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CLARENCE MADDOX  
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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: **00-00709**  
**CIV-MOORE**

MAJESTRATE JUDGE  
O'SULLIVAN

ANSWERTHINK CONSULTING  
GROUP, INC., a Florida corporation,

Plaintiff,

v.

JOHN DOE #1, aka "ansr\_sucks,"  
JOHN DOE #2, aka "bobkaus\_daddy,"  
JOHN DOE #3, aka "aquacool\_2000," and  
JOHN DOES #4-12, individuals whose  
names are presently unknown,

Defendants.

**COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES**

Plaintiff, ANSWERTHINK CONSULTING GROUP, INC. ("AnswerThink"), by and through its undersigned counsel, hereby sues Defendants, JOHN DOES #1-12, in this action for injunctive relief and damages and states:

**INTRODUCTION**

1. This is an action for injunctive relief and damages arising out of the posting of false and defamatory statements and/or confidential information on an internet "message board" by or with the assistance or participation of Defendants.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter, pursuant to 28 U.S.C. § 1332, because this is an action for money damages between citizens of different States, in which the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

3. Venue is properly laid in the United States District Court for the Southern District of Florida, pursuant to 28 U.S.C. § 1391, because a substantial part of the events giving rise to the claims alleged by AnswerThink occurred in this district or because one or more Defendants are subject to personal jurisdiction in this district and there is no other district in which the action may otherwise be brought.

4. Defendants are subject to personal jurisdiction in Florida and this district because they have: (a) engaged in substantial and not isolated activities in Florida and this district; (b) committed tortious acts within Florida and this district; and/or (c) caused injury to persons located in Florida and this district, while at the same time they engaged in solicitation and or service activities within Florida and this district.

### **PARTIES**

5. AnswerThink is a Florida corporation with its principal place of business in Miami, Florida.

6. The true name of Defendant JOHN DOE #1, aka “ansr\_sucks,” is unknown to AnswerThink, who therefore sues this Defendant under such fictitious name. AnswerThink is informed and believes, and on such information and belief alleges, that the Defendant JOHN DOE #1 is a resident of Somerset, New Jersey, and a citizen of New Jersey. AnswerThink will ask leave of court to amend this Complaint and insert Defendant JOHN DOE #1’s true name in place of the fictitious name when the same has become known to AnswerThink.

7. The true name of Defendant JOHN DOE #2, aka “bobkaus\_daddy,” is unknown to AnswerThink, who therefore sues this Defendant under such fictitious name. AnswerThink is informed and believes, and on such information and belief alleges, that the Defendant JOHN DOE

#2 is a resident of Wilmington, Delaware, and a citizen of Delaware. AnswerThink will ask leave of court to amend this Complaint and insert Defendant JOHN DOE #2's true name in place of the fictitious name when the same has become known to AnswerThink

8. The true name of Defendant JOHN DOE #3, aka "aquacool\_2000," is unknown to AnswerThink, who therefore sues this Defendant under such fictitious name. AnswerThink will ask leave of court to amend this Complaint and insert Defendant JOHN DOE #3's true name in place of the fictitious name when the same has become known to AnswerThink.

9. The true names of Defendants JOHN DOES #4-12, are unknown to AnswerThink, who therefore sues said Defendants under such fictitious names. AnswerThink is informed and believes, and on such information and belief alleges, that each of Defendants JOHN DOES #3-10 published false and defamatory statements concerning AnswerThink and/or disseminated confidential information belonging to AnswerThink on a Yahoo! Message Board and/or other Internet sites or assisted or participated in the doing of the same by other Defendants. AnswerThink will ask leave of court to amend this Complaint and insert their true names in place of their fictitious names when the same have become known to AnswerThink.

### **COMMON ALLEGATIONS**

10. AnswerThink is a publicly-traded consulting firm which provides its clients with, *inter alia*, advice and services relating to computers and related technologies, the internet, electronic commerce, and other business-related matters, including what are commonly referred to within the relevant industry as "e-business solutions."

