

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

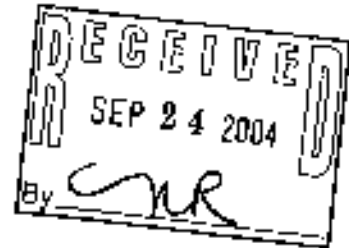
FASHION ROCK, LLC
A Florida limited liability company

Plaintiff,

Case Number: 48-2004-CA-4844-O
Division: 33

V.

FRANK TORELLI, an individual;
WILLIAM ROSENBERGER, an individual;
MADELINE ROSENBERGER, an individual,
LES HENDERSON, an individual,
ROBERTO VILLASENOR, JR., an
individual; STEPHEN HOWE, an individual;
MICHAEL L. POTTER, an individual;
WHOIS PRIVACY PROTECTION SERVICES,
INC, a Nevada corporation; SCOTT ALAN SALOMON,
an individual; SCOTT ALAN SALOMON & ASSOCIATES,
P.A., a Florida professional association; EDMUND
BLOEDOW, an individual; NFrance Conseil, a France
limited liability company; Consumerrefundsnow.com, a legal
entity of unknown form; KLAAS DE VRIES, JR., an individual;
JOHN DOES 4-100, unknown individuals; JANE DOES 1-100,
unknown individuals; and ABC COMPANIES 4-50,
unknown legal entities;
Defendants.



SECOND AMENDED COMPLAINT

COMES NOW, the Plaintiff, FASHION ROCK, LLC, by and through its counsel,
and, as its second amended complaint, alleges as follows:

NATURE OF THE ACTION

1. This is an action for violation of the federal and Florida versions of the Racketeering Influenced Corrupt Organization Acts, tortious interference with business relationships, defamation, false light invasion of privacy,

misappropriation of trade secrets and civil conspiracy and damages resulting therefrom by the Defendants.

THE PARTIES

2. Plaintiff FASHION ROCK, LLC (hereinafter sometimes referred to as "FR") is a Florida limited liability company with its principal place of business located at 127 West Church Street, Suite 300, Orlando, Orange County, Florida.
3. Upon information and belief, Defendant FRANK TORELLI a/k/a FRANK TERRELLI (hereinafter referred to as "Torelli"), is an individual whose residence is unknown, but believed to be in Florida, Arizona or Ontario, Canada.
4. Upon information and belief, Defendant WILLIAM ROSENBERGER a/k/a WILLIAM ROSENBERGER, JR. (hereinafter referred to as "William Rosenberger"), at all times relevant hereto, has been a resident of Kansas and previously of California.
5. Upon information and belief, Defendant MADELINE ROSENBERGER (hereinafter referred to as "Madeline Rosenberger"), at all times relevant hereto, has been a resident of Kansas.
6. Upon information and belief, Defendant LES HENDERSON (hereinafter referred to as "Henderson"), at all times relevant hereto, has been a resident of Ontario, Canada.
7. Upon information and belief, Defendant ROBERTO G. VILLASENOR, JR. (hereinafter referred to as "Villasenor"), at all times relevant hereto, has been a resident of California.

8. Upon information and belief, Defendant STEPHEN HOWE (hereinafter referred to as "Howe"), at all times relevant hereto, has been a resident of Florida.
9. Upon information and belief, Defendant MICHAEL L. POTTER (hereinafter referred to as "Potter"), at all times relevant hereto, has been a resident of California.
10. Upon information and belief, Defendant WHOIS PRIVACY PROTECTION SERVICES, INC., a Nevada corporation, (hereinafter referred to as "Whois"), at all times relevant hereto with a principal place of business in Nevada and doing business in other states.
11. Upon information and belief, Defendant SCOTT ALAN SALOMON (hereinafter referred to as "Salomon"), at all times relevant hereto, has been a resident of Florida. Defendant Salomon was previously referred to in Plaintiff's initial complaint as "John Doe #1."
12. Upon information and belief, Defendant SCOTT ALAN SALOMON & ASSOCIATES, P.A. (hereinafter referred to as "Salomon, P.A."), at all times relevant hereto, is and has been a Florida professional association doing business in Florida. Defendant Salomon, P.A. was previously referred to in Plaintiff's initial complaint as "ABC Company #1."
13. Upon information and belief, Defendant EDMUND BLOEDOW (hereinafter referred to as "Bloedow"), at all times relevant hereto, has been a resident of Ontario, Canada. Defendant Bloedow was previously referred to in Plaintiff's initial complaint as "John Doe #2."

