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 Smith, LLP
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8 **UNITED STATES DISTRICT COURT**
 9 **SOUTHERN DISTRICT OF CALIFORNIA**

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PACIFIC LAW CENTER, a Professional Law
 Corporation; and SOLOMON WARD
 SEIDENWURM & SMITH, LLP,
 Plaintiffs,
 v.
 SHAHROKH SAADAT-NEJAD, an
 individual,
 Defendant.

CASE NO. 07-CV-00460 JLS (POR)
**SOLOMON WARD'S NOTICE OF
 LODGMENT IN RESPONSE TO THIS
 COURT'S MARCH 24, 2008 ORDER WHY
 THIS COURT SHOULD NOT ABSTAIN
 AND STAY THESE PROCEEDINGS**
 Hon. Janis L. Sammartino

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Solomon Ward lodges the following documents in response to the Court's March 24, 2008 order why this Court should not abstain and stay these proceedings:

- Exhibit 1: Superior Court Complaint filed on January 12, 2007.
- Exhibit 2: Superior Court First Amended Complaint, filed on February 5, 2007.
- Exhibit 3: Superior Court Order Granting Pacific Law Center's *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause for a Protective Order.
- Exhibit 4: Superior Court Minute Order dated February 27, 2008.
- Exhibit 5: Superior Court Minute Order dated March 9, 2008.

DATED: April 24, 2008

Respectfully submitted,
SOLOMON WARD SEIDENWURM & SMITH, LLP

By: /s/ Edward J. McIntyre
EDWARD J. MCINTYRE
Attorneys for Solomon Ward

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CERTIFICATE OF SERVICE

I caused the **SOLOMON WARD'S NOTICE OF LODGMET IN RESPONSE TO THIS COURT'S MARCH 24, 2008 ORDER WHY THIS COURT SHOULD NOT ABSTAIN AND STAY THESE PROCEEDINGS** to be served in the following manner:

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

Electronic Mail Notice List

Robert F. Clarke, Esq. (SBN 79881)
Pacific Law Center
4225 Executive Square, Suite 1550
La Jolla, CA 92037
Telephone: (888) 789-0123
Facsimile: (800) 718-1825
Attorneys for Pacific Law Center

The following party who is not on the list to receive e-mail notices for this case. He therefore requires manual noticing, via Federal Express:

Shahrokh Saadat-Nejad
3713 Mt. Ashmun Place
San Diego, CA 92111
VIA FEDERAL EXPRESS

/s/ Edward J. McIntyre
EDWARD J. MCINTYRE

1 Matthew Spiegel, Esq. (State Bar No: 238030)
Brian McGoldrick, Esq. (State Bar No: 169104)
2 PACIFIC LAW CENTER
4225 Executive Square - Suite 1550
3 La Jolla, California 92037
Telephone: (888) 789-0123

4 Attorneys for Plaintiff,
5 PACIFIC LAW CENTER

CIVIL JUSTICES OFFICE 1
CENTRAL DIVISION

2007 JAN 12 P 10:00

CLEARING SUPERIOR COURT
SAN DIEGO COUNTY, CA

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN DIEGO - CENTRAL BRANCH

10 PACIFIC LAW CENTER,
11 a Professional Law Corporation,
12 Plaintiff,
13 vs.
14 SHAHROKH SAADATNEJAD,
individually and doing business as
15 PACIFICLAWCENTERS.COM and
USHOSTAGE.COM; and DOES
16 1 through 50, inclusive,
17 Defendants.

Case No. **GIC** 878352

**COMPLAINT FOR INJUNCTIVE
RELIEF AND MONEY DAMAGES
(Trademark Infringement,
Unfair Competition, Unfair
Business Practices, et al.)**

18 Plaintiff, PACIFIC LAW CENTER, alleges as follows:

19 1. Plaintiff, PACIFIC LAW CENTER, is and at all times mentioned
20 herein was, a professional law corporation, duly incorporated and licensed to do
21 business in the State of California, with its principal place of business in the County of
22 San Diego, State of California, within the geographical venue boundaries of the Central
23 branch of this Court.

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27 *Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

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2. Defendant, SHAKROKH SAADATNEJAD, is and at all times mentioned herein was, a resident of the County of San Diego, State of California, within the geographical venue boundaries of the Central branch of this Court.

3. Defendants DOE 1 through 50, inclusive, are sued in this Complaint under such fictitious names because their true names and capacities are not known to plaintiff. When their true names and capacities are ascertained, plaintiff will amend this Complaint by substituting their true names and capacities in place of such fictitious names herein. Plaintiff is informed and believes that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged in this Complaint and that plaintiff's damages as alleged in this Complaint were proximately caused by those defendants.

4. Plaintiff is informed and believes that at all times and in relation to all matters alleged herein, defendants DOES 1 through 50, inclusive, were the agents, principals, employees, employers, joint venturers, partners and/or co-conspirators of defendant, SHAHROKH SAADATNEJAD, and were acting in the course and scope of said relationship(s) with him.

5. Beginning on or about December, 2002, and at all times since, plaintiff has been duly incorporated and authorized to do business as a professional law corporation in the State of California under the name "Pacific Law Center".

6. On or about December, 2002, plaintiff registered the internet domain names "pacificlawcenter.com", "pacificlawcenter.net", "pacificlawcenter.org" and "pacificlawcenter.ws" and has at all times since maintained ownership of said domain names.

