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8 Attorneys for Plaintiffs

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| CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA | |
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11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF ARIZONA**

SEALED

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

16 Plaintiffs,

17 v.

18 SHAWN RICHESON,

19 Defendant.

Case No. **CIV 10 193 1 PHX NVW**
VERIFIED COMPLAINT

20 For their Verified Complaint, Plaintiffs Xcentric Ventures, LLC and Jaburg &
 21 Wilk, P.C. allege:

22 1. Plaintiff Xcentric Ventures, LLC ("Xcentric") is an Arizona limited liability
 23 company with its principal place of business in Tempe, Arizona and is a citizen of the
 24 State of Arizona.

25 2. Plaintiff Jaburg & Wilk, P.C. ("Jaburg & Wilk") is a professional
 26 corporation with its principal place of business in Phoenix, Arizona and is a citizen of the
 27 State of Arizona.
 28

Jaburg & Wilk, P.C.
 Attorneys At Law
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1 15. According to Alexa.com, a website which provides web traffic analytics
2 about other websites, the Ripoff Report website ranks 1,131 for internet traffic in the
3 United States.

4 16. Ripoff report regularly assists federal and local prosecutors, the FBI, the
5 FTC, the SEC, US Postal Inspectors, Homeland Security, US Immigration and Customs
6 Enforcement, the Justice Department, Attorney Generals, Department of Consumer
7 Affairs, and local and state police and sheriff departments by providing information and
8 responding to requests about business scams and other unlawful activities.

9 17. Jaburg & Wilk is a law firm which has represented Xcentric Ventures, LLC
10 for approximately seven years in various legal matters.

11 18. Upon information and belief, Defendant Shawn Richeson ("Richeson") does
12 business as Click a Nerd which purports to perform various IT services.

13 19. In 2008, three postings were made on Ripoff Report complaining about the
14 services provided by Richeson.

15 20. Richeson initiated communications with Xcentric through emails and
16 telephone calls.

17 21. Over the years, the tone of Defendant Richeson's correspondence with
18 Xcentric has been uneven, at best. At times, Defendant Richeson would appear to be
19 supportive of the mission of the Ripoff Report website; at other times, Defendant
20 Richeson would be threatening and menacing.

21 22. Defendant Richeson has consistently requested that Xcentric remove reports
22 about Defendant Richeson and/or his business entities that were posted on the Ripoff
23 Report website.

24 23. Defendant Richeson knows, and has admitted to knowing, that the reports
25 about him and/or his business entities that were posted on the Ripoff Report website were
26 authored by third-parties, and not by Xcentric.

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28

1 24. Defendant Richeson has been informed, on numerous occasions, that
2 Xcentric has a stated policy of not removing reports from the Ripoff Report website that
3 were authored by third parties.

4 25. In October, 2009, Defendant Richeson created a forum through his website
5 www.clickanerd.com. That forum contained a category titled "Corrupt Lawyers &
6 Judges," which in turn contained a sub-category titled "Jaburg and Wilk Sucks," which
7 contained another sub-category titled "Maria Crimi Speth – Edward Magedson."

8 26. Within that posting, it was alleged that "[Jaburg] and Wilk use
9 Ripoffreport.com as an extortion tool." This is a false statement. Jaburg & Wilk has no
10 financial or legal interest in the Ripoff Report website.

11 27. Upon information and belief, the purpose behind Defendant Richeson's
12 creation of the forum about Jaburg & Wilk was to force Xcentric to remove the postings
13 about Defendant Richeson in exchange for the removal of the posting about Jaburg &
14 Wilk.

15 28. Upon information and belief, Defendant Richeson also uses free press
16 release websites in an attempt to alter the public's opinion about Xcentric.

17 29. For example, on July 18, 2009, Defendant Richeson created a press release
18 falsely claiming to be from the Manager of Xcentric Ventures written in support of
19 Defendant Richeson's company.

20 30. On September 15, 2009, Richeson sent an email to Maria Crimi Speth, a
21 partner at Jaburg & Wilk, P.C. that stated that he was in possession of a video about
22 Ripoff Report.

23 31. In the email, Defendant Richeson attempted to blackmail Xcentric by
24 explaining that he was "going to make it [the Video] public," but then decided to contact
25 Ms. Speth and "work out a deal."

