

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**Judge Pauley**

**10 CIV 7263**

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FLORIN HORICIANU,

Plaintiff,

v.

EBAY INC.,

PIERRE OMIKYAR,

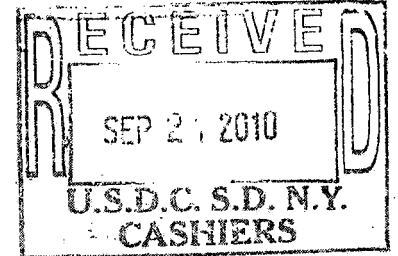
MARGARET WHITMAN

(aka MEG WHITMAN),

Defendants.

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**COMPLAINT**



**JURY TRIAL DEMANDED**

PRELIMINARY STATEMENT

1. The contracts signed by eBay Inc, in 2002 and 2003, are still in effect - even if the termination of those contracts (as decided by eBay) is valid, eBay is still under the obligation to pay the promised fees and a fraction of the income received. As of today, the records will show that eBay "forgot" to pay over four billion dollars.

### JURISDICTION AND VENUE

2. This action is brought pursuant to the Constitution and the laws of the United States of America, and the Constitution and the laws of the State of New York. This Court has jurisdiction over this action under the provisions of 28 U.S.C. - 1331, and 28 U.S.C. - 1332.

3. Venue is proper under 28 U.S.C. - 1391 (a)(2), (b)(2), and (c)

### PARTIES

4. The Plaintiff is an adult male who resides in New York City.

5. The Defendant eBay Inc. is a Delaware corporation and it is subject to personal jurisdiction in the State of New York.

6. The Defendant Pierre Omidyar is the founder of eBay Inc and is a citizen of the state of Hawaii.

7. The Defendant Margaret Whitman is the former CEO of eBay Inc and is a citizen of the state of California.

### JURY TRIAL DEMANDED

8. The Plaintiff is demanding a trial by jury on each and everyone of his claims as pleaded herein.

FIRST CLAIM

9. The Defendant eBay Inc. has to pay to the Plaintiff fees for every person who registered as a member on www.ebay.com, based on information provided (directly or indirectly) by the Plaintiff.

SECOND CLAIM

10. The Defendant eBay Inc. has to pay to the Plaintiff a fraction of the income received from any transaction made by any person who registered as a member on www.ebay.com, based on information provided (directly or indirectly) by the Plaintiff.

THRID CLAIM

11. The Defendant Margaret Whitman has tortuously interfered with the contract existent between The Plaintiff and eBay, Inc.

FOURTH CLAIM

12. The Defendant Pierre Omidyar has tortuously interfered with the contract existent between The Plaintiff and eBay, Inc.

FIFTH CLAIM

13. The Defendant Margaret Whitman has caused extreme emotional distress to the Plaintiff.

SIXTH CLAIM

14. The Defendant Pierre Omidyar has caused extreme emotional distress to the Plaintiff.

SEVENTH CLAIM

15. The Defendant eBay, Inc. has caused extreme emotional distress to the Plaintiff.

EIGHTH CLAIM

16. The Defendants conspired and succeeded to violate The Plaintiff's civil rights.

RELIEF DEMANDED

17. The Plaintiff is demanding the following relief jointly and severally against all of the Defendants:

- A. Compensatory and punitive damages = four billion US dollars;
- B. Pre- and post-judgment costs, interest and attorney's fees;
- C. Other and further relief as this Court may deem appropriate.

Dated: SEPT. 21<sup>ST</sup>, 2010



Florin Horicianu

PO Box 864101  
Ridgewood, NY 11386

Plaintiff