14. Upon information and belief, Defendant NFRANCE CONSEIL (hereinafter referred to as "NFrance"), is a France limited liability company. Defendant NFrance was previously referred to in Plaintiff's complaint as "ABC Company #2."
15. Upon information and belief, Defendant CONSUMERREFUNDSNOW.COM (hereinafter referred to as "CRN"), is a legal entity of unknown form. Defendant CRN was previously referred to in Plaintiff's complaint as "ABC Company #3."
16. Upon information and belief, Defendant KLAAS DE VRIES, JR. (hereinafter referred to as "de Vries"), at all times relevant hereto, has been a resident of the Netherlands. Defendant de Vries was previously referred to in Plaintiff's initial complaint as "John Doe #3."
17. Upon information and belief, the Defendants JOHN DOES 4-100, names unknown, were and still are individuals that participated in the actions set forth herein, but have actively taken steps to hide their true identity.
18. Upon information and belief, the Defendants JANE DOES 1-100, names unknown, were and still are individuals that participated in the actions set forth herein, but have actively taken steps to hide their true identity.
19. Upon information and belief, the Defendants ABC COMPANIES 4-50, names unknown, were and still are legal entities that participated in the actions set forth herein, but have actively taken steps to hide their true identity.

JURISDICTION AND VENUE

20. This Court has subject matter jurisdiction as the Defendant's tortious acts have resulted in injury to Plaintiff in Florida and the amount in controversy exceeds Fifteen Thousand Dollars (\$ 15,000.00).
21. Venue is proper in this judicial district.

FACTUAL BACKGROUND

22. Plaintiff effectively began its business, in terms of dealing with the public, on November 1, 2003. Plaintiff's primary business is that of organizing and hosting a number of events in Orlando, Florida each year. At these events, some 1,000 to 2,000 aspiring and experienced models, actors, vocalists and dancers come for informational workshops, talent competitions, networking opportunities and to appear before talent and modeling agents, casting directors, record company executives and other entertainment industry professionals in order to obtain "callbacks" for later discussions between event participants and the industry professionals regarding possible representation or employment opportunities. The fee for the event includes all of the items set forth in the preceding sentence, along with all hotel accommodations, meals and entertainment.
23. Plaintiff also maintains a number of internet-based posting services for various models, actors, vocalists, dancers and other entertainers, both aspiring and experienced. These posting services are searchable by industry professionals who have registered with Plaintiff to utilize such services.

24. Plaintiff is not, and has never held itself out as, or acted as a talent or employment agency.
25. Upon information and belief, several of the Defendants hold themselves out to the public as "investigative reporters" or "consumer advocates." Such claims have been made by Defendants Torelli, William Rosenberger, Henderson, Villasenor and de Vries.
26. Upon information and belief, Defendants Potter and WHOIS, in conjunction with Defendants Henderson and Bloedow, own and operate a website with the domain name: www.ezbc.com and referred to as "Easy Background Check." Up until June 28, 2004, Defendant WHOIS was the person who was listed as the person who was the registrant, and the administrative, billing and technical contact for www.ezbc.com, and Defendant Potter is a control person of Defendant WHOIS. As of June 28, 2004, Defendant Bloedow has been listed as the person who was the registrant, and the administrative, billing and technical contact for www.ezbc.com. Defendant NFrance has assisted in the support of www.ezbc.com.
27. Defendant Bloedow is also listed as the person who was the registrant, and the administrative, billing and technical contact for www.modelingindustry.org, to which Internet traffic going to www.ezbc.com is re-directed, and on which similar information is found. Since the filing of the First Amended Complaint, Internet traffic directed to www.ezbc.com is re-directed to www.easybackgroundcheck.com, which retained much of the content formerly found on www.ezbc.com.