11. The Internet is the world's largest network of computer networks. It is a decentralized, global medium of communications that links people and business around the world,

) )

allowing instantaneous sharing of information. In recent years, the commercial aspects of the Internet have mushroomed, with millions of individuals and commercial enterprises engaging in daily transactions and making financial and business decisions based upon information found on the Internet. Currently, several million computers in the United States alone are linked directly to the Internet, and more than 100 million users connect to the Internet worldwide. Countless users spend hours browsing the Internet each day, scouring different sites for information relevant to their business, financial and personal decisions.

12. The World Wide Web (the “Web”) is the most popular way to provide and retrieve information on the Internet. Anyone with access to the Internet and proper software can post content on the Web, which may contain many different types of digital information – text, images, sound, and even video. The Web is comprised of millions of separate but interconnected “Web sites,” which in turn may have hundreds of separate “Web pages” that display content provided by particular persons or organizations.

13. Yahoo! Inc. (“Yahoo!”) is a global Internet media company, whose “Yahoo!” Web site (<http://www.yahoo.com>) is one of the top few destinations on the Web.

14. Among Yahoo!’s most popular offerings are its Message Boards (also known as bulletin boards), which are topical forums where users post messages that can be read by all others who access the Message Board. Each day, thousand and thousands of users frequent these message boards, sharing information, posting messages, reading messages of other users, and downloading and redistributing messages.

15. One of Yahoo!’s Message Boards is dedicated to topics concerning AnswerThink. AnswerThink has no affiliation with and exercises no control over, this Message Board, which is

located at the following Uniform Resource Locator (“URL”) Internet address:  
<http://messages.yahoo.com/?action=q&board=ansr>.

16. Defendant JOHN DOE #1 has posted false and defamatory statements regarding AnswerThink and/or confidential information of AnswerThink on a Yahoo! Finance Message Board, using the alias “ansr\_sucks.” Examples of these postings are attached hereto as Exhibit A.

17. Defendant JOHN DOE #2 has posted false and defamatory statements regarding AnswerThink and/or confidential information of AnswerThink on a Yahoo! Finance Message Board, using the alias “bobkaus\_daddy.” Examples of these postings are attached hereto as Exhibit B.

18. Defendant JOHN DOE #3 has posted false and defamatory statements regarding AnswerThink and/or confidential information of AnswerThink on a Yahoo! Finance Message Board, using the alias “aquacool\_2000.” Examples of these postings are attached hereto as Exhibit C.

19. Since their posting, the false and defamatory statements regarding AnswerThink and the confidential information of AnswerThink published by Defendants have remained available to millions of Internet users, many of whom may have made copies of the false and defamatory statements or confidential information and/or redistributed them by electronic mail or other means, and AnswerThink has no means of removing these false and defamatory statements or confidential information from the Internet.

20. AnswerThink has retained the undersigned law firm to represent it in this matter and is obligated to pay a reasonable fee for all services rendered.

21. All conditions precedent to the maintenance of this action have been performed, discharged, waived, or otherwise satisfied.

) )

**COUNT I - DEFAMATION**

22. Paragraphs 1-21 are hereby re-alleged and incorporated herein by reference.

23. Defendants published false and defamatory statements about AnswerThink, including those contained in the postings to the Yahoo! Finance Message Board.

24. The false and defamatory statements published by Defendants regarding AnswerThink, as reasonably understood, impugn the integrity and competence of AnswerThink's management, discredit AnswerThink's business methods, undermine the confidence of the public and AnswerThink's clients in AnswerThink's business, and/or drive away the public and AnswerThink's clients from using AnswerThink's services.

25. In publishing the false and defamatory statements about AnswerThink, Defendants knew or, in the exercise of reasonable care, should have known that the statements were false.

26. In publishing the false and defamatory statements about AnswerThink, Defendants acted with actual malice, with knowledge that the statements were false, and/or with reckless disregard for their truth or falsity.

27. Since their posting, the false and defamatory statements published by Defendants regarding AnswerThink have remained available to millions of internet users, many of whom may have made copies of the false and defamatory statements and/or redistributed them by electronic mail or other means, and AnswerThink has no means of removing these false and defamatory statements from the internet.

28. As a result of the foregoing publication of defamatory statements by Defendants, AnswerThink has been damaged, including but not limited to damage to its reputation, loss of business, and/or negative impact on its share price.