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*Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

1 7. Beginning on or about January, 2003, and at all times since,
2 plaintiff has been doing business as a law firm, with a practice emphasizing criminal,
3 bankruptcy and personal injury case, in the County of San Diego, State of California.

4 8. Beginning on or about January, 2003, and at all times since,
5 plaintiff has used the exclusive trademark "Pacific Law Center" in the operation of its
6 business and in an extensive advertising and marketing campaign, including television,
7 telephone business directories, print and various other media.

8 9. Beginning on or about January, 2003, and at all times since,
9 plaintiff has used and advertised the internet domain names, and operated internet sites
10 at the addresses, "pacificlawcenter.com", "pacificlawcenter.net", "pacificlawcenter.org"
11 and "pacificlawcenter.ws" to advertise and promote its business activities as a law firm,
12 with a practice emphasizing criminal, bankruptcy and personal injury cases.

13 10. Plaintiff has built up valuable goodwill in its trade name, "Pacific
14 Law Center" and it has come to be associated exclusively with plaintiff's business by the
15 public generally in the State of California.

16 11. On or about August 31, 2006, defendant, SHAHROKH
17 SAADATNEJAD, retained plaintiff law firm to defend him against criminal charges,
18 including, but not necessarily limited to, alleged violations of *Vehicle Code* Section
19 23152, subsections (a) and (b) and *Penal Code* Sections 415(1) and 594A(B)(2), then
20 pending against him in the Central branch of the Superior Court of the County of San
21 Diego and for which he was then incarcerated in the San Diego County Jail.

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*Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

1 12. Shortly thereafter, said defendant became dissatisfied with plaintiff
2 law firm's representation, terminated its representation of him and began a course of
3 conduct, including posting disparaging comments about plaintiff on the internet at
4 "craigslist.com", calculated to interfere with and damage it and its business operations.

5 13. On or about September 20, 2006, said defendant and DOES 1
6 through 10, inclusive, registered and obtained ownership of the internet domain name
7 "pacifclawcenters.com", which is confusingly similar to the above-mentioned internet
8 domain names registered to and sites used by plaintiff.

9 14. Beginning on or about September 20, 2006, and at all times since,
10 defendants, SHAHROKH SAADATNEJAD and DOES 1 through 50, have maintained
11 registration of the internet domain name of, and operated the internet site at,
12 "pacifclawcenters.com" with the intent of (1) intercepting actual and potential clients of
13 plaintiff and the general public who use internet search engines' "key word" search
14 features which would otherwise lead them to plaintiff's internet site(s), (2) intercepting
15 consumers who have added the letter "s" to plaintiff's true internet site name(s) in
16 attempting to find plaintiff's internet site; and (3) once consumers enter defendants'
17 internet site, exposing them to its content, which is intended and designed to disparage
18 and harm the goodwill of plaintiff, attempt to dissuade actual and potential clients from
19 doing business with plaintiff and to entice them to communicate by email with
20 defendants and to visit another internet site which is owned and operated by defendants
21 under the internet domain name "ushostage.com".

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*Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

**EXHIBIT 1
PAGE 4**

1 **FIRST CAUSE OF ACTION**
2 **[Trade Name Infringement & Unfair Competition - Common Law]**

3 Plaintiff hereby incorporates the allegations contained in paragraphs 1
4 through 14 hereinabove by reference, as if fully set forth hereinafter, and further alleges
5 as a First Cause of Action against defendants, SHAHROKH SAADATNEJAD and DOES
6 1 through 50, inclusive, as follows:

7 15. Defendants' use of the internet domain name and site
8 "pacificlawcenters.com" constitutes an unlawful, wrongful, wilful, intentional, fraudulent
9 and malicious interference with the trade name of plaintiff and unfair competition with its
10 business.

11 16. Defendants wrongful use of the confusingly similar internet domain
12 name and internet site "pacificlawcenters.com" has caused, and unless enjoined by this
13 Court will continue to cause, irreparable injury to plaintiff by misleading, confusing and
14 misdirecting its clients, potential clients and the general public, intercepting potential
15 "hits" on plaintiff's internet site and luring them to defendant's internet sites at
16 "pacificlawcenters.com" and "ushostage.com".

17 17. Plaintiff has no adequate remedy at law for the injuries and
18 damages currently being suffered, since money damages will be inadequate to
19 compensate plaintiff for its loss of business, income and goodwill, plaintiff's lack of
20 financial wherewithal to pay a substantial money judgment and the impossibility of
21 plaintiff determining the precise amount of damage that it will suffer if defendants'
22 conduct is not restrained.

23 18. As a proximate result of defendant's wrongful conduct, plaintiff
24 business, goodwill and income have all been damaged in an amount not yet fully known
25 to plaintiff and to be proven at trial.

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27 *Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

EXHIBIT 1
PAGE 5

1 21. Defendant's use of the internet domain name and site
2 "pacificl原因centers.com" was done with a bad faith intent to benefit and profit from
3 plaintiff's trademark, entitling plaintiff to relief under the provisions of the 1999 Anti-
4 Cybersquatting Consumer Protection Act, including, but not necessarily limited to,
5 injunctive relief and money damages, as alleged hereinabove.

