

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

REZA GANJAVI,)	
Plaintiff,)	THIRD AMENDED COMPLAINT
)	
v.)	Case No. 06 C 4189
)	
JEREMY C. SMITH, CINDY SMITH,)	JURY TRIAL DEMANDED
TODD TIPTON, WILLIAM D.)	
JENNINGS, Does 1 through 3)	Honorable Judge Gettleman
Defendants.)	Honorable Magistrate Judge Denlow

PLAINTIFF'S THIRD AMENDED COMPLAINT

NOW COMES Plaintiff, REZA GANJAVI (“Plaintiff”), by and through his attorneys, Law Offices of Khoi Dang-Vu, P.C. And Khoi Dang-Vu, and, as against each of the Defendants named herein, respectfully complains, avers and alleges as follows:

NATURE OF ACTION

1. Plaintiff, Reza Ganjavi is a musician and record producer whose performances and two albums of European classical music have enjoyed notable success in the genre of classical guitar (hundreds of pages of bona fide listener comments are available on www.rezamusica.com, www.rezamusica.info). Envy at this success, and prejudice due to his Middle Eastern origins, attracted hostility of a small gang of individuals formed on the largest online Classical Guitar community to destroy Plaintiff’s character, art, business, and presence in the classical guitar world.
2. Plaintiff hereby alleges the following against all Defendants: violations of Attribution and Integrity Rights, False Presentation in violation of the Anti-Cybersquatting Consumer Protection, Libel,

Libel Per Se, Trade Libel, Invasion of Privacy: False Light and Appropriation of Name or Likeness, Intentional and Negligent Infliction of Emotional Distress, Intentional Interference with Prospective Economic Advantage, Unfair Competition (common law), Unfair Competition (Illinois Consumer Fraud and Deceptive Business Practices Act), Infringement of Common Law Copyright, Intentional and Negligent Misrepresentation, Civil Conspiracy.

3. During the period from at least 2004 to at least 2006, Defendants Jeremy Smith, Cindy Smith, Todd Tipton, and William Jennings, using their own names and/or aliases and/or Plaintiff's forged identity, attacked Plaintiff and his business in several vulgar, uncivil, profane, and highly damaging manners, individually, as well as in a conspired, concerted, coordinated, collaborated, and sometimes mutually-challenging fashion in an attempt to assassinate Plaintiff's character and professional reputation, to stall his artistic career, all with total disregard for the rights and safety of Plaintiff. Furthermore, they exhibited irresponsibility and contempt for order, civility, and integrity of electronic communications, and abused their implied First Amendment right of anonymous speech.
4. Plaintiff did everything to avert legal action and filing of this action was the absolute last resort in order to stop the abuses and to find appropriate remedies.
5. In summary, offenses committed by some or all of the defendants (as specified in detail under each cause of action), include but are not limited to:
 - a) fraudulent use of Plaintiff's identity;
 - b) fraudulent publication of material using Plaintiff's email address and name, including issuing racial slurs against African-Americans and persons of African descent, sympathizing with terrorist; explicitly threatening to kill a person, uttering ethnic slurs against Plaintiff, and directing obscenity at others, all using Plaintiff's forged identity;
 - c) setup of mock websites to damage Plaintiff's business and reputation;
 - d) publication of fictitious, forged, and altered material which were falsely attributed to Plaintiff as the author;
 - e) publication of material which placed Plaintiff in a highly offensive light;
 - f) publicly accusing Plaintiff of being a homosexual (which is not true);
 - g) publicly accusing Plaintiff of being a child molester / pedophile (which is absolutely false);
 - h) publicly accusing Plaintiff of carrying a sexually transmitted disease (STD) (which is absolutely false);

- i) copying and publishing Plaintiff's work without his permission and without privilege;
- j) violating Plaintiff's rights to attribution and integrity;
- k) attempting to assassinate Plaintiff's character;
- l) Using Plaintiff's identity to publicize false, negative, scandalous, and damaging statements about Plaintiff's products, artistic credibility, and reputation;
- m) directly and indirectly collaborating with each other in committing the alleged acts (Civil Conspiracy);
- n) and other acts which are explained presently.

JURISDICTION AND VENUE

- 6. This Court has Diversity Jurisdiction over this matter as all Defendants are citizens of different states than Plaintiff, and the amount in controversy, including compensatory and punitive damages, is over \$75,000.
- 7. Federal question jurisdiction exists regarding causes of action based upon 17 U.S.C. 106A(a) ["Rights of certain authors to attribution and integrity"], and 15 U.S.C. § 1125 ["False designations of origin, false descriptions, and dilution"].
- 8. This Court has personal jurisdiction over Defendants Jeremy Smith, and Cindy Smith as they are domiciled in the State of Illinois.
- 9. This Court has personal jurisdiction over Defendants Todd Tipton and William Jennings as they both were fully aware of Defendant Jeremy Smith's residence in the State of Illinois at the time of conducting some of their collaborative efforts with Jeremy Smith, and by doing so, they availed themselves to the jurisdiction of this Honorable Court based on the Minimum Contact provisions of law.
- 10. Defendants William Jennings and Todd Tipton's contact with Defendant Jeremy Smith goes back to May 2002 where Defendant Jeremy Smith used his real name to communicate with the other two on the Usenet, and at the time Jeremy Smith clearly states he is a resident of Chicago (as he has done numerous other times on the same newsgroup). Defendant Jeremy Smith's friendship with William Jennings flourished to include a exchange of faxes, private messages, and Usenet messages between the two, and collaborated, coordinated attacks on Plaintiff. Defendant Jeremy Smith and Defendant Todd Tipton's friendship also flourished through private emails as claimed by Jeremy Smith regarding the offensive actions against Plaintiff, Usenet messages, a guitar forum hosted by

Todd Tipton in which Jeremy Smith participated, and their coordinated attacks on Plaintiff.

11. Some of the coordinated attacks on Plaintiff by Defendants Todd Tipton, William Jennings, and Jeremy Smith were conducted by Jeremy Smith from Illinois and occurred after the filing of the original complaint which means Jeremy Smith's residence was clearly known by the other defendants and their explicit contacts with Jeremy Smith with regards to the attacks on Plaintiff availed them to Illinois jurisdiction. These contacts were much more explicit than mass emails or general newsgroup posting. These were direct conversations and messages which were specifically aimed at Jeremy Smith, and Illinois resident, as a coordinator and chief participator of attacks on Plaintiff. Their systematic contact with Jeremy Smith is exemplified by over 170 messages by William Jennings that specifically reference Jeremy Smith by name, and private messages Todd Tipton allegedly sent to Jeremy Smith, knowing of Jeremy Smith's Illinois domicile, about attacks on Plaintiff, online guitar lessons to Jeremy Smith, and assisting Jeremy Smith in setting up a mock forged website of Plaintiff's site.
12. Venue is proper in this judicial district as several of the Defendants are domiciled in Chicago, Illinois.