28. Upon information and belief, Defendant Potter, on December 31, 2003, organized or caused to be organized, Defendant WHOIS under the laws of the state of Nevada for the purpose of acting as registrant of domain names on the Internet. Defendant Potter has held the offices of president, secretary and treasurer from the date of incorporation until the present time. Defendant Potter, as the alter ego of Defendant WHOIS, is, and has been, conducting, managing and controlling the affairs of Defendant WHOIS since its incorporation, and has used Defendant WHOIS for the purpose of defrauding Plaintiff. Defendant WHOIS has never had, and does not now have, any genuine or separate corporate existence, but was set up deliberately to defraud and mislead creditors and potential creditors, such as Plaintiff.
29. Upon information and belief, Defendant Howe was an employee of a company (Options Talent, Inc.) from which the Plaintiff purchased several operational assets (in exchange for the assumption of several millions of dollars of debt and the payment of cash) or an affiliate of that company.
30. Upon information and belief, Defendants William Rosenberger, Madeline Rosenberger, Torelli, Henderson, Bloedow, Potter, WHOIS, Salomon, Salomon, P.A. and de Vries are or did, in the past at times relevant to this complaint, operate and/or support a number of websites that purport to provide "consumer information" of businesses they proclaim to be "scams." These websites operate or formerly operated under names such as "transconscam.com, ezbc.com, modelingindustry.org, modelingscams.com, pearlmanlitigation.com,

easybackgroundcheck.com, spam.web-log.nl and klaasdevriesjr.nl (hereinafter referred to as the "Websites").

31. Upon information and belief, the Websites and the Defendants named in paragraph 30 were supported in their actions which are the subject of this Complaint by Defendant Madeline Rosenberger and by numerous unknown individuals and companies, some only known by email addresses such as maix7@earthlink.net, worm_06@modelingfraud@usa.net,

54905356@usa.net, modelingscams@usa.net, and pacificblue77@earthlink.net.

Upon information and belief, Defendant Bloedow appears to be the person previously know only by the email address modelingscams@usa.net.

32. Upon information and belief, several of the Defendants (Torelli, William Rosenberger, Henderson, Bloedow, Villasenor, Potter, WHOIS and de Vries, as well as certain of the John Does, Jane Does and ABC Companies) acting as consumer advocates or reporters would purport to "investigate" individuals and businesses that they view to be "scams." Upon identifying such "scam" individuals and businesses, these Defendants then create and publish on the Websites "Reports" containing negative and often false and defamatory information about the character, background, and practices of such persons.

33. Upon information and belief, the Defendants identified in paragraph 32, would file reports and claims with various governmental agencies, news media and other websites. Such reports would contain knowingly false, misleading and defamatory materials regarding Plaintiff and its affiliates.

34. Upon information and belief, Defendants Howe, claimed to have access to nonpublic and proprietary information and trade secrets, which he shared or offered to share to the other Defendants for the specific purpose of assisting those Defendants' campaign of false and defamatory statements.
35. In emails provided to Plaintiff by the Florida Attorney General's Office in response to a request pursuant to Florida Statutes Chapter 119, the Defendants (other than Defendants Madeline Rosenberger, Salomon, Salomon, P.A., NFrance, CRN and de Vries) are shown discussing on numerous occasions their access to nonpublic and proprietary information belonging to Plaintiff and often brag about their ability to obtain further information without the knowledge or permission of Plaintiff.
36. Upon information and belief, the Defendants (other than Defendants Madeline Rosenberger, Salomon, Salomon, P.A., NFrance, CRN and de Vries) have, on thousands of occasions, communicated with the Florida Attorney General's Office for the specific purpose of making false claims and providing false or misleading information to that office in an attempt to damage the business of Plaintiff.
37. Upon information and belief, Defendants Salomon and Salomon, P.A. created a website known as "pearlmanlitigation.com" (hereinafter the "Salomon Website").
38. A copy of the text that appeared on such website is attached hereto as Exhibit "A". Attached as Exhibit "B" is a copy of the source code that generated the graphics and text that appeared as the Salomon Website. The source code

discloses that the text was prepared by, and all rights (including copyrights, one would assume) were reserved to, the Salomon Law Center.

39. According to the records of The Florida Bar, Defendant Salomon is the sole member of the "Salomon Law Center," which is the fictitious name for Defendant Salomon, P.A.
40. Upon information and belief, Defendant CRN, purchased advertising space or sponsored links on Internet search engines such as Google which are designed to appear in close proximity to advertisements purchase by Plaintiff on such Internet search engines. Upon information and belief, such ads are designed solely to confuse consumers or otherwise interfere with the business of Plaintiff, and are part of the actions of one or more of the Defendants to damages Plaintiff and its business.
41. Upon information and belief, Defendants have created and published statements that Plaintiff is one of a number of (i) scamsters, (ii) who are using deceptive and unfair business practices, (iii) whose officers and employees will be going to prison and (iv) generally claiming that Plaintiff is a criminal enterprise. Defendants further created and published statements that a number of the members of the staff and executive team of Plaintiff, when acting in such capacities, were scamsters who also committed criminal acts in the furtherance of the Plaintiff's business. All such statements are false and defamatory.