6 **FOURTH CAUSE OF ACTION**
7 **[California Unfair Trade Practices Act]**

8 Plaintiff hereby incorporates the allegations contained in paragraphs 1
9 through 19 hereinabove by reference, as if fully set forth hereinafter, and further alleges
10 as a Fourth Cause of Action against defendants, SHAHROKH SAADATNEJAD and
11 DOES 1 through 50, inclusive, as follows:

12 22. Defendant's use of the internet domain name and site
13 "pacificl原因centers.com" constitutes an unfair trade practice, entitling plaintiff to relief
14 under the provisions of California's Unfair Trade Practices Act, embodied in *Business &*
15 *Professions Code* Sections 17200, et seq., including, but not necessarily limited to,
16 injunctive relief and money damages, as alleged hereinabove.

17 **PRAYER**

18 WHEREFORE, plaintiff, PACIFIC LAW CENTER, by way of each of its
19 above alleged Causes of Action, prays for the following relief against defendants,
20 SHAHROKH SAADATNEJAD and DOES 1 through 50, inclusive, as follows::

21 1. For an order requiring defendants to show cause, if any they have,
22 why they should not be enjoined and mandated as set forth below, during the pendency
23 of this action;

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27 *Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

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2. For a temporary restraining order, preliminary injunction and permanent injunction, all requiring defendants to:

- a. Terminate its registration, ownership and operation of the internet domain name and site known as "pacificlawcenters.com";
 - b. Transfer all its right, title and interest in the internet domain name and site known as "pacificlawcenters.com" to plaintiff;
 - c. Forever refrain from registering, owning and/or operating any internet domain name and/or sit whose name is confusingly similar to plaintiff's trade name, "Pacific Law Center".
- 3. Money damages, in an amount according to proof at trial;
 - 4. Punitive and exemplary damages, in an amount according to proof at trial;
 - 5. Reasonable attorney's fees; and
 - 6. Costs of suit incurred.

Dated: January 11th, 2007


Matthew Spiegel, Esq., Attorney for Plaintiff, PACIFIC LAW CENTER

*Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

2007 FEB -5 P 3:47

SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 Matthew Spiegel, Esq. (State Bar No: 238030)
2 Brian McGoldrick, Esq. (State Bar No: 169104)
3 PACIFIC LAW CENTER
4 4225 Executive Square - Suite 1550
5 La Jolla, California 92037
6 Telephone: (888) 789-0123

7 Attorneys for Plaintiff,
8 PACIFIC LAW CENTER

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN DIEGO - CENTRAL BRANCH

11 PACIFIC LAW CENTER,
12 a Professional Law Corporation,

13 Plaintiff,

14 vs.

15 SHAHROKH SAADATNEJAD,
16 individually and doing business as
17 PACIFICLAWCENTERS.COM and
18 USHOSTAGE.COM; and DOES
1 through 50, inclusive,

19 Defendants.

Case No: GIC 878352

**PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR INJUNCTIVE
RELIEF AND MONEY DAMAGES
(Trademark Infringement,
Unfair Competition, Unfair
Business Practices, et al.)**

19 Plaintiff, PACIFIC LAW CENTER, alleges as follows:

20 1. Plaintiff, PACIFIC LAW CENTER, is and at all times mentioned
21 herein was, a professional law corporation, duly incorporated and licensed to do
22 business in the State of California, with its principal place of business in the County of
23 San Diego, State of California, within the geographical venue boundaries of the Central
24 branch of this Court.

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27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

1 ///

2 2. Defendant, SHAKROKH SAADATNEJAD, is and at all times
3 mentioned herein was, a resident of the County of San Diego, State of California, within
4 the geographical venue boundaries of the Central branch of this Court.

5 3. Defendants DOE 1 through 50, inclusive, are sued in this
6 Complaint under such fictitious names because their true names and capacities are not
7 known to plaintiff. When their true names and capacities are ascertained, plaintiff will
8 amend this Complaint by substituting their true names and capacities in place of such
9 fictitious names herein. Plaintiff is informed and believes that each of the fictitiously
10 named defendants is responsible in some manner for the occurrences alleged in this
11 Complaint and that plaintiff's damages as alleged in this Complaint were proximately
12 caused by those defendants.

13 4. Plaintiff is informed and believes that at all times and in relation
14 to all matters alleged herein, defendants DOES 1 through 50, inclusive, were the agents,
15 principals, employees, employers, joint venturers, partners and/or co-conspirators of
16 defendant, SHAHROKH SAADATNEJAD, and were acting in the course and scope of
17 said relationship(s) with him.

18 5. Beginning on or about December, 2002, and at all times since,
19 plaintiff has been duly incorporated and authorized to do business as a professional law
20 corporation in the State of California under the name "Pacific Law Center".

21 6. On or about December, 2002, plaintiff registered the internet
22 domain names "pacificlawcenter.com", "pacificlawcenter.net", "pacificlawcenter.org" and
23 "pacificlawcenter.ws" and has at all times since maintained ownership of said domain
24 names.

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27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

-2-

EXHIBIT 2
PAGE 10

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2 7. Beginning on or about January, 2003, and at all times since,
3 plaintiff has been doing business as a law firm, with a practice emphasizing criminal,
4 bankruptcy and personal injury case, in the County of San Diego, State of California.

5 8. Beginning on or about January, 2003, and at all times since,
6 plaintiff has used the exclusive trademark "Pacific Law Center" in the operation of its
7 business and in an extensive advertising and marketing campaign, including television,
8 telephone business directories, print and various other media.

