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HUTCHISON & STEFFEN

A PROFESSIONAL LLC

EXHIBIT A

1 **MOTN**
2 JONATHAN B. GOLDSMITH, ESQ.
3 Nevada Bar No. 11805
4 9029 South Pecos Road, #2800
5 Henderson, Nevada 89074
6 702.386.8637 (phone)
7 702.385.3025 (fax)

8 In Proper Person

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 JONATHAN B. GOLDSMITH, ESQ., an
12 Individual

CASE NO. 2-10-cv-01845-RLH-PAL

13 Plaintiff,

14 vs.

15 JORDAN R. COOPER, an Individual;
16 CHERYL COOPER DRISCOLL, an
17 Individual; FACEBOOK, INC.; a Foreign
18 Corporation; DOES 1 through 5 and ROE
19 CORPORATIONS 1 through 5, inclusive,

20 Defendants.

21 **MOTION FOR PRELIMINARY INJUNCTION**

22 COMES NOW, Plaintiff, JONATHAN B. GOLDSMITH, ESQ. (hereinafter "Plaintiff"), in
23 Proper Person, and moves the Court pursuant to FRCP 65 for a Preliminary Injunction to prevent
24 Defendant JORDAN R. COOPER (hereinafter "Cooper"), Defendant CHERYL COOPER DRISCOLL
25 (hereinafter "Cooper Driscoll"), and Defendant FACEBOOK, INC. (hereinafter "Facebook") from
26 further using Plaintiff's name and likeness to publish discriminatory, slanderous, misleading and false
27 information about Plaintiff. Plaintiff further moves the Court for a Preliminary Injunction to prevent
28 Defendant Cooper and Cooper Driscoll from further stalking and harassing Plaintiff in contravention
with Federal law.

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OPP 11-20-10
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1 This Motion is based on FRCP 65, the Points and Authorities attached hereto, the exhibits and
2 affidavits attached hereto, the pleadings on file herein and on any oral argument which may be allowed
3 at the time of the hearing on this matter.

4
5 **NOTICE OF MOTION**

6 TO: JORDAN R. COOPER;
7 TO: CHERYL COOPER DRISCOLL;
8 TO: FACEBOOK, INC.; and
9 TO: Defendants' Counsel of Record;

10 PLEASE TAKE NOTICE that Plaintiff's Motion for Temporary Restraining Order will come
11 on for hearing before the above-entitled court on the _____ day of _____, 2010 at the
12 hour of _____ o'clock ____ .m.

13 DATED this 3rd day of November, 2010.

14 /s/ Jonathan B. Goldsmith, Esq.
15 JONATHAN B. GOLDSMITH, ESQ.
16 Nevada Bar No. 11805
17 9029 South Pecos Road, #2800
18 Henderson, Nevada 89074
19 702.386.8637 (phone)
20 702.385.3025 (fax)

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1 I. FACTS

2 Plaintiff filed a Complaint against Defendants with the Eighth Judicial District Court on or
3 around October 5, 2010 alleging, among other things, several causes of action that rise to defamation
4 of character including: slander, slander per se, libel, libel per se, false light defamation, and invasion of
5 privacy, as well as intentional interference with business relations, intentional infliction of emotional
6 distress, stalking and allege several violations of Federal wiretapping laws. Plaintiff filed his First
7 Amended Complaint for Damages and Injunctive Relief on or around October 27, 2010. *See* Exhibit
8 1, pp.1-15.

9 Plaintiff is counsel of record in a domestic case in the Eighth Judicial District Court whereby
10 Defendant Cooper is an opposing party. Plaintiff has had no contact with Defendant Cooper or any
11 Defendant except through his counsel of record in the aforementioned case. Nevertheless, Defendants
12 have consistently and continually committed defamation and privacy violations in addition to several
13 other purposeful tortious acts against Plaintiff through the use of the world wide web and by other
14 means.

15 Specifically, on or around October 1, 2010 at around 3:30 p.m., Defendant Cooper, by means of
16 Defendant Facebook's internet social networking website, published defamatory and demeaning
17 statements specifically directed at Plaintiff which stated: "im on to you jonathan golddick(smith) ha
18 faggot" and further stated "he looks like a pediphile (sic)." *See* Exhibit 2, pp. 1-2. Further, Defendants
19 published the statement of a Facebook user identified as "Ziles Thomas" which stated: "ha I want to se
20 (sic) what that douche bag looks like." *See* Exhibit 2, pp. 1-2.

21 Moreover, and in response to "Ziles Thomas" statement published by Defendants, on or around
22 October 2, 2010 at around 6:10 p.m., Defendant Cooper Driscoll, by means of illegal and tortious
23 invasion of privacy, stole a private photograph depicting the likeness of Plaintiff, and, by means of
24 Defendant Facebook's internet social networking website, published the stolen picture on Defendant
25 Cooper's internet page, which is managed and maintained by Defendant Facebook. *See* Exhibit 2, pp.
26 1. Defendants Cooper and Cooper Driscoll made disparaging remarks about the stolen photograph, and
27 Defendant Cooper Driscoll acknowledged that Defendants had committed unlawful and tortious
28 behavior by posting the following statement: "delete that picture already." *See* Exhibit 2, pp. 1.

1 Defendant Cooper has engaged in a pattern of stalking against Plaintiff. In around August 2010,
2 Plaintiff observed Defendant's yellow Ford Mustang with black stripes, with the license plate "Sage 3",
3 parked outside of Plaintiff's law office located at 1212 South Casino Center Boulevard in Las Vegas,
4 Nevada. After being aware of Cooper's stalking, Plaintiff observed Cooper's yellow mustang driving
5 by Plaintiff's office several times in around August 2010.

