

1 Maria Crimi Speth (012574)
JABURG & WILK, P.C.
 2 3200 N. Central Avenue, Suite 2000
 Phoenix, Arizona 85012
 3 mcs@jaburgwilk.com
 (602) 248-1000

4
 5 David S. Gingras (021097)
Gingras Law Office, PLLC
 4072 E Mountain Vista Dr.
 6 Phoenix, AZ 85048
 Tel.: (480) 668-3623
 7 David.Gingras@webmail.azbar.org

8 Attorneys for Plaintiffs
 9

10
 11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF ARIZONA**

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

15 Plaintiffs,

16 v.

17 SHAWN RICHESON,

18 Defendant.
 19

Case No.: 2:10-cv-01931-PHX-NVW

**NOTICE OF LODGING FORM OF
 PRELIMINARY INJUNCTION**

20 Pursuant to the Court's September 21, 2010 minute entry (Document 21), Plaintiffs
 21 Xcentric Ventures, LLC and Jaburg & Wilk, P.C. give notice of lodging the attached
 22 proposed form of preliminary injunction.

23 DATED this 28th day of September, 2010.

24
 25 **JABURG & WILK, P.C.**

26
 27 s/Maria Crimi Speth
 Maria Crimi Speth
 David S. Gingras
 Attorneys for Plaintiffs
 28

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

Certificate of Service

I hereby certify that on the 28th day of September, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

I have also caused to be delivered to Defendant, who is not registered with the CM/ECF System, a copy of the attached document by First Class Mail and E-Mail:

Shawn Richeson
1906 Twilight Drive
Killeen, Texas 76543
Shawn@ClickaNerd.com
Defendant Pro Per

s/Debra Gower _____

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 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; (b) it owns the Ripoff Report website, and (c) 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 Preliminary Injunction 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 to either Plaintiff any communication that contains threats of violence, threats to perform criminal acts, threats to harm either Plaintiff’s business by tortious or unlawful means, or threats to harm either Plaintiff’s reputation by tortious or unlawful means;

- 1 (2) Knowingly sending or causing to be sent to any individual or entity that
2 Richeson knows is an existing client of a Plaintiff any communication that
3 contains threats of violence, threats to perform criminal acts, threats to harm
4 its business by tortious or unlawful means, or threats to harm its reputation
5 by tortious or unlawful means;
- 6 (3) Knowingly publishing or disseminating or causing to be published or
7 disseminated any false and defamatory communication about either Plaintiff
8 or anyone who Richeson knows to be a client of either Plaintiff;
- 9 (4) Taking wrongful or unlawful actions that are intended to cause damage to
10 the relationship between Plaintiffs and their existing clients;
- 11 (5) Engaging in conduct that constitutes harassment of either Plaintiff, as that
12 term is defined in A.R.S. § 12-1809(E), which is a series of acts over any
13 period of time that is directed to either Plaintiff and that would cause a
14 reasonable person to be seriously alarmed, annoyed or harassed and the
15 conduct in fact seriously alarms, annoys or harasses the person and serves
16 no legitimate purpose.

17 IT IS FURTHER ORDERED that Defendant Richeson shall take affirmative steps
18 to ensure that his agents, servants, employees, and other persons who are in active concert
19 or participation with them receive a copy of this preliminary injunction.

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

24 IT IS FURTHER ORDERED that the previously posted bond shall remain in effect
25 pursuant to Rule 65(c), Fed.R.Civ.P.

26 DATED:
27
28