PARTIES

13. Plaintiff Reza Ganjavi ("Plaintiff") (www.rezamusic.com) is a classical musician and record producer whose two albums ("In Friendship", "Dancing Hands") have enjoyed notable success in the genre of classical guitar (www.rezamusic.info). Plaintiff also produces records for other artists (e.g. "Angelo Angelo" www.angeloanlgeo.com). Plaintiff was born in Tehran, Iran, and moved to the USA at age 15. His education includes a Master's degree (MBA) from the University of California, Bachelor degrees (*magna cum laude*) in Computer Science and Philosophy from the California State University, and study of classical guitar, privately, and through courses. Plaintiff believes his work stands for friendship, dialogue, peace, harmony, understanding, cooperation, cultural exchange, equality of all people, and other positive values. Plaintiff's address in the USA is: 2331 Westwood Boulevard #152, Los Angeles, CA 90064-2109.
14. Upon information and belief, Defendant Jeremy C. Smith is an individual who has stated his profession in the past as an accountant, a musician, and a guitar teacher. Jeremy Smith is employed by Deloitte in Chicago, and resides at 605 W. Madison Street, Apt 4811, Chicago, Illinois 60661. Jeremy Smith has been responsible for numerous offences against Plaintiff as described in this

Complaint, including setting up of forged websites, and fraudulent abuse of Plaintiff's identity to commit a number of violations such as directing racial slurs at African Americans and persons of African descent, uttering ethnic slurs, and showing sympathy for terrorism, while assuming Plaintiff's identity. Jeremy Smith inspired, cooperated and collaborated with Cindy Smith, William Jennings, Todd Tipton, and others in carrying attacks on Plaintiff.

15. Upon information and belief, Defendant Todd Tipton, also known as Timothy T. Tipton, ("Tipton") is an individual, a musician, a performer, and a guitar teacher. He resides at 4409 Aldrich Avenue S., Minneapolis, Minnesota 55419 and maintains a website, www.toddtipton.com. Tipton has reportedly had a CD which is not well known even within the classical guitar genre. He has boasted about being "*a very talented teacher*", living "*in the greatest city in the US*" (Minneapolis) and having "*more to say on the topic of guitar pedagogy than almost anyone*". Yet, he has exhibited a highly violent personality in his Usenet/internet postings. Tipton committed numerous offences against Plaintiff as described in this Complaint, including setting up of forged websites, and fraudulent abuse of Plaintiff's identity to commit a number of violations such as threatening to kill a person while assuming Plaintiff's identity. Tipton inspired, cooperated and collaborated with Jeremy Smith, William Jennings, and others in carrying attacks on Plaintiff.
16. Upon information and belief, Defendant William David Jennings ("Jennings") is an individual, a musician, residing at 1415 Babcock Road, Apt. 704, San Antonio, Texas 78201. His profession is unknown to Plaintiff, though he has portrayed himself as having had a variety of professions, none of which seemed to be credible assertions, and none were verifiable by Plaintiff. He has posted numerous highly illusory posts on Usenet, has admitted to drug abuse including use of hallucinogenic drugs, run-in with law, confinement in a "*federal reformatory*", and recently he posted on the Usenet while he admitted to being "*on drugs and drinking*". Jennings committed numerous offences against Plaintiff as described in this Complaint, including publishing of material which was fraudulently attributed to Plaintiff as the author. Jennings inspired, cooperated, and collaborated with Jeremy Smith, Todd Tipton, and others in carrying attacks on Plaintiff.
17. Upon information and belief, Defendant Cindy Smith is an individual, and is married to Defendant Jeremy Smith, and resides at 605 W. Madison Street, Apt 4811, Chicago, Illinois 60661. She has acted in cooperation with Defendant Jeremy Smith in carrying out offenses against Plaintiff. Naming Cindy Smith as a Defendant was not a matter of guilt by association although Jeremy Smith and she shared the same computers, network, and internet account from which the attacks on

Plaintiff occurred and they even sometimes used the same email addresses and posted on the same newsgroup where many of the attacks against the Plaintiff occurred. There are numerous reasons why Plaintiff named Cindy Smith as a defendant in the case and there are a number of open questions regarding her role which need to be answered during Discovery such as a reference Jeremy Smith made to knowing a “gal” who committed a violation against Plaintiff which Jeremy Smith orchestrated.

18. Defendants Does 1-3 may have been responsible for, participated in, or contributed to the matters and things of which Plaintiff complains herein, and in some fashion, have legal responsibility therefore. Plaintiff believes that information obtained in discovery will lead to the identification of the true name, citizenship, domicile, and residency of each Doe Defendant. When the exact nature and identity of such Doe Defendants and their responsibility for participation and contribution to the matters and things herein alleged are ascertained by Plaintiff, Plaintiff will amend this Complaint to set forth the same.

CASE HISTORY

19. Plaintiff previously filed suit against some of the defendants for the same or similar causes of action in the United States District Court in California (case no. CV 05-08619-DPP-(JWJx)). The case was originally filed *pro se*
20. Some of the offenses put Plaintiff at grave danger such as associating him with terrorism and racism, fraudulent use of his identity, and making a fraudulent threat in the name of Plaintiff to murder a person. Therefore, Plaintiff reported the case to the Federal Bureau of Investigations (FBI reference: I05091018475587), the Legal Attaché at the US Embassy in Switzerland, Los Angeles Police Department, and US Attorney. Due to the fraudulent use of Plaintiff’s identity the case was reported to the Federal Trade Commission (FTC reference: 7052633).
21. In California, Plaintiff stipulated to the dismissal of Defendants Todd Tipton and William Jennings without prejudice, due to lack of personal jurisdiction, on August 14, 2006, mainly because of Plaintiff’s part-time residency in California after over 15 years of full time residence there, which Defendants argued they were not aware of. Plaintiff chose not to fight these Defendants’ dismissal motions for lack of personal jurisdiction, despite implication that they knew of his California presence, in order to save resources, for judicial economy purposes (assumption that Illinois will have personal jurisdiction over them due to their conspiracy and extensive collaboration and

contact with Jeremy Smith regarding the attacks on Plaintiff).

22. In California, Defendant Jeremy Smith was dismissed due to lack of personal jurisdiction on July 14, 2006 by the order of the court.
23. In California, Plaintiff voluntarily dismissed Defendant Douglas Carlson whom in a public apology stated some of his offensive statements “*were in response to postings that at the time I thought were done by Reza, and I now find out that someone had used Reza's name and email to make those postings fraudulently*”.
24. Plaintiff dismissed a Doe defendant before naming him in the case. In a public apology the Doe defendant stated that some of his actions against the Plaintiff were in response to Plaintiff’s “*faked screen name which was masqueraded by someone else*”.
25. Defendant Cindy Smith was named to the case as a Plaintiff in the case at bar. By the time the case was filed in Illinois Plaintiff had discovered new material information that led to allegations against Cindy Smith’s involvement with the offenses committed from her computer systems.
26. On January 22, 2007 Plaintiff voluntarily dismissed Jeremy Smith’s employer, Deloitte.

INTERNET & USENET

27. The violations occurred over the internet through forged websites that mocked Plaintiff’s registered websites, and through Usenet’s rec.music.classical.guitar newsgroup, which is the largest online classical guitar community and is used by serious communications around the discipline of Classical Guitar at scholarly level, as well as lighter and sometimes off-topic discussions. Currently, the largest Usenet repository is maintained by Google. However there are other mirror sites and repositories that currently contain messages fraudulently attributed to Plaintiff. Those messages are available to search engines and available worldwide to anyone who uses the internet. The above newsgroup is actively read by hundreds of users around the world who subscribe to it through services such as Google, or merely through their client newsgroup software application (such as Thunderbird or Outlook Express). Far more people read the newsgroup postings than post to the newsgroup, and as such, it is difficult to estimate the exact number of users except that there are indications that the number is quite large. The archives are used as reference material presently, and potentially for generations to come. Publications on the internet and Usenet have a near-permanent quality as there are services that take archives of archives, and archive millions of sites on the internet regularly.

