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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

10 XCENTRIC VENTURES, LLC, an Arizona
 11 corporation, d/b/a “RIPOFFREPORT.COM”;
 12 ED MAGEDSON, an individual

Case No: 2:07-CV-00954-NVW

13 Plaintiffs,

14 v.

15 WILLIAM “BILL” STANLEY, an
 16 individual; WILLIAM “BILL” STANLEY
 17 d/b/a DEFAMATION ACTION.COM;
 18 WILLIAM “BILL” STANLEY d/b/a
 19 COMPLAINTREMOVER.COM; WILLIAM
 20 “BILL” STANLEY aka JIM RICKSON;
 21 WILLIAM “BILL” STANLEY aka MATT
 22 JOHNSON; ROBERT RUSSO, an
 23 individual; ROBERT RUSSO d/b/a
 24 COMPLAINTREMOVER.COM; ROBERT
 25 RUSSO d/b/a DEFENDMYNAME.COM;
 26 ROBERT RUSSO d/b/a QED MEDIA
 27 GROUP, L.L.C.; QED MEDIA GROUP,
 28 L.L.C.; QED MEDIA GROUP, L.L.C. d/b/a
 DEFENDMYNAME.COM; QED MEDIA
 GROUP, L.L.C. d/b/a
 COMPLAINTREMOVER.COM;
 DEFAMATION ACTION LEAGUE, an
 unincorporated association; and INTERNET
 DEFAMATION LEAGUE, an
 unincorporated association;

**MOTION FOR ALTERNATIVE
 SERVICE ON DEFENDANTS
 WILLIAM “BILL” STANLEY;
 WILLIAM “BILL” STANLEY d/b/a
 DEFAMATIONACTION.COM;
 WILLIAM “BILL” STANLEY d/b/a
 COMPLAINTREMOVER.COM;
 WILLIAM “BILL” STANLEY aka
 JIM RICKSON; AND WILLIAM
 “BILL” STANLEY aka MATT
 JOHNSON**

Defendants.

JABURG & WILK, P.C.
 ATTORNEYS AT LAW
 3200 NORTH CENTRAL AVENUE
 SUITE 2000
 PHOENIX, ARIZONA 85012

1 Plaintiffs Xcentric Ventures, Inc. d/b/a Ripoffreport.com and Ed Magedson
2 (collectively, "Plaintiffs") pursuant to Rule 4(e), Fed.R.Civ.P., hereby request that this
3 Court enter an Order allowing alternative service of the Summons and Verified Complaint
4 in this matter because extensive efforts to serve Defendant "Stanley" or "William Stanley"
5 (identified in the Complaint as: William "Bill" Stanley, William "Bill" Stanley d/b/a
6 DefamationAction.com; William "Bill" Stanley d/b/a ComplaintRemover.com; William
7 "Bill" Stanley aka Jim Rickson; and William "Bill" Stanley aka Matt Johnson) by the
8 standard method of service authorized by Rule 4, Fed.R.Civ.P. have failed. Defendant
9 Stanley is intentionally avoiding service of process. This Motion is supported by the
10 following Memorandum of Facts and Authorities, with exhibits including affidavits and
11 other documents, and by all of the pleadings and matters of record, all of which are
12 incorporated herein by this reference.

13 DATED this 27TH day of September, 2007.

14
15 **JABURG & WILK, P.C.**

16
17 /Maria Crimi Speth/
18 Maria Crimi Speth
Attorneys for Plaintiffs

19
20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. Plaintiffs have made extensive efforts to locate and serve Defendant**
22 **Stanley.**

23 Plaintiffs have made extensive efforts to serve William Stanley, to no avail.

24 William Stanley lists an Austria address at 8 Redetsky Strasse, Klagenfurt in all of
25 his domain name registrations. He has sent emails and made verbal statements that he is
26 living in Austria and not subject to the laws of the United States. However, an
27 investigator located in Austria went to Stanley's Austria address and also contacted the
28

1 owner of that property, Alfred Schurz. The investigator has reported back that Stanley
2 had previously lived at the 8 Redetsky Strasse address, but left for America “several
3 weeks ago”. Exhibit “1”, Affidavit and translation to be filed at a later date. ¹

4 On May 16, 2007, Plaintiffs’ process server attempted to serve Defendant Stanley
5 at his last known United States address of 9503 Blue Creek Lane, Austin, Texas 78758.
6 The current resident at that address, Carolyn Estiville, stated that she has no knowledge of
7 Defendant Stanley and that he does not live at that address. However, she did state that
8 she occasionally receives telephone calls for him at her telephone number, 512-832-0911.
9 (Exhibit “2”).

10 Plaintiffs then obtained an address for Stanley at 5407 Antoine Dr., Houston, Texas
11 through Lexis Nexis public records search. According to Lexis Nexis, this address is valid
12 as of August, 2007. (Exhibit “3”) Plaintiff’s process server attempted service at that
13 address several times with no success. The address is a computer repair facility and
14 Stanley is known to work for a computer repair service. The occupants at that address,
15 however, claim that Stanley has not worked at that address for five years. (Exhibit “4”).