29. In carrying out the foregoing conduct, Defendant(s) acted willfully, maliciously, and/or with reckless indifference to the consequences of their actions and the rights of AnswerThink.

WHEREFORE, AnswerThink demands judgment against Defendant(s), jointly and severally, for money damages, punitive damages, pre- and post-judgment interest, attorneys' fees, litigation expenses, and costs.

### **COUNT II - PRELIMINARY AND PERMANENT INJUNCTION**

30. Paragraphs 1-29 are hereby re-alleged and incorporated herein by reference.

31. Upon information and belief, some or all of the improper, unfair, and unlawful conduct of Defendants alleged above is continuing and will continue in the future absent injunctive relief from the Court, and AnswerThink will continue to be damaged by same.

32. In the absence of the entry of a preliminary and permanent injunction by the Court, AnswerThink will suffer irreparable harm and injury, including, but not limited to dissemination of its confidential information, damage to its reputation, loss of business, and/or negative impact on its share price.

33. The entry of a preliminary and permanent injunction will not unduly harm or burden Defendants because they are required as a matter of law to refrain from disseminating confidential and/or defamatory information regarding AnswerThink.

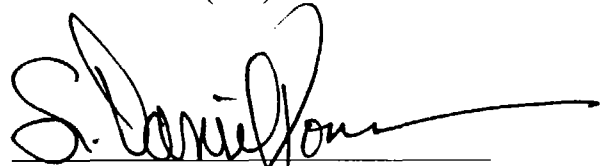
34. Public policy favors the entry of a preliminary and permanent injunction because, *inter alia*, such relief will prevent unfair competition and unlawful conduct, will preserve and promote the integrity of contracts, and will secure to lawful owners the benefits of their confidential, proprietary, and/or sensitive business information and/or trade secrets, thereby encouraging innovation, job creation, and economic prosperity.

WHEREFORE, AnswerThink demands the entry of a preliminary and permanent injunction preventing Defendants from disseminating (via the internet or any other means) any confidential information of AnswerThink or false and defamatory statement regarding AnswerThink and requiring Defendants to take all steps available and necessary to remove the false and defamatory statements and/or confidential information published by Defendants from the internet.

Respectfully submitted,

WALLACE, BAUMAN, LEGON,  
FODIMAN, PONCE & SHANNON, P.A.  
Attorneys for AnswerThink Consulting  
Group, Inc.  
1200 Brickell Avenue  
Suite 1720  
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Telephone: (305) 444-9991  
Telefax: (305) 444-9937

By:



S. DANIEL PONCE  
Florida Bar No. 175437  
TODD R. LEGON  
Florida Bar No. 814415  
DAVID M. KNASEL  
Florida Bar No. 0132640

Dated: February 23, 2000



ATTACHMENT / EXHIBIT \_\_\_\_\_



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### AnswerStink in deep trouble

2/14/00 8:01 pm

by: [ansr\\_sucks](#) (27/M/Somerset, NJ)

Msg: 2048 of 2077

I got a news from a reliable source that there were lot of people from the e-commerce group leaving the company because of the company's performance. I think this is going to have a major impact in the company's ability to execute in Major projects.....

Posted as a reply to: [Msg 1](#) by YahooFinance

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ATTACHMENT / EXHIBIT

ATTACHMENT / EXHIBIT 3

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## 40 Million out the door!

by: bobkaus\_daddy (124/M/Wilmington, DE)

40 Million out the door to the head honchos and then the stock drops like a rock. don't give me that sector or market baloney. you steal from the bonus pool and you don't think the worker's will find out??? are you stupid and incompetent?? we know you can't run a business worth a darn but you thieves are holding the bonuses of the employees!

I'm selling this stinker. Comeon you management twinks tell me some more BS.

Posted as a reply to: [Msg 2125](#) by JoeJackson\_withshoes  
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2/22/00 4:30 pm  
Msg: 2126 of 2128

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*B*

ATTACHMENT / EXHIBIT C



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**No No**

2/4/00 3:13 pm

by: [aquacool\\_2000](#)

Msg: 2006 of 2077

The upcoming PR campaign is done by Think. The worst part is that the marketing leadership in this firm doesn't even know how to spell the word "marketing." Sneak previews shows it is colorful but not compelling. What would you expect from a group of managers who believe they have all the answers. The Peter Principle is really the only problem this company has. It does not have a flawed strategy, it does not have poor delivery methodologies, it does not have the wrong technical skills and the investors are not stupid and blind. The only problem with this firm is ... average management. Unfortunately, for the \$'s and energy spent, the upcoming PR campaign will also turn out average.