FACTUAL ALLEGATIONS

28. For the period on or about 1 January 2005 to 13 September 2005 Defendant Jeremy Smith fraudulently identified himself as Plaintiff, "Reza Ganjavi", and fraudulently used Plaintiff's email address to publish thirteen (13) defamatory messages on Usenet/internet. As the publisher of the messages, Defendant Jeremy Smith explicitly stated his identity as that of the Plaintiff's as follows: '*Reza Ganjavi (www.rezamusic.com))) <ganjavi@dtc.ch>*'. Defendant William Jennings conspired and cooperated with Defendant Jeremy Smith in authoring the fraudulent messages. The contents of these messages ranged from Plaintiff being portrayed as insulting himself, disparaging his own products, falsely discarding and quashing writings that were actually written by Plaintiff and other themes as follows. In one instance, on or about 10 September 2005, in a fraudulent message Plaintiff was presented as a sympathizer of terrorism and criminals who conducted the horrific events of 9/11, with explicit references to acts of mass violence (Plaintiff condemns all acts of violence and has always condemned what happened on 9/11). In another message Plaintiff was portrayed as a homosexual "*I don't need a woman to be happy because I like to lap up man mustard*". In other messages Plaintiff is portrayed as insulting other group members. In one message Plaintiff is fraudulently presented as saying: "*What's the optimal position of your balls while practicing? Currently I practice nude and tuck my balls back so that when I glance down it looks like a pussy. But now I wonder whether this is introducing unnecessary sexual tension into my practice?*". Another message presents Plaintiff as making insulting ethnic slurs: "*I would stick my tongue up his tight little asshole because I'm a sand nigger FUCK!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!*", and this kind of theme continues in another message fraudulently presented as authored by Plaintiff: "*Fingering my asshole presently. OMG I love myself.*" In other instances Plaintiff's copyrighted material was altered and published without permission..
29. On or about 1 September 2005, using Plaintiff's forged identity, Defendant Jeremy Smith directed racial slurs, including publicly publishing a message with the title: "*THIS IS WHY BLACK PEOPLE ARE NIGGERS*" containing a link to a picture of an African American person. This is absolutely and unquestionably against Plaintiff's belief. Plaintiff has utmost respect and affection for African Americans and persons of African descent especially, as he does for fellow civil human beings of every race, ethnicity, country, gender, and religion. In addition, Plaintiff has many Black friends, colleagues, existing and prospective customers, and fans who would be disgruntled and likely to disassociate with Plaintiff if they come upon such lies and insults purportedly written on behalf of

Plaintiff on the internet and Usenet.

30. On or about 8 July 2005 Defendant William Jennings reposted a fraudulent message by Defendant Jeremy Smith knowing it was fraudulent, which referred to a line copied from Plaintiff's website and altered to make it defamatory and disparaging towards Plaintiff's services, e.g., "*Over THREE hours of memorized tripe!*". In response to Defendant Jeremy Smith's fraudulent post, Defendant Jennings pointed to Plaintiff and made references to terrorist groups such as "al-Qaeda" [Plaintiff absolutely has never had any associations with "al-Qaeda" nor with any other terrorist organization and has always condemned all acts of violence, especially, all forms of terrorism]. On or about the same date Defendant Jennings reposted a message which he had helped Defendant Jeremy Smith compose which was posted from Defendant Jeremy Smith's system using fraudulent use of Plaintiff's identity as described in the preceding paragraphs.
31. For the period about December 2004 to October 2006, Defendant William Jennings published numerous message on the Usenet/internet in which he conducted a number of offences against the Plaintiff such as reposting of posts fraudulently attributed to Plaintiff knowing those posts were fraudulent, attempting to bully the Plaintiff (on one instance he even signed one of his posts as "*Che' da Bully*"), misrepresenting Plaintiff, posing Plaintiff as author of texts which were not authored by Plaintiff, associating Plaintiff to criminals/terrorists, making ethnic slurs against Plaintiff, publishing material lies about Plaintiff and his career and different aspects of his business, collaborating with other defendants in carrying offences against Plaintiff, exhibiting hatred and a desire to assassinate Plaintiff's character and professional reputation, altering and publishing Plaintiff's copyrighted material without authorization, impersonating Plaintiff to direct insults and profanity at the community, accusing Plaintiff of fraudulent actions, falsely accusing Plaintiff of being a homosexual. Defendant Jennings encouraging his collaborators on their attacks on Plaintiff, e.g., Defendant Jeremy Smith, directly, and through supporting their cause through replies to fraudulent posts.
32. For the period about December 2004 to October 2005, using a pseudonym, Defendant William Jennings published several message on the Usenet/internet in which he fraudulently presented writings that were not authored by Plaintiff as having been authored by Plaintiff, explicitly stating Plaintiff as the author in several ways, always containing Plaintiff's name, website and email addresses in order to explicitly refer to Plaintiff as the author of the fraudulent texts which contained a number of offensive, untrue, self-insulting, and defamatory statements against Plaintiff

and his business. Some of the messages fraudulently directed insults on Plaintiff's behalf to other members of the community, a number of messages made insulting ethnic slurs against Plaintiff. Others put Plaintiff in false light and misrepresented Plaintiff; other messages disparaged Plaintiff's products and services. Defendant Jennings further reposted some of these fraudulent messages on other locations on the Usenet and the internet than the classical guitar forum.

33. On or about 27 Sep 2004 and on or about 15 Oct 2004, using a pseudonym, Defendant Tipton published two (2) message on the Usenet/internet in which he fraudulently presented writings that were not authored by Plaintiff as having been authored by Plaintiff, explicitly stating Plaintiff as the author as follows: *"Reza Ganjavi (www.rezamusic.com)" wrote: '*. Tipton subsequently replied to those fraudulently attributed to Plaintiff texts and bullied the Plaintiff, and falsely accused that Plaintiff had made certain claims which Plaintiff had never made.
34. On or about 14 December 2004 Defendant Tipton fraudulently identified himself as Plaintiff, "Reza Ganjavi", and fraudulently used Plaintiff's email address to publish two (2) defamatory statements on the Usenet/internet. As the author of the entire message, Defendant Tipton explicitly stated his identity as that of the Plaintiff's as follows: *"Reza Ganjavi (www.rezamusic.com)" <ganjavi@dtc.ch>'*.
35. Defendant Tipton presented one of the fraudulent messages to be from Plaintiff to the imposter (Defendant Tipton) in which Plaintiff is presented as having uncivil behavior, cussing and cursing at the imposter (which Plaintiff never did), statements such as : *"you piece of shit! i know who you are and google knows who you are too. i am going to call the police and I hope you burn in hell"*. The other fraudulent message posed as Plaintiff's publication threatened a group member with death: *"yea doug you are just a coward. you want to see me break down your door and pull your kidneys out through your lungs cause i will do it - when you first sign a release form of course..."*.
36. For the period on or about 13 to 28 December 2004, using pseudonyms, Defendant Tipton published about twelve (12) messages on the Usenet/internet in which he fraudulently presented writings that were not authored by Plaintiff as having been authored by Plaintiff, explicitly stating Plaintiff as the author as follows: *"Reza Ganjavi (www.rezamusic.com)" wrote: '*. In these fraudulent posting Defendant Tipton made false statements about Plaintiff, professionally, personally, financially, emotionally, and psychologically, and maliciously misrepresented and disparaged Plaintiff and his products, services, relationships and artistic projects, put Plaintiff in false light, self-insulted Plaintiff, presented Plaintiff as having medical conditions Plaintiff does not

have and of taking medications Plaintiff does not take, and attributed Plaintiff to homosexual inclinations which are not true. In one particular message on Defendant Tipton accused Plaintiff of being a child molester / pedophile (which is absolutely false) by making fraudulent remarks on Plaintiff's behalf with that regards.

