

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<input checked="" type="checkbox"/>	FILED	<input type="checkbox"/>	LODGED
<input type="checkbox"/>	RECEIVED	<input type="checkbox"/>	COPY
SEP 09 2010			
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA			
BY			P DEPUTY

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

XCENTRIC VENTURES, LLC, an  
Arizona limited liability corporation, and  
JABURG & WILK, P.C., a professional  
corporation,

Plaintiffs,

v.

SHAWN RICHESON,

Defendant.

*WITHOUT*

Case No. **CIV 10 193 1 PHX NW**

**TEMPORARY RESTRAINING  
ORDER WITH NOTICE AND ORDER  
SETTING PRELIMINARY  
INJUNCTION HEARING**

*SEALED*

Jaburg & Wilk, P.C.  
 Attorneys AT Law  
 5200 N. Central Avenue, Suite 2000  
 Phoenix, Arizona 85018  
 (602) 998-1000

*(Part of Doc. 7)*

Before this Court is the Application of Plaintiffs Xcentric Ventures, LLC, an Arizona limited liability company ("Xcentric") and Jaburg & Wilk, P.C. ("Jaburg & Wilk"), an Arizona professional corporation, for the entry of a Temporary Restraining Order and Preliminary Injunction. The Court having considered the Application and pleadings on file with the Court, and being otherwise advised, **FINDS** that:

- (1) Defendant Shawn Richeson has engaged, and continues to engage in, harassment and threats against Plaintiffs;
- (2) Defendant Shawn Richeson has engaged and continues to engage in harassment and threats against Plaintiffs' business associates, clients, and potential clients, and, specifically, having threatened that if Xcentric did not remove or redact certain information from the Ripoff Report website, he would put Jaburg & Wilk out of business;

Jaburg & Wilk, P.C.  
Attorneys At Law  
3200 N. Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
602-248-1000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- (3) Defendant Shawn Richeson has also threatened harm to Jaburg & Wilk's relationship with its clients other than Xcentric;
- (4) Defendant Shawn Richeson has engaged and continues to engage in harassment and threats against Plaintiffs, and, specifically, having threatened that Plaintiffs would end up having to engage in an expensive "SEO war";
- (5) Defendant Shawn Richeson has authored and published false and defamatory statements on multiple public websites about Jaburg & Wilk, falsely implying that (a) it hires child molesters as attorneys, and (b) it is unethical because it is the owner of the Ripoff Report website;
- (6) Defendant Shawn Richeson has engaged in a pattern of unlawful activity by engaging in two or more acts of extortion;
- (7) Pursuant to A.R.S. § 12-1809(E), there is reasonable evidence of harassment of the Plaintiffs by Defendant Richeson;
- (8) Absent a court order, this conduct will continue;
- (9) There is a strong likelihood of success on the merits;
- (10) There is a likelihood of irreparable injury to Plaintiffs if this Order is not entered;
- (11) A balance of hardships strongly favors Plaintiffs; and
- (12) Public policy favors the injunction.

IT IS THEREFORE ORDERED that the Application for Temporary Restraining Order is **GRANTED** and Defendant Richeson and his agents, servants, employees, and other persons who are in active concert or participation with them are temporarily enjoined from:

- (1) Knowingly sending or causing to be sent any threatening communications (other than threats to engage in lawful activity) to Plaintiffs;

Jaburg & Wilk, P.C.  
Attorneys At Law  
3400 N. Central Avenue, Suite 2000  
Phoenix, Arizona 85017  
(602) 248-1000

- 1 (2) Knowingly sending or causing to be sent any threatening communications
- 2 (other than threats to engage in lawful activity) to clients and/or potential
- 3 clients of Plaintiffs;
- 4 (3) Knowingly publishing or causing to be published any false or misleading
- 5 communications about Plaintiffs and/or any clients and/or potential clients
- 6 of Plaintiffs;
- 7 (4) Intentionally interfering with the contractual relationship between Plaintiffs
- 8 and their clients;

9 IT IS FURTHER ORDERED that Defendant Richeson shall take affirmative steps  
10 to ensure that his agents, servants, employees, and other persons who are in active concert  
11 or participation with them receive a copy of this temporary restraining order and are  
12 appropriately advised of its terms and conditions, and shall file an advice or certification  
13 of counsel or other appropriate notice with the Court confirming that this has been  
14 completed by September 17, 2010.

15 IT IS FURTHER ORDERED that Defendant Richeson shall not delete or destroy  
16 any evidence, including but not limited to computer reproduced or saved data or any other  
17 form of evidence pertaining to Xcentric, Jaburg & Wilk, or any of their employees or  
18 associates.

19 IT IS FURTHER ORDERED that this Order shall become effective upon  
20 Plaintiffs' posting of security in the amount of \$ 100.00 pursuant to Rule 65(c),  
21 Fed.R.Civ.P.

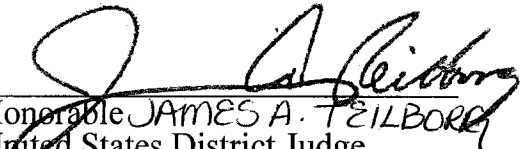
22 IT IS FURTHER ORDERED that this Order shall expire on September 22, 2010  
23 at 5:00 p.m. unless the Order, for good cause shown, is extended, or unless the Parties  
24 consent to the Order being extended for a longer period.

25 IT IS FURTHER ORDERED that Defendant Richeson appear before the Court on  
26 September 21, 2010 at 1:30 ~~am~~ <sup>before Judge Wake</sup> pm and show cause why a preliminary  
27 injunction should not issue extending during the pendency of this action the temporary  
28

1 orders set forth above and adding additional relief as sought in Plaintiffs' Application for  
2 Preliminary Injunction.

3 IT IS FURTHER ORDERED that Plaintiffs will provide a copy of this order to  
4 Defendant Richeson as soon as possible but no later than 5:00pm, Monday, Sept.

5 DATED: September 9, 2010 at 2:39 p.m. 13, 2010.

6  
7  
8   
9 Honorable JAMES A. TEILBORG  
10 United States District Judge

11  
12 And Plaintiffs shall file a notice with the  
13 Court advising how and when notice of  
14 this Order was given to Defendant. Upon  
15 Plaintiffs filing notice that Defendant  
16 has been given a copy of this Order,  
17 the Clerk of the Court shall unseal this  
18 entire case.  
19  
20  
21  
22  
23

24 Copy to only:  
25 Counsel for Plaintiffs  
26  
27  
28

Jaburg & Wilk, P.C.  
Attorneys at Law  
3500 N. Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
602-248-1000