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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 SAMUEL A. HARDING, )  
11 )  
12 Plaintiff, )  
13 v. )  
14 JOAN L. GREEN, )  
15 )  
16 Defendant. )  
17 )

Case No.:

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

18 Plaintiff, Samuel A. Harding, by and through his undersigned attorney, alleges:

19 1. This is an action for cybersquatting under federal statute and defamation under  
20 Nevada common state law. Plaintiff seeks damages, attorney’s fees, costs, and preliminary and  
21 permanent injunctive relief.

22 2. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. §§  
23 1331 and 1338. This Court has supplemental jurisdiction over Plaintiff’s state law claims  
24 pursuant to 28 U.S.C. § 1367.

25 3. This Court has personal jurisdiction over Defendant based upon the following:  
26 (a) she operates a web site and domain name on the internet that is accessible to residents of the  
27 State of Nevada; (b) the web site and domain name offer direct links to web sites in the State of  
28 Nevada; and (c) Defendant committed tortious acts that she knew or should have known would  
cause injury to Plaintiff in the State of Nevada.

1 4. Venue is proper in the United States District Court for the District of Nevada  
2 under 28 U.S.C. § 1391(b) and (c), in that Plaintiff is a resident of the County of Clark, State of  
3 Nevada; Defendant is a resident of the County of Clark, State of Nevada, and a substantial part  
4 of the acts and omissions of Defendant occurred in the County of Clark, State of Nevada.  
5

6 5. Plaintiff, Samuel A. Harding, is a resident of the County of Clark, State of  
7 Nevada, and conducts the practice of law with his principal place of business located at 1100  
8 East Bridger Avenue, Las Vegas, Nevada, 89101-5315.  
9

10 6. Defendant, Joan L. Green, is a resident of the County of Clark, State of Nevada,  
11 and lives at 2657 Windmill Parkway, No. 362, Henderson, Nevada, 89074-3394.

12 7. Plaintiff, Samuel A. Harding, is an attorney that has practiced for many decades  
13 in the County of Clark, State of Nevada, and a leading provider of legal services, and Attorney  
14 Sam Harding's use of his name has been widespread and supported by extensive advertising and  
15 promotional efforts.  
16

17 8. Based on his extensive use of his name and likeness, Plaintiff Samuel A. Harding  
18 owns the exclusive right to use his name and likeness in connection with his practice of law and  
19 promotional efforts and materials. Plaintiff, Samuel A. Harding, has been granted an exclusive  
20 service mark for "Attorney Sam Harding" by the Secretary of State of Nevada, Certificate No.  
21 C2008119-2068.  
22

23 9. On or about January 17, 2008, Defendant registered the internet domain name  
24 "attorneysamharding.com" with REGISTER.COM, Inc., a registrar for domain names. This  
25 domain name contains the entirety of Plaintiff's professional name and registered service mark.  
26 (Exhibit "1").  
27  
28

1 10. Some time after registration, Defendant linked the domain name  
2 “attorneysamharding.com” to a web site that uses Plaintiff’s name, service mark and picture and  
3 that, among other things, causes confusion, mistake and deception, and the public to believe that  
4 a search has taken the searcher to a page on Plaintiff’s web site.  
5

6 11. Defendant’s web site, linked to “attorneysamharding.com” by Defendant, falsely  
7 states that Plaintiff committed illegal and criminal acts in the representation of clients, which  
8 Defendant maliciously intended to injure Plaintiff, and to bring Plaintiff into public disgrace and  
9 destroy Plaintiff’s good name, reputation and to cause disrepute among his clients or potential  
10 clients. (Exhibit “2”).  
11

12 12. Defendant Joan L. Green, published the statements knowing them to be false and  
13 none of which were otherwise privileged.  
14

15 13. On or about December 4, 2008, in reply to Plaintiff’s good-faith attempt to  
16 resolve this matter in an amicable fashion, by way of a voluntary transfer of  
17 “attorneysamharding.com” to Plaintiff, Defendant listed the domain name  
18 “attorneysamharding.com” on the web site Afternic.com for sale and auction, and directed  
19 Plaintiff to the sale of the domain name “attorneysamharding.com.” (Exhibit “3”).  
20

21 14. Defendant’s attempt to sell “attorneysamharding.com” constitutes a commercial  
22 use of the domain name “attorneysamharding.com.”  
23

24 **FIRST CLAIM FOR RELIEF**  
25 **(Cybersquatting - 15 U.S.C. Section 1125)**

26 15. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
27 forth herein.  
28

16. Plaintiff’s professional name and registered service mark are protected pursuant  
to the provisions of the Anti-Cybersquatting Consumer Protection Act.