26 32. Defendant Richeson then invited Ms. Speth to view the video at the link
27 provided, and asked her to comment on the truthfulness of the statements in the video.
28

1 33. Ms. Speth responded promptly and informed Defendant Richeson that the
2 statements in the video were false.

3 34. In October of 2009, the video was posted on You Tube and several other
4 locations on the Internet.

5 35. On June 24, 2010, Defendant Richeson created another forum falsely
6 attempting to show a relationship between Jaburg & Wilk and the Ripoff Report website.
7 This new forum contained a photograph of a rabbit with a gun to its head, with a caption
8 stating "Save Me From Jaburg & Wilk – Owners of Ripoffreport.com."

9 36. Shortly thereafter, on July 1, 2010 Defendant Richeson sent an email to
10 Xcentric and to Jaburg & Wilk requesting that Xcentric update the title to a report on the
11 Ripoff Report website to falsely indicate that Defendant Richeson and Magedson "worked
12 together" to assist in a police investigation.

13 37. Xcentric did not update the title as requested by Defendant Richeson.

14 38. On September 3, 2010, Defendant Richeson escalated his extortive demands
15 to a new level.

16 39. By email dated September 3, 2010, Defendant Richeson informed Xcentric
17 and Magedson that he created and published a website detailing the criminal history of
18 Xcentric's general counsel, David Gingras.

19 40. The website falsely stated that David Gingras is a child molester.

20 41. The information on Defendant Richeson's website about Mr. Gingras
21 contained a statement suggesting that the information about Mr. Gingras was obtained
22 from the Arizona Department of Public Safety's sex offender registration website, which
23 falsely implies that Mr. Gingras was a convicted sex offender and/or that he was required
24 to register with such a registry and/or that Mr. Gingras's name appears on a list of sex
25 offenders. Each of those implications is false.

26 42. By that email, Defendant Richeson explained that his "offer still stands" and
27 demanded that two reports about him from the Ripoff Report website be removed "today."
28

1 43. Throughout the day on September 3rd, Defendant Richeson's threats
2 dramatically escalated.

3 44. Less than an hour after sending his initial email, Defendant Richeson sent
4 the link to the website about Mr. Gingras to all attorneys employed by Jaburg & Wilk,
5 stating that the website had been "updated."

6 45. Defendant Richeson also sent another email to Ms. Speth shortly after the
7 initial demand, explaining that the website had "gone viral." He provided Ms. Speth with
8 a link to a third-party website, demonstrating that the exact content from his website had
9 been copied and published on to the third-party website.

10 46. Ms. Speth immediately wrote to Defendant Richeson and requested that he
11 stop publishing the defamatory statements about Mr. Gingras. Ms Speth also requested
12 that Defendant Richeson speak with her about his demands.

13 47. Instead of communicating with Ms. Speth, Defendant Richeson sent another
14 email to Ms. Speth and all of the attorneys at Jaburg & Wilk. This lengthy email
15 contained a number of threats, including:

- 16 a. That Defendant Richeson would file a false and frivolous lawsuit
17 against Ms. Speth, "jaburg and wilk, Mr. Jaburg, Mr. Magedson,
18 David Gingras and any other person" that Defendant Richeson
19 believed to be involved in business with Xcentric;
- 20 b. That Defendant Richeson would "send my internet gurus back to the
21 grind digging into all of your employees, clients etc."
- 22 c. That Defendant Richeson would "make sure Jaburg and Wilk
23 couldn't get a client if they stood on the corner with sign saying "we
24 sue for food".

25 48. Defendant Richeson explained that he would not go through with the above
26 threats if Xcentric (a) removed the name "Richeson" from any posting on the Ripoff
27 Report website, and (b) removed the name "Clickanerd.com" from any posting on the
28 Ripoff Report website.

1 49. Defendant Richeson did not cease his extortionate activities at the close of
2 business on Friday. Instead, he began again with new emails and new threatening and
3 harassing websites on Saturday, September 4, 2010.

4 50. That morning, Defendant Richeson sent an email to all of the attorneys at
5 Jaburg & Wilk, telling them to bookmark the website www.JaburgandWilkSucks.com.

6 51. That website contained the same content as Defendant Richeson's previous
7 website regarding the record of Xcentric's general counsel, Mr. Gingras.

