

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

ARI BALABANIAN and DATA BUSINESS SOLUTIONS)
Plaintiffs)
)
v.)
)
THOMSON REUTERS (LEGAL) INC. D/B/A THOMSON)
REUTERS and D/B/A WESTLAW)
Defendants)

COMPLAINT

Now come the plaintiffs, ARI BALABANIAN and DATA BUSINESS SOLUTIONS, by their attorneys, DIVINCENZO SCHOENFIELD SWARTZMAN, and complain of the defendant, THOMSON REUTERS (LEGAL) INC. doing business as Thomson Reuters and doing business as Westlaw, as follows:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 1332 as the matter in controversy, exclusive of interest and costs, exceeds \$75,000.00 and is between citizens of Canada and a citizen of Minnesota.
2. The venue of this Court is invoked pursuant to 28 U.S.C. Section 1391(a)(1) and (c) as Defendant does substantial business on a regular basis in the Northern District of Illinois and is subject to personal jurisdiction in this District, and Section 1391(a)(2).
3. Plaintiff Ari Balabanian (“Balabanian”) is a citizen of Canada.
4. Plaintiff Data Business Solutions is a Canadian corporation with its principal place of business in Canada.

5. Defendant Thomson Reuters (Legal) Inc. (“Thomson”) is a Minnesota corporation with its principal place of business in Minnesota

6. At all times mentioned herein Thomson was doing business as Thomson Reuters and was doing business as Westlaw.

7. In 2008, the Federal Trade Commission (“FTC”) charged defendants Balabanian and U.S. Data Business Solutions in a civil complaint, No. 08-CV-2783, in district court in the Northern District of Illinois.

8. On or about August 9, 2010, Balabanian and Data Business Solutions were dismissed as defendants in said case at the request of the FTC.

9. On or about August 9, 2010, the FTC issued a press release which, *inter alia*, announced that it had “permanently halted the operations of Canadian con artists” operating through Internet Listing Service and also announced that “charges against Ari Balabanian and Data Business Solutions were dismissed by the court at the FTC’s request.”

10. On or about August 10, 2010, the FTC’s aforesaid press release was published by Westlaw on the Internet. A copy of said publication is attached hereto as Exhibit A.

11. On or about August 10, 2010, Westlaw published a report on the Internet entitled “FTC Settles Bogus Domain Name Registration Lawsuit” which states, *inter alia*:

“Data Business Solutions, d/b/a Internet Listing Service has agreed not to bill consumers for Internet domain name registration and search optimization services that the company does not provide, as part of a settlement of litigation with the Federal Trade Commission.”

A copy of said publication is attached hereto as Exhibit B. Defendant's aforesaid statement about Data Business Solutions was false.

12. On August 20, 2010, Balabanian e-mailed the Defendant, through Defendant's attorneys, and informed them that its publication falsely stated that there was a judgment against him, when in reality, he was dismissed from the FTC's lawsuit. In response, on August 20 and August 23, 2010 Defendant's attorneys e-mailed Balabanian acknowledging an "error" and promising that the erroneous article would be removed and rewritten. Copies of said e-mails are attached here to as Exhibit C.

13. Thereafter, on or about August 31, 2010, Westlaw again published a report on the Internet entitled "FTC Shuts Down Cross-Border Domain-Name Scam FTC v. Data Bus. Solutions" which states, *inter alia*:

"The Federal Trade Commission has permanently closed down a Toronto, Canada-based group of con artists who bilked Internet domain name holders of more than \$4 million through bogus renewal invoices....The FTC announced a settlement that shut down Internet Listing Service Corp. and five other corporate entities. The investigation also resulted in judgments against defendants Ari Balabanian...."

A copy of said publication is attached hereto as Exhibit D. Defendant's aforesaid statement about Balabanian and its aforesaid reference to Data Business Solutions were false.

14. Thereafter, on or about September 1, 2010, Westlaw again published a report on the Internet entitled “Online Fraud: FTC Shuts Down Cross-Border Domain-Name Scam, FTC v. Data Bus. Solutions” which states, *inter alia*:

“The Federal Trade Commission has permanently closed down a Toronto, Canada-based group of con artists who bilked Internet domain name holders of more than \$4 million through bogus renewal invoices. The FTC announced a settlement that shut down Internet Listing Service Corp. and five other corporate entities. The investigation also resulted in judgments against defendants Ari Balabanian....”

A copy of said publication is attached hereto as Exhibit E. Defendant’s aforesaid statement about Balabanian and its aforesaid reference to Data Business Solutions were false.

15. Defendant knew that its aforesaid false statements about Plaintiff and its false references about Data Business Solutions were false, as Defendant had actual knowledge that the charges against Plaintiffs had been dismissed at the request of the FTC.

WHEREFORE, the plaintiffs, ARI BALABANIAN and DATA BUSINESS SOLUTIONS, ask that this Honorable Court grant judgment against the defendant THOMSON REUTERS (LEGAL) INC. D/B/A THOMSON REUTERS and D/B/A WESTLAW for compensatory damages, aggravated damages, and punitive damages in an amount to be determined in excess of \$75,000.00 plus costs.

Respectfully submitted,

/s/ Anthony DiVincenzo

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