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7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 PACIFIC LAW CENTER, A Professional
Corporation and SOLOMON WARD
12 SEIDENWURM & SMITH LLP,,

13 Plaintiff,

14 v.

15 SHAHROKH SAADAT-NEJAD,

16 Defendant.
17
18

CASE NO. 07-CV-00460 JLS (POR)

**DECLARATION OF EDWARD J.
McINTYRE IN SUPPORT OF SOLOMON
WARD'S BRIEF ADDRESSING ISSUES THIS
COURT'S ORDER RAISED DIRECTING
PARTIES TO SHOW CAUSE WHY
SUMMARY JUDGMENT SHOULD NOT BE
ENTERED**

Date: To Be Determined
Time: To Be Determined
Courtroom: 6

Hon. Janis L. Sammartino
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1 Edward J. McIntyre declares:

2 1. I am a member of the bar of this Court. I am a Solomon Ward partner. I know
3 the facts in this declaration of my own personal knowledge.

4 2. On March 17, 2008 the parties attended a conference before Magistrate Judge
5 Porter. Mr. Saadat-Nejad demanded that he be paid "millions" to give up, or stop using, the
6 web sites he had registered with domain names containing the words "Solomon Ward".

7 3. On March 26, 2007, I filed a complaint with ICANN (Internet Corporation for
8 Assigned Names and Numbers) in accordance with the Uniform Domain Name Dispute
9 Resolution Policy. This complaint disputed only two domain names:
10 solomonwardlawfirm.com and solomonwardsandiego.com. The complaint did not seek to
11 have ushostage.com or any other of Mr. Saadat-Nejad's web sites be cancelled, removed or
12 shut down. I attach a copy.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct from my own personal knowledge and that I executed this
15 declaration on July 25, 2008, at San Diego, California.

16 */s/ Edward J. McIntyre*
17 EDWARD J. MCINTYRE

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CERTIFICATE OF SERVICE

I caused the **DECLARATION OF EDWARD J. MCINTYRE IN SUPPORT OF SOLOMON WARD SEIDENWURM & SMITH'S BRIEF ADDRESSING ISSUES RAISED BY THIS COURT'S ORDER DIRECTING PARTIES TO SHOW CAUSE AS TO WHY SUMMARY JUDGMENT SHOULD NOT BE ENTERED** 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)
Phillips & Associates
3030 N. Third Street, Suite 1100
Phoenix, AZ 85012
Telephone: (602) 258-8900
Facsimile: (602) 288-1671
Attorneys for Pacific Law Center

The following party is not on the list to receive e-mail notices from the Court. We are emailing copies to Mr. Saadat-Nejad at c9729972@yahoo.com.

In addition, we are sending hard copies via Federal Express:

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

/s/ Edward J. McIntyre
EDWARD J. MCINTYRE



Solomon Ward Seidenwurm & Smith, LLP)
401 B Street, Suite 1200)
San Diego, CA 92101)
(Complainant))
v.)
Shahrokh Saadat-Nejad)
3713 Mt. Ashmun Place)
San Diego, CA 92111)
(Respondent))

solomonwardlawfirm.com;
solomonwardsandiego.com

First Amended Complaint
File No. FA0703000944660

**COMPLAINT IN ACCORDANCE WITH
THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999 (ICANN Policy), and the Rules for Uniform Domain Name Dispute Resolution Policy (ICANN Rules), adopted by ICANN on August 26, 1999 and approved by ICANN on October 24, 1999, and the National Arbitration Forum (NAF) Supplemental Rules (Supp. Rules). ICANN Rule 3(b)(i) (*see* Exhibit 1).

[2.] COMPLAINANT INFORMATION

[a.] Name: Solomon Ward Seidenwurm & Smith, LLP
[b.] Address: 401 B Street, Suite 1200
San Diego, CA 92101
[c.] Telephone: (619) 231-0303
[d.] Fax: (619) 231-4755
[e.] E-Mail: IP_enforce@swsslw.com

COMPLAINANT'S AUTHORIZED REPRESENTATIVE

[a.] Name: Edward J. McIntyre, Esq.
[b.] Address: Solomon Ward Seidenwurm & Smith, LLP
401 B Street, Suite 1200
San Diego, CA 92101
[c.] Telephone: (619) 231-0303
[d.] Fax: (619) 231-4755
[e.] E-Mail: emcintyre@swsslw.com

Electronic-Only Material

- [a.] Method: E-mail
- [b.] Address: emcintyre@swsslaw.com
- [c.] Contact: Edward J. McIntyre, Esq.