COUNT I

RICO Act 18 U.S.C. §§1961-1968 and F.S. Chapter 772

42. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 41 and incorporates them herein by this reference.
43. This count is an action to recover damages for injuries by reason of violation of the Racketeering Influenced and Corrupt Organization Act, 18 U.S.C. 1961 et. seq. and the Florida Civil Remedies for Criminal Practices Act (known colloquially as the Civil Racketeering Influenced and Corrupt Organization Act), F.S. Chapter 772 in excess of \$15,000.00, exclusive of attorney fees, costs and interest.
44. At all times relevant, Defendants have together constituted an enterprise (the "Racketeering Enterprise") as defined in 18 U.S.C. § 1961(5) and F. S. § 772.102(3); that is a group of individuals associated in fact.
45. Defendants associated with each other as the Racketeering Enterprise to generate profits and to promote the mutual wrongful economic interest of each member of the enterprise.
46. Defendants associated in the Racketeering Enterprise and conducted or participated, directly or indirectly in such enterprise through a pattern of racketeering activity consisting of a scheme and artifice to defraud, lure, obtain monies by means of fraud, misrepresentation, pretenses, and material omissions through false and misleading practices, and to defame and violate the legal rights of Plaintiff through a pattern of criminal activity or a pattern of racketeering activity including the use of telecommunications, mail, wire communications as prescribed by 18 U.S.C. §§ 1341 and 1343, 18 U.S.C. §1962, and F. S. § 772.102(1) which cause injury and irreparable harm to the Plaintiff.

47. **Beginning in 2003, Defendants engaged in a scheme to deprive others of money, tangible property and intangible rights by the publication of defamatory information about Plaintiff on the various websites and media outlets, as well as letters, emails and telephone calls to numerous government and law enforcement officials.**
48. **In furtherance of the scheme, the Racketeering Enterprise transmitted or obtained advances, payment of expenses, and other monetary or pecuniary gains through the U.S. Mail in violation of 18 U.S.C. §1341 and F. S. § 772.102(1).**
49. **In furtherance of the scheme, the Racketeering Enterprise transmitted demands, promises, defamatory statements and other documents or demands by wire in violation of 18 U.S.C. § 1343 and F. S. § 772.102(1).**
50. **Beginning in 2003, in furtherance of the scheme, the Racketeering Enterprise used the U.S. Mail and wire to coordinate, control and execute the racketeering activity in various ways, including, but not limited to:**
 - A. **Published a series of defamatory statements about Plaintiff in order to damage the business and reputation of Plaintiff**
 - B. **Made a series of false reports to various law enforcement or investigative agencies regarding Plaintiff.**
51. **Each incident in connection with the scheme constitutes a separate violation of 18 U.S.C. §§ 1341, 1341, 18 U.S.C. §1962 and F. S. § 772.102(1).**
52. **The Racketeering Enterprise's repeated violations of federal and Florida law over an extended period of time and to several victims, involve numerous separate,**

Independent and distinct unlawful acts. These acts were neither sporadic nor coincidental, but the planned regular and repeated violations of law to accomplish the Racketeering Enterprise's desired end in the course and the continued activities of the enterprise. The acts have similar intents, results, accomplices, victims or methods of commission or are otherwise interrelated and are not isolated events or incidents so as to constitute a "pattern of racketeering activity" within the meaning of 18 U.S.C. §1961(5) and a "pattern of criminal activity" within the meaning of F. S. § 772.102(4). The continued activities of the Racketeering Enterprise and its violations of federal and Florida laws have caused and continue to cause Plaintiff to suffer substantial economic injury.

53. Plaintiff is entitled to recover threefold (treble) damages sustained as a direct and proximate result by reason of the various and numerous violations by the Defendants pursuant to 18 U.S.C. §1964(c) and F. S. § 772.104; as well as attorney's fees and the costs of this action.

