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CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUN 17 2008

8 Attorneys for PLAINTIFFS
9 5TH ST LOFT, LLC and BARRY SHY

John A. Clarke, Executive Officer/Clerk
BY SHAUNYA WESLEY, Deputy

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 5TH ST LOFT, LLC, A California Limited
13 Liability Company, BARRY SHY, an individual,

CASE NO. BC392796

14 Plaintiff,

COMPLAINT FOR:

15 -vs-

16 ALAN DYLAN, an individual and JESSICA
17 JORDAN, an individual and DOES 1 through 100,
18 inclusive,

- 1) INTERFERENCE WITH LAWFUL BUSINESS
- 2) LIBEL AND SLANDER
- 3) LIBEL AND SLANDER

19 Defendants.

20 PLAINTIFFS 5th LOFT, LLC and BARRY SHY allege as follows:

21 **GENERAL ALLEGATIONS**

22 1. Plaintiff 5th ST LOFT, LLC (hereinafter "LOFT") is, and at all times herein
23 mentioned was, a limited liability company duly organized and existing under and by virtue of
24 the laws of the State of California, with its principal place of business in the County of Los
25 Angeles.

26 2. Plaintiff BARRY SHY (hereinafter "SHY") is, and at all times herein
27 mentioned was, an individual residing and doing business in the County of Los Angeles, State
28 of California.

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3. Plaintiff is informed and believes and thereon alleges that Defendant, ALAN DYLAN was at all times herein mentioned a resident of the County of Los Angeles, State of California.

4. Plaintiff is informed and believes and thereon alleges that Defendant JESSICA JORDAN was at all times herein mentioned a resident of the County of Los Angeles, California.

5. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES 1 through 100, inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff will ask leave to amend this Complaint to show their true names and capacities when the same have been ascertained.

6. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated as a DOE herein is responsible in some manner for the events and happenings hereinafter described. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants designated as a DOE herein was the agent and employee of each of the remaining Defendants, and in doing the things hereinafter alleged, was acting within the scope of such agency.

7. As set forth herein, the obligation sued upon herein was entered into and payable in the County of Los Angeles, State of California. Further, this obligation is not subject to the provisions of Section 1812.10 and/or Section 2984.4 of the California Civil Code.

FIRST CAUSE OF ACTION
(INTERFERENCE WITH LAWFUL BUSINESS BY PLAINTIFF LOFT
AGAINST ALL DEFENDANTS)

8. Plaintiff realleges and incorporates in this cause of action Paragraphs 1 through 7, inclusive of this Complaint as though fully set forth herein.

9. At all times herein mentioned Plaintiff LOFT was engaged in the business of restoration of the building located at 312 Fifth Street, Los Angeles, California and selling and leasing lofts in said building.

1 10. Plaintiff LOFT is informed and believes and thereon alleges that Defendants,
2 ALAN DYLAN and JESSICA JORDAN, started an internet website with the domain name
3 "truedowntown.com" for the sole purpose of disparaging both LOFT and SHY and interfering
4 with LOFT's lawful business. From the inception of the website through the present,
5 Defendants and each of them published false statements about the quality of the restoration work
6 performed on the building. Defendants published such statements with the intention of
7 discouraging prospective tenants and purchasers from moving into the building. Plaintiff LOFT
8 is informed and believes that Defendants directly contacted individuals, who were interested in
9 leasing or purchasing the units, and verbally made disparaging comments to them with the
10 intention to disrupt LOFT'S business of leasing and selling units. Plaintiff LOFT is informed
11 and believes that it has lost and continues to lose both prospective tenants and purchasers as a
12 result of Defendants' conduct.

13 11. As a direct and proximate result of Defendants' conduct as described above,
14 Plaintiff LOFT has been deprived of new tenants and purchasers.

15 12. Plaintiff LOFT has sustained actual damages as a result of the actions of the
16 Defendants as aforesaid, and will continue to suffer irreparable injury and damage for which
17 there is no adequate remedy at law.

18 **SECOND CAUSE OF ACTION**

19 (LIBEL AND SLANDER BY PLAINTIFF LOFT
20 AGAINST ALL DEFENDANTS)

21 13. Plaintiff realleges and incorporates in this cause of action Paragraphs 1 through
22 12, inclusive of this Complaint as though fully set forth herein.

23 14. In engaging in the conduct described above, Defendants intentionally published
24 written and oral statements that disparaged Plaintiff LOFT's business and its business
25 relationships with third parties resulting in pecuniary damage to Plaintiff LOFT.

26 15. The disparaging statements made by Defendants were intentional, false,
27 misleading and malicious, and include among other things, the following:

- 28 a) Homeowners' rights had been violated due to conduct of Plaintiff LOFT;

- 1 b) Shortcuts were taken in the restoration of the 312 W. Fifth Street Building
2 and problems with the units will soon result
3 c) Plaintiff LOFT has not and is not properly maintaining the building on 312
4 W. Fifth Street Building.
5 d) If prospective purchasers buy a unit in the building they will lose money
6 because the units are substandard and poorly managed.

7 16. As a direct and proximate result of the disparaging and false statements made by
8 Defendants as alleged herein, Plaintiff LOFT has sustained damages in an amount according to
9 proof at time of trial.

10 17. The aforementioned acts of Defendants were willful, wanton, malicious, and
11 oppressive, and justify the awarding of exemplary and punitive damages in an amount
12 according to proof.

13 **THIRD CAUSE OF ACTION**

14 (LIBEL AND SLANDER BY PLAINTIFF SHY

15 AGAINST ALL DEFENDANTS)

16 18. Plaintiff realleges and incorporates in this cause of action Paragraphs 1 through
17 12, and 13 through 17, inclusive of this Complaint as though fully set forth herein.

18 19. In engaging in the conduct described above, DEFENDANTS intentionally
19 published written and oral statements that disparaged Plaintiff SHY business and its business
20 relationships with third parties resulting in pecuniary damage to Plaintiff SHY.

21 20. The disparaging statements made by Defendants were intentional, false,
22 misleading and malicious, and include among other things, the following:

- 23 a) Barry Shy is a criminal
24 b) Barry Shy is a "slum lord"
25 c) Barry Shy is "dishonest" and only cares about "making a profit"
26 d) "Do Not Buy or Rent from Barry Shy you will regret it"
27 e) Barry Shy has broken Federal Laws.
28 f) Barry Shy is a horrible business man with no principals.

1 21. As a direct and proximate result of the disparaging and false statements made by
2 Defendants as alleged herein, Plaintiff SHY has sustained damages in an amount according to
3 proof at time of trial.

4 22. The aforementioned acts of Defendants were willful, wanton, malicious, and
5 oppressive, and justify the awarding of exemplary and punitive damages in an amount
6 according to proof.

7 WHEREFORE, Plaintiffs prays judgment against Defendants, and each of them, as
8 follows:

9 **FIRST CAUSE OF ACTION**

- 10 1. For damages in an amount to be proven at trial;

11 **SECOND CAUSE OF ACTION**

- 12 1. For damages in an amount to be proven at trial;
13 2. For punitive and exemplary damages;

14 **THIRD CAUSE OF ACTION**


- 15 1. For damages in an amount to be proven at trial;
16 2. For punitive and exemplary damages;

17 **ON ALL CAUSES OF ACTION**

- 18 1. For costs of suit incurred herein
19 2. For such other and further relief as the Court may deem just and appropriate.

20 DATED: June 16, 2008

LYDEN & JACKSON, APLC

21
22 BY: 
23 MATTHEW E. JACKSON, Attorney for
24 Plaintiffs