6 Additionally, after Plaintiff moved offices to 9029 South Pecos Road, #2800, Henderson, Nevada
7 89074, Defendant Cooper has driven by and appeared several times at Plaintiff's new office located in
8 Henderson, Nevada while driving a new model red Ford Mustang bearing the licence plate "Sage 3."
9 The pattern of stalking occurred at Plaintiff's Henderson office approximately 10 times in September
10 and October 2010. Several times, between September 28, 2010 and October 7, 2010, at around 5:00-
11 6:00 p.m., Plaintiff observed Defendant Cooper in front of Plaintiff's office heading north to south. On
12 another occasion, on or around October 8, 2010, at approximately 5:30 p.m., Plaintiff observed
13 Defendant Cooper pass up and back by Plaintiff's office three times heading north to south, south to
14 north, and north to south respectively driving a red Ford Mustang bearing the license plate "Sage 3."

15 Defendant Cooper Driscoll has also engaged in a pattern of stalking against Plaintiff.
16 Specifically, Defendant Cooper Driscoll created a false profile on Defendant Facebook's website using
17 a false name and false picture, in order to gain access to Plaintiff's personal and private information. See
18 Exhibit 3, pp. 1.

19 On or around October 21, 2010, Defendant Facebook removed the present case to Federal Court,
20 thereby barring Plaintiff's Motion for a Preliminary Injunction on an Order Shortening Time, which was
21 scheduled for October 25, 2010, from being heard. As a result, Plaintiff continues to suffer irreparable
22 harm. Plaintiff filed an Ex Parte Motion for a Temporary Restraining Order and Application for a
23 Preliminary Injunction on an Order Shortening Time on or around October 25, 2010.

24 On or around November 1, 2010, the Court denied Plaintiff's Ex Parte Motion for a Temporary
25 Restraining Order and Application for a Preliminary Injunction on an Order Shortening Time on the
26 basis that Plaintiff has had ample time of which to put Defendant's on notice of Plaintiff's motion.
27 Therefore, the Court found that Plaintiff did not meet his burden filing the Motion under ex parte seal.
28 As a result, Plaintiff now files his Motion without ex parte seal, giving due notice to Defendants.

1 **II. LEGAL ARGUMENTS**

2 **A. LEGAL STANDARD FOR PRELIMINARY INJUNCTION**

3 A preliminary injunction is available if an applicant can show a likelihood of success on the
4 merits, a likelihood that the non-moving party's conduct, if allowed to continue, will cause irreparable
5 harm for which a compensatory damage is an inadequate remedy, the balance of equities tips in their
6 favor and that the injunction is in the public interest. *Winter v. Natural Res. Def. Council, Inc.*, 129 S.
7 Ct. 365, 374 (2008).

8 **B. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

9 **1. Defendants Statements Constitute Slander and Libel Per Se**

10 As explained above, Defendants published statements about Plaintiff, including that Plaintiff is
11 a "faggot" and a "pedophile" which constitute slander and libel per se. On that cause of action alone,
12 Plaintiff is extremely likely to succeed on the merits. These statements impute the violation of a crime
13 on behalf of Plaintiff as well as impede Plaintiff's business. Therefore, Plaintiff is highly likely to
14 succeed on the merits against Defendants.

15 **2. Defendants Actions Constitute Invasion of Privacy**

16 As discussed, Defendant Cooper Driscoll caused to be published a personal and private
17 photograph depicting the name, image and likeness of Plaintiff along with disparaging statements
18 coinciding with the stolen picture. Plaintiff is highly likely to succeed on the merits against Defendants
19 for invasion of privacy, slander and libel per se, as well as all other alleged torts.

20 **3. Defendant Facebook Facilitated and Published all Alleged Statements**

21 With regard to all allegations related to torts committed against Plaintiff over the internet,
22 Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing
23 statements and comments published by Defendant Cooper and Defendant Cooper Driscoll. In addition,
24 Facebook failed to mitigate a serious privacy concern that was used by Defendants to commit
25 wiretapping violations. As discussed, Plaintiff is likely to succeed on the merits against the other
26 Defendants, and, therefore, Plaintiff is likely to succeed on the merits against Defendant Facebook given
27 that all alleged statements were published and maintained on internet servers owned and controlled by
28 Defendant Facebook in contravention with Federal law.

1 **4. Defendant Cooper has engaged in a pattern of stalking against Plaintiff**

2 Defendant Cooper's action constitute several other torts and crimes including libel, false light
3 defamation, and invasion of privacy, intentional interference with business relations, intentional
4 infliction of emotional distress, negligent infliction of emotional distress, harassment, stalking and
5 several violations of Federal wiretapping laws. Plaintiff has personally witnessed several occasions of
6 Defendant's stalking at multiple locations including two of Plaintiff's law offices. Plaintiff has been the
7 victim of constant stalking by Defendant Cooper. Plaintiff has further fallen victim to Defendant Cooper
8 Driscoll's stalking over the Internet. Therefore, Plaintiff is highly likely to succeed on this claim.

9 **C. PLAINTIFF IS BEING IRREPARABLY DAMAGED BY DEFENDANTS' ACTIONS**

10 Defendants have, and upon information and belief, will continue to use Defendant Facebook's
11 internet site to publish false and defamatory statements about Plaintiff. Plaintiff, who is an attorney in
12 the State of Nevada runs an operates a law firm in the State. Much of Plaintiff's business is dependant
13 on the public's view of Plaintiff's moral character, reliability and reputation. Defendants' actions have
14 already, and will likely continue to demean and diminish Plaintiff's reputation in the legal community
15 as well as with Plaintiff's personal social community. Without the issuance of an injunction, Defendants
16 will continue to have free reign to defame and diminish Plaintiff's reputation. Especially with the
17 institution of the present lawsuit, Plaintiff will continue to be irreparably harmed both personally and
18 professionally. Therefore, the issuance of an injunction is proper.