Posted as a reply to: [Msg 2005](#) by [JoeJackson\\_withshoes](#)  
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### I Will Not Let Up

2/8/00 8:51 am

by: [aguacoo\\_2000](#)

Msg: 2020 of 2077

Until this management turns out a performance consistent with others in this space and fully utilizes the resources of this company. This is a poorly managed, under leveraged company with big potential. This company should be trading in the mid \$50s. It will someday. But it won't if management keeps running it for their personal benefit, rather than the stockholders.

Posted as a reply to: [Msg 2017](#) by [fdzllc](#)  
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### Weak Management

2/16/00 2:13 pm  
Msg: 2068 of 2076

by: [aquacool 2000](#)

Read message 2058 again. This is an exclusive buddies club at the top. The board is the same way. This is not a board of industry leaders, it is a board of Ted's school mates and community buddies. No one at the top has led a public company before. No one has the marketing & PR experience to deal with the investors and analysts. They struggle to make their numbers. They can't even get things done on time. The word is out that January was not that good and the \$6 million "image rebranding" program has been delayed until April. The recent reorganization has put the three stooges in charge. Out of the first six acquisitions that ACG made, four of the leaders left in disgust and the next two are just biding their time until their vesting kicks in. FISH ROTS FROM THE HEAD.

Posted as a reply to: [Msg 2066](#) by [thinkwatcher\\_sept99](#)

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# CIVIL COVER SHEET

# JO-00709

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

### I. (a) PLAINTIFFS

ANSWERTHINK CONSULTING GROUP, INC., a Florida corporation

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Dade  
(EXCEPT IN U.S. PLAINTIFF CASES)

A. Dade 1:00am/109/moore/o'sullivan

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
S. Daniel Ponce, Esq.  
1200 Brickell Avenue - Suite 1720  
Miami, FL 33131 (305) 444-9991

### DEFENDANTS

JOHN DOE #1, aka "ansr sucks,"  
JOHN DOE #2, aka "bobkous daddy,"  
JOHN DOE #3, aka "aguacool 2000," and  
JOHN DOES #4-12, individuals whose names are presently unknown.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Somerset, NJ  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**CIV-MOORE**  
**MAGISTRATE JUDGE**  
**O'SULLIVAN**

**FEB 23 2007**

CLARENCE MADDOX  
CLERK USDC/SDFL/MIA

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

### II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                                       |   |                                       |                            |
|---|----------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
|   | PTF                        | DEF                                   |   | PTF                                   | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6 |

### IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

### V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> B 610 Agriculture <input type="checkbox"/> B 620 Other Food & Drug <input type="checkbox"/> B 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> B 630 Liquor Laws <input type="checkbox"/> B 640 R.R. & Truck <input type="checkbox"/> B 650 Airline Regs. <input type="checkbox"/> B 660 Occupational Safety/Health <input type="checkbox"/> B 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>A PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>B SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> B 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B
A REAL PROPERTY	A CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Encroachment <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> B 510 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> B 530 General <input type="checkbox"/> A 535 Death Penalty <input type="checkbox"/> B 540 Mandamus & Other <input type="checkbox"/> B 550 Civil Rights <input type="checkbox"/> B 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> A 791 Empl Ret Inc Security Act <input type="checkbox"/> A 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> A 871 IRS - Third Party 26 USC 7609	

### VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Section 1332

LENGTH OF TRIAL  
via \_\_\_\_\_ days estimated (for both sides to try entire case) 3-5 days

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  DEMAND \$ over \$75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND:  YES  NO

VIII. RELATED CASE(S) (See instructions): IF ANY JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 2/23/00 SIGNATURE OF ATTORNEY OF RECORD S. Daniel Ponce

FOR OFFICE USE ONLY RECEIPT # 017394 AMOUNT 1000 APPLYING FFP 2/24/02 JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_