Material Including Hard Copy

- [a.] Method: Mail
- [b.] Address/Fax: 401 B Street, Suite 1200
San Diego, CA 92101
- [c.] Contact: Edward J. McIntyre, Esq.

The Complainant chooses to have this dispute heard before a single-member administrative panel.

[3.] RESPONDENT INFORMATION

- [a.] Name: Shahrokh Saadat-Nejad
- [b.] Address: 3713 Mt. Ashmun Place, San Diego, CA 92111
- [c.] Telephone: (646) 225-8213
- [d.] Fax: N/A
- [e.] E-Mail: c9729972@yahoo.com

[4.] DISPUTED DOMAIN NAMES

[a.] The following domain names are the subject of this Complaint: solomonwardlawfirm.com and solomonwardsandiego.com.

[b.] Registrar Information:

- [i.] Registrar's Name: GoDaddy.Com, Inc. [www.godaddy.com]
- [ii.] Registrar Address: 14455 N. Hayden Rd., Suite 219
Scottsdale, AZ 85260
- [iii.] Telephone Number: (480) 505-8899
- [iv.] E-Mail Address: CopyrightClaims@godaddy.com

[c.] **Trademark/Service Mark Information:**

Solomon Ward Seidenwurm & Smith LLP (hereafter "Solomon Ward") is a professional legal partnership, registered with the State Bar of California (*See* Exhibit 2). Solomon Ward has been operating in San Diego for thirty years. Since its inception, Solomon Ward has owned the common law trademarks "SOLOMON WARD" and "SOLOMON WARD SEIDENWURM & SMITH LLP." Solomon Ward owns and operates the website swsslaw.com. The more than twenty-five attorneys associated with the firm use this website and the internet as a means to communicate with the firm's clients, potential clients and the general public. Solomon Ward has also registered the website solomonward.com.

Solomon Ward brings this action against Respondent in order to obtain the rights to the website "solomonwardlawfirm.com" and "solomonwardsandiego.com." As will be explained in greater detail below, this forum must find for Solomon Ward, and in so doing transfer the domain name solomonwardlawfirm.com to its rightful and legitimate owner.

[5.] FACTUAL AND LEGAL GROUNDS

Respondent's ownership of the site solomonwardlawfirm.com is not only a violation of Solomon Ward's mark, but is also operated in an extremely vindictive and defamatory manner. This Complaint stems from a confluence of strange events which have brought Respondent directly into conflict with Solomon Ward.

In early March 2007, Solomon Ward was hired by another law firm in San Diego (its "Client") to assist it in an ongoing dispute with Respondent. Without divulging confidential attorney-client communications, Client sought the assistance of Solomon Ward in order to stop Respondent's brazen infringement of the Client's trademark.

In order to accomplish Client's legitimate request, Solomon Ward attorney Edward J. McIntyre contacted Respondent and requested that he immediately cease operating his other offending websites. When it became clear that Respondent had no intention to honor Client's mark, Mr. McIntyre sought and obtained a court ordered injunction against Respondent on Client's behalf.

Within days of receiving that order, Respondent redirected his venom toward Solomon Ward by registering the site solomonwardlawfirm.com. On this site, Respondent has reposted the same libelous materials about Client that the court already ordered him to remove. Furthermore, Respondent also claims that Solomon Ward "very proudly" represents child abusers and sex offenders – allegations that are both highly offensive and utterly defamatory.

Upon discovering Respondent's site "solomonwardlawfirm.com", Mr. McIntyre contacted Respondent and requested that he remove the offending materials and transfer ownership of the site. Respondent summarily refused Mr. McIntyre's request. Seeing no other alternative, Mr. McIntyre has arranged for an Ex Parte hearing before Judge Lorenz of the United States District Court for the Southern District of California in order to temporarily enjoin Respondent from continuing to infringe on Solomon Ward's mark.

[a.]

As mentioned, for the past thirty years, Solomon Ward has owned the common law marks "SOLOMON WARD" and "SOLOMON WARD SEIDENWURM & SMITH LLP." Within the Southern California business and legal communities, Solomon Ward has earned a strong reputation based on its commitment to excellence, legal and business acumen, high ethical standards and dedication to community service.