37. Defendant Tipton subsequently replied to those texts that were fraudulently presented as having been authored by the Plaintiff using highly vulgar language and lies about Plaintiff. In one example, Tipton presented a text Plaintiff had not written in which Plaintiff is presented as insulting himself: *"Reza Ganjavi (www.rezamusic.com)" wrote: > I am an idiot and no one likes me.*' Tipton subsequently replied to that fraudulently-attributed-to-Plaintiff text as follows: *"Reza, I am sorry you are so upset about this but you are an idiot. I was just trying to be polite. No, why don't you go fuck yourself: sideways."* In another message Plaintiff is portrayed as having written: *"Just do a google on "Reza" and you'll learn that I have no idea what I'm talking about."* In some postings addressing the Plaintiff, Defendant Tipton lied about Plaintiff, accused Plaintiff of lying, of having fraudulent intent, and of having made statements about his business that Plaintiff hadn't made, and further tried to disparage Plaintiff's art, products, services, and abilities, in many respects including technically and artistically. Defendant Tipton's statements consistently demonstrate malice, jealousy, oppression, calculated falsehoods, and a desire to assassinate Plaintiff's character.
38. At all times relevant, all Defendants attempted to assassinate Plaintiff's character in the classical guitar world by their illegal, fraudulent, malicious acts. As a demonstration of this intent Defendant Tipton posted a message on or about December 18, 2004, after numerous other fraudulent messages he had posted against the Plaintiff, that *"You should shave your head and maybe grow out a beard [note: interesting that Tipton's photos on his website depicts him with a shaved head and a beard]...you should change your name so nobody would know you used to be you."* On or about 28 December 2004, again, after numerous fraudulent malicious attacks on Plaintiff, and multiple civilized pleas from Plaintiff in response, Defendant Tipton posted a message reiterating the advice to Plaintiff to: *"shave your head... certainly change your name..."*
39. On or about 7 July 2005 using his own name, Defendant Tipton published a message on the Usenet/internet in which he fraudulently presented a statement that was not authored by Plaintiff as having been authored by Plaintiff, explicitly stating Plaintiff as the author as follows: *"Reza Ganjavi (www.rezamusic.com)" <ganjavi@dtc.ch> wrote in message...*' The fraudulent text

written by Defendant Tipton on Plaintiff's behalf read: "> *Everyone here is a psycho. Everyone here is a psycho. Everyone here is a psycho.>>*" to which Defendant Tipton himself responded: "*Why do you keep calling everyone psychos?*".

40. On or about 28 Jul 2005 Defendants Jeremy and Cindy Smith fraudulently identified themselves as Plaintiff, "Reza Ganjavi", and fraudulently used Plaintiff's email address to publish a statements on the Usenet/internet. As the author of the entire message, Defendants Jeremy and Cindy Smith explicitly stated their identity as that of the Plaintiff's as follows: "*Reza Ganjavi (www.rezamusical.com)*" <ganjavi@dtc.ch>', and in the message fraudulently posted as Plaintiff's, they replied to a group member's message and insulted a him and made a sexual overture: "*dave, your scales suck. now be quiet and let's fuqq!*" On or about 29 Jul 2005 Defendant Tipton reposted this fraudulent post to increase its effect.
41. On or about 8 Mar 2006, Defendants Jeremy and Cindy Smith (using the pseudonym "Burial Policy") published a text written by Plaintiff without the proper authorization, in reference to the case at bar. On or about 8 Mar 2006, Defendant Todd Tipton collaborated with that cause by reposting the message and replying to it with another text impersonating Plaintiff. The original message was later deleted to conceal this concrete instance of collaboration between Defendant Tipton and Defendants Jeremy and Cindy Smith.
42. On or about 20 Jun 2006 Defendants Tipton Jeremy Smith collaborate once again. Defendant Jeremy Smith posted a message to which Defendant Tipton responded with a motto line copied from Plaintiff's website which was clearly a reference to Plaintiff and his website, and altered the line and insulted others on Plaintiff's behalf, fraudulently.
43. On or about 29 Jul 2005 Defendant Jennings used the header of a message forged by Defendant Jeremy Smith and called on Defendant Tipton, "*Cyber Troll of Minneapolis*" to visit Plaintiff's online journal via fraudulently quoting Plaintiff by presenting a quote that Plaintiff had not written. Defendant Tipton responded on or about the same day with an acknowledgement.
44. On or about August 4, 2005, and on or about September 11 2005, Defendant Jeremy Smith and Tipton, with the assistance of Defendants Jennings and Cindy Smith, set up and published mock websites strongly resembling Plaintiff's registered websites in name, design, and content (but altered, highly embarrassing content). These forged sites were set up with the intention of causing Plaintiff harm by using Plaintiff's name as the author of a those websites which Plaintiff did not create, and using Plaintiff's name as the author of a website in the event of a distortion, mutilation,

and other modifications of Plaintiff's work which was prejudicial to Plaintiff's honor and reputation. Defendants Jeremy Smith, Tipton, Jennings and Cindy Smith portrayed Plaintiff's goods and services to potential clients and audiences falsely, fraudulently, and maliciously, therefore misleading Plaintiff's potential clients of facts that were likely to cause confusion. Furthermore, they deceptively affiliated Plaintiff to endorsement of sources of advertising presented on the fraudulently set up websites which were explicitly purported to be associated with Plaintiff by name, description, pictures, and graphic design.

45. One website setup by Defendant Jeremy Smith and Tipton, with the assistance of Defendants Jennings and Cindy Smith, using Yahoo Inc.'s services, directed insults and invectives at Plaintiff and his products and services; disparaged his professional competence; and offended Plaintiff's potential customers and audience. The website also directed sexual slurs towards Plaintiff and his business associates, implying that Plaintiff was a homosexual, which he is not, and such allegations are dangerous because Plaintiff travels to Iran, where his relatives still reside. In Iran, homosexuality is a crime and carries capital punishment. Thus, posting this false allegation on the internet is especially dangerous for Plaintiff and harmful to him even though Plaintiff is not homosexual. The other site setup by Defendant Tipton maliciously impersonated Plaintiff, misrepresented Plaintiff's beliefs, published lies about the Plaintiff, and insulted Plaintiff, his family and friends. The forged websites were announced and publicized on more than one occasion by Defendants Jeremy Smith and Todd Tipton on Usenet/internet, as well as to Plaintiff via email.
46. On or about 17 June 2006 a thread was started by Defendants Jeremy Smith, Tipton, and Jennings participated in a thread of conversation among each other in which no other person participated. This collaborative effort unambiguously designed as attacks on Plaintiff included Defendant Tipton publishing of forged texts attributed to plaintiff by, and Defendant Jeremy Smith publicly accusing Plaintiff of having a sexually transmitted disease (STD). Defendant Jennings reprinted the messages and encouraged the others in their attacks on Plaintiff.
47. On or about 17 July 2006 Defendants Jeremy and Cindy Smith published three (3) messages in which they admitted of having received a gift from Defendant Jennings while Defendant Jeremy Smith was "busy" with Plaintiff; they falsely accused Plaintiff of lying and other illegal activity; and accused Plaintiff of having had homosexual affairs with a youngster and a teacher (both accusations are absolutely false).
48. About August 2005 Defendant Jeremy Smith, using a pseudonym, and using his employer's

systems, stalked and harassed Plaintiff and falsely accused Plaintiff of having criminal intent through a chain of emails after he posed as a potential customer to win Plaintiff's trust using a fake identity, then pretended that he ordered a CD which he never did and never paid for, then accused Plaintiff of defrauding him and threatened to file a lawsuit against Plaintiff. Defendant Jeremy Smith was never able to provide proof that he indeed ordered and paid for the CD, which he never did. Here's an extract from the thread: *"Reza, I know who your cyber troll is, he told me about it over email and I have them saved. I'm willing to testify to this. Let's talk next steps."* Plaintiff believes this is a reference to Defendant Tipton as him and Defendant Smith has had a long period of association and friendship. *"Reza, I really feel like this trolling and nastiness has gotten out of hand on that list. I used to enjoy your posts and I'm angry this troll drove you away with his childishness."* Then Defendant Smith provided a fake phone number which turns out to be the number for Sherry Brener Ltd., the music store where he took guitar lessons. Defendant Jeremy Smith went on lying about a number of things and once his bluff was called he concluded the thread after wasting so much time and energy and nerves and resources of Plaintiff, as follows: *"Why are you so angry all of the sudden? This is not good customer service. I'm beginning to think you may have received the payment and are just pretending so that you can rip me off."* *"Reza, I intend to file a law suite next Monday over the CD which I PAID FOR and you never sent. See you in court, jackal. ~Billy"*. Defendant Jeremy Smith never paid for the CD and that was just part of his scheme to cause Plaintiff harm.

