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F I L E D
 Clerk of the Superior Court
FEB 26 2007
 By: M. WONG-JIMENEZ, Deputy

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**

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.

CASE NO. GIC 878352

**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

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I
INTRODUCTION

This is a classic case of rage run riot.

If a client does not like the service he receives from his lawyer he has several legitimate options. He can fire the lawyer and retain someone else. He can even bring a malpractice action if there is legitimate cause to do so. The State Bar provides redress for legitimate ethical transgressions.

What the disaffected client **cannot** do, however, is misappropriate and infringe a law firm's service mark and trade name and then use it to spread outrageous lies about that law firm and create confusion in the minds of the consuming public. That, however, is precisely what Mr. Saadatnejad has done.

For that reason, Pacific Law Center seeks a temporary restraining order and an order to show cause why a preliminary injunction should not issue to stop Mr. Saadatnejad from further misappropriation and intentional infringement of Pacific Law Center's service mark and trade name and the unfair business practice in which he is currently engaged.

II
MATERIAL FACTS¹

Pacific Law Center.

Pacific Law Center is a professional corporation registered with the State Bar of California; Robert Arentz is the supervising attorney. Pacific Law Center has more than 20 licensed attorneys at its three San Diego offices—La Jolla, Escondido and Chula Vista. Overall, Pacific Law Center has more than 100 employees.

During the last four years in San Diego, Pacific Law Center spends millions of dollars in print and other media advertising. The sole purpose of that advertising is to associate Pacific Law Center with high quality legal services for our clients in the three areas in which Pacific Law Center attorneys primarily practice: personal injury, criminal and consumer

¹ The facts are supported by the declarations of Thomas Slattery and Matthew Spiegel.

1 bankruptcy representation.

2 Over the course of time, and because of that advertising, consumers of legal services
3 identify Pacific Law Center with the professional corporation that is registered with the State
4 Bar of California and which provides high quality legal services for clients throughout San
5 Diego county.

6 Pacific Law Center owns the website pacificlawcenter.com. That website is a major
7 avenue for clients to learn about Pacific Law Center, its attorneys and the services it
8 provides. It also provides a way for clients to reach Pacific Law Center.

9 As such, the trade name and service mark "Pacific Law Center" has achieved a
10 secondary meaning in the minds of the consuming public as a specific source of high quality
11 legal services for clients in San Diego county.

12 **Mr. Saadatnejad's Conduct.**

13 Since Mr. Saadatnejad began his campaign using pacificlawcenters.com [emphasis
14 added] there is confusion among consumers of legal services whether his website is the
15 official website of Pacific Law Center.

16 Pacific Law Center has had clients and potential clients call and inquire whether
17 Pacific Law Center admits to engaging in the kind of conduct that Mr. Saadatnejad accuses it
18 of on his pacificlawcenters.com website.

19 Pacific Law Center has had clients and potential clients tell us that they will not retain
20 Pacific Law Center as a result of what they see on pacificlawcenters.com and what they
21 apparently believe are admissions of Pacific Law Center, the professional corporation.

22 Mr. Saadatnejad has made clear that he has no intention to stop using the Pacific Law
23 Center service mark and trade name unless this Court enters an injunction that forces him to
24 do so.

25 Indeed, Mr. Saadatnejad has told Pacific Law Center that he intended to use
26 pacificlawcenters.com to create precisely the kind of confusion in the minds of the
27 consuming public that has in fact occurred.

28 Mr. Saadatnejad has told Pacific Law Center that, unless it pays him \$500,000, he

1 will continue to use the confusingly similar pacificlawcenters.com website and continue to
2 say the things that he has said about Pacific Law Center and its attorneys and employees.

3 In those postings, Mr. Saadatnejad accuses Pacific Law Center of lying to and
4 cheating its clients. He calls Pacific Law Center attorneys "thieves," "liars," "scam artists,"
5 "hustlers." He also associates Pacific Law Center with methamphetamine laboratories and
6 child abuse and child slavery.

7 He makes it look as if the official website of Pacific Law Center has been "hacked."

8 He claims that Pacific Law Center "robbed," him although all of his retainer both
9 unearned and earned was returned in full.

10 Mr. Saadatnejad also defames Phillips & Associates, an Arizona professional
11 corporation that is related to Pacific Law Center.

12 **Mr. Saadatnejad is a Former Client of Pacific Law Center.**

13 Pacific Law Center was retained by Mr. Saadatnejad's mother to represent him in a
14 criminal case in San Diego which he was charged generally with driving under the
15 influence, fighting in public, disorderly conduct and vandalism.

16 The criminal supervising attorney assigned the matter to Mr. Spiegel, a member of the
17 State Bar of California and an attorney in the criminal law division of Pacific Law Center. He
18 speaks both English and Spanish.

