

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CASE NO.  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

CHRISTOPHER ZAMMITO  
and ZAMMITO AUTOMOTIVE GROUP, INC.,  
Plaintiffs

**08 CA 11936 NG**

v.

RICHARD HAVRDA,  
Defendant

MAGISTRATE JUDGE Dein

COMPLAINT

1. Plaintiff Christopher Zammito is the owner of Zammito Automotive Group, Inc. and a resident of Dartmouth, Massachusetts.
2. Plaintiff Zammito Automotive Group, Inc. is a Massachusetts corporation with its principal place of business in Dartmouth, Massachusetts.
3. Plaintiff has conducted automobile sales under the trademark "Zammito Auto Group" in Rhode Island for five years and Massachusetts for nine years.
4. Defendant Richard Havrda is a resident of Dartmouth, Massachusetts and a former employee of Plaintiff.
5. In September 2005, Plaintiffs terminated Defendant's employment due to Defendant's poor performance and his conduct as a salesperson.
6. After his termination, Defendant registered the domain name, zammitoautogroup.com, through the website "Register.com."
7. Defendant thereafter used the domain name to place derogatory and defamatory statements about Plaintiffs.
8. The website created by Defendant used the "Zammito Auto Group" trademark side-by-side with private photographs of Plaintiff Christopher Zammito, sexually explicit and highly inappropriate comments about Plaintiff Zammito Automotive Group, Inc.'s principals and their families and defamatory false slogans.
9. Defendant has used zammitoautogroup.com with the clear intent to divert those interested in Plaintiffs' products and services to a site which disparages said products and services.

10. On October 16, 2008, Defendant offered, in writing, to sell the domain name to Plaintiffs for \$1,200 and a \$100 restaurant gift certificate.

**COUNT I - VIOLATION OF 15 U.S.C. § 1125(d)**  
**THE ANTICYBERSQUATING ACT**  
**Plaintiffs v.**

11. Plaintiffs repeat and incorporate by reference paragraphs 1-10 above as if fully stated herein.

12. Plaintiffs have a valid trademark in "Zammito Auto Group."

13. Defendant has no legitimate interest in the domain name "zammitoautogroup.com."

14. Defendant acquired this domain name and has used the Zammito Auto Group trademark in bad faith and with the intent to defame Plaintiffs and to profit from its re-sale to Plaintiffs.

15. As a result, Plaintiffs continue to sustain damages.

**COUNT II - VIOLATION OF 15 U.S.C. § 1125(a)**  
**Plaintiffs v.**

16. Plaintiffs repeat and incorporate by reference paragraphs 1-15 above as if fully stated herein.

17. Defendant has used and continues to use Plaintiffs' "Zammito Auto Group" trademark in a manner likely to confuse consumers seeking out Plaintiffs' products and services.

18. In fact, Defendant is intentionally using Plaintiffs' trademark to confuse consumers and to divert them to his defamatory website.

19. As a result, Plaintiffs continue to sustain damages.

**COUNT III - DEFAMATION**  
**Plaintiff Christopher Zammito v.**

20. Plaintiffs repeat and incorporate by reference paragraphs 1-19 above as if fully stated herein.

21. Defendant's published statements on its website constitute an intentionally malicious defamation of Plaintiff Christopher Zammito and were intended to impair Plaintiff's standing in the community and business opportunities.

22. Defendant's statements are of and concerning Plaintiff Christopher Zammito.

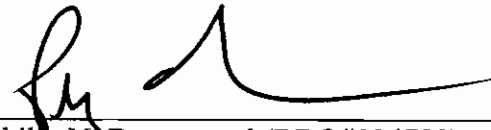
23. Defendant's statements were made public via his website.
24. The defamatory statements are false and posted with actual malice.
25. As a result, Plaintiff continues to sustain damages.

WHEREFORE, Plaintiff requests the following relief:

1. Judgment against Defendants;
2. Compensatory damages;
3. Interest, costs and reasonable attorney's fees; and
4. Other such relief as this Court deems just and appropriate.

**PLAINTIFF DEMANDS TRIAL BY JURY**

Plaintiff  
By his attorneys,



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Dated: November 18, 2008