49. At all times relevant, all Defendants intentionally as well as negligently, directly and indirectly, acted to cause Plaintiff great emotional distress including but not limited to severe psychological and emotional reactions such as recurring nightmares, fright, nervousness, grief, anxiety, worry, mortification, shock, embarrassment, humiliation and indignity, as well as physical pain and injury including ulcers. There is plenty of evidence which will be provided when necessary to show all Defendants' dark desire to injure Plaintiff deeply. One such example is a message Jeremy Smith published on 30 October 2005 that stated: *"I forged Reza's posts solely to get my rocks off.... The fun part was imagining Reza's reaction to the post, which I hope involved much writhing and the occasional regurgitation"*. In another post, on 14 May 2006 Defendant Jeremy Smith wrote: *"Surely trolls often start fights, but their primary objective is usually to waste other posters' time. Causing people to waste money is nice too"*.

50. For the period about October 2005 to about April 2006, using various pseudonyms all Defendants

disparaged Plaintiff's product online in an orchestrated fashion leaving highly defamatory and false reviews far exceeding the limits of their First Amendment rights. Defendants Jeremy Smith masterminded these attacks (with help from Defendant Cindy Smith) and encouraged and bullied other group members and worked hard to recruit other people to take part in leaving crank reviews for Plaintiff's product, and directed profanity at anyone on the group who did not cooperate in these attacks. The first incident of these fake abusive reviews was announced to the Plaintiff by Defendant Jeremy Smith on or about 25 October 2005, using his employer's computers and network, a pseudonym, and a United Kingdom email address.

51. On or about 27 October 2005, a message posted from Defendants Jeremy and Cindy's home computer attacked the Usenet newsgroup readers: "*Which one of you cumsluts voted against the Rosa review?*" [followed by link to the review page of Plaintiff's CD]. And on or about 28 October 2005, a message posted from Defendants Jeremy and Cindy's home computer stated: "*Looks like Cheeza had the original review taken down. But there's a new one. More people should submit their impressions of this legendary disk.*" On 29 Oct 2005 Defendant Jeremy Smith posted a message: "*In fact I know the gal who left one of the reviews*".
52. At all times relevant, Defendants Jeremy Smith, Tipton, Jennings and Cindy Smith conspired to commit offences against Plaintiff. There are numerous examples of such conspiracy. On one such occasion, on or about 26 Oct 2005, Defendant Jennings posted a message calling on Defendant Jeremy Smith to organize attacks on Plaintiff while Defendant Jennings was going to be out of town. Defendant Jeremy Smith replied that he will be contacting Defendant Tipton: "*Thank you Che'. I will contact the Cyber Troll and see what grand plans he has in store during your absence. Meanwhile, be sure to leave Rosa some feedback over at Amazon (<http://tinyurl.com/dgbkl>)*". The tinyurl address directed to Plaintiff's product on Amazon.com (see Paragraphs 50 and 51 above)..
53. At all times relevant, fraudulent messages posted using Plaintiff's identity as the author, or text falsely attributed to Plaintiff as the author were replicated and duplicated on multiple locations on the internet including copy repositories of the Usenet archives, as well as other websites.
54. At all times relevant, all Defendants posted hateful messages towards Plaintiff. One such example is William Jennings's statement published on Usenet directed towards Plaintiff: "*I'd sooner see your neatly smoked carcass hanging on a meat hook in Hell.*"
55. On or about 26 October 2006, Defendant William Jennings published a statement that contained ethnic slurs against Plaintiff.

56. At all times relevant Defendant Jeremy Smith used a number of fake names and email addresses to send Plaintiff crank emails uttering numerous lies. On or about 30 October 2005 Defendant Jeremy Smith sent an apology email from his home computer but of course was unwilling to admit to and take responsibility of the full spectrum of his violations. He even lied in this apology letter about his identity: *“My real name is Jerry Leonard. I live in Chicago. I'm not the original Rosa. I think that was Todd Tipton...”*.
57. At all times relevant, there was no way for Plaintiff to stop the recurrence of such violations, as the Usenet/internet does not provide such technical capability. Plaintiff asked the perpetrators through their pseudonyms to stop assuming Plaintiff's identity and to retract their violations many times to no avail. Not only such request was ignored, in some instances the attacks and fraudulent activity was intensified. Plaintiff posted messages stating that Plaintiff did not write the aforementioned fraudulent messages. However, the forgers would turn around; forge Plaintiff's ID again and post a message uniquely identifying Plaintiff as the author, quashing the corrective message that Plaintiff had actually just posted. The result was that a reader would believe that Plaintiff did not write the corrective message and that the original forged message was authentic.

SCOPE OF DAMAGES

58. As a result of the offensive actions described herein, Plaintiff has suffered tremendous damage at all levels, physically, morally, emotionally, psychologically, and materially, both in terms of actual and opportunity costs. Psycho-somatic and emotional symptoms of his suffering include recurring nightmares, fright, nervousness, stress, grief, anxiety, worry, mortification, shock, humiliation and indignity. Physically, Plaintiff developed several agonizing conditions including ulcers. Musically, Plaintiff's artistic career has been totally stalled as several development and recording projects, performance engagements, and other artistic endeavors had to be canceled. Financially, Plaintiff has had enormous losses and suffered actual and opportunity costs. Personally, his most intimate close friendships have been damaged. Professionally, Plaintiff has lost potential and existing customers due to the malicious attacks on his business and reputation. Creatively, the moral damages suffered in this case have hurt his productivity.
59. Plaintiff has strived all his life to have a impeccable reputation and credibility. The success of this attitude is reflected in numerous highly positive references from professors, employers, colleagues, customers, and partners. TransUnion places Plaintiff's credit-worthiness at the highest category

(“*very good*”), and ranks Plaintiff’s credit as “*higher than 90% of the population*”. Today, there are several fraudulent records on the internet and Usenet which were not written by Plaintiff but are attributed to the Plaintiff as the author. These fraudulent records have had adverse effects on the reputation of Plaintiff and are bound to continue to have harmful and damaging effects on Plaintiff’s reputation and success in the future if they are not erased. Since Plaintiff was not the author of these fraudulent posts, he is not able to have them erased without either the cooperation of the actual author or, order of this Honorable Court.