19 **CONCLUSION**

20 Based on the above Points and Authorities and the attached exhibits Plaintiff has shown that
21 it is entitled to a preliminary injunction preventing Defendants from further using Plaintiff's name
22 and likeness to publish discriminatory, slanderous, misleading and false information about Plaintiff
23 and preventing Defendants from further stalking and harassing Plaintiff in contravention with
24 Federal law.

25 DATED this 3rd day of November, 2010.

26 /s/ Jonathan B. Goldsmith
27 JONATHAN B. GOLDSMITH, ESQ.
28 Nevada Bar No. 11805
 9029 South Pecos Road, #2800
 Henderson, Nevada 89074

AFFIDAVIT OF JONATHAN B. GOLDSMITH, ESQ.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

JONATHAN B. GOLDSMITH, ESQ., having been first duly sworn, deposes and says:

1. I filed a Complaint against Defendants with the Court on or around October 5, 2010 alleging, among other things, several causes of action that rise to defamation of character including: slander, slander per se, libel, libel per se, false light defamation, and invasion of privacy, as well as intentional interference with business relations, intentional infliction of emotional distress, stalking and alleged several violations of Federal wiretapping laws.
2. I am the counsel of record in a domestic case in the Eighth Judicial District Court whereby Defendant Cooper is an opposing party.
3. I have made no contact with Defendant Cooper or any Defendant except through his counsel of record in the aforementioned case.
4. Nevertheless, Defendants have consistently and continually committed defamation and privacy violations in addition to several other purposeful tortious acts against me through the use of the world wide web and by other means.
5. On or around October 1, 2010 at around 3:30 p.m., Defendant Cooper, by means of Defendant Facebook's internet social networking website, published defamatory and demeaning statements specifically directed at me which stated: "im on to you jonathan goldnick(smith) ha faggot" and further stated "he looks like a pediphile (sic)."
6. Defendants published the statement of a Facebook user identified as "Ziles Thomas" which stated: "ha I want to se (sic) what that douche bag looks like.

- 1 7. On or around October 2, 2010 at around 6:10 p.m., Defendant Cooper Driscoll, by
2 means of illegal and tortious invasion of privacy, stole a private photograph depicting
3 the likeness of me, and, by means of Defendant Facebook's internet social networking
4 website, published the stolen picture on Defendant Cooper's internet page, which is
5 managed and maintained by Defendant Facebook.
6
- 7 8. Defendants Cooper and Cooper Driscoll made disparaging remarks about the stolen
8 photograph, and Defendant Cooper Driscoll acknowledged that Defendants had
9 committed unlawful and tortious behavior by posting the following statement: "delete
10 that picture already."
11
- 12 9. Defendant Cooper has engaged in a pattern of stalking against me.
- 13 10. In around August, 2010, I observed Defendant's distinct yellow mustang with black
14 stripes, with the license plate "Sage 3", parked outside of Plaintiff's law office located
15 at 1212 South Casino Center Boulevard in Las Vegas, Nevada.
16
- 17 11. Additionally, after I moved offices, Defendant Cooper has driven by and appeared
18 several times at my new office located in Henderson, Nevada.
- 19 12. The pattern of stalking occurred at my Henderson office approximately 10 times in
20 September and October 2010.
21
- 22 13. Several times, between September 28, 2010 and October 7, 2010, at around 5:00-6:00
23 p.m., I observed Defendant Cooper in front of my office heading north to south.
- 24 14. On another occasion, on or around October 8, 2010, at approximately 5:30 p.m.,
25 Plaintiff observed Defendant Cooper pass up and back by Plaintiff's office three times
26 heading north to south, south to north, and north to south respectively driving a red
27 Ford Mustang bearing the license plate "Sage 3."
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15. Defendant Cooper Driscoll has also engaged in a pattern of stalking against me.

16. Defendant Cooper Driscoll created a false profile on Defendant Facebook's website using a false name and false picture, in order to gain access to my personal and private information.

Further affiant sayeth naught.

Executed on: 11/3/10

/s/ Jonathan B. Goldsmith, Esq.

JONATHAN B. GOLDSMITH, ESQ.

Exhibit “1”

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JONATHAN B. GOLDSMITH, ESQ.
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jgoldsmith@lawrosen.com
In Proper Person

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JONATHAN B. GOLDSMITH, ESQ., an
Individual

CASE NO. 2:10-cv-01845-rlh-pal

Plaintiff,

vs.

JORDAN R. COOPER, an Individual;
CHERYL COOPER DRISCOLL, an
Individual; FACEBOOK, INC.; a Foreign
Corporation; DOES 1 through 5 and ROE
CORPORATIONS 1 through 5, inclusive,

Defendants.

PLAINTIFF'S FIRST AMENDED COMPLAINT
FOR DAMAGES AND INJUNCTIVE RELIEF

COMES NOW, Plaintiff, JONATHAN B. GOLDSMITH, ESQ. (hereinafter "Plaintiff"), in
Proper Person, and for his First Amended Complaint for Damages and Injunctive Relief, pursuant to
FRCP 15(a), against Defendant JORDAN R. COOPER (hereinafter "Cooper"), Defendant CHERYL
COOPER DRISCOLL (hereinafter "Cooper Driscoll"), and Defendant FACEBOOK, INC. (hereinafter
"Facebook") alleges the following.