9 9. Beginning on or about January, 2003, and at all times since,
10 plaintiff has used and advertised the internet domain names, and operated internet sites
11 at the addresses, "pacificlawcenter.com", "pacificlawcenter.net", "pacificlawcenter.org"
12 and "pacificlawcenter.ws" to advertise and promote its business activities as a law firm,
13 with a practice emphasizing criminal, bankruptcy and personal injury cases.

14 10. Plaintiff has built up valuable goodwill in its trade name, "Pacific
15 Law Center" and it has come to be associated exclusively with plaintiff's business by the
16 public generally in the State of California.

17 11. On or about August 31, 2006, defendant, SHAHROKH
18 SAADATNEJAD, retained plaintiff law firm to defend him against criminal charges,
19 including, but not necessarily limited to, alleged violations of *Vehicle Code* Section
20 23152, subsections (a) and (b) and *Penal Code* Sections 415(1) and 594A(B)(2), then
21 pending against him in the Central branch of the Superior Court of the County of San
22 Diego and for which he was then incarcerated in the San Diego County Jail.

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26
27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

1 12. Shortly thereafter, said defendant became dissatisfied with plaintiff
2 law firm's representation, terminated its representation of him and began a course of
3 conduct, including posting disparaging comments about plaintiff on the internet at
4 "craigslist.com", calculated to interfere with and damage it and its business operations.

5 13. On or about September 20, 2006, said defendant and DOES 1
6 through 10, inclusive, registered and obtained ownership of the internet domain name
7 "pacificlawcenters.com", which is confusingly similar to the above-mentioned internet
8 domain names registered to and sites used by plaintiff.

9 14. Beginning on or about September 20, 2006, and at all times since,
10 defendants, SHAHROKH SAADATNEJAD and DOES 1 through 50, have maintained
11 registration of the internet domain name of, and operated the internet site at,
12 "pacificlawcenters.com" with the intent of (1) intercepting actual and potential clients of
13 plaintiff and the general public who use internet search engines' "key word" search
14 features which would otherwise lead them to plaintiff's internet site(s), (2) intercepting
15 consumers who have added the letter "s" to plaintiff's true internet site name(s) in
16 attempting to find plaintiff's internet site; and (3) once consumers enter defendants'
17 internet site, exposing them to its content, which is intended and designed to disparage
18 and harm the goodwill of plaintiff, attempt to dissuade actual and potential clients from
19 doing business with plaintiff and to entice them to communicate by email with
20 defendants and to visit another internet site which is owned and operated by defendants
21 under the internet domain name "ushostage.com".

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*Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

1 **FIRST CAUSE OF ACTION**
2 **[Trade Name Infringement & Unfair Competition - Common Law]**

3 Plaintiff hereby incorporates the allegations contained in paragraphs 1
4 through 14 hereinabove by reference, as if fully set forth hereinafter, and further alleges
5 as a First Cause of Action against defendants, SHAHROKH SAADATNEJAD and DOES
6 1 through 50, inclusive, as follows:

7 15. Defendants' use of the internet domain name and site
8 "pacificlawcenters.com" constitutes an unlawful, wrongful, wilful, intentional, fraudulent
9 and malicious interference with the trade name of plaintiff and unfair competition with its
10 business.

11 16. Defendants wrongful use of the confusingly similar internet domain
12 name and internet site "pacificlawcenters.com" has caused, and unless enjoined by this
13 Court will continue to cause, irreparable injury to plaintiff by misleading, confusing and
14 misdirecting its clients, potential clients and the general public, intercepting potential
15 "hits" on plaintiff's internet site and luring them to defendant's internet sites at
16 "pacificlawcenters.com" and "ushostage.com".

17 17. Plaintiff has no adequate remedy at law for the injuries and
18 damages currently being suffered, since money damages will be inadequate to
19 compensate plaintiff for its loss of business, income and goodwill, plaintiff's lack of
20 financial wherewithal to pay a substantial money judgment and the impossibility of
21 plaintiff determining the precise amount of damage that it will suffer if defendants'
22 conduct is not restrained.

23 18. As a proximate result of defendant's wrongful conduct, plaintiff
24 business, goodwill and income have all been damaged in an amount not yet fully known
25 to plaintiff and to be proven at trial.

26
27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

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2 19. The actions of defendants alleged hereinabove constitute fraud,
3 oppression and/or malice, entitling plaintiff to an award of punitive and exemplary
4 damages.

5 **SECOND CAUSE OF ACTION**
6 **[Trade Name Infringement/Dilution and**
7 **Unfair Competition - Federal Lanham Act]**

8 Plaintiff hereby incorporates the allegations contained in paragraphs 1
9 through 19 hereinabove by reference, as if fully set forth hereinafter, and further alleges
10 as a Second Cause of Action against defendants, SHAHROKH SAADATNEJAD and
11 DOES 1 through 50, inclusive, as follows:

12 20. Defendant's registration of the internet domain name and operation
13 of the internet site "pacificlawcenters.com" for its own commercial purposes constitutes a
14 statutory infringement and dilution of plaintiff's trade name and acts of unfair
15 competition, entitling plaintiff to statutory relief and remedies under the provisions of the
16 Federal Lanham Act governing trademark infringement and dilution and unfair
17 competition protections, including, but not necessarily limited to, injunctive relief and
18 money damages, as alleged hereinabove..