16 William Stanley has a valid, current vehicle registration for a vehicle registered in
17 Texas. (Exhibit “3”) Because of the relationship between the parties, Plaintiffs have also
18 attempted to serve Defendant Stanley at the two addresses known to be the home
19 addresses of Defendant Russo in Maine, 54 North Street, Portland, ME, 04101 and 11 Gay
20 Street, Portland, ME 04103-2416. (Upon information and belief, Mr. Russo recently
21 moved from North Street to Gay Street.) Plaintiff’s process server attempted service at
22 those addresses approximately four times, but did not locate Mr. Stanley at those
23 addresses. (See Exhibit “5”)

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¹ Plaintiff is awaiting an affidavit or declaration from the Austrian investigator. In light of the time delay in receiving
28 the declaration (which must be translated from German to English) and in light of the need to expedite service,
Plaintiff is filing this Motion before receipt of the declaration. The declaration will be filed upon receipt.

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II. Defendant Stanley is avoiding service.

Defendant Stanley has used geographicalseo@gmail.com and defamationsaction@gmail.com to send email to counsel for Xcentric. (See Exhibit “6”, copy of emails from Defendant Stanley to Counsel Maria Speth.) Plaintiffs have copied Defendant Stanley on all pleadings by sending the pleadings via e-mail to The Stanley Email Addresses, and Stanley has responded, showing that he is both aware and contemptuous of this litigation. (See Exhibit “6”)

In an email response when Counsel Maria Speth sent the Court’s order, Defendant Stanley bragged “In my country we truly have free speech” (See Exhibit “6”, email of June 22, 2007.) He has referred to the lawsuit contemptuously: “You can deceive the court with your bullshit all you want. It changes nothing for me.” Defendant Stanley referred to the process of this suit as “pissing in the wind.”(See Exhibit “6”, email of May 20, 2007.) He also boasted that “you should study me before you continue to piss me off. *You will see a history of complete defiance.*” *Id.* (emphasis added)

Stanley’s refusal to submit himself to the jurisdiction of this court, along with misrepresenting his whereabouts, justifies alternative service by publication and email.

III. The Court should allow initial service by publication and email.

a. The Federal Rules of Civil Procedure and the Arizona Rules of Civil Procedure allow service by publication

Pursuant to Rule 4(e), Fed.R.Civ.P., Plaintiffs may effect service on Defendant Stanley “pursuant to the law of the state in which the district court is located”. Therefore, Plaintiffs may utilize any form of service contemplated by the State of Arizona, which is the state in which this Court is located.

Rule 4.2, Arizona Rules of Civil Procedure, provides the basis upon which a plaintiff may effect service of process on an out-of-state defendant. Rule 4.2(f) allows for service by publication

1 Where the person to be served is one whose present residence is unknown
2 but whose last known residence was outside the state, or has avoided service
of process.

3 Rule 4.2(f), Ariz.R.Civ.P. The rule allows weekly publication for one month of the
4 Summons, accompanied by a statement as to the manner in which a copy of the pleading
5 being served may be obtained, in a newspaper published in the county where the action is
6 pending. Id. Incidentally, Rule 4.2(f) also requires, “when the residence of the person to
7 be served is known,” that the Summons and pleading be mailed to that residence.

8 Defendant Stanley’s last known residence was outside the state of Arizona, his
9 current residence is unknown, and he has been avoiding service of process as described
10 above. Service by publication should be allowed under the laws of Arizona, through
11 publication of the Summons and a notice in The Arizona Capitol Times, a newspaper of
12 general circulation published in Maricopa County. The notice will inform Mr. Stanley
13 that a copy of the Complaint may be obtained from the Court or from Plaintiff’s counsel.

14 Other methods of service on out-of-state defendants expressly authorized by the
15 Arizona Rules of Civil Procedure are not practical. As explained by Rule 4.2(b),

16 [s]ervice of process may be made outside the state but within the United
17 States in the same manner provided in Rule 4.1(d)-(l) of these Rules by a
person authorized to serve process under the law of the state where such
service is made.

18 Ariz.R.Civ.P., Rule 4.2 (b). Each method of service set out in Rule 4.1(d)-(l),
19 Ariz.R.Civ.P., requires that an individual defendant be located or the individual’s
20 defendant’s residence be known, or contemplates service on an entity.

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22 **b. The Court should allow and order subsequent service by email.**

23 Plaintiffs also request that he Court allow all pleadings and papers subsequent to
24 the Summons and Complaint required to be served upon Defendant Stanley to be served
25 by email to The Stanley Email Addresses, and by deposit with the Clerk of the Court,
26 pursuant to Rule 5(b)(C) & (D), and Rule 5(b)(3) and Rule 5(e).

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IV. Conclusion

These proposed alternative methods of service are appropriate given the law, the rules of civil procedure, and the circumstances of this case.

DATED this 27th day of September, 2007.

JABURG & WILK, P.C.

/Maria Crimi Speth/
Maria Crimi Speth
Attorneys for Plaintiffs

Certificate of Service

I hereby certify that on September 27, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Teresa Kay Anderson
Snell & Wilmer LLP
One Arizona Center
400 E Van Buren
Phoenix, AZ 85004

Michael Kent Dana
Snell & Wilmer LLP
400 E Van Buren
Phoenix, AZ 85004-0001

With a COPY of the foregoing emailed on this 27th day of September, 2007, to:

William "Bill" Stanley
defamationaction@gmail.com
geographicalseo@gmail.com

With a COPY of the foregoing hand delivered on the 28th day of September, 2007, to:

Honorable Neil V Wake
United States District Court
District of Arizona

s/Maria Crimi Speth/