COUNT II

Intentional Interference with Business Relationships

54. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 53 and incorporates them herein by this reference.
55. This is an action for intentional interference with business relationships against the Defendants for damages in excess of \$15,000.00, exclusive of attorney fees, costs and interest.
56. Plaintiff has established ongoing business relationships with consumers of its products and services from around the world. This includes aspiring and

established talent in the areas of modeling, acting, singing and dancing.

Plaintiff's business relationships also include talent and modeling agents, casting directors, talent managers and other professionals in a variety of entertainment fields that utilize the products and services of Plaintiff. Further, Plaintiff has established ongoing relationships with vendors and suppliers. All of these business relationships are valuable to Plaintiff.

57. Defendants were well aware of these relationships, including without limitation, the nature and value of these relationships.
58. Defendants, acting both in concert and individually, intentionally and without justification took steps to interfere with these business relationships. Defendants' actions included, but were not limited to:
 - A. Obtaining the email addresses of Plaintiff's customers (without permission or authority) in order to contact such customers and make false, defamatory and derogatory statements regarding Plaintiff and its business with the express intention of having those customers cancel their relationship with Plaintiff, make false reports to credit card issuers and financial institutions and to law enforcement or regulatory agencies, and to spread such false information onto other customers.
 - B. Making false reports to law enforcement and regulatory agencies in order to injure the business relationships of Plaintiff.
 - C. Making false, defamatory and derogatory statements to news media in order to have such news media repeat such false statements in order to injure the business relationships of Plaintiff.

D. Making false, defamatory and derogatory statements to credit card issuers and merchants associations, check processors, banks and other financial institutions in order to injure the business relationships of Plaintiff.

E. Making false, defamatory and derogatory statements to hotels contracting with Plaintiff in connection with its business in order to injure the business relationships of Plaintiff.

59. As a direct and proximate result of these actions, Defendants have caused and continue to cause Plaintiff to suffer substantial economic injury and Plaintiff is entitled to recover damages resulting from Defendants intentional interference with Plaintiff's business relationships; as well as attorney's fees and the costs of this action.

COUNT III

Defamation

60. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 59 and incorporates them herein by this reference.

61. This is an action for defamation against the Defendants for damages in excess of \$15,000.00, exclusive of attorney fees, costs and interest.

62. Defendants knowingly, with the intent to deceive and to defame, have made numerous false and defamatory statements concerning Plaintiff to media, government officials and the public concerning the business practices of the Plaintiff

63. Defendants have published or caused to have published statements regarding the business practices of the Plaintiff, including without limitation statements that

Plaintiff has violated criminal laws, which statements Defendants knew or should have known to be false and were made with the intent that the publication of such statements would cause irreparable damage to the business reputation, goodwill, good name and stature of the Plaintiff.

64. As a direct and proximate result of these actions, Defendants have caused actual damages to Plaintiff, its ongoing businesses and its business reputation, and Plaintiff is entitled to recover damages, including punitive damages, resulting from Defendants intentional, malicious, knowing and purposeful actions of the Defendants in defaming the Plaintiff; as well as attorney's fees and the costs of this action.
65. By reason of the foregoing, Plaintiff is also entitled to a permanent injunction, preceded by a preliminary injunction, restraining the Defendants from making defamatory statements regarding Plaintiff.

COUNT IV

False Light Invasion of Privacy

66. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 65 and incorporates them herein by this reference.
67. This is an action for false light invasion of privacy against the Defendants for damages in excess of \$15,000.00, exclusive of attorney fees, costs and interest.
68. Defendants knowingly, with the intent to violate the right of privacy by placing Plaintiff in a false light before the eyes of Plaintiff's customers, vendors, associates, and the public, made numerous statements concerning Plaintiff to

media, government officials and the public concerning the business practices of the Plaintiff designed to give a false impression that Plaintiff was:

- A. Violating criminal laws.
- B. About to fail financially.
- C. Was the subject of governmental investigations.

69. Defendants have published or caused to have published such statements with the intent that the publication of such statements would cause irreparable damage to the business reputation, goodwill, good names and stature of the Plaintiff.
70. As a direct and proximate result of these actions, Defendants have caused actual damages to Plaintiff, its ongoing businesses and its business reputation, and Plaintiff is entitled to recover damages, including punitive damages, resulting from Defendants intentional, malicious, knowing and purposeful actions of the Defendants in defaming the Plaintiff; as well as attorney's fees and the costs of this action.
71. By reason of the foregoing, Plaintiff is also entitled to a permanent injunction, preceded by a preliminary injunction, restraining the Defendants from making defamatory statements regarding Plaintiff.