60. Plaintiff has suffered additional damages which will be presented at the time of trial.

FIRST CAUSE OF ACTION

Violation of Attribution and Integrity Rights, 17 U.S.C. § 106A

(Against All Defendants)

61. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
62. Plaintiff’s website design and other works of visual art are protected by copyright laws and subject to protection by 17 U.S.C. § 106A(a) “attribution and integrity rights” as Plaintiff is the author of a work of visual art, including Plaintiff’s websites, <http://www.rezamusic.com> and <http://www.rezaworld.com>. Plaintiff alleges that at all times relevant, his rights to attribution and integrity were violated when Defendants Jeremy Smith and Tipton, with involvement of Defendant Cindy Smith and Jennings, published websites attributed to Plaintiff that closely resembled Plaintiff’s website, with the intention of causing Plaintiff harm by using Plaintiff’s name as the author of a work of visual art which Plaintiff did not create, and using Plaintiff’s name as the author of a work of visual art in the event of a distortion, mutilation, and other modifications of Plaintiff’s work which was prejudicial to Plaintiff’s honor and reputation.
63. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.

SECOND CAUSE OF ACTION

False Presentation in violation of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. §

(Against All Defendants)

64. The averments set forth in all preceding paragraphs (especially the "Factual Allegations" section) are incorporated herein by reference.
65. On or about August 4, 2005, and on or about September 11 2005, it was brought to Plaintiff's attention that Defendant Jeremy Smith and Tipton, with the assistance of Defendants Jennings and Cindy Smith, had set up and published mock websites strongly resembling Plaintiff's registered websites in name, design, and content.
66. Defendants Jeremy Smith, Tipton, and Jennings are potential competitors of Plaintiff in the area of classical guitar service and goods. The defendants named in the preceding paragraph portrayed Plaintiff's goods and services to potential clients and audiences falsely, fraudulently, and maliciously, therefore misleading Plaintiff's potential clients of facts that were likely to cause confusion. Furthermore, they deceptively affiliated Plaintiff to endorsement of sources of advertising presented on the fraudulently set up websites. Those websites were explicitly purported to be associated with Plaintiff by name, description, pictures, and graphic design.
67. On or about August 4, 2005, a mock site, hosted on Homestead, was publicly announced by Defendant Todd Tipton using Time Warner Cable / Roadrunner ISP. Todd Tipton's own website (www.toddtipton.com) is also hosted on Homestead. The mock site maliciously impersonated Plaintiff, misrepresented Plaintiff's beliefs, published lies about the Plaintiff, and insulted Plaintiff, his family and friends.
68. Another mock website hosted on Yahoo/Geocities referred explicitly and unambiguously to Plaintiff and his website, by name, description, photo, and design. The mock website purported that Plaintiff endorsed products that Plaintiff did not endorse. The websites directed insults and invectives at Plaintiff and his products and services; disparaged his professional competence; and offended Plaintiff's potential customers and audience. This website announced on the Usenet by Defendant Jeremy Smith (with involvement of Defendant Cindy Smith) who posed as the classical guitar discussion group's "Official Moderator <moderator@rmcg.com>". It was also announced to Plaintiff by both Jeremy Smith and Tipton. Evidence suggests it was authored in close collaboration between Defendants Jeremy Smith and Todd Tipton.
69. The website also directed sexual slurs towards Plaintiff and his business associates, implying that Plaintiff was a homosexual, which he is not, and such allegations are dangerous because Plaintiff

travels to Iran, where his relatives still reside. In Iran, homosexuality is a crime and carries capital punishment. Thus, posting this false allegation on the internet is especially dangerous for Plaintiff and harmful to him even though Plaintiff is not homosexual.

70. The aforementioned mock site was announced to Plaintiff on or about September 11, 2005, from the IP address [24.148.29.235] belonging to Jeremy Smith at his residence (and also used by his wife, Defendant Cindy Smith) as confirmed by Mr. Quinn Clemmons of NeuStar Fiduciary Services, agents for RCN Corporation, on or about 6 April 2006. On the same day the site was also announced publicly by Defendant Jeremy Smith via an alias. The site's visit-counter indicated the site was visited by at least 99 visitors as of September 11, 2005. Defendant Todd Tipton announced the site to Plaintiff. On or about September 12, 2005, a follow-up message was received from another alias of Defendant Jeremy Smith but this one was from the IP address [167.219.0.140], which indicated the message was from Deloitte's network. On 13 April 2006, in response to a subpoena, Deloitte confirmed that the name of the responsible employee is Defendant Jeremy Smith. Defendant Jeremy Smith works for Deloitte and uses RCN as a home online service provider (shared with Defendant Cindy Smith). Plaintiff also has proof that Jeremy Smith has also used Giganews and Teranews newsgroup service providers to commit some of the violations anonymously.
71. These false presentations violated Section 43 of the Lanham Act, 15 U.S.C. § 1125, insofar as Plaintiff did not authorize, broker, sell, or otherwise license the right to use his name, common law trademarks, image, likeness, or professional reputation, to any of the Defendants in the case. Plaintiff requested the hosting companies to remove the mock websites. The sites were deleted after being online for several days and attracting numerous visitors.
72. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
73. 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.

THIRD CAUSE OF ACTION

Invasion of Privacy: False Light

(Against All Defendants)

74. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
75. At all times relevant, using their real names and/or various aliases, individually and in cooperation with one another, Defendants Jeremy Smith, Tipton, Jennings, Cindy Smith published material, highly offensive in nature, and untrue statements about Plaintiff and his products and services, sometimes in the context of replies to quotations which were falsely attributed to Plaintiff as the author.
76. Some of these fraudulent publications e.g., by Jennings and Jeremy Smith, were ethnic slurs against people of Middle Eastern origin and racial slurs against African-Americans and persons of African descent. Some, by Jeremy Smith, for example, associated Plaintiff with terrorists and extremist groups. Some were aimed directly at Plaintiff’s personality, products and services. Some had a hatred overtone, *“I’d sooner see your neatly smoked carcass hanging on a meat hook in Hell.”* (William Jennings).
77. At all times relevant, Defendants Jeremy Smith and William Jennings published original statements or knowingly reprinted false statements, which accused Plaintiff of having a sexually transmitted disease (STD).
78. At all times relevant, Defendant Todd Tipton published material fraudulently attributed to Plaintiff as the author, which falsely alleged Plaintiff with horrible accusations such as being a child molester / pedophile.
79. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
80. 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.

FOURTH CAUSE OF ACTION

Libel Per Se

(Against All Defendants)

81. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
82. Plaintiff claims that the offenses described in this Complaint as committed by all Defendants have caused Plaintiff’s reputation to seriously suffer.
83. Said libel as described in preceding paragraphs were statements placed on the internet and Usenet.
84. Said statements were untrue, and were conveyed to third parties.
85. 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 Plaintiff’s discredit;
 - b) were understood as being of and concerning Plaintiff;
 - c) were understood as tending to harm the reputation of Plaintiff;
 - d) exposed 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 Plaintiff to grave danger, especially in international travel; and
 - j) were made with actual malice.
86. Defendant Jeremy Smith, Cindy Smith, Tipton, and Jennings 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 Jeremy Smith and Cindy Smith masterminded these attacks and encouraged and bullied others and worked hard to recruit others to also post crank reviews, and directed profanity at anyone on the group who did not cooperate in these attacks. On or about 27 October 2005, a message posted from Defendants Jeremy and Cindy’s home computer attacked the newsgroup readers: "*Which one of you cumsluts voted against the Rosa review?*" [followed by link to the review page]. And on or about 28 October 2005, a message posted from Defendants Jeremy and Cindy’s home computer stated: "*Looks like Cheeza*

had the original review taken down. But there's a new one. More people should submit their impressions of this legendary disk.” On 29 Oct 2005 Defendant Jeremy Smith posted a message: “In fact I know the gal who left one of the reviews”.

87. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
88. 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.

FIFTH CAUSE OF ACTION

Libel

(Against All Defendants)

89. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
90. Plaintiff claims that the offenses described in this Complaint as committed by all Defendants have caused Plaintiff’s reputation to seriously suffer.
91. Said libel as described in preceding paragraphs were statements placed on the internet and Usenet.
92. Said statements were untrue, and were conveyed to third parties.
93. Said statements were defamatory and also caused third parties to hate, dislike and avoid Plaintiff.

