

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CIVIL ACTION NO: 6:08-CV-904-ORL-18-GJK

AYMAN A. DIFRAWI A/K/A ALEC)
DIFRAWI AND INTERNET)
SOLUTIONS CORPORATION,)
A NEVADA CORPORATION,)
)
Plaintiffs,)
)
vs.)
)
)
ARCHIE GARGA-RICHARDSON)
)
Defendant.)

INJUNCTIVE RELIEF SOUGHT

COMPLAINT

Plaintiffs, AYMAN A. DIFRAWI a/k/a ALEC DIFRAWI (hereinafter referred to as "DIFRAWI") and INTERNET SOLUTIONS CORPORATION (hereinafter referred to as "ISC") by and through their undersigned counsel, file this Complaint for damages and injunctive relief against Defendant, ARCHIE GARGA-RICHARDSON (hereinafter referred to as "RICHARDSON"), and allege:

INTRODUCTION

1. This is an action for damages and injunctive relief as a result of Defendant's malicious, willful and intentional defamation, interference with business relationship, injurious falsehood and trade libel. Via his website, www.scamfraudalert.com, RICHARDSON published and actively continues to publish false and inflammatory statements designed to intentionally

attack and discredit DIFRAWI and ISC. Defendant's repeated attacks and false statements have caused damages to Plaintiffs in the past and such damages will continue in the future.

JURISDICTION AND VENUE

2. Jurisdiction is proper in this Court under 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties and the damages and amount in controversy exceed \$75,000, exclusive of interest and costs.

3. The Court has personal jurisdiction over the Defendant pursuant to *Fla. Stat.* § 48.193(1)(b) as Defendant has entered into the State of Florida with sufficient minimal contacts and committed intentional torts in relation to each Plaintiff, or in the alternative, has committed tortious conduct outside of the state of Florida with the specific intent and knowledge that an injury would occur in the state of Florida.

4. Venue is proper in this judicial district under 28 U.S.C. § 1391(a)(2) because Defendant's intentional, tortious and unlawful conduct substantially occurred, and continues to occur, within this judicial district and Plaintiffs, who reside in and transact their principal business within this judicial district, have suffered tortious injuries within this district as a result of Defendant's conduct.

PARTIES

5. DIFRAWI is an individual who is a resident of Orange County, Florida and is *sui juris*.

6. ISC is a Nevada corporation authorized to do business in Florida with its principal place of business in Orlando, Florida.

7. Upon information and belief, RICHARDSON is a resident of California.
8. RICHARDSON is the owner, moderator, author and host of the website www.scamfraudalert.com.

STATEMENT OF FACTS

9. ISC operates an internet marketing business under various fictitious names, including but not limited to, the following:

- A. VeriResume;
- B. World Voice News f/k/a USA Voice; and
- C. Instant Human Resource.

10. DIFRAWI provides consulting and marketing services to internet marketing companies and provides such services to ISC.

11. Neither DIFRAWI nor ISC is the subject of any criminal or government action relating to their respective business practices or DIFRAWI's consulting services.

12. RICHARDSON's website, www.scamfraudalert.com, purports to be dedicated to internet security and exposing internet scams and fraudulent internet employment advertisements.

13. Via his website, www.scamfraudalert.com, RICHARDSON willfully published and continues to publish to the public false, derogatory and defamatory statements regarding DIFRAWI and ISC.

14. Via his website, www.scamfraudalert.com, RICHARDSON published internet postings that falsely claim that DIFRAWI and ISC participate in *inter alia*, phishing, identity theft and perpetration of fraudulent employment scams.

15. Via his website, www.scamfraudalert.com, RICHARDSON published internet postings that falsely claim DIFRAWI and ISC are “thugs” and “crooks, criminals, scumbags targeting the unemploy [sic], elderly, students, stay-at-home moms, retirees and the innocent. Luring them into cashing fraudulent checks.”

16. RICHARDSON published and continues to publish the aforementioned defamatory statements regarding Plaintiffs in an attempt to cause Plaintiffs embarrassment, ridicule and contempt and injure ISC’s business operations and DIFRAWI’s reputation and livelihood.

17. Prior to filing this Complaint, Plaintiffs’ undersigned counsel contacted RICHARDSON, via email and written correspondence, and informed RICHARDSON of the false, defamatory and injurious statements posted on the www.scamfraudalert.com website and requested that RICHARDSON remove the defamatory statements from the www.scamfraudalert.com website. Nonetheless, RICHARDSON refused and continues to refuse to remove the defamatory statements regarding DIFRAWI and ISC from the www.scamfraudalert.com website.

18. At all times material hereto, RICHARDSON posted the false and defamatory statements regarding DIFRAWI and ISC in an attempt to lure advertisers and readers to his website in order to realize advertising income and personally benefit from his willful and malicious conduct.

COUNT I
DEFAMATION- PER QUOD

19. Plaintiffs repeat and reallege Paragraphs 1-18 as if fully restated herein.

20. RICHARDSON has repeatedly made false and defamatory statements regarding DIFRAWI individually and Plaintiffs' respective business operations and professional conduct.

