



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Oct-31-2008 12:00 pm

Case Number: CGC-08-481471

Filing Date: Oct-31-2008 11:51

Juke Box: 001 Image: 02302777

**COMPLAINT**

**DAVID BENITAH et al VS. LINDA LAW et al**

001C02302777

**Instructions:**

Please place this sheet on top of the document to be scanned.

SUMMONS  
(CITACION JUDICIAL)

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

LINDA LAW; YELP! INC.; THESQUEAKYWHEEL INC.;  
and DOES 1 to 10

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTA DEMANDANDO EL DEMANDANTE):

DAVID BENITAH and GLOBOLEX INTERNATIONAL LTD.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):

Superior Court of California  
Civil  
400 McAllister Street

San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Hien D. Doan, Esq.  
626 International Boulevard  
(510) 839-8808

Law Office of Hien D. Doan  
Oakland, CA 94606

DATE: OCT 31 2008  
(Fecha)

GORDON PARK-LI

Clerk, by  
(Secretario)

D. STEPPE, Deputy  
(Adjunto)

CASE NUMBER  
(Número) 05C-08-481471

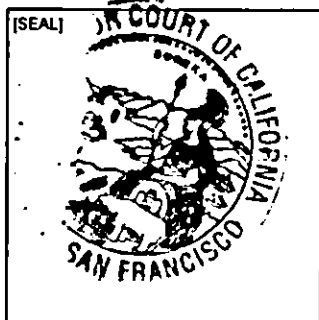
(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):  
under:
 

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- by personal delivery on (date):



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Number, and address):  
Hien D. Doan, Esq. 197044  
Law Office of Hien D. Doan  
626 International Boulevard  
Oakland, CA 94606  
TELEPHONE NO.: (510) 839-8808 FAX NO.: (510) 839-8802  
ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY  
**FILED**  
San Francisco County Superior Court

OCT 31 2008

GORDON PARK-LI, Clerk  
BY: *[Signature]*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco  
STREET ADDRESS: 400 McAllister Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Francisco, CA 94102  
BRANCH NAME: Civil

CASE NAME: BENITAH v. LAW et al.

**CIVIL CASE COVER SHEET**  
 Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)  
**Complex Case Designation**  
 Counter  Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **CAC-08-481471**  
JUDGE:  
DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- |   |  |  |
|---|--|--|
| <b>Auto Tort</b><br><input type="checkbox"/> Auto (22)<br><input type="checkbox"/> Uninsured motorist (46)<br><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b><br><input type="checkbox"/> Asbestos (04)<br><input type="checkbox"/> Product liability (24)<br><input type="checkbox"/> Medical malpractice (45)<br><input type="checkbox"/> Other PI/PD/WD (23)<br><b>Non-PI/PD/WD (Other) Tort</b><br><input type="checkbox"/> Business tort/unfair business practice (07)<br><input type="checkbox"/> Civil rights (08)<br><input checked="" type="checkbox"/> Defamation (13)<br><input type="checkbox"/> Fraud (16)<br><input type="checkbox"/> Intellectual property (19)<br><input type="checkbox"/> Professional negligence (25)<br><input type="checkbox"/> Other non-PI/PD/WD tort (35)<br><b>Employment</b><br><input type="checkbox"/> Wrongful termination (36)<br><input type="checkbox"/> Other employment (15) | <b>Contract</b><br><input type="checkbox"/> Breach of contract/warranty (06)<br><input type="checkbox"/> Rule 3.740 collections (09)<br><input type="checkbox"/> Other collections (09)<br><input type="checkbox"/> Insurance coverage (18)<br><input type="checkbox"/> Other contract (37)<br><b>Real Property</b><br><input type="checkbox"/> Eminent domain/Inverse condemnation (14)<br><input type="checkbox"/> Wrongful eviction (33)<br><input type="checkbox"/> Other real property (26)<br><b>Unlawful Detainer</b><br><input type="checkbox"/> Commercial (31)<br><input type="checkbox"/> Residential (32)<br><input type="checkbox"/> Drugs (38)<br><b>Judicial Review</b><br><input type="checkbox"/> Asset forfeiture (05)<br><input type="checkbox"/> Petition re: arbitration award (11)<br><input type="checkbox"/> Writ of mandate (02)<br><input type="checkbox"/> Other judicial review (39) | <b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b><br><input type="checkbox"/> Antitrust/Trade regulation (03)<br><input type="checkbox"/> Construction defect (10)<br><input type="checkbox"/> Mass tort (40)<br><input type="checkbox"/> Securities litigation (28)<br><input type="checkbox"/> Environmental/Toxic tort (30)<br><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)<br><b>Enforcement of Judgment</b><br><input type="checkbox"/> Enforcement of judgment (20)<br><b>Miscellaneous Civil Complaint</b><br><input type="checkbox"/> RICO (27)<br><input type="checkbox"/> Other complaint (not specified above) (42)<br><b>Miscellaneous Civil Petition</b><br><input type="checkbox"/> Partnership and corporate governance (21)<br><input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive  
4. Number of causes of action (specify): Three - Libel, Slander, Negligence  
5. This case  is  is not a class action suit.  
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 10/06/2008