The statements:

- a) were defamatory, and false to Plaintiff's discredit;
- b) were understood as being of and concerning Plaintiff;
- c) were understood as tending to harm the reputation of Plaintiff;
- d) exposed 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 Plaintiff to grave danger, especially in international travel; and were made with actual malice.
94. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
95. 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

(Against All Defendants)

96. The averments set forth in all preceding paragraphs (especially the "Factual Allegations" section) are incorporated herein by reference.
97. As demonstrated in the preceding paragraphs Defendants Tipton, Jeremy Smith, Jennings, and Cindy Smith have, at all times relevant, explicitly appropriated to their own use the name or likeness of Plaintiff without Plaintiff's authorization.
98. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
99. 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.

SEVENTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against All Defendants)

100. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
101. As demonstrated in the preceding paragraphs at all times relevant, all Defendants have demonstrated outrageous conduct with intention of causing, or reckless disregard of the probability of causing emotional distress. Such conduct has caused Plaintiff extreme suffering and severe emotional distress including severe psychological and emotional reactions such as recurring nightmares, fright, nervousness, grief, anxiety, worry, mortification, shock, embarrassment, humiliation and indignity, as well as physical pain and injury including ulcers.
102. About August 2005 Defendant Jeremy Smith stalked and harassed Plaintiff and falsely accused Plaintiff of having criminal intent through a chain of emails after he posed as a potential customer to win Plaintiff’s trust (using a fake name, address, and telephone which turned out to be of a music shop in Chicago), then pretended he ordered a CD which he never did and never paid for, then accused Plaintiff of defrauding him and threatened to file a lawsuit against Plaintiff. Defendant Jeremy Smith was never able to provide proof that he indeed ordered and paid for the CD, which he never did.
103. At all times relevant, all Defendants intentionally acted to cause Plaintiff great emotional distress. There is plenty of evidence which will be provided when necessary to show all Defendants’ dark desire to injure Plaintiff deeply. One such example is a message Jeremy Smith published on 30 October 2005 that stated: *“I forged Reza's posts solely to get my rocks off.... The fun part was imagining Reza's reaction to the post, which I hope involved much writhing and the occasional regurgitation”*.
104. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
105. 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.

EIGHT CAUSE OF ACTION

Negligent Infliction of Emotional Distress

(Against All Defendants)

106. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
107. As demonstrated in the preceding paragraphs, at all times relevant, all Defendants engaged in negligent conduct, as well as intentional conduct, which caused Plaintiff serious emotional distress. Such conduct has caused Plaintiff extreme suffering and severe emotional distress including severe psychological and emotional reactions such as recurring nightmares, fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, as well as physical pain and injury including ulcers.
108. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
109. 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.

NINTH CAUSE OF ACTION

Intentional Interference with Prospective Economic Advantage

(Against All Defendants)

110. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
111. Plaintiff believes that Defendants Jeremy Smith, Todd Tipton, and William Jennings are classical guitarist who engage in similar business as Plaintiff (e.g. performance and teaching) and that there is a prospective economic relationship as a result. At all times relevant, they intentionally committed the aforementioned violations with awareness of that relationship in order to disrupt Plaintiff’s business activity, and managed to do so. Plaintiff believes that Defendant Cindy Smith had a role in this cause of action.

112. On 14 May 2006 Jeremy Smith wrote: *“Surely trolls often start fights, but their primary objective is usually to waste other posters' time. Causing people to waste money is nice too”*.
113. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
114. 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.

TENTH CAUSE OF ACTION

Unfair Competition -- common law

(Against All Defendants)

115. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
116. Plaintiff believes Defendants Jeremy Smith, Todd Tipton, and William Jennings are classical guitarists who engage in similar business as Plaintiff (e.g., musical performance and teaching) and as such the aforementioned violations were at least partly committed with the motive to hurt Plaintiff's business unfairly.
117. Plaintiff is informed and believes, and on that basis alleges, that some of the conduct as alleged in this Complaint involves the willful and intentional unlawful acts, as described herein, for use in direct competition with Plaintiff to the benefit of Defendants Jeremy Smith, Cindy Smith, Todd Tipton, and William Jennings, and for the deception of the public, the detriment of Plaintiff and Plaintiff's websites, and constitutes unlawful, unfair, and/or fraudulent business acts or practices in violation of Illinois common law, and has a substantial effect on commerce, resulting in Defendants Jeremy Smith, Cindy Smith, Todd Tipton, and William Jennings' unjust enrichment. On information and belief, Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings willfully intended to trade on the business goodwill of Plaintiff, Plaintiff's websites, and Plaintiff's intellectual property, to deceive the public, and cause injury to Plaintiff through their acts of unfair competition as described herein.

118. On information and belief, Plaintiff alleges that Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are continuing to engage in one or more acts of unfair competition involving the conduct alleged in this Complaint (and related conduct) to Plaintiff's substantial economic detriment, including willful and intentional unlawful infringement of Plaintiff's copyrighted materials, identity, likeness, and reputation for use in direct competition with Plaintiff and the deception of the public with the knowledge, aid, encouragement, and support of each other.
119. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
120. Furthermore, Plaintiff has no adequate remedy at law to compel Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings to cease their wrongful acts, and therefore seeks injunctive relief. Unless the Court grants an injunction, Plaintiff will be compelled to prosecute a multiplicity of actions to remedy this continuing unfair, unlawful, and/or fraudulent conduct. Unless the Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are preliminarily and permanently enjoined from committing the unlawful acts described herein, Plaintiff will continue to suffer irreparable harm. Plaintiff's damages are irreparable because it is extremely difficult to ascertain the amount of compensation that will afford Plaintiff adequate relief if Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are not enjoined at this time, in part because of the nature of intellectual property. Plaintiff is entitled, pursuant to Illinois common law, to injunctive relief in the form of a temporary restraining order, a preliminary injunction, and/or a permanent injunction restraining Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings, their officers, agents, and employees, and all persons acting in concert with them, from engaging in any further such acts of unfair competition.

ELEVENTH CAUSE OF ACTION

Unfair Competition -- Illinois Consumer Fraud and Deceptive Business Practices Act, IL ST CH 815 § 505/1 et seq.

(Against All Defendants)

121. The averments set forth in all preceding paragraphs (especially the "Factual Allegations"

section) are incorporated herein by reference.

122. Plaintiff believes Defendants Jeremy Smith, Todd Tipton, and William Jennings are classical guitarists who engage in similar business as Plaintiff (e.g., musical performance and teaching) and as such the aforementioned violations were at least partly committed with the motive to hurt Plaintiff's business unfairly.
123. Plaintiff is informed and believes, and on that basis alleges, that some of the conduct as alleged in this Complaint involves the willful and intentional unlawful acts, as described herein, for use in direct competition with Plaintiff to the benefit of Defendants Jeremy Smith, Cindy Smith, Todd Tipton, and William Jennings, and for the deception of the public, the detriment of Plaintiff and Plaintiff's websites, and constitutes unlawful, unfair, and/or fraudulent business acts or practices in violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, IL ST CH 815 § 505/1 et seq., and has a substantial effect on commerce, resulting in Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings' unjust enrichment. On information and belief, Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings willfully intended to trade on the business goodwill of Plaintiff, Plaintiff's websites, and Plaintiff's intellectual property, to deceive the public, and cause injury to Plaintiff through their acts of unfair competition as described herein.
124. On information and belief, Plaintiff alleges that Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are continuing to engage in one or more acts of unfair competition involving the conduct alleged in this Complaint (and related conduct) to Plaintiff's substantial economic detriment, including willful and intentional unlawful infringement of Plaintiff's copyrighted materials, identity, likeness, and reputation for use in direct competition with Plaintiff and the deception of the public with the knowledge, aid, encouragement, and support of each other.
125. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
126. Furthermore, Plaintiff has no adequate remedy at law to compel Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings to cease their wrongful acts, and therefore seeks injunctive relief. Unless the Court grants an injunction, Plaintiff will be compelled to prosecute a

