

**FILED**  
LOS ANGELES SUPERIOR COURT

OCT 29 2010

JOHN A. CLARKE, CLERK  
BY DARRLEEN SMITH, DEPUTY

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Attorneys for Plaintiff, Colocation America, Inc.

SUPERIOR COURT OF LOS ANGELES COUNTY  
CENTRAL DISTRICT

COLOCATION AMERICA, INC.; ALBERT  
AHDoot,

Plaintiff,

vs.

ARCHIE GARGA-RICHARDSON; PREMIER  
FINANCIAL & ACCOUNTING SERVICES  
LLC; SCAM FRAUD ALERT; and DOES 1-10,

Defendant(s).

Case No.:

**BC 448509**

COMPLAINT FOR DAMAGES AND  
EQUITABLE RELIEF

Causes of Action Based on:

1. Trade Libel;
2. Intentional Interference;
3. Negligent Interference

Unlimited Jurisdiction

*Dept 15 Richard Fair*

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

Parties

1. Plaintiff Colocation America, Inc. ("Colocation") provides computer server co-  
location to companies operating on the internet. The company is a private enterprise not publicly  
traded nor publicly held, and is owned by Plaintiff Albert Ahdoot.

2. Defendant, Archie Garga-Richardson ("Richardson"), is a resident of the County of  
Los Angeles, and operates Defendant Scam Fraud Alert on the internet and an entity of unknown  
status.

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1           3.       Defendants DOES 1-10, inclusive, are sued herein pursuant to the provisions of  
2 California code of Civil Procedure §474. Plaintiff will amend this action accordingly when the true  
3 names and capacities of said Defendants are known.

4           4.       At all times herein mentioned, Defendants and each of them, were the agents, servants,  
5 and employees of all other Defendants and were acting within the course and scope of their agency,  
6 service, and employment, and each Defendant has ratified and approved the acts of the remaining  
7 Defendants. All Defendants herein, whether designated by real or fictitious name are in some manner  
8 or fashion responsible for the acts and conduct complained of herein and all of said Defendants  
9 approved, ratified or participated in such conduct.

10           **Litigation Hold**

11           5.       Demand is hereby made that Defendant preserve all electronically stored information  
12 ('ESI'), as well as documents and tangible things, potentially relevant to the facts and issues pled in  
13 this complaint including, by way of example, correspondence, memoranda, pertaining to Colocation  
14 America, Albert Ahdoot, UnitedLayer or related individuals of UnitedLayer, and be prepared to  
15 produce such documents and ESI in discovery. ESI includes by way of example, information  
16 electronically, magnetically or optically stored, such as digital communications, word processed  
17 documents, calendar and diary entry data, backup and archival files, all as stored on Defendants'  
18 computer systems and employee systems, or other media and devices, such as their personal digital  
19 assistant, voice messaging systems, on-line repositories and cell phones. It is further demanded that  
20 Defendants pursue immediate intervention to prevent loss due to routine operations, to initiate a  
21 litigation hold for potentially relevant ESI, and to prevent degradation of the ability to search ESI by  
22 electronic means. Such litigation hold is to secure ESI on office work stations and servers, home and  
23 portable systems, to anticipate and not delete or destroy information that Defendant may regard as  
24 confidential or embarrassing, and to secure documents which are required to access, interpret or  
25 search relevant ESI (including logs, control sheets, specifications, naming protocols, diagrams, and  
26 user identification and password rosters).

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**FIRST CAUSE OF ACTION**

**Trade Libel**

**(Against All Defendants)**

6. Plaintiff incorporates by reference allegations contained in paragraphs 1-5.

7. On one or more occasions, Defendants and Does 1-5 published, communicated, caused to be published, caused to be communicated and/or caused to be maintained and/or continues to publish to other persons, statements in writing including, "When dealing or conducting business with Mr. Albert Ahdoot dba Colocation America, Inc...and his related businesses or data centers, please exercise CAUTION AND CARE as Mr. Ahdoot is not a man of his word." Said statement was communicated in a context that falsely referenced Plaintiffs as deceitful and meaning and reference to Plaintiffs was understood by those receiving said statement to mean and refer to Plaintiffs.

8. The Defendants' statements were made of and concerning the business of the Plaintiff, the quality of the business of the Plaintiff, and was so understood by those who read such statements.

9. The statements of Defendants disparaged Plaintiff's business in that the Defendants' statements falsely indicated that Plaintiff does not honor business contracts.

10. Said statements impute dishonesty, fraud, and a failure to effectively communicate the truth to others and have jeopardized the business of Plaintiffs.

11. The statement of Defendants' as set forth herein were and are false. The statements were made to incite disruption.

12. Said statements constitute trade libel per se. Such statements as made by the Defendants impute to the Plaintiffs dishonesty and fraudulent conduct.

13. The statements made by Defendants have caused persons to whom such statements were made to deter from doing business with Plaintiff.

