

FACTUAL BACKGROUND

5. PBL is in the business of running a professional basketball league (the “Premier Basketball League”). Beginning in the 2010-2011 league season, PBL had contracts with eight basketball teams located in the United States and Canada.

6. Non-party Severko Hrywnak (“Dr. Hrywnak”) is a licensed physician in the state of Illinois and is the Chairman of the Board of PBL. Dr. Hrywnak is also a part owner of the Rochester Razorbacks, a corporation that operates the Rochester Razorsharks basketball team and a participant in the Premier Basketball League.

7. Paul Reeths is the owner/operator of an internet website known as OurSportsCentral.com (“OSC”).

8. OSC is a website that specializes in disseminating news and information about what are generally referred to as minor league professional sports leagues and teams. OSC also serves as a site on which individuals can post messages generally relating to minor league sports. These messages are posted in areas of the website known as message boards and can be accessed free of charge by the general public simply by utilizing a web browser.

9. Upon information and belief, OSC requires persons seeking to post messages on the message boards to register initially with the OSC and to provide basic contact information.

10. Reeths is immune from legal responsibility for the content of the messages posted by other persons on the OSC message boards by virtue of the Communications Decency Act, 47 U.S.C. § 230(c)(1).

11. Reeths is, however, subject to injunctive relief with respect to defamatory messages posted on the OSC message boards by others.

12. From April 1, 2011 to April 18, 2011, the Premier Basketball League held its playoff tournament involving the top four regular season finishers.

13. The final two teams in the playoff tournament were the Rochester (New York) Razorsharks and the Lawton-Fort Sill (Oklahoma) Cavalry.

14. The final game of the playoff tournament was held on April 18, 2011 in Lawton, Oklahoma and was won by the Rochester Razorsharks by a score of 87 to 82. The Rochester Razorsharks won two out of three games in the final series and were league champions.

15. Beginning on approximately April 15, 2011, Doe No. 1 (a person identified only as “Buffal00 Sports Fan” on the OSC website and referred to in this Complaint as “Buffal00 Sports Fan”) began posting messages on the OSC message boards generally stating that the playoff tournament and especially the final game had been “fixed” by PBL by bribing or otherwise through influencing the referees to slant their decisions in favor of the Rochester Razorsharks.

16. As of the date of this Complaint, Buffal00 Sports Fan was responsible for starting eight message threads relating to PBL on the OSC website by posting his initial messages. These threads, which were named by incorporating the first line of the posted message, included the following:

- a. “Biggest game fix pro sports finals history?” which was posted on 04-15-2011, 09:13 PM
- b. “PBL ref gets jumped by Fan during title game! Game is fixed!!!” which was posted on 04-18-2011, 08:40 PM
- c. “Local newspaper covers PBL title game. PBL is nothing more then [sic] a scam” which was posted on 04-19-2011, 12:33 AM

17. In addition to those messages starting the above-referenced threads, Buffal00 Sports Fan was responsible for the following posts:

- a. “Sev should have thought twice about running a fixed league for the Rochester team he owns.” (05-14-2011, 12:32 PM).
- b. “Face it, the PBL fixed games and they will never overcome that. EVERY team in the PBL said they fixed games and they all quit because of it. The stats prove they fixed the games. (04-18-2011, at 3:07 PM).
- c. “Me and others have no respect for the PBL because they were caught fixing games.” (04-18-2011, at 4:20 PM).
- d. “. . . We found out "Doc" had ZERO integrity and continued to fix the championship for Rochester instead of listening [sic] to the other PBL teams begging him to stop. . . .” (04-28-2011, 11:27 PM).
- e. “. . . Sev has already set minor league basketball back 50 years by fixing an entire league so his team could win. . . .” (04-20-2011, 01:07 PM).

18. In each of the posted messages, Doe No.1 states that PBL either directly or through its agent, Dr. Hrywnak, has “fixed” Premier Basketball League games including the final game of the playoffs between the Rochester Razorsharks and the Lawton Fort Sill Cavalry.

19. The statements that PBL fixed these games are false.

20. Buffal00 Sports Fan published these false statements by posting them on the OCS website from which they were transmitted throughout the United States and Canada (and worldwide), including the state of Illinois.