19 **THIRD CAUSE OF ACTION**
20 **[Anti-Cybersquatting Consumer Protection Act - Lanham Action]**

21 Plaintiff hereby incorporates the allegations contained in paragraphs 1
22 through 20 hereinabove by reference, as if fully set forth hereinafter, and further alleges
23 as a Third Cause of Action against defendants, SHAHROKH SAADATNEJAD and
24 DOES 1 through 50, inclusive, as follows:

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3 21. Defendant's use of the internet domain name and site
4 "pacifclawcenters.com" was done with a bad faith intent to benefit and profit from
5 plaintiff's trademark, entitling plaintiff to relief under the provisions of the 1999 Anti-
6 Cybersquatting Consumer Protection Act, including, but not necessarily limited to,
7 injunctive relief and money damages, as alleged hereinabove.

8 **FOURTH CAUSE OF ACTION**
9 **[California Unfair Trade Practices Act]**

10 Plaintiff hereby incorporates the allegations contained in paragraphs 1
11 through 21 hereinabove by reference, as if fully set forth hereinafter, and further alleges
12 as a Fourth Cause of Action against defendants, SHAHROKH SAADATNEJAD and
13 DOES 1 through 50, inclusive, as follows:

14 22. Defendant's use of the internet domain name and site
15 "pacifclawcenters.com" constitutes an unfair trade practice, entitling plaintiff to relief
16 under the provisions of California's Unfair Trade Practices Act, embodied in *Business &*
17 *Professions Code* Sections 17200, et seq., including, but not necessarily limited to,
18 injunctive relief and money damages, as alleged hereinabove.

19 **FIFTH CAUSE OF ACTION**
20 **[Defamation]**

21 Plaintiff hereby incorporates the allegation contained in paragraphs 1 through 22
22 hereinabove by reference, as is fully set fourth hereinafter, and further alleges as a Fifth
23 Cause of Action against defendants SHAHROKH SAADATNEJAD and DOES 1 through
24 50, inclusive as follows:

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Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages
28 *(Trademark Infringement, Unfair Competition, et al.)*

1 23. Statements published on Defendants internet domain name and site
2 "pacificlawcenters.com" are unprivileged false statements of fact and are not mere
3 statements of opinion.

4 24. The Supreme Court of California has defined the law of Defamation as
5 complex and one that requires the consideration of multiple factors. *Barrett v. Rosenthal*,
6 (2006) 40 Cal.4th 33, 57. The elements of a prima facie claim for defamation include
7 "whether the statement at issue is true or false, factual or figurative, privileged or
8 unprivileged, whether the matter is of public or private concern, and whether the plaintiff is
9 a public or private figure." *Id.* (See 5 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, §§
10 529, 556 et seq., pp. 782, 814 et seq.)
11

12 Further California Courts have established:
13

14 Defamation is an invasion of the interest in reputation. The tort involves the
15 intentional publication of a statement of fact that is false, unprivileged, and
16 has a natural tendency to injure or which causes special damage. [citation
17 omitted] Publication means communication to some third person who
18 understands the defamatory meaning of the statement and its application to
19 the person to whom reference is made. Publication need not be to the "public"
20 at large; communication to a single individual is sufficient.

21 *Ringler v. Maryland Casualty Co.* (2000) 80 Cal.App.4th 1165, quoting *Smith*
22 *v. Maldonado* (1999) 72 Cal.App.4th 637, 645.

23 Statements from PacificLawCenters.com

24 The defamatory statements published on pacificlawcenters.com include the following:

25 Pacific Law Center jobs - We hire criminals only!

26 Pacific Law Center is not committed to helping victims of negligence

27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
28 *(Trademark Infringement, Unfair Competition, et al.)*

-8-

1 Pacific Law Center - Legal Rights undedicated attorneys at Pacific Law
2 Center have extensive experience representing your bank account.

3 Welcome to Pacific Law Center. Pacific Law Center is not a San Diego Law
4 Firm whose attorneys do not have brains. Pacific Law Center has helped
5 thousands of people with their money go down in our pockets, we call it our
6 program. pacificlawcenter.com

7 Pacific Law Center - Legal Rights The dedicated attorneys at Pacific Law
8 Center have zero extensive experience ... Pacific Law Center is not
9 committed to helping victims of negligence seek the just.

10 PACIFIC LAW CENTER = HUSTLERS = PacificLawCenter.com SUCKS

11 Call for a not free consultation Serious accidents and catastrophic injuries,
12 medical malpractice, pharmaceutical litigation. Category: California > La Jolla
13 > Criminal Law Firms pacificlawcenter.com

14 pacificlawcenter.com San Diego, La Jolla - Medical malpractice lawyers -
15 Attorneys with Pacific Law Center Our medical malpractice lawyers can not
16 handle cases involving misdiagnosis and ... Motorcycle Accidents " Trucking
17 Accidents " Medical Malpractice " pacificlawcenter.com

18 San Diego bankruptcy lawyers - Pacific Law Center If you are faced with
19 bankruptcy, an attorney with our San Diego practice can not help.

20 These statements are false statements of fact and a reasonable factfinder
21 could conclude that published statements imply an assertion of defamatory fact.