8 52. Defendant Richeson also sent emails only to Ms. Speth which contained
9 links to additional websites containing the same content as the previous websites
10 identified by Defendant Richeson.

11 53. Two hours later, Defendant Richeson sent another email to all attorneys at
12 Jaburg & Wilk, as well as to Magedson and the defendant in the Brewington Litigation.

13 54. That email was overtly threatening, explaining that Defendant Richeson
14 would "HAVE ALL OF [JABURG & WILK'S] CLIENTS CRIMINAL RECORDS
15 SOON."

16 55. Defendant Richeson further threatened that there was "NO TURNING
17 BACK NOW" but that the "SAME OFFER [IS] ON THE TABLE," insinuating that if
18 Xcentric removed the reports from the Ripoff Report website, Defendant Richeson would
19 cease making his threats.

20 56. Defendant Richeson further threatened that "BY TUESDAY, WE WILL
21 HAVE THIS SPREAD TO OVER 200 BLOGS."

22 57. This email also included a closing salutation from Defendant Richeson,
23 which said "CANT WAIT TO SEE YOU IN COURT DEAR."

24 58. Two hours later, Defendant Richeson sent yet another email to all attorneys
25 at Jaburg & Wilk.

26 59. In this email, Defendant Richeson explained that he was tracking all IP
27 addresses which visited the website he had created, www.jaburgwilksucks.com.
28

1 60. Defendant Richeson further explained that he would be “optimizing” that
2 website, using certain terms related to the law firm of Jaburg & Wilk, and that there would
3 be 10,000 visitors to that website by Tuesday.

4 61. Also in that email, Defendant Richeson continued to escalate his
5 extortionate demands and threats against the business associates of Xcentric.

6 62. Referencing those individuals associated with Xcentric and Jaburg & Wilk,
7 Defendant Richeson threatened to “start getting employees, family members and clients
8 criminal records and past indiscretions.”

9 63. Defendant Richeson specifically identified four of Jaburg & Wilk’s largest
10 clients whom he would “start with” in making information “unflattering, humiliating and
11 very public.”

12 64. Disturbingly, Defendant Richeson also explained that his “desire to settle is
13 fading as my excitement in this project increases.”

14 65. In response to these threats, Ms. Speth corresponded with Defendant
15 Richeson, explaining that Xcentric was considering surrendering to his demands and
16 requesting that Defendant Richeson cease making additional postings about Xcentric and
17 its vendors and associates.

18 66. Instead of responding rationally to this email, Defendant Richeson
19 explained that Xcentric had “20 minutes to fix” two postings about Defendant Richeson
20 on the Ripoff Report website.

21 67. Defendant Richeson threatened that if his name and the name of his
22 company was not removed from the two reports on the Ripoff Report website, “I can
23 assure before the weeks out, operation ‘ass slam jaburg and wilk’ will be a huge success.”

24 68. Late on Saturday, September 4, 2010, Xcentric agreed to redact Richeson’s
25 name and his company name from the postings, in the hope that it would mitigate the
26 immediate harm to Jaburg & Wilk until an application for an injunction could be filed
27 after the long Labor Day weekend.
28

1 69. Defendant Richeson then identified a third report from the Ripoff Report
2 website from which he wanted his name removed.

3 70. Defendant Richeson's threatening activities continued into Sunday as well.

4 71. On Sunday morning, Defendant Richeson sent an email to Ms. Speth
5 identifying three reports from the Ripoff Report website which he claimed "still have
6 occurrences" of his name and requested that she "please remedy" that.

7 72. Less than an hour later, Defendant Richeson sent a second email to both Ms.
8 Speth and Xcentric identifying a report from the Ripoff Report website and saying "WTF:
9 Are you going to fix this or not?"

10 73. When this report was not "fixed," he began posting defamatory content
11 about Mr. Gingras, Xcentric's general counsel, on numerous third-party websites.

12 74. Defendant Richeson continued to transmit threatening emails on Sunday
13 afternoon. He wrote to Ms. Speth and Xcentric stating "Pissing me off is not smart."

14 75. Defendant Richeson continued to threaten Xcentric and its law firm, Jaburg
15 & Wilk, stating: "If you are jerking me off to get through the weekend, I can promise you
16 You will lose in ways you never dreamed of."