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GENERAL ALLEGATIONS

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1. Plaintiff JONATHAN B. GOLDSMITH, ESQ., a member of the State Bar of Nevada, is, and has been for a period of more than six months prior to the filing of this action, a resident of the State of Nevada, County of Clark.
2. Upon information and belief, Defendant JORDAN R. COOPER is, and has been for a period of more than six months prior to the filing of this action, a resident of the State of Nevada, County of Clark.
3. Upon information and belief, Defendant CHERYL COOPER DRISCOLL is a resident of the State of Arizona, and has, by means of the Internet, participated and conducted tortious acts across state lines in the State of Nevada and all states with access to the Internet.
4. Upon information and belief, Defendant FACEBOOK, INC. is a foreign corporation licensed in the State of California and doing business primarily as an Internet social networking website with reach to all states with access to the Internet, including the State of Nevada.
5. Plaintiff is counsel of record in a domestic case in the Eighth Judicial District Court whereby Defendant Cooper is an opposing party.
6. Plaintiff has had no contact with Defendant Cooper or any Defendant except through his counsel of record in the aforementioned case.
7. Nevertheless, Defendants have consistently and continually committed defamation and privacy violations in addition to several other purposeful tortious acts against Plaintiff through the use of the world wide web and by other means.
8. Specifically, on or around October 1, 2010 at around 3:30 p.m., Defendant Cooper, by means of Defendant Facebook's internet social networking website, published defamatory and demeaning statements specifically directed at Plaintiff which stated: "im on to you jonathan goldnick(smith) ha faggot" and further stated "he looks like a pediphile (sic)."
9. Further, Defendants published the statement of a Facebook user which stated: "ha I want to se (sic) what that douche bag looks like."

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- 1 10. Moreover, on or around October 2, 2010 at around 6:10 p.m., Defendant Cooper Driscoll, by
2 means of illegal and tortious invasion of privacy, stole a private photograph depicting the likeness
3 of Plaintiff, and, by means of Defendant Facebook's internet social networking website,
4 published the stolen picture on Defendant Cooper's internet page, which is managed and
5 maintained by Defendant Facebook.
- 6 11. Defendants Cooper and Cooper Driscoll made disparaging remarks about the stolen photograph,
7 and Defendant Cooper Driscoll acknowledged that Defendants had committed unlawful and
8 tortious behavior by posting the following statement: "delete that picture already."
- 9 12. Defendant Cooper, by means of Defendant Facebook, published statements about Plaintiff,
10 including that Plaintiff is a "faggot" and a "pedophile" which constitute slander per se.
- 11 13. Defendant Cooper Driscoll, by means of Defendant Facebook, caused to be published a personal
12 and private photograph depicting the name, image and likeness of Plaintiff along with
13 disparaging statements coinciding with the stolen picture.
- 14 14. With regard to all allegations related to torts committed against Plaintiff over the internet,
15 Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing
16 statements and comments published by Defendant Cooper and Defendant Cooper Driscoll.
- 17 15. Plaintiff, who is an attorney in the State of Nevada runs an operates a law firm in the State.
- 18 16. Much of Plaintiff's business is dependant on the public's view of Plaintiff's moral character,
19 reliability and reputation.
- 20 17. Defendants' actions have already, and will likely continue to demean and diminish Plaintiff's
21 reputation in the legal community as well as with Plaintiff's personal social community.
- 22 18. Plaintiff uses Defendant Facebook's marketing and advertising programs to advertise and market
23 Plaintiff's business.
- 24 19. As a result of Defendant's actions, Plaintiff has been forced to seize all advertising and
25 marketing through Defendant Facebook given that a diminishment of Plaintiff's reputation is
26 taking place through Defendant Facebook as a result of Defendant Cooper and Defendant Cooper
27 Driscoll's actions.
- 28 20. Plaintiff has suffered extreme emotional distress as a result of Defendant's actions.

- 1 21. Defendant Cooper has engaged in a pattern of stalking against Plaintiff.
- 2 22. Most notably, in around August, 2010, Plaintiff observed Defendant's yellow Ford mustang with
3 black stripes, with the license plate "Sage 3", parked outside of Plaintiff's law office located at
4 1212 South Casino Center Boulevard in Las Vegas, Nevada.
- 5 23. Additionally, after Plaintiff moved offices, Defendant Cooper has driven by and appeared several
6 times at Plaintiff's new office located in Henderson, Nevada while driving a red Ford Mustang.
- 7 24. Since the filing of the original Complaint, on or around October 15, 2010, at approximately 5:30
8 p.m, Plaintiff witnessed Defendant Cooper drive up and back several times in a new model red
9 Ford Mustang with the custom Nevada License Plate reading: "Sage 3" passing Plaintiff's office
10 located at 9029 South Pecos Road in Henderson, Nevada.
- 11 25. At that time, Plaintiff entered his vehicle and drove next to Defendant Cooper's red mustang and
12 confirmed that Mr. Cooper was in fact driving the vehicle.
- 13 26. Defendant Cooper Driscoll has also engaged in a pattern of stalking against Plaintiff.
- 14 27. Specifically, Defendant Cooper Driscoll created a false profile on Defendant Facebook's website
15 using a false name and false picture, in order to gain access to Plaintiff's personal and private
16 information.
- 17 28. Upon information and belief, Defendant Cooper Driscoll, by means of creating a false identity
18 as described in Paragraph 27, or by other unlawful and tortious means, has gained access to
19 Plaintiff's private and secure information.

20 **FIRST CAUSE OF ACTION**

21 (Slander against all Defendants)

- 22 29. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
23 although fully incorporated herein. Plaintiff further alleges:
- 24 30. Defendants made a false and defamatory oral communication concerning Plaintiff.
- 25 31. Defendants' communication was published to a third party.
- 26 32. Defendants knew or should have known the communication was false and that it defamed
27 Plaintiff.
28

- 1 33. Defendants' publication of the communication was a legal cause of special damages to the
2 plaintiff.
- 3 34. Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing
4 statements and comments published by Defendant Cooper and Defendant Cooper Driscoll.
- 5 35. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
6 \$10,000.00.
- 7
- 8 36. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
9 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.
- 10 37. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
11 claims and is entitled to any and all costs incurred herein, including, without limitation, any and
12 all attorneys' fees.