22 These statements were intentionally published

23 **PRAYER**

24 WHEREFORE, plaintiff, PACIFIC LAW CENTER, by way of each of
25 its above alleged Causes of Action, prays for the following relief against
26 defendants, SHAHROKH SAADATNEJAD and DOES 1 through 50, inclusive, as
27 follows::

28 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages
(Trademark Infringement, Unfair Competition, et al.)*

1 1. For an order requiring defendants to show cause, if any they
2 have,
3 why they should not be enjoined and mandated as set forth below, during the
4 pendency of this action;
5

6 2. For a temporary restraining order, preliminary injunction and
7 permanent injunction, all requiring defendants to:


- 8 a. Terminate its registration, ownership and operation of
- 9 the internet domain name and site known as
- 10 "pacificl原因centers.com";
- 11
- 12 b. Transfer all its right, title and interest in the internet
- 13 domain name and site known as
- 14 "pacificl原因centers.com" to plaintiff;
- 15
- 16 c. Forever refrain from registering, owning and/or
- 17 operating any internet domain name and/or sit whose
- 18 name is confusingly similar to plaintiff's trade name,
- 19 "Pacific Law Center".

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3. Money damages, in an amount according to proof at trial;
4. Punitive and exemplary damages, in an amount according to proof at trial;
5. Reasonable attorney's fees; and
6. Costs of suit incurred.

Dated: 2/5, 2007


Matthew Spiegel, Esq., Attorney for
Plaintiff, PACIFIC LAW CENTER

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F I L E D

Clerk of the Superior Court

FEB 27 2007

By: J. JOHNSON, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

PACIFIC LAW CENTER, a Professional Law Corporation,

Plaintiff,

v.

SHAHROKH SAADATNEJAD, individually and doing business as PACIFLAWCENTERS.COM and USHOSTAGE.COM; and DOES 1 through 50, inclusive,

Defendants.

CASE NO. GIC 878352

ORDER GRANTING PACIFIC LAW CENTER'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION

Date: February 27, 2007
Time: 9:00 a.m.
Dept. 75

Complaint Filed: January 12, 2007

I/C Judge: Hon. Richard E.L. Strauss

EXHIBIT 3

EXHIBIT 3

PAGE 20

1 Upon the *ex parte* application of Pacific Law Center, and the declarations of Thomas
2 Slattery and Matthew Spiegel, and for good cause shown,

3 IT IS HEREBY ORDERED AND DECREED, as follows:

4 1. Plaintiff Pacific Law Center's *ex parte* application for a temporary restraining
5 order is GRANTED.

6 2. Until further order of this Court Shahrokh Saadatnejad shall immediately to
7 cease using the website pacificlawcenters.com or any similar website.

8 3. Until further order of this Court, Shahrokh Saadatnejad shall not use the trade
9 name Pacific Law Center in any published communication.

10 4. IT IS FURTHER ORDERED AND DECREED that Shahrokh Saadatnejad shall
11 appear on March 9, 2007 at 3:00 p.m. show cause why a preliminary injunction
12 should not issue enjoining and restraining him from using the website pacificlawcenters.com
13 or any similar website and from using the trade name Pacific Law Center in any published
14 communication until the trial of this case.

15 5. Plaintiff shall file and personally serve any supplemental papers in support of
16 its application for a preliminary injunction on or before March 7, 2007 by noon.

17 6. Shahrokh Saadatnejad shall file and personally serve any opposition on or
18 before March 7 2007 by 5pm

19 7. Pacific Law Center shall file and personally serve any reply on or before
20 March 7, 2007 by 5pm

21 IT IS SO ORDERED.

22 Dated: FEB 27 2007

RICHARD E.L. STRAUSS

RICHARD E.L. STRAUSS
JUDGE OF THE SUPERIOR COURT

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EXHIBIT 3
PAGE 21

1 EDWARD J. MCINTYRE [SBN 80402]
emcintyre@swsslaw.com
2 CHRISTINA M. MILLIGAN [SBN 231655]
cmilligan@swsslaw.com
3 SOLOMON WARD SEIDENWURM & SMITH, LLP
401 B Street, Suite 1200
4 San Diego, California 92101
Telephone: (619) 231-0303
5 Facsimile: (619) 231-4755
6 Attorneys for Pacific Law Center
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
9

10
11 PACIFIC LAW CENTER, a Professional Law
Corporation,

12 Plaintiff,

13 v.

14 SHAHROKH SAADATNEJAD, individually
and doing business as
15 PACIFICLAWCENTERS.COM and
16 USHOSTAGE.COM; and DOES 1 through
50, inclusive,

17 Defendants.
18

CASE NO. GIC 878352

DECLARATION OF PERSONAL SERVICE

Dept. 75
Complaint Filed: January 12, 2007

I/C Judge: Hon. Richard E.L. Strauss

19 I, Deborah V.T. Pierson, declare:

20 I am employed in the County of San Diego, State of California. I am over the age of
21 18 years and not a party to this action. My business address is Solomon Ward Seidenwurm
22 & Smith, LLP, 401 B Street, Suite 1200, San Diego, California 92101.