17 76. Defendant Richeson further threatened "Keep your word and fix these
18 posts, or Find out just how far I am willing to take this matter."

19 77. Late Sunday night, Defendant Richeson issued an additional threat to
20 Xcentric. He offered Xcentric what he referred to as a "trade deal" related to the website
21 www.jaburgandwilksucks.com. Defendant Richeson further threatened to "turn this into
22 an SEO war" and warned Magedson that he would "spend 250K in legal fees and lose
23 anyway."

24 78. Finally, on Monday, September 6, 2010, Defendant Richeson sent three
25 additional threatening emails to all of the attorneys at Jaburg & Wilk, as well as Xcentric.

26 79. Monday's first email explained that the threat of litigation would not deter
27 Defendant Richeson. In fact, Defendant Richeson invited Jaburg & Wilk to "deal with the
28 political fallout and sue me if they want."

1 80. Defendant Richeson continued to threaten that “By Monday, my copy of the
2 report will have gone viral” and that it would be on “2000 + blogs.”

3 81. Defendant Richeson further threatened Jaburg & Wilk, stating “We will use
4 our SEO knowledge and resources to cause those facts to rank on Google and Yahoo and
5 make Jaburg and Wilk understand that when you dance with the devil (Xcentric), you will
6 do it in hell.”

7 82. Defendant Richeson further threatened Jaburg & Wilk, stating “I will cause
8 as much grief, public scrutiny and loss of revenue as humanly possible to you and the firm
9 of Jaburg and Wilk.”

10 83. Defendant Richeson further threatened Jaburg & Wilk, stating “I have
11 polarized law firms and made the owners go to sleep and wake up in the middle of the
12 night with hot flashes screaming my name.”

13 84. Defendant Richeson further attempted to extort Xcentric to remove the
14 reports he identified, explaining that if Xcentric “take[s] care of this immediately... I give
15 you my word that I will quietly go away and leave you and your law firm alone.”

16 85. Monday’s second email stated “Alrighty Then, Let the games begin” and
17 referenced again the website www.jaburgandwilsucks.com.

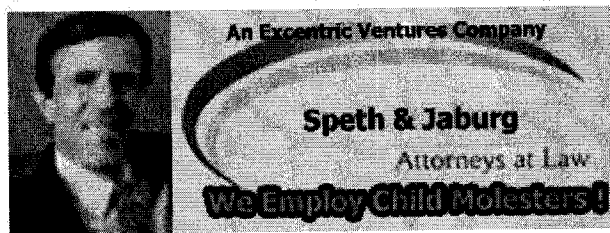
18 86. Monday’s final email was much lengthier, and contained additional threats
19 against Xcentric and Jaburg & Wilk.

20 87. Defendant Richeson threatened: “I promise and swear to god as my judge, I
21 will not let you get away with this and the only non paying, time consuming and
22 emotionally draining case you and your firm will be in for the next 3 years is jaburg v
23 richeson v Speth v Magedson.”

24 88. Defendant Richeson also threatened: “Every lawyer, paralegal and client
25 you have will see all of their criminal records and any other unflattering piece of dirt that
26 exists out their on the web right in the center of the Google and Yahoo search results.”
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28

- 1 c. The law firm buried the report about [David Gingras] to keep their
2 law firm from looking bad.
- 3 d. If [Maria Speth] would spend her time as a lawyer and not running
4 her website ripoffreport.com, maybe she would be able to focus and
5 do a good job.
- 6 e. How can we trust an Attorney to help us if they hire child molesters?
- 7 f. The quality of legal service [of Jaburg & Wilk] was terrible and I
8 found out that her partner David S. Gingras has been in trouble for
9 various sexual offenses and DWI.
- 10 g. I find it highly unethical that a law firm would allow people like this
11 to work for them.

12 119. Defendant Richeson also created defamatory images of and concerning
13 Jaburg & Wilk and published them on the internet. A true and correct copy of a
14 defamatory image created by Defendant Richeson and published on the internet is:



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19 This image contains a photograph of the managing partner of Jaburg & Wilk, Gary
20 Jaburg, along with defamatory text within the logo of Jaburg & Wilk. It also misstates the
21 name of the law firm, and misrepresents that the law firm is "an Excentric [sic] Ventures
22 Company."