13 **SECOND CAUSE OF ACTION**

14 (Slander Per Se against all Defendants)

- 15
- 16 38. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
17 although fully incorporated herein. Plaintiff further alleges:
- 18 39. Defendants made a false and defamatory oral communication concerning Plaintiff.
- 19
- 20 40. Defendants' communication was published to a third party.
- 21 41. Defendants knew or should have known the communication was false and that it defamed
22 Plaintiff.
- 23 42. Defendants communication imputes to Plaintiff the commission of a crime and would tend to
24 injure Plaintiff in his trade, profession, business and office.
- 25 43. Defendant Facebook facilitated, published or neglected to mitigate the defamatory and
26 harassing statements and comments published by Defendant Cooper and Defendant Cooper
27 Driscoll.
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44. As result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

45. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

46. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

THIRD CAUSE OF ACTION

(Libel against all Defendants)

47. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

48. Defendants made a false and defamatory written communication concerning Plaintiff.

49. Defendants' communication was published to a third party.

50. Defendants knew or should have known the communication was false and that it defamed Plaintiff.

51. Defendants' publication of the communication was a legal cause of special damages to the plaintiff.

52. Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing statements and comments published by Defendant Cooper and Defendant Cooper Driscoll.

53. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

54. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

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55. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

FOURTH CAUSE OF ACTION

(Libel Per Se against all Defendants)

56. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

57. Defendants made a false and defamatory written communication concerning Plaintiff.

58. Defendants' communication was published to a third party.

59. Defendants knew or should have known the communication was false and that it defamed Plaintiff.

60. Defendants communication imputes to Plaintiff the commission of a crime and would tend to injure Plaintiff in his trade, profession, business and office.

61. Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing statements and comments published by Defendant Cooper and Defendant Cooper Driscoll.

62. As result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

63. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

64. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

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FIFTH CAUSE OF ACTION

(False Light Defamation against Defendant Cooper and Cooper Driscoll)

65. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

66. Defendants made a false and defamatory oral and written communication concerning Plaintiff.

67. Defendants' communication was published to a third party.

68. Defendants knew or should have known the communication was false and that it defamed Plaintiff.

69. Defendants' actions placed Plaintiff in a false light in a way that the general public would find highly offensive.

70. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

71. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

72. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

SIXTH CAUSE OF ACTION

(Invasion of Privacy against Defendant Cooper and Cooper Driscoll)

73. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

74. Defendants intentionally and maliciously intruded into Plaintiff's private affairs.

75. Defendants' intrusion would be found highly offensive to the general public.

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76. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

77. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

78. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

SEVENTH CAUSE OF ACTION

(Intentional Interference with Business Relations against Defendant Cooper and Cooper Driscoll)

79. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

80. Plaintiff conducts business as an Attorney in the State of Nevada.

81. Plaintiff previously held contracts with Defendant Facebook for marketing and advertising over the Internet.

82. Defendant Cooper and Cooper Driscoll knew or should have known of the existence of Plaintiff's business in the state of Nevada and the advertising and marketing contracts with Defendant Facebook.

83. Defendants intentionally made false claims about Plaintiff with the intent to drive business away and induce the interference with Plaintiff's contracts.

84. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

85. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

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86. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

EIGHTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress against Defendant Cooper and Cooper Driscoll)

87. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

88. Defendants engaged in outrageous conduct wilfully and maliciously directed at Plaintiff with the intent to cause emotional distress.

89. Plaintiff suffered extreme emotional distress as a result of Defendants' intentional actions.

90. Defendants' actions were the proximate cause of Plaintiff's extreme emotional distress.

91. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

92. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

93. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

NINTH CAUSE OF ACTION

(Stalking against Defendant Cooper and Cooper Driscoll)

94. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

95. Defendant Cooper and Defendant Cooper Driscoll, without lawful authority, willfully or maliciously engaged in a course of conduct that would cause a reasonable person to feel

1 terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or
2 household member.

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4 96. Defendants' actions caused Plaintiff to feel terrorized, frightened, intimidated, harassed or
5 fearful for the immediate safety of a family or household member.

6 97. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
7 \$10,000.00.

8 98. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
9 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

10 99. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
11 claims and is entitled to any and all costs incurred herein, including, without limitation, any
12 and all attorneys' fees.

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14 **TENTH CAUSE OF ACTION**

15 (Violation of U.S.C. 18 § 2511(a) against All Defendants)

16 100. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
17 although fully incorporated herein. Plaintiff further alleges:

18 101. Defendants intentionally intercepted or endeavored to intercept , an electronic
19 communication that was of private nature to Plaintiff.

20 102. Defendant Facebook facilitated, published or neglected to mitigate the wiretapping violations
21 by Defendant Cooper and Defendant Cooper Driscoll via Defendant Facebook's internet
22 servers.

23
24 103. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
25 \$10,000.00.

26 104. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
27 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.
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1 105. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
2 claims and is entitled to any and all costs incurred herein, including, without limitation, any
3 and all attorneys' fees.

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5 **ELEVENTH CAUSE OF ACTION**

6 (Violation of U.S.C. 18 § 2511(c) against All Defendants)

7 106. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
8 although fully incorporated herein. Plaintiff further alleges:

9 107. Defendant intentionally disclosed, or endeavored to disclose, to other persons the contents of
10 electronic communication, knowing or having reason to know that the information was
11 obtained through the interception of a wire, oral, or electronic communication in violation of
12 this subsection.