Hien D. Doan, Esq. (TYPE OR PRINT NAME)

*[Signature]*  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Number, and address):  
 Hien D. Doan, Esq. 197044  
 Law Office of Hien D. Doan  
 626 International Boulevard  
 Oakland, CA 94606  
 TELEPHONE NO.: (510) 839-8808 FAX NO (Optional): (510) 839-8802  
 E-MAIL ADDRESS (Optional):  
 ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY  
**FILED**  
 San Francisco County Superior Court  
 OCT 31 2008  
 GORDON PARK-LI, Clerk  
 BY: *Deborah Stepp*  
 Deputy Clerk  
 CASE MANAGEMENT CONFERENCE SET  
 APR 03 2009 -9:00AM  
 DEPARTMENT 212  
**SUMMONS ISSUED**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco  
 STREET ADDRESS: 400 McAllister Street  
 MAILING ADDRESS:  
 CITY AND ZIP CODE: San Francisco, CA 94102  
 BRANCH NAME: Civil

PLAINTIFF: DAVID BENITAH and GLOBOLEX INTERNATIONAL LTD.  
 DEFENDANT: LINDA LAW; YELP! INC.; THESQUEAKYWHEEL INC.; and  
 DOES 1 TO 10

COMPLAINT-Personal Injury, Property Damage, Wrongful Death  
 AMENDED (Number):  
 Type (check all that apply):  
 MOTOR VEHICLE  OTHER (specify):  
 Property Damage  Wrongful Death  
 Personal Injury  Other Damages (specify):

Jurisdiction (check all that apply):  
 ACTION IS A LIMITED CIVIL CASE  
 Amount demanded  does not exceed \$10,000  
 exceeds \$10,000, but does not exceed \$25,000  
 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  
 ACTION IS RECLASSIFIED by this amended complaint  
 from limited to unlimited  
 from unlimited to limited

CASE NUMBER:  
**C8C-08-481471**

1. Plaintiff (name or names): DAVID BENITAH and GLOBOLEX INTERNATIONAL LTD.  
 alleges causes of action against defendant (name or names): LINDA LAW; YELP! INC.; THESQUEAKYWHEEL INC.
2. This pleading, including attachments and exhibits, consists of the following number of pages:
3. Each plaintiff named above is a competent adult
  - a.  except plaintiff (name): GLOBOLEX INTERNATIONAL LTD.
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: <b>BENITAH v. LAW</b>	NUMBER:
---------------------------------------	---------

4.  Plaintiff (name):  
 is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a.  except defendant (name):

YELP! INC.

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe):
- (4)  a public entity (describe):
- (5)  other (specify):

c.  except defendant (name):

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe):
- (4)  a public entity (describe):
- (5)  other (specify):

b.  except defendant (name):

THESQUEAKYWHEEL INC.

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe):
- (4)  a public entity (describe):
- (5)  other (specify):

d.  except defendant (name):

- (1)  a business organization, form unknown
- (2)  a corporation
- (3)  an unincorporated entity (describe):
- (4)  a public entity (describe):
- (5)  other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a.  Doe defendants (specify Doe numbers): \_\_\_\_\_ were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b.  Doe defendants (specify Doe numbers): \_\_\_\_\_ are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a.  at least one defendant now resides in its jurisdictional area.
- b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c.  injury to person or damage to personal property occurred in its jurisdictional area.
- d.  other (specify):

9.  Plaintiff is required to comply with a claims statute, and

- a.  has complied with applicable claims statutes, or
- b.  is excused from complying because (specify):