23 120. Each of the above statements are factually false and, to the extent any of
24 Defendant Richeson's statements appear to convey an opinion, they are actionable
25 because they imply the existence of additional undisclosed facts which are false.

26 121. Defendant Richeson's statements published on multiple public websites are
27 false and defamatory because they bring Jaburg & Wilk into disrepute, contempt or
28 ridicule.

1 122. Defendant Richeson is liable not only for what was said, but also for what
2 was insinuated.

3 123. The statements published on multiple public websites are of and concerning
4 Jaburg & Wilk.

5 124. Defendant Richeson made each and every defamatory statement published
6 on multiple public websites knowing that said statements were false.

7 125. In the alternative, Defendant Richeson acted in reckless disregard of the
8 truth in making each of the defamatory statements; in the alternative, Defendant Richeson
9 was negligent in failing to ascertain the truth of the defamatory statements before making
10 them.

11 126. Each and all of the statements published on multiple public websites,
12 separately or in conjunction with one another were published by the Defendant Richeson
13 by reason of evil motives and/or malice towards Jaburg & Wilk and were and are intended
14 and designed to and did injure and defame and continue to injure and defame Jaburg &
15 Wilk.

16 127. Defendant Richeson's statements, singularly or in combination, have
17 exposed and continue to expose Jaburg & Wilk to public contempt. The statements have
18 impeached and continue to impeach the honesty and integrity of Jaburg & Wilk, have
19 damaged Jaburg & Wilk's reputation, and have subjected it to ridicule in the eyes of
20 current, former, and potential clients, current, former, and potential business associates,
21 and the general public.

22 128. By reason of the evil motives and malice of Defendant Richeson, Jaburg &
23 Wilk prays for presumed and/or nominal damages and for punitive damages in an amount
24 to be proven at trial, but in any event, an amount not less than \$75,000.

25 WHEREFORE, Plaintiffs Xcentric Ventures, LLC and Jaburg & Wilk, P.C. request
26 that the Court enter judgment against Defendant Shawn Richeson as follows:

27 A. For nominal damages;

28 B. For presumed damages;

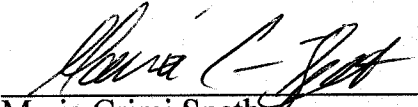
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- C. For punitive damages in an amount not less than \$75,000;
- D. For entry of a Temporary Restraining Order restraining Defendant Richeson from engaging in the harmful activities identified herein, including, but not limited to, the extortion and harassment of Plaintiffs;
- E. For entry of a Preliminary and Permanent Injunction restraining Defendant Richeson from engaging in the harmful activities identified herein, including, but not limited to, the extortion and harassment of Plaintiffs;
- F. For cost of suit incurred herein, including Plaintiffs' reasonable attorneys' fees and costs; and
- G. For such other and further relief as the Court deems just and proper.

DATED this 8th day of September, 2010.

JABURG & WILK, P.C.



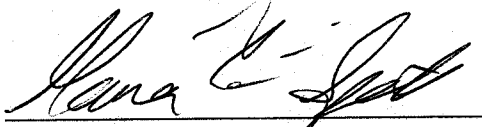
Maria Crimi Speth
Attorneys for Plaintiffs

VERIFICATION

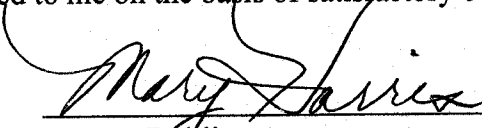
1
2 STATE OF ARIZONA)
3)
4 Maricopa County)

5
6 Maria Crimi Speth, being first duly sworn upon her oath and according to law,
7 deposes and says that she is the representative of the Plaintiff Jaburg & Wilk, P.C. in the
8 above-captioned matter and she has read the Complaint and knows the contents thereof;
9 and they are true to the best of her knowledge.

10 DATED this 8th day of September, 2010.

11
12 
13 _____
14 Maria Crimi Speth

15 SUBSCRIBED AND SWORN to before me this 8th day of September, 2010, by
16 Maria Crimi Speth personally known to me or proved to me on the basis of satisfactory evidence to
17 be the person who appeared before me.

18 
19 _____
20 Notary Public

21 My Commission expires: 11-5-10



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