21. Buffal00 Sports Fan's false statements defamed PBL by falsely communicating that PBL had committed a crime, including but not limited to 720 ILCS 5/29-1(a) which provides:

Any person who, with intent to influence any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition, gives, offers or promises any money, bribe or other thing of value or advantage to induce such participant, official or other person not to use his best efforts in connection with such contest, event or exhibition commits a Class 4 felony.

22. Upon information and belief, Buffal00 Sports Fan's false statements were intentional and malicious.

23. Buffal00 Sports Fan's had no justification for publishing the false statements.

24. Buffal00 Sports Fan's false statements have proximately and directly injured PBL in its business.

COUNT I (DEFAMATION AGAINST BUFFAL00 SPORTS FAN)

25. PBL realleges paragraphs 1 - 24 above as paragraph 25 of Count I.

26. Buffal00 Sports Fan made one or more false statements as set forth above that concerned PBL.

27. The false statements made by Buffal00 Sports Fan were published on the OSC website without any applicable privilege to do so.

28. The publication of the false statements have proximately and directly damaged PBL.

WHEREFORE, PBL prays for judgment in its favor and against Buffal00 Sports Fan awarding it damages and punitive damages in an amount to be determined by the Court , plus its costs of suit and all additional relief deemed just and proper.

COUNT II (FALSE LIGHT AGAINST BUFFALO SPORTS FAN)

25. PBL realleges paragraphs 1 - 24 above as paragraph 25 of Count II.

26. As a result of Buffalo Sports Fan's statements that PBL fixed basketball games, PBL was placed in a false light before the public.

27. Being portrayed as a criminal in general and as a person responsible for fixing athletic contests in particular is highly offensive to a reasonable person.

28. Upon information and belief, Buffalo Sports Fan acted with actual malice in publishing the posted messages.

WHEREFORE, PBL prays for judgment in its favor and against Buffalo Sports Fan awarding it damages and punitive damages in an amount to be determined by the Court , plus its costs of suit and all additional relief deemed just and proper.

COUNT III (INTENTIONAL INTERFERENCE AGAINST BUFFALO SPORTS FAN)

25. PBL realleges paragraphs 1 - 24 above as paragraph 25 of Count III.

26. PBL had a reasonable expectation of entering into valid business relationships with various companies operating professional basketball teams, various vendors and various customers, each of which would have generated revenues for PBL.

27. Buffalo Sports Fan knew of these expectancies.

28. Buffalo Sports Fan intentionally and without justification interfered with these expectancies and caused a breach and termination of them.

29. PBL has been damaged as a result of Buffalo Sports Fan's actions.

WHEREFORE, PBL prays for judgment in its favor and against Buffalo Sports Fan awarding it damages and punitive damages in an amount to be determined by the Court , plus its costs of suit and all additional relief deemed just and proper.

COUNT IV (INJUNCTIVE RELIEF AGAINST PAUL REETHS)

25. PBL realleges paragraphs 1 - 24 above as paragraph 25 of Count IV.

26. While Reeths is immune from liability for the content of messages posted by others on the OSC website, he is subject to injunctive relief with respect to the continued maintenance of those messages.

27. The messages posted by Buffal00 Sports Fan (as well as additional messages that may be subsequently placed in evidence) are clearly defamatory, and PBL has demonstrated a likelihood of success on the merits.

28. If the defamatory messages are allowed to continue on the OSC website, PBL will continue to be wrongfully injured.

29. If the defamatory messages are allowed to continue on the OSC website causing additional injury to PBL, PBL will have no adequate remedy at law to redress its injury. At a minimum, such a situation will require PBL to periodically sue the actual poster of the messages resulting in a multiplicity of legal actions.

30. The burden to Reeths from having to remove the offending messages is non-existent or *de minimis*; whereas the continuing injury to PBL will be significant.

31. There is no public interest in being able to access messages that have been adjudicated to be defamatory.

WHEREFORE, PBL prays for judgment in its favor and against Paul Reeths requiring him to remove all postings from the OSC website that are specifically identified to be defamatory by the Court and all additional relief deemed just and proper.

PREMIER BASKETBALL LEAGUE, INC.

By: /s/ Arthur F. Radke
One of Its Attorneys

Arthur F. Radke (#3125515)
ROBBINS, SALOMON & PATT, LTD.
25 East Washington Street
Suite 1000
Chicago, IL 60602
(312) 782-9000
Fax: (312) 782-6690
aradke@rsplaw.com

Dated: May __, 2011