

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
VOLODYMYR ZABLOTSKY and DOES 1 TO 10

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 4 - 2008

CLERK OF THE SUPERIOR COURT
By **MARGARET J. DOWNIE**
Deputy

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
BRABUS VENTURES CORPORATION

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Alameda County Superior Court
5672 Stoneridge Drive
Pleasanton, CA 94588

CASE NUMBER:
(Número del Caso): **VG 08390958**

Gale/Schenone Hall of Justice
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Ronald J. Cook SBN 121398 408-289-1972 408-295-6375
Willoughby, Stuart and Bening Inc.
50 W. San Fernando St., Suite 400
San Jose, CA 95113

DATE: **JUN 4 - 2008**
(Fecha) **PAT S. SWEETEN** Clerk, by **MARGARET J. DOWNIE**, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NOTICE TO THE PERSON SERVED: You are served
1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):

(SEAL)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Ronald J. Cook SBN 121398 Willoughby, Stuart and Bening Inc. 50 W. San Fernando St., Suite 400 San Jose, CA 95112 TELEPHONE NO: 408-289-1972 FAX NO. (Optional): 408-295-6375 E-MAIL ADDRESS (Optional): rjc@wsblaw.net ATTORNEY FOR (Name): Plaintiff, Barbus Ventures Corp.	FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY JUN 4 - 2008 CLERK OF THE SUPERIOR COURT By MARGARET J. DOWNIE Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 5672 Stoneridge Drive MAILING ADDRESS: CITY AND ZIP CODE: Pleasanton, CA 94588 BRANCH NAME: Gale/Schenone Hall of Justice	
PLAINTIFF: BRABUS VENTURES CORPORATION DEFENDANT: VOLODYMYR ZABLOTSKY	CASE NUMBER: VG 08390958

DOES 1 TO 10

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

AMENDED (Number):

Type (check all that apply):

MOTOR VEHICLE

OTHER (specify):

Property Damage

Wrongful Death

Personal Injury

Other Damages (specify): Restraining

Order

Jurisdiction (check all that apply):

ACTION IS A LIMITED CIVIL CASE

Amount demanded does not exceed \$10,000

exceeds \$10,000, but does not exceed \$25,000

ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)

ACTION IS RECLASSIFIED by this amended complaint

from limited to unlimited

from unlimited to limited

1. Plaintiff (name or names): BRABUS VENTURES CORPORATION

alleges causes of action against defendant (name or names): VOLODYMYR ZABLOTSKY

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

BY FAX

a. except plaintiff (name): BRABUS VENTURES CORPORATION

(1) a corporation qualified to do business in California

(2) an unincorporated entity (describe):

(3) a public entity (describe):

(4) a minor an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(5) other (specify):

b. except plaintiff (name):

(1) a corporation qualified to do business in California

(2) an unincorporated entity (describe):

(3) a public entity (describe):

(4) a minor an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(5) other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: BRABUS V. ZABLOTSKY

CASE NUMBER:

4. Plaintiff (name):
 is doing business under the fictitious name (specify):
 and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):
- (4) a public entity (describe):
- (5) other (specify):

c. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):
- (4) a public entity (describe):
- (5) other (specify):

b. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):
- (4) a public entity (describe):
- (5) other (specify):

d. except defendant (name):

- (1) a business organization, form unknown
- (2) a corporation
- (3) an unincorporated entity (describe):
- (4) a public entity (describe):
- (5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. Doe defendants (specify Doe numbers): 1-10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b. Doe defendants (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
- b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
- c. injury to person or damage to personal property occurred in its jurisdictional area.
- d. other (specify):

9. Plaintiff is required to comply with a claims statute, and

- a. has complied with applicable claims statutes, or
- b. is excused from complying because (specify):

SHORT TITLE: BRABUS V. ZABLOTSKY	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify): Exemplary Damages.

11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify): Damage to business reputation/business disparagement.