1 17. Defendant has registered, trafficked in, and/or used a domain name that is  
2 identical or confusingly similar to and/or dilutive of Plaintiff's name which was distinctive  
3 and/or famous at the time Defendant registered the domain name "attorneysamharding.com."

4  
5 18. Upon information and belief, Defendant has or had a bad-faith intent to profit  
6 from Plaintiff's name. Defendant has no right in Plaintiff's name or service mark and  
7 Defendant's registration and use of "attorneysamharding.com" has caused and will continue to  
8 cause damage to Plaintiff, in an amount to be proven at trial, and has caused and will continue  
9 to cause irreparable harm to Plaintiff for which there is no adequate remedy at law. Plaintiff is  
10 therefore, entitled to a preliminary and permanent injunction restraining and adjoining the  
11 Defendant, and all other persons acting therefore, from registering, transferring, or using as a  
12 domain name, Plaintiff's name, domain names, and/or the service mark of Plaintiff to include  
13 "attorneysamharding.com" or any colorable imitation thereof.  
14

15  
16 19. Defendant's acts constitute unlawful cybersquatting. Pursuant to 15 U.S.C. §  
17 1125(d)(1), Plaintiff is entitled to an Order transferring the domain name  
18 "attorneysamharding.com" to Plaintiff.

19  
20 20. Pursuant to 15 U.S.C. § 1117(d), Plaintiff is entitled to recover statutory damages  
21 from the Defendant.

22  
23 21. As a direct and proximate result of such conduct, Plaintiff has suffered, and will  
24 continue to suffer, monetary loss and an irreparable injury to his business, reputation, and good  
25 will.

26  
27  
28  
**SECOND CLAIM FOR RELIEF**  
**(Common Law Defamation)**

22 22. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
28 forth herein.

1           23. Defendant published the statements defaming Plaintiff and injuring Plaintiff's  
2 professional trade and business, and reputation, with actual knowledge they were false, or with  
3 reckless disregard to their truth or falsity or with negligence. Plaintiff is not a public figure and  
4 is not involved in any public controversy in connection with his practice of law. Defendant's  
5 defamatory statements do not involve a matter of public concern.  
6

7           24. Defendant intentionally published the defamatory statements about the Plaintiff,  
8 which were known to be false for the purposes of injuring the Plaintiff.  
9

10           25. As a direct result of Defendant's false statements, Plaintiff has been injured in  
11 his professional reputation, all to Plaintiff's damages, including punitive damages, in an amount  
12 to be proven at trial.

13           Wherefore, Plaintiff respectfully prays that the Court grant the following relief:

14           A. A preliminary and permanent injunction prohibiting Defendant, and/or all  
15 persons acting in concert or participation with Defendant, from: (1) using Plaintiff's name or  
16 confusingly similar variations thereof, alone or in combination with any other letter, word, letter  
17 string, phrase or design, in commerce or connection with business or for any other purpose  
18 (including, but not limited to, on web sites and in domain names); and (2) registering, owning,  
19 leasing, selling, or trafficking in any domain name containing Plaintiff's name or service mark,  
20 or confusingly similar variations thereof, alone or in combination with any other letters, words,  
21 phrases or designs;  
22

23           B. A preliminary and permanent injunction requiring the current domain name  
24 registrar to transfer the "attorneysamharding.com" domain name to Plaintiff;  
25

26           C. An award of compensatory, consequential, statutory, and punitive damages to  
27 Plaintiff in an amount to be determined at trial;  
28

1 D. For an award of interest, costs and attorney's fees incurred by Plaintiff in  
2 prosecuting this action; and

3 E. Any and all further relief that the Court deems just and proper in the premises.  
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5  
6 DATED this 22nd day of December, 2008.

7  
8 /s/ Michael R. Small  
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