COUNT V

Misappropriation of Trade Secrets – F.S. Chapter 688

72. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 71 and incorporates them herein by this reference.

73. This count is an action to recover damages for injuries and for injunctive relief due by reason of violation of the Florida Uniform Trade Secrets Act, F.S. Chapter 688 in excess of \$15,000.00, exclusive of attorney fees, costs and interest.
74. At all times relevant, Defendants associated with each other to misappropriate, acquire and use trade secrets of Plaintiff, including without limitation, the set-up, design and function of Plaintiff's websites, internal email; email subject to the attorney-client privilege, customer list, a list of industry professionals utilizing the products and services of Plaintiff and Plaintiff's business plans regarding present and future businesses.
75. Defendants willfully and maliciously misappropriated and then published such trade secrets on websites established and controlled by certain of the Defendants, by websites controlled by third parties, to news media and to governmental and regulatory agencies knowing that Defendants were without authority to have or publish such trade secrets.
76. As a direct and proximate result of these actions, Defendants have caused and continue to cause Plaintiff to suffer substantial economic injury and Plaintiff is entitled to recover damages resulting from Defendants intentional interference with Plaintiff's business relationships; as well as attorney's fees and the costs of this action.

COUNT IV

Civil Conspiracy

77. Plaintiff realleges and asserts the allegations set forth in paragraphs 1 through 76 and incorporates them herein by this reference.

78. This is an action for civil conspiracy against the Defendants for damages in excess of \$15,000.00, exclusive of attorney fees, costs and interest.
79. Defendants acting in agreement, combination and conspiracy with one another, aided, abetted, encouraged, facilitated and concealed their publication of defamatory statements about Plaintiff, their intentional interference with the business relationships of Plaintiff, their misappropriation of Plaintiff's trade secrets and their intent to violate the right of privacy of Plaintiff by placing Plaintiff in a false light, all with the intent to cause Plaintiff serious economic harm, as well as harm to its business reputation.
80. Defendants affirmatively acted in pursuance of the conspiracy by intentionally maintaining various websites, including without limitation, the Websites, and publishing the defamatory statements on such websites and through other means, and by providing financial, legal, accounting or technical assistance to each other.
81. As a direct and proximate result of these actions, Defendants have caused actual damages to Plaintiff, its ongoing businesses and its business reputation, and Plaintiff is entitled to recover damages, including special, exemplary and punitive damages, resulting from Defendants intentional, malicious, knowing and purposeful actions of the Defendants to conspire against Plaintiff; as well as attorney's fees and the costs of this action.

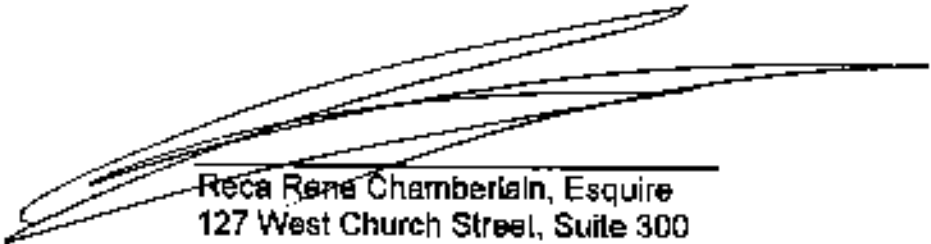
JURY DEMAND

82. Plaintiff hereby demands a trial by jury on all issues triable before a jury.

WHEREFORE, Plaintiff prays for relief as follows:

- A. That Plaintiff be awarded compensatory, special and exemplary damages;
- B. That Plaintiff be awarded punitive damages;
- C. That Plaintiff recover the attorney's fees and costs of this action; and
- D. That Plaintiff be granted such other and further relief as the Court deems just and proper.

DATED this 17 day of September, 2004.



Reba Rene Chamberlain, Esquire
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FBN: 0832464
Telephone 407-244-3400, ext 2350
Facsimile: 407-244-3332
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Les Henderson, P. O. Box 159, 2072 Fire Route 0, Azilda, Ontario, Canada by United States Mail this 17 day of September, 2004.