Respondent's operation of the sites solomonwardlawfirm.com and solomonwardsandiego.com is the definition of unlawful cybersquatting. Respondent is not a lawyer nor does he have any affiliation with the Solomon Ward law firm. As such, by blanketing his website with defamatory statements against Solomon Ward and Client, Respondent is in effect holding Solomon Ward's

service mark hostage while at the same time spreading damaging lies about the firm (See Exhibit 3 as an example of the types of materials Respondent posted on his infringing sites).

The sites *solomonwardlawfirm.com* and *solomonwardsandiego.com* intentionally confuses and misleads the general public away from Solomon Ward's legitimate site. For example, a "Google" search of the name Solomon Ward only three days after Respondent launched "*solomonwardlawfirm.com*," revealed that Respondent's infringing website appeared eighth out of 1.5 million websites containing the words "Solomon" and "Ward." One explanation for why Respondent's website ranked higher than legitimate and respected websites (e.g. The Securities and Exchange Commission, The University of California, The Department of Justice, etc.) is because Respondent's site uses the firm's service mark in its body. If Respondent is allowed to continue to infringe on Solomon Ward's mark, then in a short time, search engines may actually rank Respondent's site over and above Solomon Ward's own website. At the present time, Respondent has removed content from both sites. This however may only be temporary, and does not prevent respondent from further infringing on Solomon Ward's website. The only way to ensure that respondent no longer infringes on Solomon Ward's service mark is to transfer ownership of both sites to the firm.

[b.]

Respondent has no legitimate right to use Solomon Ward's trademark. Respondent's ownership and operation of the websites *solomonwardlawfirm.com* and *solomonwardsandiego.com* does not serve any lawful purpose. Respondent is not a licensed attorney and therefore is prohibited from practicing law in any of the United States. Furthermore, as a matter of California law (the state in which Respondent resides and Solomon Ward operates), because Respondent is not an attorney, he may be subject to criminal sanctions for representing to the general public that his site is somehow affiliated with a legitimate provider of legal services. Therefore, Respondent has not and cannot, use the site *solomonwardlawfirm.com* in a legitimate and lawful manner.

[c.]

There is no other explanation absent bad faith for why Respondent registered the domain name *solomonwardlawfirm.com*. In addition to the reasons outlined above, based on the timing of Respondent's registration of the domain name, it is evident that he has usurped Solomon Ward's trademark in order to achieve one of the following objectives: a) as a way to seek an advantage in Client's action against him; b) to harass Solomon Ward; or c) to possibly to extort money from Solomon Ward.

[6.] REMEDY SOUGHT

Solomon Ward requests that the Arbitrator immediately transfer ownership of "*solomonwardlawfirm.com*" and "*solomonwardsandiego.com*" to their rightful owner, Solomon Ward.

[7.] OTHER LEGAL PROCEEDINGS

On March 13, 2007, Solomon Ward sued Respondent in the United States Court for the Southern District of California.¹ Solomon Ward seeks both monetary damages and injunctive relief as provided for under both federal and state law. In order to ensure its interests are immediately protected and that it is able to recover the domain name solomonwardlawfirm.com, Solomon Ward requests that this arbitration proceed in an expedited fashion.

[8.] COMPLAINT TRANSMISSION

The Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Respondent (domain-name holder), in accordance with ICANN Rule 2(b) and to the Registrar(s) of the domain name(s), in accordance with NAF Supp. Rule 4(e). ICANN Rule 3(b)(xii); NAF Supp. Rule 4(c).

[9.] MUTUAL JURISDICTION

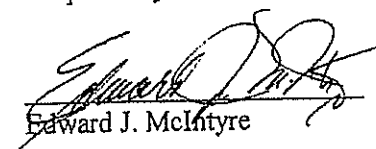
The Complainant will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the domain name to the location of the principal office of the concerned registrar.

[10.] CERTIFICATION

Complainant agrees that its claims and remedies concerning the registration of the domain names, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the National Arbitration Forum and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complainant's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,


Edward J. McIntyre

26 March 2007

¹ Pacific Law Center, a Professional Law Corporation and Solomon Ward Seidenwurm & Smith LLP vs. Shahrokh Saadat-Nejad, an individual. United States District Court for the Southern District of California, Case No. 07 CV0460 L POR

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- Exhibit 1: ICANN Rules for Uniform Domain Name Dispute Resolution Policy
- Exhibit 2: State of California LLP Certificate of Registration for Solomon Ward Seidenwurm & Smith, LLP
- Exhibit 3: Materials Respondent posted on his infringing websites