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

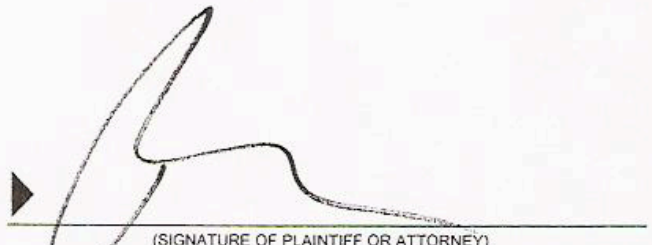
14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
 - (2) punitive damages
- The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):
- (1) according to proof
 - (2) in the amount of: \$ 0.00

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: June 4, 2008

Ronald J. Cook
(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: BRABUS V. ZABLOTSKY

CASE NUMBER

FIRST CAUSE OF ACTION—Intentional Tort

(number)

Page 4 of 5ATTACHMENT TO Complaint Cross-Complaint*(Use a separate cause of action form for each cause of action.)*IT-1. Plaintiff (*name*): BRABUS VENTURES CORPORATIONalleges that defendant (*name*): VOLODYMYR ZABLOTSKY Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (*date*): on or about April 2, 2008

at (*place*): Pleasanton, CA

(description of reasons for liability):

Defendant Zablotsky published an accusation on his blog website that stated plaintiff was responsible for an anonymous internet posting alleging that defendant was a child molester. Said post by defendant is attached hereto as Exhibit "A". At the time the Exhibit "A" post was published, defendant had no reasonable basis to accuse plaintiff, or its internet name, ePERKS.com, of being the author of the child molester post. Defendant's publication was intended to cause plaintiff financial harm and was knowingly false. Defendant's accusation was understood by those reading it as a negative reflection on plaintiff. The entire child molestation accusation by defendant against plaintiff is false. Defendant's publication is libelous on its face. It exposes plaintiff to hatred, contempt, ridicule and disdain as it accuses plaintiff of taking illegal action against a critic of its services as some form of retribution so as to facilitate a negative image of plaintiff in the eyes of the public and plaintiff's current and prospective customers. Defendant's blog posting has been seen and read by persons in Alameda County and caused harm and damage to plaintiff in Alameda County. As a proximate result of the above-described publications, plaintiff has suffered, and will continue to suffer, loss of its reputation, all to its financial damage, including, but not limited to client retention, client sign-up, damage to brand name and employee recruitment.

SHORT TITLE: BRABUS V. ZABLOTSKY

CASE NUMBER

Exemplary Damages AttachmentPage 5 of 5ATTACHMENT TO Complaint Cross-Complaint

EX-1. As additional damages against defendant (name): VOLODYMYR ZABLOTSKY

Plaintiff alleges defendant was guilty of

- malice
 fraud
 oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

All facts alleged in the Intentional Tort Cause of Action are incorporated herein as though set forth in full. Defendant's conduct was done with malice in that Defendant created and perpetuated false information with the intent that others believe it to be true, without any factual basis to so believe.

EX-3. The amount of exemplary damages sought is

- a. not shown, pursuant to Code of Civil Procedure section 425.10.
b. \$ 0.00

EXHIBIT “A”

How Far Do You Go To Silence A Blogger And When Does It Become Too Far?

April 2, 2008

When I received cease and desist notice from ePerks lawyer, I had a gut feeling that my problems associated with this company were far from over. I was not that far off. What I thought would be a problem turned into a nightmare which I am still enduring.