multiplicity of actions to remedy this continuing unfair, unlawful, and/or fraudulent conduct. Unless the Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are preliminarily and permanently enjoined from committing the unlawful acts described herein, Plaintiff will continue to suffer irreparable harm. Plaintiff's damages are irreparable because it is extremely difficult to ascertain the amount of compensation that will afford Plaintiff adequate relief if Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings are not enjoined at this time, in part because of the nature of intellectual property. Plaintiff is entitled, pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, IL ST CH 815 § 505/10(a), to injunctive relief in the form of a temporary restraining order, a preliminary injunction, and/or a permanent injunction restraining Defendants Jeremy Smith, Todd Tipton, Cindy Smith, and William Jennings, their officers, agents, and employees, and all persons acting in concert with them, from engaging in any further such acts of unfair competition.

TWELFTH CAUSE OF ACTION

Infringement of Common Law Copyright

(Against All Defendants)

127. The averments set forth in all preceding paragraphs (especially the "Factual Allegations" section) are incorporated herein by reference.
128. Plaintiff is the owner of certain common law copyrights in connection with the design and contents of his websites, which include his writings, designs, photographs, and the like.
129. At all times relevant, all Defendants published Plaintiff's copyrighted intellectual properties including writings, designs and photographs without authorization, in violation of law.
130. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
131. 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.

THIRTEENTH CAUSE OF ACTION

Intentional Misrepresentation

(Against All Defendants)

132. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
133. At all times relevant, all Defendants published writings that were not written by Plaintiff: a) by assuming Plaintiff’s identity and attributing the writings to Plaintiff as the author; b) by publishing the writings as quotes by Plaintiff using their own name or assumed pseudonyms; c) by altering Plaintiff’s writings and publishing them as Plaintiff’s original writings while explicitly attributing the writings to Plaintiff as the author.
134. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
135. 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.

FOURTEENTH CAUSE OF ACTION

Negligent Misrepresentation

(Against All Defendants)

136. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
137. At all times relevant, all Defendants made misrepresentations of past and existing facts, concealed facts, made false promises, and intentionally failed to disclose facts regarding Plaintiff, as described herein, such that those representations were untrue.
138. All Defendants made representations without any reasonable ground to believe that the statements were true, and they intended to induce Plaintiff and others to rely upon such false statements.
139. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself,

his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.

140. 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.

FIFTEENTH CAUSE OF ACTION

Trade Libel (Disparagement)

(Against All Defendants)

141. The averments set forth in all preceding paragraphs (especially the "Factual Allegations" section) are incorporated herein by reference.

142. At all times relevant, all Defendants knowingly and maliciously published untrue statements about Plaintiff's business made misrepresentations on the Usenet and internet to an audience whom all Defendants knew would be potential customers of Plaintiff, and by such publications, all Defendants disparaged and defamed Plaintiff's products and services.

143. Those libelous publications negatively effected Plaintiff's business prospects and due to the permanent nature of internet and Usenet those publications will continue to harm Plaintiff's business prospects in the future.

144. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.

145. 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.

SIXTEENTH CAUSE OF ACTION

Civil Conspiracy

(Against All Defendants)

146. The averments set forth in all preceding paragraphs (especially the “Factual Allegations” section) are incorporated herein by reference.
147. At all times relevant described in this Complaint, Defendants, Jeremy Smith, Cindy Smith, Todd Tipton and William Jennings entered into an agreement with each other to commit the unlawful acts and/or lawful acts in an unlawful manner against Plaintiff Reza Ganjavi, as alleged in the present Complaint.
148. Plaintiff, Reza Ganjavi was injured as a result of one or more unlawful acts performed in concert by the Defendants.
149. The unlawful acts by Defendants Jeremy Smith, Cindy Smith, Todd Tipton, William Jennings were done in furtherance of, and pursuant to a common scheme to damage Plaintiff, Reza Ganjavi, as well as to cause him physical, emotional and monetary harm.
150. As a result of the foregoing, Plaintiff has suffered and will continue to suffer injuries to himself, his business, profession, career, reputation, goodwill, property, health, emotions, integrity, and 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.
151. Plaintiff will suffer immediate and irreparable harm if this Court does not order injunctive relief, in that Plaintiff’s business, practice, and artistic reputation will be irreparably damaged otherwise. Monetary relief cannot completely remedy Plaintiff’s damages.
152. Plaintiff has exhausted his administrative remedies.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against all Defendants as follows:

1. An award of actual damages fully compensating Plaintiff for all injuries he has suffered as a direct and proximate result of Defendants' (Jeremy Smith, Cindy Smith, Tipton, and Jennings) deprivation of Plaintiff's liberty and rights, without due process of law;
2. Punitive and exemplary damages;
3. Reasonable attorney fees according to proof, pursuant to 17 U.S.C. § 505;
4. That Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings), and each of them, be held liable for unfair competition in violation of the Illinois Consumer Fraud and Deceptive Business

Practices Act, IL ST CH 815 § 505/1 et seq., as alleged herein;

5. For expedited discovery from Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings) on all issues arising out of or relating to the allegations of this Complaint, in order to prepare for a temporary restraining order or preliminary injunction hearing in this matter;
6. That Defendants' (Jeremy Smith, Cindy Smith, Tipton, and Jennings) unlawful conduct as alleged herein be deemed a willful violation of Plaintiff's rights;
7. That Plaintiff be awarded its actual compensatory damages according to proof;
8. That Plaintiff be awarded statutory damages;
9. That Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings) be ordered to disgorge any profits or gains in Defendants' possession attributable to the infringement of Plaintiff's copyrights or to Defendants' acts of unfair competition, and that Plaintiff be awarded restitution in connection therewith;
10. That the Court order an accounting of all of any gains, profits, and advantages realized by Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings), or others acting in concert or participation with them, from their unlawful conduct, and that all such gains, profits, and advantages be deemed to be in constructive trust for the benefit of Plaintiff, at the sole cost and expense of Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings), by means of an independent accountant;
11. Immediate issuance of a temporary restraining order, followed by a preliminary injunction, and ultimately by a permanent injunction preventing Defendants (Jeremy Smith, Cindy Smith, Tipton, and Jennings) and their respective agents, employees and representatives from using Plaintiff's name on the internet and Usenet and from having any contact with Plaintiff, whatsoever;
12. That the Court order online services that are hosting fraudulent and defamatory articles composed by Defendants to remove such articles;
13. That Plaintiff recover its costs of this suit, including expert witness costs, pursuant to 17 U.S.C. § 505; and
14. Such other and further relief as the Court may deem just and proper.

DATED: February 09, 2007

RESPECTFULLY SUBMITTED BY:

/s/ Khoi Dang-Vu

Khoi Dang-Vu

Attorney for Plaintiff, REZA GANJAVI

A.R.D.C. Number 6271169

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Chicago, Illinois 60608

Tel. (312) 492-1477

Fax (312) 455-9372 **DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all causes of action against all defendants.

DATED: February 09, 2007

RESPECTFULLY SUBMITTED BY:

/s/ Khoi Dang-Vu

Khoi Dang-Vu

Attorney for Plaintiff, REZA GANJAVI

A.R.D.C. Number 6271169

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