gain, knowing that they were  
3 abusing the legal process. Filing Defendants engaged in these actions with full  
4 knowledge that their actions and the actions of their fellow conspirators would  
5 cause harm to Plaintiff.

6 132. Plaintiff is informed and believes and based there on alleges that  
7 Stooze Defendants stood in the place of one or more individuals who actually  
8 posted comments claimed to be defamatory in the underlying litigation. Stooze  
9 Defendants participated in the plan and allowed the underlying action to be filed  
10 even though they had already agreed to settle any claims against them. They  
11 did so to advance their own pecuniary interests and with the full knowledge that  
12 their actions and the actions of their fellow conspirators would cause harm to  
13 Plaintiff.

14 133. Plaintiff is informed and believes and based thereon alleges that  
15 Defendant Mark W. Lapham filed the Mattos Case, the Lebron Case, and the  
16 Martin Case, while Defendant Owen T. Mascott filed the Radonich Case, the  
17 Morean Case, and the Stroman Case, knowing that these actions were shams,  
18 that the real parties had already resolved any actual disputes, and that the  
19 lawsuits were being filed solely for the purpose of obtaining court orders to deliver  
20 to search engines in order to deceive them into deindexing legitimate consumer  
21 reviews residing on pissedconsumer.com. They did so to advance their own  
22 pecuniary interests and with the full knowledge that their actions and the actions  
23 of their fellow conspirators would cause harm to Plaintiff.

24 134. Accordingly, all Defendants are jointly and severally liable for the  
25 actions of their co-conspirators.

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**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a jury trial on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays for the following relief:

- 1) General damages based on Defendants' conduct as alleged herein in an amount to be determined at trial;
- 2) Punitive damages based on Defendants' willful, malicious, intentional, and deliberate acts in an amount to be determined at trial;
- 3) Prejudgment and post-judgment interest at the rate allowed by law;
- 4) Reasonable attorney's fees and expenses of litigation;
- 5) Injunctive relief prohibiting Defendants from continuing to engage in unlawful, unfair, and/or fraudulent business acts or practices and abuse of process as described above in this Complaint; and
- 6) All other relief to which Plaintiff may be entitled.

Dated: October 21, 2016.

Respectfully Submitted,

/s/ Marc J. Randazza  
 Marc J. Randazza  
 D. Gill Sperlein  
 Alex J. Shepard  
 RANDAZZA LEGAL GROUP, PLLC

*Attorneys for Plaintiff*  
*Consumer Opinion LLC*