14. As a proximate result of the Defendants' publication as set forth herein, Plaintiff has been made to suffer and is entitled to an award of damages according to pleading and proof.

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**SECOND CAUSE OF ACTION**

**Intentional Interference with Prospective Economic**

**(Against All Defendants)**

15. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-9.

16. There exists between Plaintiffs and its existing customers and prospective customers the probability of future economic benefit and prospective economic relationship.

17. Defendants, with knowledge of such benefits undertook and continue to undertake with intent and design to disrupt and interfere with Plaintiff's economic benefits and prospective economic relationships, and while doing so made intentional misrepresentations.

18. Defendants knew that, at the time of the representations, that customers and/or prospective customers would rely and act upon those representations.

19. Plaintiffs' benefits and prospective economic relationships were actually interfered with and disrupted. Such interference and disruption were proximately caused by the wrongful misrepresentation of Defendants as described.

20. As a proximate result of the conduct of Defendants, Plaintiffs have lost benefit of business, goodwill and has otherwise been damaged, all in an amount according to proof, which will be offered at trial.

21. The conduct of Defendants was willful, oppressive, malicious and fraudulent, such that Plaintiffs are entitled to punitive and exemplary damages in an amount according to proof.

**THIRD CAUSE OF ACTION**

**Negligent Interference with Prospective Economic Advantage**

**(Against All Defendants)**

22. Plaintiffs incorporate by reference the allegations contained in paragraphs 1-9.

23. Defendants owed a duty of care to Plaintiffs, in that:

(a) The actions of defendant were specifically intended to affect the prospective economics and good will of Plaintiffs;

(b) Harm to Plaintiffs was highly foreseeable as a result of Defendants' conduct;

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- (c) There was a high degree of certainty that Plaintiffs would suffer damage to its business and good will;
- (d) The nexus between the conduct of Defendants and the damage from suffered by Plaintiffs is clear;
- (e) The conduct of Defendants, and each of them, was and is morally repugnant; and
- (f) The policy of preventing future harm will be substantially furthered by holding Defendants accountable for their conduct in disrupting and interfering with the business relationship between Plaintiffs and customers and prospective customers.

24. Defendant negligently undertook wrongful by communicating misrepresentations as described above which would disrupt and interfere with Plaintiff's economic relationships.

25. As a direct and proximate result of the conduct of Defendants, the economic relationship between Plaintiffs and its members was actually interfered with and disrupted, thereby damaging Plaintiffs.

26. As a proximate result of the conduct of Defendants, Plaintiffs have lost goodwill and has otherwise been damaged, all in an amount according to proof, which will be offered at trial.

WHEREFORE, Plaintiff prays for judgment as follows:

- (A) Compensatory damages according to proof at trial, and not less than \$25,000;
- (B) Punitive damages according to proof at trial on the Second Cause of Action, not less than \$25,000;
- (C) Plaintiff may have no adequate remedy of law to protect its interests and business, which may sustain great and irreparable injury, and may require multiplicity of separate actions, unless Defendants are restrained by way of Temporary Restraining Order, Preliminary Injunction;

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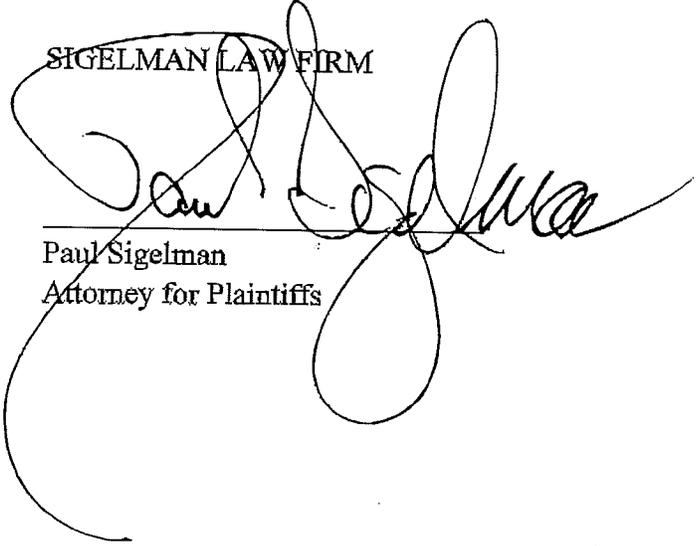
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(D) Costs and other just relief.

Respectfully submitted,

DATED: October 21, 2010

SIGELMAN LAW FIRM

A large, stylized handwritten signature in black ink, appearing to read "Paul Sigelman". The signature is written over a horizontal line and extends significantly above and below the line.

Paul Sigelman  
Attorney for Plaintiffs

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VERIFICATION

I am an officer of Colocation America, Inc., a party to this action. I have read the foregoing complaint and know the contents thereof. The complaint is true of my own knowledge, except as to those matters stated on information and belief, as to those matters I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on August \_\_\_\_, 2010 at Beverly Hills, California.



Albert Ahdoot  
an Officer of Colocation America, Inc.