

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VULCAN GOLF, LLC, JOHN B.	§	
SANFILIPPO & SONS, INC.	§	
BLITZ REALTYGROUP, INC.	§	
and VINCENT E.”BO” JACSKON	§	
Individually and on Behalf of All	§	
Others Similarly Situated,	§	Civil Action No. 07 CV 3371
	§	
Lead Plaintiffs,	§	
	§	Honorable Blanche M. Manning
v.	§	
	§	
GOOGLE INC., OVERSEE.NET,	§	Magistrate Judge Geraldine Soat Brown
SEDO LLC, DOTSTER, INC., AKA	§	
REVENUEDIRECT.COM	§	
INTERNET REIT, INC. d/b/a IREIT, INC.;	§	
and JOHN DOES I-X,	§	
	§	
Defendants.	§	

**MOTION FOR LEAVE TO FILE**  
**SECOND AMENDED CLASS ACTION COMPLAINT IN LAW AND EQUITY**

VULCAN GOLF, LLC, JOHN B. SANFILIPPO & SON, INC. (“JBSS”), BLITZ REALTY GROUP (“BLITZ”), and VINCENT E. “BO” JACKSON (“JACKSON”), Lead Plaintiffs, on behalf of themselves and all others similarly situated, pursuant to Rule 23 of the Federal Rules of Civil Procedure, by and through their undersigned Counsel of Record, filed this Motion For Leave to File Second Amended Class Action Complaint In Law And Equity (“SAC”), pursuant to this Court’s March 20, 2008 Order and Rule 15 of the Federal Rules of Civil Procedure, and in so doing state as follows:

1. Pursuant to this Court’s March 20, 2008 Order, Lead Plaintiffs were given 21 days to replead those claims that were dismissed by said order. Lead Plaintiffs desire to replead most

of the claims previously dismissed and add a claim that was not contained in the First Amended Complaint In Law and Equity (“FAC”). *See March 20, 2008 Order, attached hereto as Exhibit “A.”*

2. In the SAC, the identity of the Parties remain the same as in the FAC. In the SAC, the total number of claims brought by Lead Plaintiffs remains the same as in the FAC (Fourteen (14) Counts). Lead Plaintiffs chose not to re-allege violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2 and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2 and the similar or identical state statutes of the various states **(Count VII of the FAC)**. **Rather**, a new Count is added to the SAC, alleging violations of the Racketeering Influenced Corrupt Organizations Act (“RICO”) **18 U.S.C. § 1962(a)**.

3. No substantive changes to any claims for violation of the Lanham Act, *15 U.S.C. § 1051 et seq.*; the Anticybersquatting Consumer Protection Act, *15 U.S.C. § 1125(d)*; trademark infringement under *15 U.S.C. § 1114(1)*; false designation of origin under *15 U.S.C. § 1125(a)*; dilution under *15 U.S.C. § 1125(c)*; Common Law Trademark Violations, Contributory and Vicarious Trademark Claims, and or Declaratory relief (SAC Counts: 4, 5,6,7,8,9,10, and 11), are made in the SAC.

4. Pursuant to Rule 15 of the Federal Rules of Civil Procedure the Court should freely give leave to amend when justice so requires. Plaintiffs respectfully suggest justice requires allowing the filing of SAC given the nature of this suit, the stage of the proceedings and this Court’s March 20, 2008 Order regarding the FAC.

5. To summarize the differences between the FAC and SAC, the following Chart sets forth the relationship between the Counts in the FAC and SAC, as well as the scope of

changes (if any) made to particular claims:

<b>Violation/Claim</b>	<b>FAC Count#</b>	<b>SAC Count #</b>	<b>Any Changes</b>
<i>Violation of RICO, 18 U.S.C. § 1962(c)</i>	1	2	Substantive Changes
<i>Violation of RICO, 18 U.S.C. § 1962(d)</i>	2	3	Substantive Changes
<i>Violation of 15 U.S.C. § 1125(d)</i>	3	4	No Changes
<i>Violation of 15 U.S.C. § 1114(1)</i>	4	5	No Changes
<i>Violation of 15 U.S.C. § 1125(a)</i>	5	6	No Changes
<i>Violation of 15 U.S.C. § 1125(c)</i>	6	7	No Changes
<i>Violation of Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2 and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2 and the similar or identical state statutes of the various states</i>	7	N/A	Withdrawn/not replead by Lead Plaintiffs in SAC
<i>For Declaratory Judgment</i>	8	8	No Changes
<i>Common Law Trademark Violations</i>	9	9	No Changes
<i>Contributory Trademark Infringement</i>	10	10	No Changes
<i>Vicarious Trademark Infringement</i>	11	11	No Changes
<i>Intentional Interference With Current and Prospective Economic Advantage</i>	12	12	Substantive Changes
<i>Unjust Enrichment</i>	13	13	Substantive Changes
<i>Civil Conspiracy</i>	14	14	Substantive Changes
<i>Violations of RICO, 18 U.S.C. § 1962(a)</i>	N/A	1	New Count to SAC

**XII. PRAYER FOR RELIEF**

WHEREFORE, Lead Plaintiffs, individually and on behalf of the Class, respectfully request leave to file the attached SAC instanter.

Dated: April 9, 2008

FOOTE, MEYERS, MIELKE & FLOWERS, LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2008, I electronically filed the foregoing document with the clerk of court for the U. S. District Court, Northern District of Illinois, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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