SHORT TITLE:  
BENITAH v. LAW

FILE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify):  
Libel, Slander, Trade Libel

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify):

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 10/27/2008

Hien D. Doan, Esq.  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:  
BENITAH v. LAW

CASE NUMBER

1 CAUSE OF ACTION- Intentional Tort

Page 4

(number)

ATTACHMENT TO  Complaint  Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): DAVID BENITAH and GLOBOLEX INTERNATIONAL LTD.

alleges that defendant (name): LINDA LAW; YELP! INC.; THESQUEAKYWHEEL INC.; and

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 12/19/2007 and 09/29/2008

at (place): San Francisco, CA

(description of reasons for liability):

On or about 12/19/2007 and again on 09/29/2008, defendants published false statements regarding plaintiff on the internet. These statements were unconsented and unprivileged.

The publications were made verbally and also in the "Squeaky Wheel" and "yelp" websites.

The defendants made these statements with neglect and recklessness. These statements caused the plaintiff disgrace and ridicule and injured the plaintiff's reputation and business. More specifically, these statements caused extreme emotional distress and loss of business to plaintiff and his business.

Furthermore, after the initial publication of the statement, plaintiff demanded that defendants cease their conduct. Nonetheless, the publications continued and therefore defendants should be subjected to punitive damages.

SHORT TITLE:  
BENITAH v. LAW

CASE NUMBER:

Exemplary Damages Attachment

Page 6

ATTACHMENT TO  Complaint  Cross-Complaint

EX-1. As additional damages against defendant (name):

LINDA LAW; YELP! INC.; THESQUEAKYWHEEL, INC.

Plaintiff alleges defendant was guilty of

malice

fraud

oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

On or about 12/19/2007 and again on 09/29/2008, defendants published false statements regarding plaintiff on the internet. These statements were unconsented and unprivileged. The publications were made verbally and also in the "Squeaky Wheel" and "yelp" websites.

The defendants made these statements with neglect and recklessness. These statements caused the plaintiff disgrace and ridicule and injured the plaintiff's reputation and business.

More specifically, these statements caused extreme emotional distress and loss of business to plaintiff and his business.

Furthermore, after the initial publication of the statement, plaintiff demanded that defendants cease their conduct. Nonetheless, the publications continued, with malice and intention to hurt and injure plaintiff, and therefore defendants should be subjected to punitive damages.

EX-3. The amount of exemplary damages sought is

a.  not shown, pursuant to Code of Civil Procedure section 425.10.

b.  \$ 50,000.00



SHORT TITLE:

BENITAH v. LAW

NUMBER:

2

## CAUSE OF ACTION- General Negligence

Page 5

(number)

ATTACHMENT TO  Complaint  Cross-Complaint*(Use a separate cause of action form for each cause of action.)*

GN-1. Plaintiff (name): DAVID BENITAH and GLOBOLEX INTERNATIONAL LTD.

alleges that defendant (name): LINDA LAW; YELP! INC.; THESQUEAKWHEEL INC.; and

 Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 12/19/2007 and 09/29/2008

at (place): San Francisco, CA

*(description of reasons for liability) :*

On or about 12/19/2007 and again on 09/29/2008, defendants published false statements regarding plaintiff on the internet. These statements were unconsented and unprivileged.

The publications were made verbally and also in the "Squeaky Wheel" and "yelp" websites.

The defendants made these statements with neglect and recklessness. These statements caused the plaintiff disgrace and ridicule and injured the plaintiff's reputation and business. More specifically, these statements caused extreme emotional distress and loss of business to plaintiff and his business.

Furthermore, after the initial publication of the statement, plaintiff demanded that defendants cease their conduct. Nonetheless, the publications continued and therefore defendants should be subjected to punitive damages.

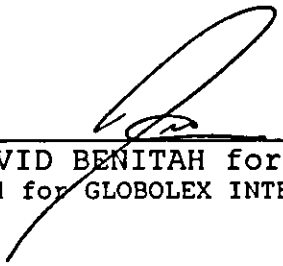
VERIFICATION

I am the plaintiff in this matter. I have read the complaint and related papers and verify that the facts contained within this complaint are true and correct to the best of my knowledge and recollection.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

This declaration is signed in Oakland, California.

10/27/2008.  
Date

  
DAVID BENITAH for Myself  
and for GLOBOLEX INTERNATIONAL, LTD.