13 108. Defendant Facebook facilitated, published or neglected to mitigate the wiretapping violations
14 by Defendant Cooper and Defendant Cooper Driscoll via Defendant Facebook's internet
15 servers.

16 109. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
17 \$10,000.00.

18 110. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
19 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

20 111. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
21 claims and is entitled to any and all costs incurred herein, including, without limitation, any
22 and all attorneys' fees.

23
24 **TWELFTH CAUSE OF ACTION**

25 (Violation of U.S.C. 18 § 2511(e) against Defendant Cooper and Cooper Driscoll)

26 112. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
27 although fully incorporated herein. Plaintiff further alleges:
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113. Defendants intentionally disclosed communications unlawfully obtained in contravention of U.S.C. 18 § 2511(a).

114. Defendant Facebook facilitated, published or neglected to mitigate the wiretapping violations by Defendant Cooper and Defendant Cooper Driscoll via Defendant Facebook's internet servers.

115. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

116. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

117. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

THIRTEENTH CAUSE OF ACTION

(Permanent Injunction against Defendant Cooper and Cooper Driscoll)

118. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

119. Defendants have in the past, and are likely to continue in the future, to cause serious irreparable harm to Plaintiff.

120. Plaintiff is entitled to a permanent injunction against Defendants' use of Plaintiffs' name and likeness in connection with false and/or misleading communications.

121. Plaintiff is additionally entitled to a permanent injunction against Defendants' actions that constitute stalking and harassment.

122. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

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WHEREFORE, Plaintiff is entitled to judgment as follows:

1. For damages in excess of \$10,000.00 against each Defendant for each cause of action as alleged in the Complaint;
2. For exemplary or punitive damages against each Defendant for each cause of action as alleged in the Complaint;
3. For reasonable attorney's fees and costs;
4. For a permanent injunction against each Defendant as alleged in the Complaint; and
5. For any other relief that the Court may deem just and proper.

DATED this 27th day of October, 2010.

/s/ Jonathan B. Goldsmith, Esq.

JONATHAN B. GOLDSMITH, ESQ.
Nevada Bar No. 11805
9029 South Pecos Road, #2800
Henderson, Nevada 89074

702.386.8637 (phone)
702.385.3025 (fax)

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VERIFICATION

State of Nevada)

) ss:

County of Clark)

I, Jonathan B. Goldsmith, Esq., under the penalty of perjury, do hereby swear and affirm that all allegations contained in Plaintiff's Complaint are made from fact and personal knowledge, unless made by information and belief, in which case are stated to be made by information and belief.

Dated this 27th day of October, 2010

/s/ Jonathan B. Goldsmith, Esq.

JONATHAN B. GOLDSMITH, ESQ.

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jgoldsmith@lawrosen.com
In Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

JONATHAN B. GOLDSMITH, ESQ., an
Individual

Plaintiff,

vs.

JORDAN R. COOPER, an Individual;
CHERYL COOPER DRISCOLL, an
Individual; FACEBOOK, INC.; a Foreign
Corporation; DOES 1 through 5 and ROE
CORPORATIONS 1 through 5, inclusive,

Defendants.

CASE NO.

DEPT. NO.

**EXEMPT FROM ARBITRATION:
Action for Extraordinary Relief**

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

COMES NOW, Plaintiff, JONATHAN B. GOLDSMITH, ESQ. (hereinafter "Plaintiff"), in
Proper Person, and for his Complaint for Damages and Injunctive Relief against Defendant JORDAN
R. COOPER (hereinafter "Cooper"), Defendant CHERYL COOPER DRISCOLL (hereinafter "Cooper
Driscoll"), and Defendant FACEBOOK, INC. (hereinafter "Facebook") alleges the following.

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GENERAL ALLEGATIONS

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1. Plaintiff JONATHAN B. GOLDSMITH, ESQ., a member of the State Bar of Nevada, is, and has been for a period of more than six months prior to the filing of this action, a resident of the State of Nevada, County of Clark.
2. Upon information and belief, Defendant JORDAN R. COOPER is, and has been for a period of more than six months prior to the filing of this action, a resident of the State of Nevada, County of Clark.
3. Upon information and belief, Defendant CHERYL COOPER DRISCOLL is a resident of the State of Arizona, and has, by means of the Internet, participated and conducted tortious acts across state lines in the State of Nevada and all states with access to the Internet.
4. Upon information and belief, Defendant FACEBOOK, INC. is a foreign corporation licensed in the State of California and doing business primarily as an Internet social networking website with reach to all states with access to the Internet, including the State of Nevada.
5. Plaintiff is counsel of record in a domestic case in the Eighth Judicial District Court whereby Defendant Cooper is an opposing party.
6. Plaintiff has had no contact with Defendant Cooper or any Defendant except through his counsel of record in the aforementioned case.
7. Nevertheless, Defendants have consistently and continually committed defamation and privacy violations in addition to several other purposeful tortious acts against Plaintiff through the use of the world wide web and by other means.
8. Specifically, on or around October 1, 2010 at around 3:30 p.m., Defendant Cooper, by means of Defendant Facebook's internet social networking website, published defamatory and demeaning statements specifically directed at Plaintiff which stated: "im on to you jonathan golddick(smith) ha faggot" and further stated "he looks like a pediphile (sic)."
9. Further, Defendants published the statement of a Facebook user which stated: "ha I want to se (sic) what that douche bag looks like."

