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(212) 668-1700  
Attorneys for Plaintiff

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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:  
ABC ALL CONSULTING, INC., :  
:  
Plaintiff, :  
:  
- against - :  
:  
ALEXANDER SAKIRSKI AND :  
TRADEINDICATOR, INC., :  
:  
Defendants. :  
:  
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Index No.: 13502/11

SUMMONS

Plaintiff designates Kings  
County as the place of  
trial. Tradeindicator, Inc.  
is located in Kings County.

AC

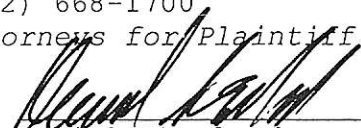
To the above named Defendant:

TRADEINDICATOR, INC.

YOU ARE HEREBY SUMMONED to answer the complaint in this  
action and to serve a copy of your answer, or, if the complaint  
is not served with this summons, to serve a notice of appearance,  
on the Plaintiff's Attorney(s) within 20 days after the service  
of this summons, exclusive of the date of service (or within 30  
days after the service is complete if this summons is not  
personally delivered to you within the State of New York); and in  
case your failure to appear or answer, judgment will be taken  
against you by default for the relief demanded herein.

Dated: New York, New York  
June 10, 2011

VAL MANDEL, P.C.  
80 Wall Street, Suite 1115  
New York, New York 10005  
(212) 668-1700  
Attorneys for Plaintiff

By:   
Daniel Akselrod

Defendant Name: Tradeindicator, Inc.  
Address: 2100 East 21<sup>st</sup> Street  
Brooklyn, New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS      Index No. \_\_\_\_\_

ABC ALL CONSULTING, INC.

Plaintiff,

vs.

ALEXANDER SAKIRSKI AND  
TRADEINDICATOR, INC.,

Defendants.

**SUMMONS**

VAL MANDEL, P.C.  
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*Attorneys for Plaintiff*

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*Attorneys for Plaintiff*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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:  
ABC ALL CONSULTING, INC., :  
:  
Plaintiff, : Index No.: 13502/11  
:  
- against - : COMPLAINT  
:  
ALEXANDER SAKIRSKI AND :  
TRADEINDICATOR, INC., : JUN 4 2011  
:  
Defendants. :  
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Plaintiff ABC All Consulting, Inc., through its attorneys, Val Mandel, P.C., as and for its Complaint in this action, alleges as follows:

THE PARTIES

1. Plaintiff ABC All Consulting, Inc. ("ABC" or "Plaintiff") is a corporation organized and existing under the laws of the State of New York, with its principal places of business at 2536 Harway Avenue, Apt. 2, Brooklyn, New York.
2. Defendant Alexander Sakirski ("Sakirski") is an individual residing at 2100 East 21<sup>st</sup> Street, Brooklyn, New York.
3. Defendant Tradeindicator, Inc. ("Tradeindicator" and, together with Sakirski, "Defendants") is a corporation organized

and existing under the laws of the State of New York, with its principal places of business at 2100 East 21<sup>st</sup> Street, Brooklyn, New York.

#### FACTS

4. ABC was and is in the business of preparing embroidery designs and selling those designs, along with embroidery supplies, online.

5. Upon information and belief, Sakirski met Ana Bove in April of 2008.

6. Upon information and belief, on May 6, 2008, Sakirski, with Ms. Bove, organized Anna Bove Company, LLC ("Anna Bove LLC").

7. Upon information and belief, on July 23, 2008, Sakirski, with Ms. Bove, organized Anna Bove Embroidery Supplies, Inc. ("Anna Bove Inc.").

8. Upon information and belief, Sakirski is a member and officer of Anna Bove LLC.

9. Upon information and belief, Sakirski is a shareholder and President of Anna Bove Inc.

10. Upon information and belief, Sakirski is a shareholder and President of Tradeindicator.

11. On or about August 2008, Mr. Sakirski, along with Ms. Bove, took control of two of ABC's websites and began operating them in competition with ABC.

12. Upon information and belief, in the operation of such competing web sites and business, Sakirski improperly misappropriated and exploited property belonging to ABC, including confidential customer information and tangible design software.