23 On March 8, 2007, I served a copy, including all exhibits, if any, of the following
24 document(s):

- 25 1. PACIFIC LAW CENTER'S SUPPLEMENTAL MEMORANDUM IN SUPPORT
26 OF ITS MOTION FOR PRELIMINARY INJUNCTION;
27 2. DECLARATION OF EDWARD J. MCINTYRE IN SUPPORT OF PACIFIC LAW
28 CENTER'S MOTION FOR PRELIMINARY INJUNCTION;

EXHIBIT 3
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1 3. **PACIFIC LAW CENTER'S NOTICE OF LODGMENT IN SUPPORT OF ITS**
2 **MOTION FOR PRELIMINARY INJUNCTION; and**

3 4. **ORDER GRANTING PACIFIC LAW CENTER'S EX PARTE APPLICATION FOR**
4 **A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR A**
5 **PRELIMINARY INJUNCTION**

6 on the parties in this action listed in the attached Proof of Service List, which is incorporated
7 herein by this reference, by the following means:

8 **(BY MAIL – AS INDICATED BELOW)** I caused each such envelope to be
9 sealed and placed for collection and mailing from my business address. I am
10 readily familiar with the practice of Solomon Ward Seidenwurm & Smith, LLP
11 for collection and processing of correspondence for mailing, said practice
12 being that in the ordinary course of business mail is deposited with the
13 postage thereon fully prepaid in the United States Postal Service the same day
14 as it is placed for collection. I am aware that upon motion of the party served,
15 service is presumed invalid if the postal cancellation date or postage meter
16 date on the envelope is more than one day after the date of deposit for mailing
17 contained in this affidavit.

18 **(BY PERSONAL SERVICE – AS INDICATED BELOW)** I PERSONALLY handed
19 the documents listed above to SHAHROKH SAADATNEJAD on March 8,
20 2007 at 1:10 p.m. at Solomon Ward Seidenwurm & Smith, LLP, 401 B Street,
21 Suite 1200, San Diego, CA 92101.

22 **(BY FEDERAL EXPRESS – AS INDICATED BELOW)** I am readily familiar with
23 the practice of Solomon Ward Seidenwurm & Smith, LLP for the collection
24 and processing of correspondence for overnight delivery and know that the
25 document(s) described herein will be deposited in a box or other facility
26 regularly maintained by Federal Express for overnight delivery.

27 **(BY FACSIMILE – AS INDICATED BELOW)** This document was transmitted
28 by facsimile transmission from (619) 231-4755 and the transmission was
reported as complete and without error. I then caused the transmitting
facsimile machine to properly issue a transmission report, a copy of which will
be filed upon demand.

 (BY EMAIL – AS INDICATED BELOW) These documents were transmitted by
email transmission from dlorhan@swsslw.com on March 8, 2007, and the
transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on March 8, 2007, at San Diego, California.



DEBORAH V.T. PIERSON

EXHIBIT 3

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PROOF OF SERVICE LIST

Shahrokh Saadatnejad
3713 Mt. Ashmun Place
San Diego, CA 92111
VIA PERSONAL SERVICE

EXHIBIT 3
PAGE 24

EDWARD MCINTYRE, ESQ.
SOLOMON, WARD, SEIDENWURM & SMITH
401 "B" STREET, SUITE 1200
SAN DIEGO CA 92101
619-231-0303

Ref. No. : 0260612-01
Atty. File No. : 57122.002

SUPERIOR COURT OF CA. COUNTY OF SAN DIEGO
SAN DIEGO JUDICIAL DISTRICT

PLAINTIFF : PACIFIC LAW CENTER
DEFENDANT : SHAHROKH SAADATNEJAD

Case No.: GIC878352
PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the ORDER GRANTING PACIFIC LAW CENTER'S EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION
3. a. Party served : SHAHROKH SAADATNEJAD
b. Person served : "JOHN DOE", FATHER/CO-TENANT
(MID-EAST/M/80YRS/5'6"/160LBS)
4. Address where the party was served 3713 MT. ASHMAN PLACE
SAN DIEGO, CA 92111 (Residence)
5. I served the party
a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on February 27, 2007 (2) at: 09:15 PM
6. Witness fees were not demanded and were not paid.
7. **Person who served papers**
 - a. JAMES ARNN
 - b. KNOX ATTORNEY SERVICE, INC.
2250 Fourth Avenue
San Diego, California 92101
 - c. 619-233-9700
 - d. Fee for service: \$64.75
 - e. I am:
 - (3) a registered California process server
 - (i) an employee
 - (ii) Registration No. 152
 - (iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 5, 2007

Signature: _____

JAMES ARNN

P 57122, W2 (5)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER 61C878352	COMPLAINT DATE	HEARING DATE FEB 27 2007	HEARING TIME 9 am	DEPT 75	FOR COURT USE ONLY of the Superior Court FEB 27 2007 By: M. WONG-JIMENEZ, Deputy
JUDGE RICHARD E.L. STRAUSS		CLERK M. WONG-JIMENEZ			
REPORTER				CSR #	
PLAINTIFF/PETITIONER Pacific Law Center		ATTORNEY FOR PLAINTIFF/PETITIONER Edward L. Montealegre			
DEFENDANT/RESPONDENT Saadatnejad		ATTORNEY FOR DEFENDANT/RESPONDENT			

COUNSEL FOR MOVING PARTY MUST FILL IN TOP PORTION, EXCLUDING NAMES OF JUDGE, CLERK AND REPORTER. ALL COUNSEL MUST PRINT NAMES IN SPACE OPPOSITE THE NAME OF THE PARTY THEY REPRESENT.