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- 1 10. Moreover, on or around October 2, 2010 at around 6:10 p.m., Defendant Cooper Driscoll, by
2 means of illegal and torious invasion of privacy, stole a private photograph depicting the likeness
3 of Plaintiff, and, by means of Defendant Facebook's internet social networking website,
4 published the stolen picture on Defendant Cooper's internet page, which is managed and
5 maintained by Defendant Facebook.
- 6 11. Defendants Cooper and Cooper Driscoll made disparaging remarks about the stolen photograph,
7 and Defendant Cooper Driscoll acknowledged that Defendants had committed unlawful and
8 tortious behavior by posting the following statement: "delete that picture already."
- 9 12. Defendant Cooper, by means of Defendant Facebook, published statements about Plaintiff,
10 including that Plaintiff is a "faggot" and a "pedophile" which constitute slander per se.
- 11 13. Defendant Cooper Driscoll, by means of Defendant Facebook, caused to be published a personal
12 and private photograph depicting the name, image and likeness of Plaintiff along with
13 disparaging statements coinciding with the stolen picture.
- 14 14. With regard to all allegations related to torts committed against Plaintiff over the internet,
15 Defendant Facebook facilitated, published or neglected to mitigate the defamatory and harassing
16 statements and comments published by Defendant Cooper and Defendant Cooper Driscoll.
- 17 15. Plaintiff, who is an attorney in the State of Nevada runs an operates a law firm in the State.
- 18 16. Much of Plaintiff's business is dependant on the public's view of Plaintiff's moral character,
19 reliability and reputation.
- 20 17. Defendants' actions have already, and will likely continue to demean and diminish Plaintiff's
21 reputation in the legal community as well as with Plaintiff's personal social community.
- 22 18. Plaintiff uses Defendant Facebook's marketing and advertising programs to advertise and market
23 Plaintiff's business.
- 24 19. As a result of Defendant's actions, Plaintiff has been forced to seize all advertising and
25 marketing through Defendant Facebook given that a diminishment of Plaintiff's reputation is
26 taking place through Defendant Facebook as a result of Defendant Cooper and Defendant Cooper
27 Driscoll's actions.
- 28 20. Plaintiff has suffered extreme emotional distress as a result of Defendant's actions.

- 1 21. Defendant Cooper has engaged in a pattern of stalking against Plaintiff.
- 2 22. Most notably, in around August, 2010, Plaintiff observed Defendant's yellow Ford mustang with
- 3 black stripes, with the license plate "Sage 3", parked outside of Plaintiff's law office located at
- 4 1212 South Casino Center Boulevard in Las Vegas, Nevada.
- 5 23. Additionally, after Plaintiff moved offices, Defendant Cooper has driven by and appeared several
- 6 times at Plaintiff's new office located in Henderson, Nevada while driving a red Ford Mustang.
- 7 24. Defendant Cooper Driscoll has also engaged in a pattern of stalking against Plaintiff.
- 8 25. Specifically, Defendant Cooper Driscoll created a false profile on Defendant Facebook's website
- 9 using a false name and false picture, in order to gain access to Plaintiff's personal and private
- 10 information.

11 **FIRST CAUSE OF ACTION**

12 (Slander against all Defendants)

- 13 26. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
- 14 although fully incorporated herein. Plaintiff further alleges:
- 15 27. Defendants made a false and defamatory oral communication concerning Plaintiff.
- 16 28. Defendants' communication was published to a third party.
- 17 29. Defendants knew or should have known the communication was false and that it defamed
- 18 Plaintiff.
- 19 30. Defendants' publication of the communication was a legal cause of special damages to the
- 20 plaintiff.
- 21 31. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
- 22 \$10,000.00.
- 23 32. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
- 24 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.
- 25 33. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
- 26 claims and is entitled to any and all costs incurred herein, including, without limitation, any and
- 27 all attorneys' fees.
- 28

SECOND CAUSE OF ACTION

(Slander Per Se against all Defendants)

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4 34. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
5 although fully incorporated herein. Plaintiff further alleges:
6
7 35. Defendants made a false and defamatory oral communication concerning Plaintiff.
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9 36. Defendants' communication was published to a third party.
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11 37. Defendants knew or should have known the communication was false and that it defamed
12 Plaintiff.
13
14 38. Defendants communication imputes to Plaintiff the commission of a crime and would tend to
15 injure Plaintiff in his trade, profession, business and office
16
17 39. As result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
18 \$10,000.00.
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20 40. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
21 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.
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23 41. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
24 claims and is entitled to any and all costs incurred herein, including, without limitation, any
25 and all attorneys' fees.
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THIRD CAUSE OF ACTION

(Libel against all Defendants)

42. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
although fully incorporated herein. Plaintiff further alleges:
43. Defendants made a false and defamatory written communication concerning Plaintiff.
44. Defendants' communication was published to a third party.

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45. Defendants knew or should have known the communication was false and that it defamed Plaintiff.

46. Defendants' publication of the communication was a legal cause of special damages to the plaintiff.

47. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

48. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

49. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

FOURTH CAUSE OF ACTION

(Libel Per Se against all Defendants)

50. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

51. Defendants made a false and defamatory written communication concerning Plaintiff.

52. Defendants' communication was published to a third party.

53. Defendants knew or should have known the communication was false and that it defamed Plaintiff.

54. Defendants communication imputes to Plaintiff the commission of a crime and would tend to injure Plaintiff in his trade, profession, business and office

55. As result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

1 56. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
2 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

3
4 57. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
5 claims and is entitled to any and all costs incurred herein, including, without limitation, any
6 and all attorneys' fees.

7 **FIFTH CAUSE OF ACTION**

8 (False Light Defamation against Defendant Cooper and Cooper Driscoll)

9
10 58. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
11 although fully incorporated herein. Plaintiff further alleges:

12 59. Defendants made a false and defamatory oral and written communication concerning
13 Plaintiff.

14 60. Defendants' communication was published to a third party.

