


AOC-105 Rev. 1-07 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.courts.ky.gov CR 4.02; CR Official Form 1	 CIVIL SUMMONS	<div style="text-align: right; font-size: 1.5em; font-weight: bold;">11CI07966</div> Case No. _____ Court <input checked="" type="checkbox"/> Circuit <input type="checkbox"/> District County <u>Jefferson</u>
		JEFFERSON CIRCUIT COURT DIVISION THREE (3) PLAINTIFF

PAUL

R.

SCHURMAN

VS.

DEFENDANT

REED ELSEVIER

Service of Process Agent for Defendant:

CT CORPORATION SYSTEM

306 W. Main Street, Ste. 512

Frankfort

Kentucky

40601

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within 20 days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

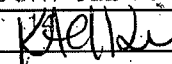
Date:

DEC 12 2011

 DAVID L. NICHOLSON
 CIRCUIT COURT CLERK

Clerk

By:



D.C.

Proof of Service	
This Summons was served by delivering a true copy and the Complaint (or other initiating document) to _____	
this _____ day of _____, 20____	Served by: _____
	_____ Title

CASE NO. **11C107966**

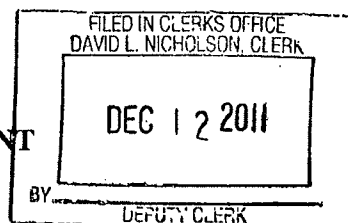
JEFFERSON CIRCUIT COURT
JEFFERSON CIRCUIT COURT
DIVISION THREE (3)
JUDGE, _____

PAUL R. SCHURMAN

PLAINTIFF

v.

VERIFIED COMPLAINT



REED ELSEVIER, INC.

DEFENDANT

Serve: CT Corporation System
306 W. Main Street, Ste. 512
Frankfort, Kentucky 40601

The Plaintiff, Paul R. Schurman, by counsel for his Verified Complaint against Defendant, Reed Elsevier, Inc. states as follows:

I. INTRODUCTION

This is an action for conversion and negligence as a result of Defendant hijacking a website exclusively licensed to Plaintiff.

II. PARTIES

1. Plaintiff, Paul R. Schurman ("Schurman") is a resident and citizen of Jefferson County, Kentucky. Mr. Schurman owns an exclusive license for the use of the domain address www.kentucky-lawyer.com.

2. Defendant, Reed Elsevier, Inc., is on information and belief, a Massachusetts corporation with its principal office located at 2 Newton Place, Ste. 350, Newton, Massachusetts 02458-1637 doing business in the state of Kentucky through various assumed names including, but not limited to, LexisNexis and Martindale-Hubbell.

III. JURISDICTIONAL STATEMENT AND VENUE

3. This Court has subject matter jurisdiction over this case pursuant to §112(5) of the Kentucky Constitution and KRS §23(A).010, because the amount in controversy exceeds the jurisdictional threshold of this Court, exclusive of interest and costs, and because exclusive jurisdiction is not vested in any other court.
4. Venue is proper in Jefferson County because Jefferson County is the site of the events giving rise to this action; and the claims arise out of a transaction or transactions with an agent of defendant that occurred in Jefferson County, Kentucky.

IV. BACKGROUND FACTS

5. In 1996, the Plaintiff Schurman and a co-worker at the time, after some discussion, decided to purchase certain domain names in order to use for business in the future.
6. In conjunction with the brainstorming session that followed and the ideas for use of the various domain names, it was agreed that the Plaintiff Schurman would have an irrevocable exclusive license to forever use any domain addresses that were in his co-worker's name if they were not being used at the time he chose to use said license.
7. As a result, in 2007, Plaintiff Schurman continued to have the exclusive license, at his option, to use the domain name www.kentucky-lawyer.com, as it was not yet being used.
8. Because of the manner in which web searches are performed through Google.com and other internet search engines, www.kentucky-lawyer.com is a commonly generated search result for searches of the internet for lawyers in Kentucky.
9. As a direct result of this, the domain name www.kentucky-lawyer.com has substantial value.

10. In or around October or November of 2007, Plaintiff Schurman, as the managing partner of Avery & Schurman, P.L.C., was contacted by a representative for Defendant named Chad Pinkston ("Mr. Pinkston").
11. At all times hereto, Mr. Pinkston was acting as an authorized agent, either within the course and scope of his employment, or within the scope of his authority, for Defendant.
12. Mr. Pinkston advised Plaintiff Schurman that Defendant was entering the webpage building business and that it could create a site for Avery & Schurman P.L.C. using any domain it desired. In addition, he also indicated that Defendant was going to use the website it owned www.lawyers.com to become the preeminent legal search engine (and search result) throughout the world for locating attorneys.
13. After discussing the possible scenarios where Avery & Schurman would pay a fee for a webpage created by LexisNexis at the desired domain and a listing on www.lawyers.com, Mr. Pinkston left and Mr. Schurman and his law partner Gretchen Avery discussed their options.
14. After careful consideration and recognizing his own rights to use www.kentucky-lawyer.com, Mr. Schurman chose to offer the use of the website, www.kentucky-lawyer.com for use by Avery & Schurman in the hopes that its unique domain name would increase the web traffic generated for the Avery & Schurman law firm's website.
15. The Plaintiff's expectation, based on the information provided by Mr. Pinkston, on behalf of Defendant, was that the domain name would soon generate significant additional traffic to Avery & Schurman such that the value of his license to use

www.kentucky-lawyer.com would increase and he could then renegotiate the license he provided to Avery & Schurman or sell it to others.