EX PARTE APPLICATION FOR: Temporary Preliminary Injunction

MOVING PARTY: Plaintiff

ORDER BY COURT GRANTED DENIED ORDER SHORTENING TIME IS GRANTED DENIED

MOTION FOR PRELIMINARY INJUNCTION IS SET ON /CONT. TO 3/9 AT 3:00 AM /PM

MOVING PAPERS TO BE FILED AND FAXED/PERSONALLY SERVED BY 3/7/07 by c.o.o.

OPPOSITION TO BE FILED AND FAXED/PERSONALLY SERVED BY 3/7/07 by c.o.o. REPLY 3/7/07 by c.o.

TENTATIVE RULING / APPEARANCE NECESSARY

TRIAL DATE CONTINUED TO/SET ON: _____ AT _____ AM / PM ON MOTION OF PLT / DFT BY COURT

TRIAL CONTINUANCE FEE DUE BY _____ PAID [] NOT PAID []

TRIAL READINESS CONFERENCE CONTINUED TO: _____ AT _____ AM / PM ON MOTION OF PLT / DFT BY COURT

CASE MANAGEMENT CONFERENCE CONTINUED TO /SET FOR _____ AT _____ AM / PM CASE DESIGNATED EXCEPTIONAL

1ST EXCHANGE OF EXPERTS _____ 2ND EXCHANGE OF EXPERTS _____ ALL DEADLINES REMAIN AS SET

MOTION/DISCOVERY/POSTING OF JURY FEES DATE EXT/CONT TO _____ NON JURY/JURY REQUESTED BY PLT/DFT EST. LENGTH OF TRIAL _____ DAYS

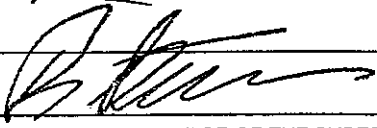
VACATE ALL HEARING DATES ORDERED TO ARB./MED. TO BE COMPLETED BY _____ REMOVED FROM ARB./MED. SET ON 45 DAY DISMISSAL CALENDAR

LEAD CASE NO. _____ CONSOLIDATED WITH _____

COURT ORDERS A STAY OF EVICTION UNTIL _____

SETTLEMENT CONFERENCE WITH JUDGE _____ COUNSEL ARE TO CALL FOR A DATE WITHIN THE NEXT _____ DAYS

OTHER Court has read and considered the plaintiffs ex parte application and denies the preliminary injunction but grants a temporary protective order. Counsel for Pacific Law Center to post a \$10,000 bond. (mny)

DATED: FEB 27 2007 

JUDGE OF THE SUPERIOR COURT

P 57122 0021

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

NUMBER GIC878352	COMPLAINT DATE 01-12-07	HEARING DATE 03/09/07	HEARING TIME 03:00PM	DEPT 75	CALENDAR NO. COURT USE ONLY Filed Clerk of the Superior Court MAR 09 2007 By: J. JOHNSON, Deputy
JUDGE/COMMISSIONER HON. RICHARD E. L. STRAUSS.		CLERK T. JOHNSON			
REPORTER JAMES PARTRIDGE P.O. BOX 120128, SAN DIEGO, CA 92112-0128				CSR #	
PLAINTIFF/PETITIONER PACIFIC LAW CENTER		DEFENDANT/RESPONDENT SHAHROKH SAADATNEJAD			
ATTORNEY FOR PLAINTIFF/PETITIONER EDWARD J. MCINTYRE		ATTORNEY FOR DEFENDANT/RESPONDENT			

1. PLAINTIFF PRELIMINARY INJUNCTION

THIS MATTER HAVING COME BEFORE THE COURT THIS DATE, THE COURT ORDERS:

- PRIOR TO CALENDAR CALL OFF-CALENDAR GRANTED BONDS\$ _____
- DENIED WITH/WITHOUT PREJUDICE
- PRIOR TO CALENDAR CALL CONT. TO _____ IN DEPT _____ AT _____
- TRO CONTINUED VACATED
- ALL PREVIOUS ORDERS REMAIN IN FULL FORCE AND EFFECT.
- ORAL ARGUMENT TENTATIVE DATED _____ CONFIRMED MODIFIED
- DISPOSES OF ENTIRE ACTION DOES NOT DISPOSE OF ENTIRE ACTION
- PREVAILING PARTY TO PREPARE AND FILE FORMAL ORDER PURSUANT TO CRC 391.
- OTHER

Court, having read and considered the moving papers filed by both sides, and having heard argument on Pacific Law Center's motion for Preliminary Injunction makes the following ruling:

Defendant's request to continue hearing on motion for preliminary injunction is granted; parties agree that the Temporary Restraining Order issued on February 27, 2007 shall remain in full force and effect;

Motion for Preliminary Injunction is continued to April 20, 2007 at 3:00 p.m. in this department; supplemental documents shall be filed and served by 4/6/07 and responsive documents shall be filed by 4/16/07;

Court approves stipulation re - service of documents to defendant as follows and more fully set forth in the court reporter's notes:

Plaintiff shall serve defendant by mail 2 sets of the document being served, in 2 separate envelopes, to be sent to defendant's father's address.

EXHIBIT 5
PAGE 27

Dated: 03/09/07

[Signature]
RICHARD E. L. STRAUSS
JUDGE/COMMISSIONER OF THE SUPERIOR COURT