15 61. Defendants knew or should have known the communication was false and that it defamed
16 Plaintiff.

17 62. Defendants' actions placed Plaintiff in a false light in a way that the general public would
18 find highly offensive.

19
20 63. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
21 \$10,000.00.

22 64. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
23 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

24 65. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
25 claims and is entitled to any and all costs incurred herein, including, without limitation, any
26 and all attorneys' fees.

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SIXTH CAUSE OF ACTION

(Invasion of Privacy against Defendant Cooper and Cooper Driscoll)

66. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

67. Defendants intentionally and maliciously intruded into Plaintiff's private affairs.

68. Defendants' intrusion would be found highly offensive to the general public.

69. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

70. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

71. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

SEVENTH CAUSE OF ACTION

(Intentional Interference with Business Relations against Defendant Cooper and Cooper Driscoll)

72. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

73. Plaintiff conducts business as an Attorney in the State of Nevada.

74. Plaintiff previously held contracts with Defendant Facebook for marketing and advertising over the Internet.

75. Defendant Cooper and Cooper Driscoll knew or should have known of the existence of Plaintiff's business in the state of Nevada and the advertising and marketing contracts with Defendant Facebook.

1 76. Defendants intentionally made false claims about Plaintiff with the intent to drive business
2 away and induce the interference with Plaintiff's contracts.

3
4 77. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
5 \$10,000.00.

6 78. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
7 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

8 79. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
9 claims and is entitled to any and all costs incurred herein, including, without limitation, any
10 and all attorneys' fees.

11 **EIGHTH CAUSE OF ACTION**

12 (Intentional Infliction of Emotional Distress against Defendant Cooper and Cooper Driscoll)

13
14 80. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
15 although fully incorporated herein. Plaintiff further alleges:

16 81. Defendants engaged in outrageous conduct wilfully and maliciously directed at Plaintiff with
17 the intent to cause emotional distress.

18 82. Plaintiff suffered extreme emotional distress as a result of Defendants' intentional actions.

19 83. Defendants' actions were the proximate cause of Plaintiff's extreme emotional distress.

20
21 84. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
22 \$10,000.00.

23 85. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
24 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

25 86. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
26 claims and is entitled to any and all costs incurred herein, including, without limitation, any
27 and all attorneys' fees.
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NINTH CAUSE OF ACTION

(Stalking against Defendant Cooper and Cooper Driscoll)

87. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

88. Defendant Cooper, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member.

89. Defendants' actions caused Plaintiff to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member.

90. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

91. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and, therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

92. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

TENTH CAUSE OF ACTION

(Violation of U.S.C. 18 § 2511(a) against Defendant Cooper and Cooper Driscoll)

93. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs although fully incorporated herein. Plaintiff further alleges:

94. Defendants intentionally intercepted or endeavored to intercept , an electronic communication that was of private nature to Plaintiff.

95. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of \$10,000.00.

1 96. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
2 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

3
4 97. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
5 claims and is entitled to any and all costs incurred herein, including, without limitation, any
6 and all attorneys' fees.

7 **ELEVENTH CAUSE OF ACTION**

8 (Violation of U.S.C. 18 § 2511(e) against Defendant Cooper and Cooper Driscoll)

9 98. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
10 although fully incorporated herein. Plaintiff further alleges:

11 99. Defendants intentionally disclosed communications unlawfully obtained in contravention of
12 U.S.C. 18 § 2511(a).

13
14 100. As a result of Defendants' actions, Plaintiff has been damaged in an amount in excess of
15 \$10,000.00.

16 101. Defendants' actions constitute acts of conscious disregard, fraud, malice or oppression, and,
17 therefore, Plaintiff is entitled to exemplary or punitive damages as a result.

18 102. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these
19 claims and is entitled to any and all costs incurred herein, including, without limitation, any
20 and all attorneys' fees.

21 **TWELFTH CAUSE OF ACTION**

22 (Permanent Injunction against Defendant Cooper and Cooper Driscoll)

23
24 103. Plaintiff repeats and realleges each and every allegation made in the preceding paragraphs
25 although fully incorporated herein. Plaintiff further alleges:

26 104. Defendants have in the past, and are likely to continue in the future, to cause serious
27 irreparable harm to Plaintiff.
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105. Plaintiff is entitled to a permanent injunction against Defendants' use of Plaintiffs' name and likeness in connection with false and/or misleading communications.

106. Plaintiff is additionally entitled to a permanent injunction against Defendants' actions that constitute stalking and harassment.

107. It has become necessary for the Plaintiff to retain the services of counsel to prosecute these claims and is entitled to any and all costs incurred herein, including, without limitation, any and all attorneys' fees.

WHEREFORE, Plaintiff is entitled to judgment as follows:

1. For damages in excess of \$10,000.00 against each Defendant for each cause of action as alleged in the Complaint;
2. For exemplary or punitive damages against each Defendant for each cause of action as alleged in the Complaint;
3. For reasonable attorney's fees and costs;
4. For a permanent injunction against each Defendant as alleged in the Complaint; and
5. For any other relief that the Court may deem just and proper.

DATED this 5th day of October, 2010.

/s/ Jonathan B. Goldsmith, Esq.

JONATHAN B. GOLDSMITH, ESQ.
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VERIFICATION

State of Nevada)

) ss:

County of Clark)

I, Jonathan B. Goldsmith, Esq., under the penalty of perjury, do hereby swear and affirm that all allegations contained in Plaintiff's Complaint are made from fact and personal knowledge, unless made by information and belief, in which case are stated to be made by information and belief.

Dated this 5th day of October, 2010

/s/ Jonathan B. Goldsmith, Esq.

JONATHAN B. GOLDSMITH, ESQ.