16. As a result, in late 2007, after Avery & Schurman reached an agreement with Plaintiff Schurman to use the domain www.kentucky-lawyer.com, LexisNexis was advised that www.kentucky-lawyer.com would be either Avery & Schurman's LexisNexis created webpage address or would be linked thereto.
17. In February of 2008, Avery & Schurman began receiving bills from Defendant for creating and maintaining its website.
18. After Avery & Schurman became dissatisfied with the lack of business generated by the arrangement with Defendant, Avery & Schurman eventually cancelled the service.
19. Because of the lack of business generated by the website, Plaintiff Schurman has not received any payment for his license to Avery & Schurman as it has not generated any increase in business.
20. In the late Spring or Summer of 2011, Plaintiff Schurman discovered that the reason why the domain had not generated any business for Avery & Schurman was that www.kentucky-lawyer.com was illegally set up by Defendant to redirect traffic to www.lawyers.com, a wholly owned website of LexisNexis, rather than Avery & Schurman's website.
21. As a result of redirecting web traffic to www.lawyers.com, an internet search which should have resulted in www.kentucky-lawyer.com being a result directed to Avery & Schurman's website, instead redirects traffic away from Avery & Schurman's website to www.lawyers.com. Thus, Defendant and its site www.lawyers.com have hijacked the www.kentucky-lawyer.com domain.

22. On information and belief, LexisNexis has received significant web traffic and resulting revenue as a result of its improper use of the domain www.kentucky-lawyer.com in direct violation of Plaintiff Schurman's rights as a licensee of the domain.
23. As a further direct result, Plaintiff Schurman has lost the opportunity to receive a financial benefit from the use of his domain and has been unable to obtain payment for the use of www.kentucky-lawyer.com by Avery & Schurman.
24. As result, Mr. Schurman has been damaged in amount of excess of this Court's jurisdictional minimum.

V. CLAIMS

Count I-Conversion

25. Restates and incorporates the allegations set forth in Paragraphs 1 through 24.
26. The Plaintiff had the license and thus the legal right to use or assign the right to use the domain name, www.kentucky-lawyer.com.
27. The Defendant has stolen or exercised control over the domain in a manner that has deprived Plaintiff of the right to use and enjoy his license to the domain name.
28. The Plaintiff has demanded return of the domain name and Defendant continues to use the domain name without his authorization.
29. The actions of the Defendant were the legal cause of Plaintiff's loss of use of the domain and his damages.
30. As a result, the Plaintiff has been damaged as set forth in Paragraphs 22 through 24 above.

31. The actions of Defendant were carried out willfully, wantonly and with oppression, thereby entitling Plaintiff to an award of punitive damages.

Count II-Negligence

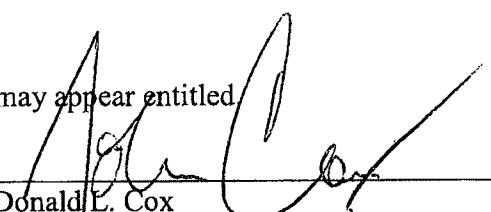
32. Restates and incorporates the allegations set forth in Paragraphs 1 through 31 above.

33. The Defendant failed to exercise reasonable care in using the domain www.kentucky-lawyer.com in conjunction with Avery & Schurman's website.

34. As a direct and proximate cause of Defendant's negligence, Plaintiff has been damaged as set forth in Paragraph 22 through 24 above.

WHEREFORE, Plaintiff Schurman demands as follows:


1. Judgment against the Defendant for consequential and compensatory damages;
2. An Order requiring Defendant to relinquish the domain name www.kentucky-lawyer.com to Plaintiff or its owner;
3. Trial by jury;
4. Pre and Post Judgment Interest;
5. Punitive damages;
6. For all costs herein expended; and
7. For any further relief to which he may appear entitled.



Donald L. Cox
John D. Cox
Lynch, Cox, Gilman & Goodman, P.S.C.
500 West Jefferson Street, Ste. 2100
Louisville, Kentucky 40202
(502) 589-4215

VERIFICATION

I, Paul R. Schurman, hereby state that I have read the foregoing Verified Complaint and the statements contained therein are true and accurate to the best of my knowledge, information and belief.


Paul R. Schurman

12-9-11
Date