21. RICHARDSON's publications of the false, defamatory and injurious statements were not subject to any available publication or legal privilege.

22. RICHARDSON's false, defamatory and injurious statements exposed Plaintiffs to distrust, hatred, contempt, ridicule and embarrassment.

23. RICHARDSON's false, defamatory and injurious statements harm the reputation of Plaintiffs so as to lower Plaintiffs in the estimation of the community and to deter third-persons from associating or dealing with Plaintiffs.

24. RICHARDSON's false and defamatory statements were made with knowledge of their falsity or reckless disregard of the truth or falsity of the statements.

25. RICHARDSON directed the false and defamatory statements to Plaintiffs in the State of Florida, and elsewhere, with the specific intent and knowledge that the statements would damage Plaintiffs in the State of Florida.

26. RICHARDSON made the false and defamatory statements with actual malice toward Plaintiffs with the specific intent to damage and harm Plaintiffs.

27. Plaintiffs suffered substantial damages in the State of Florida as a result of Defendant's actions.

COUNT II
DEFAMATION PER SE

28. Plaintiffs repeat and reallege Paragraphs 1-18 as if fully restated herein.

29. RICHARDSON has made false statements about Plaintiffs which are *per se*

injurious as they accuse the Plaintiffs of ongoing criminal misconduct and criminal activity.

30. The nature of the false statements is such that malice and actual damage is presumed.

31. RICHARDSON published the false statements to third-parties via posting the statements on the Internet.

32. The falsity of these statements injured Plaintiffs' reputation individually and in the business community.

33. Plaintiffs suffered substantial damages in the State of Florida as a result of Defendant's actions.

COUNT III
INTERFERENCE WITH BUSINESS RELATIONSHIP

34. Plaintiffs repeat and reallege Paragraphs 1-18 as if fully restated herein.

35. Plaintiffs established business relationships with industry professionals, consumers, and advertisers through their various business ventures.

36. At all times material hereto, RICHARDSON knew of the existing business relationships between Plaintiffs and their advertisers, business affiliates, employees, independent contractors and internet consumers.

37. RICHARDSON intentionally interfered with the business relationships by posting false and defamatory statements for the express purpose of destroying Plaintiffs' established and future business relationships.

38. RICHARDSON's interference with Plaintiffs' business relationships was without legal or other justification.

39. As a result of Defendant's intentional and unjustified interference, Plaintiffs have suffered damages in Florida to their existing business relationships and continue to suffer damages.

COUNT IV
INJURIOUS FALSEHOOD- TRADE LIBEL

40. Plaintiffs repeat and reallege Paragraphs 1-18 as if fully restated herein.

41. RICHARDSON intentionally made false statements about Plaintiffs' businesses and business practices which are untrue and disparaging as to the nature and manner in which Plaintiffs conduct business.

42. RICHARDSON published the untrue and disparaging statements to third-parties through posting the statements via the Internet.

43. RICHARDSON knew that the false statements were likely to influence prospective users of Plaintiffs' businesses to avoid Plaintiffs and Plaintiffs' businesses.

44. The false statements materially and substantially induced third-parties not to utilize Plaintiffs' businesses and to not contract with Plaintiffs.

45. As a result of Defendant publishing the false and defamatory statements to third parties, Plaintiffs have suffered pecuniary loss in Florida in the form of lost business revenues and business contracts and lost business opportunities.

COUNT V
INJUNCTIVE RELIEF

46. This is an action in equity for injunctive relief.

47. Plaintiffs repeat and reallege Paragraphs 1-18 as if fully restated herein.

48. Based on the facts as set forth herein, Plaintiffs have a substantial likelihood of success on the merits of the asserted causes of action.

49. Plaintiffs do not have an adequate remedy at law in order to prevent further harm and injury in the future.

50. Monetary damages are inadequate to protect the present and future business interests and reputation of the Plaintiffs.

51. Injunctive relief would provide a benefit to, and is in the interest of, the public, as it would prevent defamation, libel and other actionable conduct through the use of the Internet.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant the following relief:

A. For an award of compensatory damages, punitive damages and prospective damages against Defendant;

B. For an immediate, preliminary injunction and permanent injunction enjoining Defendant from hosting, posting, or in any manner publishing or disseminating, whether under his legal identity or under any aliases, whether now created or created in the future, any defamatory or injurious information regarding Plaintiffs;

C. For an Order compelling Defendant to immediately remove from his website, www.scamfraudalert.com, as well as any and all other media and communication conduits, all defamatory and actionable statements posted or published regarding Plaintiffs;

D. For an award of Plaintiffs' attorney's fees and costs incurred in prosecution of this action;

E. For such other and further relief as this Court deems just and proper.

JURY DEMAND

Plaintiffs request trial by jury in the above-styled action.

Respectfully submitted this 6th day of June, 2008.



Keith E. Kress, Esq.
Florida Bar No.: 0380600
2295 South Hiawassee Road
Suite 310
Orlando, Florida 32835
Tel: (321) 293-3236
Fax: (321) 293-3203
email: kkress@kress-law.com
Attorney for Plaintiffs