13. Upon information and belief, Sakirski participated in, or aided and abetted, a pattern of false and defamatory statements against ABC in an effort to divert ABC's customers to the websites operated by Anna Bove LLC and Anna Bove Inc., including the following statements:

If any other web sites will appear, offering [Ana Bove's] designs (e.g. designs like those ones listed on this site) WITHOUT carrying [Ana Bove's] name AND being listed as an official dealer on this site, it would mean that they don't have any rights to distribute those designs. At this moment the only other company that has a license for selling designs that were created by Anna Bove is The Sewphisticated Stitcher, Inc.

14. In an email circulated to ABC's customers, with, upon information and belief, the assistance or consent of Sakirski, Ana Bove alleged that ABC's shareholders attempted to "take illegal control of [Ana Bove's] websites and businesses" and are distributing her designs "illegally." These patently false

claims have caused significant confusion among ABC customers and greatly damaged ABC's business.

15. Upon information and belief, Sakirski has attempted to hide the extent of his unjust enrichment from the above described conduct by causing Anna Bove LLC and Anna Bove Inc. to pay phony business expenses to Tradeindicator.

**AS AND FOR A FIRST CAUSE OF ACTION**  
(Unfair Competition)

16. Plaintiff repeats and realleges Paragraphs 1 to 15 as if fully set forth herein.

17. Sakirski has engaged in unfair competition again Plaintiff, which has damaged Plaintiff in an amount to be determined at trial.

18. Because Sakirski's actions demonstrate a high degree of moral culpability and reflect a wanton and/or reckless disregard of the rights of Plaintiff, treble damages should be awarded to the Plaintiff.

**AS AND FOR A SECOND CAUSE OF ACTION**  
(Unjust Enrichment)

19. Plaintiff repeats and realleges Paragraphs 1 to 18 as if fully set forth herein.

20. Sakirski and Tradeindicator have been unjustly enriched by diverting Plaintiff's customers and misappropriating and exploiting Plaintiff's property.

AS AND FOR A THIRD CAUSE OF ACTION  
(Defamation)

21. Plaintiff repeats and realleges Paragraphs 1 to 21 as if fully set forth herein.

22. By posting false and defamatory statements on the website of Anna Bove LLC and Anna Bove Inc and by sending out newsletters by e-mail to customers of ABC, Sakirski has cast doubt upon Plaintiff's legal rights as the owner of the embroidery designs.

23. Plaintiff has suffered actual damages as a result of the defamatory statements.

AS AND FOR A FOURTH CAUSE OF ACTION  
(Conversion)

24. Plaintiff repeats and realleges Paragraphs 1 to 23 as if fully set forth herein.

25. Defendants converted ABC's, property, good will and reputation for their own use.

26. As a result of Defendants' conversion, Plaintiff has suffered, and is continuing to suffer, substantial damages.

AS AND FOR A FIFTH CAUSE OF ACTION  
(Unfair and Deceptive Practices Pursuant to General Business Law §349)

27. Plaintiff repeats and realleges Paragraphs 1 to 26 as if fully set forth herein.

28. By engaging in unlawful and deceptive trade practices,

Sakirski has violated General Business Law §349.

29. As a result of Sakirski's actions, Plaintiff has suffered, and is continuing to suffer, substantial damages.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

a) On the First Cause of Action, awarding judgment to Plaintiff against Sakirski for compensatory damages in an amount to be determined by the Court; for treble damages; for reasonable attorneys' fees and costs of the suit; and for such other and further relief as the Court may deem just and proper.

b) On the Second Cause of Action, awarding judgment to Plaintiff against Defendants for compensatory damages in an amount to be determined by the Court and for such other and further relief as the Court may deem just and proper.

c) On the Third Cause of Action, awarding judgment to Plaintiff against Sakirski for compensatory damages in an amount to be determined by the Court and for such other and further relief as the Court may deem just and proper.

d) On the Fourth Cause of Action, awarding judgment to Plaintiff against Sakirski for compensatory damages in an amount to be determined by the Court; reasonable attorneys fees; and for such other and further relief as the Court may deem just and



proper.

e) On the Fifth Cause of Action, awarding judgment to Plaintiff against Sakirski for compensatory damages in an amount to be determined by the Court; for reasonable attorneys' fees and costs of the suit; and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
June 10, 2011

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80 Wall Street, Suite 1115  
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*Attorneys for Plaintiff*

By: 

Daniel Akselrod

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ABC ALL CONSULTING, INC.

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Defendants.

COMPLAINT

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