19 He graduated from the University of Arizona with a bachelor's degree in economics
20 and earned his law degree from Thomas Jefferson School of Law in San Diego. Mr. Spiegel
21 is experienced in handling various kinds of misdemeanor and felony cases and has tried
22 many misdemeanor and felony cases, including those involving charges of driving under the
23 influence, child abuse and related sex-offender matters.

24 Mr. Spiegel was admitted to practice law in California in November 2005.

25 Mr. Saadatnejad's mother retained Pacific Law Center firm extremely late at night the
26 eve of trial. Mr. Spiegel received a call to that effect at approximately 8:15 in the morning,
27 with trial call in Department 2 being at 8:15-8:30.

28 Mr. Spiegel was able to make it to the courthouse just as Mr. Saadatnejad's case was

1 about to be sent out to a judge for trial. The judge reluctantly allowed him to substitute in.

2 Mr. Spiegel then had time to go and see Mr. Saadatnejad, who was in custody. He
3 explained that Mrs. Saadatnejad had hired Pacific Law Center to represent him and that he
4 had substituted in. Mr. Spiegel also informed him that he continued the trial date and set a
5 date for another status conference. He also had Saadatnejad initial and sign the retainer
6 agreement.

7 . . . Approximately two weeks later, Mr. Spiegel received a message from his paralegal
8 that Mr. Saadatnejad wanted to fired Pacific Law Center and Mr. Spiegel tried to see
9 Saadatnejad in county jail but he refused.

10 Then Mr. Spiegel appeared at the readiness conference and told the judge that he
11 thought Pacific Law Center may have been fired but he was not sure and did not want
12 prematurely to ask to be relieved as counsel.

13 Mr. Saadatnejad then bailed out of jail two days later, added himself onto calendar,
14 and formally relieved Mr. Spiegel as attorney of record.

15 **Refund and Harm.**

16 Pacific Law Center has refunded to Mr. Saadatnejad not only unused portions of his
17 retainer but, in fact, the whole of that retainer.

18 The statements about Pacific Law Center and its attorneys and employees are
19 obviously false and are causing Pacific Law Center damages. Pacific Law Center has already
20 suffered irreparable harm as a result of Saadatnejad's conduct and it will continue to suffer
21 irreparable harm unless this Court stops him.

22 There is no way accurately to determine the whole of the harm that Mr. Saadatnejad
23 has done to Pacific Law Center and its reputation and the reputation of its attorneys. As a
24 result, money damages are inadequate to repair that harm. In that respect, Pacific Law
25 Center has suffered and continues to suffer irreparable harm and will do so until this Court
26 stops Mr. Saadatnejad.

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III
PACIFIC LAW CENTER IS ENTITLED
TO A TEMPORARY RESTRAINING ORDER

This Court has the authority to grant a temporary restraining order and set a hearing for preliminary injunction.² A court may enter an injunction to bar the infringement of a common law trademark or trade name.

In addition, this Court has the authority pursuant to the provisions of Business & Professions Code §17200 to enjoin unfair business practices. The sweeping language of California's unfair competition law—§17200—permits a court to enjoin on-going wrongful business conduct in whatever context such activity might occur, and it is not confined to anti-competitive business practices, and its coverage is not limited to deceptive practice; a practice is enjoined as unlawful totally apart from its inherent fairness.³

Actions under §17200 are also "substantially congruent" to claims made under the Lanham Act.⁴ Under the Lanham Act, injunctive relief is equally appropriate, even for non-federally registered marks.⁵

Since Pacific Law Center has met its burden of showing both likelihood of success on the merits and also that it will suffer irreparable harm unless a temporary restraining order and a preliminary injunction issues by competent evidence, it is entitled to and this Court is

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24 ² *DVD Copy Control Association, Inc. v. Bunner* (2003) 31 Cal.4th 864 (Court upheld preliminary injunction of trade secret theft in spite of First Amendment challenge); see also, *Hall v. Holstrom* (1930) 106 Cal.App. 563; *H. Moffat Company v. Kofinow* (1951) 104 Cal.App.2d 560.

25 ³ *Alch v. Superior Court* (2004) 122 Cal.App.4th 339.

26 ⁴ *Entrepreneur EUR Media v. Smith*, 279 F.3d 1135, 1153 (9th Cir. 2002); *Glow Industries, Inc. v. Lopez*, 252 F.Supp.2d 962, 975 (C.D. Cal. 2002) ("The elements of state claims for trade mark infringement, unfair competition are substantially to those of comparable federal claims").

27 ⁵ 15 U.S.C. §1125(a).

1 authorized to issue a temporary restraining order barring Saadatnejad from further use of the
2 website pacificlawcenters.com or any confusingly similar website that identifies either
3 Pacific Law Center or Phillips & Associates.

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5 DATED: February 26, 2007

Respectfully submitted,

6 SOLOMON WARD SEIDENWURM & SMITH, LLP

7
8 By: 
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10 CHRISTINA M. MILLIGAN
11 Attorneys for Pacific Law Center
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