When the commenting activity was at it's peak on one of my posts, I had kept very close watch on those who commented on my blog. I warned few individuals that their behavior was unacceptable and if they did not stop, I would ban them from my website. I do find suspicious if a person leave more than one comment on my blog during one visit, leaving different name for each comment. When my warnings were ignored, I in fact banned some one who identified himself as "John". I emailed this individual to notify him that he was banned, here is the answer I have received:

From: Jaffar Sadighi sadighij@yahoo.com
 To: Vlad Zablotskyy vladzablotskyy@gmail.com
 Sent: Friday, January 25, 2008 2:48:08 PM
 Hehe. Vlad, I want you to know I eat people like you for breakfast. You are simply pouring fuel. I will enjoy this one.
 --- Original Message ---
 From: Vlad Zablotskyy vladzablotskyy@gmail.com
 To: Jaffar Sadighi sadighij@yahoo.com
 Sent: Thursday, January 24, 2008 2:48:08 PM
 Subject: One word for you: BANNED

You are banned from leaving further comments on my blogs. Enjoy your life.

It turns out that Mr. Jaffar did not stop there. Evidently he decided to use Yahoo! Answers as his weapon of choice:

Open Question [Show me another #](#)

Jaffar ♂

Vlad Zablotskyy CHILD MOLESTATION CASES. PLEASE COME FORWARD?

Vlad Zablotskyy of new jersey has committed child molestation involving our neighbors family. PLEASE COME FORWARD. If anyone else knows of incidents, events that also relate or are similar to child molestation cases, please come forward.

Zablotskyy who is a retired real estate agent and online blog is now attempting to leave this area and we need any other cases to come forward.

If anyone knows anything, please come forward.
10 minutes ago · 3 days left to answer.

[Report It](#)

Strangely enough, the cease and desist notice from ePerks lawyer included the following:

Our research also shows that negative remarks are not only invited, but are

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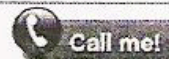
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Top Commenters



Vlad Zablotskyy
4 — 65 posts



The Harriman Team
2 — 8 posts



RealBird
1 — 8 posts

posted without a challenge. Conversely, favorable remarks are met with hostility and belittlement, including demands that the posting party either prove they are participating agents, or do not work for ePERKS.

CREDITS

I am very curious to know the methods employed to the above mentioned "research". If Mr. Cook were to read the thread on the post in question, he would quickly realize that I did not challenge every "positive" remark. I challenged only those left by the suspicious individuals like Mr. Sadighi.

The Yahoo! Answers had since deleted the despicable posts, and from what I can tell they have also deleted profile of "Jaffar S". It will take a few days or maybe weeks for the search engines to delete these pages from their index. But I will never rest to protect myself and my family. I hope now you can understand how much I appreciate bloggers like Matt Brown who just few days ago have started a campaign he called Save Vlad Zablotskyy.

I hope I am the last blogger ever who had gone through this sort of vicious attacks. But the nature of the internet is such that no one really has any guarantee against finding themselves in a similar situation.

My hope is that my case, and maybe other cases out there would result in some sort "bloggers coalition" that would allow us to defend ourselves against such disgusting tactics.

It is my opinion that no blogger who have ever made a remotely negative remarks about this company is safe. My advise to you is to immediately set up Google Alerts for your own name so you will be notified a soon as your name is mentioned on the Internet. In the past I thought it was too vain to have such an alert. You can see how mistaken my thinking was. I am in particular worried about Greg Swann of BloodhoundBlog, Marlow Harris of 360digest, Lydia Player of North Dallas Homes, Jay Thompson of Agentgenius, Matt Brown of The Fantastic Site Of Lord Matt, Pat and Wayne of Willingford Wired. These bloggers have either publicly supported me or were critical of ePerks, and I am afraid may have invited upon themselves the fury of individuals like "Mr. Jaffar Sadighi". Please, I am begging you, set up Google alerts for your own name.

Am I inviting unnecessary attention to an issue that could go away on it's own? I stopped believing it such a notion due to the above described attacks. As long as my case will prevent other bloggers from going through such and ordeal, it is all worthed. Silence on my part may do more damage not only to me, but to a larger community of bloggers.

Posted in Blogging

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1 - 2 posts
2 - 2 posts
Vicki Moore DISQ

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wahanman



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Jonathan Benya



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Sue



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