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6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN DIEGO - CENTRAL BRANCH
9

10 PACIFIC LAW CENTER,
11 a Professional Law Corporation,

12 Plaintiff,

13 vs.

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

18 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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26
27 *Plaintiff's First Amended Complaint for Injunctive Relief and Money Damages*
(Trademark Infringement, Unfair Competition, et al.)

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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.)*

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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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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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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**
Unfair Competition - Federal Lanham Act]

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

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

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

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

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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
5 24. The Supreme Court of California has defined the law of Defamation as
6 complex and one that requires the consideration of multiple factors. *Barrett v. Rosenthal*,
7 (2006) 40 Cal.4th 33, 57. The elements of a prima facie claim for defamation include
8 "whether the statement at issue is true or false, factual or figurative, privileged or
9 unprivileged, whether the matter is of public or private concern, and whether the plaintiff is
10 a public or private figure." *Id.* (See 5 Witkin, Summary of Cal. Law (9th ed. 1988) Torts, §§
11 529, 556 et seq., pp. 782, 814 et seq.)
12

13 Further California Courts have established:

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.)*

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 "paciflawcenters.com";
11 b. Transfer all its right, title and interest in the internet
12 domain name and site known as
13 "paciflawcenters.com" to plaintiff;
14 c. Forever refrain from registering, owning and/or
15 operating any internet domain name and/or sit whose
16 name is confusingly similar to plaintiff's trade name,
17 "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