

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

800 South Victoria Avenue
Ventura , CA 93009
(805) 654-2609
WWW.VENTURA.COURTS.CA.GOV

NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE

Case Number: 56-2014-00454067-CU-NP-VTA

Your case has been assigned for all purposes to the judicial officer indicated below.

A copy of this Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendants/Respondents with the Complaint or Petition, and with any Cross-Complaint or Complaint in Intervention that names a new party to the underlying action.

ASSIGNED JUDICIAL OFFICER	COURT LOCATION	DEPT/ROOM
Hon. Tari Cody	Ventura	20
HEARING MANDATORY APPEARANCE CMC/Order to Show Cause Re Sanctions/Dismissal for Failure to File Proof of Service/Default		
EVENT DATE	EVENT TIME	EVENT DEPT/ROOM
11/07/2014	08:15 AM	22B

SCHEDULING INFORMATION

Judicial Scheduling Information

AT THE ABOVE HEARING IS MANDATORY.

Each party must file a Case Management Statement no later than 15 calendar days prior to the hearing and serve it on all parties. If your Case Management Statement is untimely, it may NOT be considered by the court (CRC 3.725).

If proof of service and/or request for entry of default have not been filed: At the above hearing you are ordered to show cause why you should not be compelled to pay sanctions and/or why your case should not be dismissed (CCP 177.5, Local Rule 3.17).

Advance Jury Fee Requirement

At least one party demanding a jury trial on each side of a civil case must pay a non-refundable jury fee of \$150. The non-refundable jury fee must be paid timely pursuant to Code of Civil Procedure section 631.

Noticed Motions/Ex Parte Matters

To set an ex parte hearing, contact the judicial secretary in the assigned department. Contact the clerk's office to reserve a date for a law and motion matter.

Telephonic Appearance

Telephonic appearance at the Case Management Conference is permitted pursuant to CRC 3.670. In addition, see Local Rule 7.01 regarding notice to the teleconference provider. The court, through the teleconference provider, will contact all parties and counsel prior to the hearing.

Date: 06/11/2014

Clerk of the Court,
By: Sharon McCarthy
Sharon McCarthy, Clerk

**SUMMONS
(CITACION JUDICIAL)**

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

VENTURA SUPERIOR COURT
FILED

JUN 12 2014

MICHAEL D. PLANET
Executive Officer and Clerk

BY: _____ M. Ochoa

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

RICHARD FIFE, NATE GERTLER, ETHAN URBANIK, JOHN NAGLE, and Does 1-50, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

YANK BARRY and GLOBAL VILLAGE CHAMPIONS FOUNDATION, INC.

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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.sucorte.ca.gov), 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.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **Ventura County Superior Court**
800 South Victoria Avenue
Ventura, CA 93009

CASE NUMBER:
(Número del Caso):
56-2014-00454067-CU-NP-VTA

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):
Philip D. Dapeer, 2625 Townsgate Rd., Suite 330, Westlake Village, CA 91361, (323) 954-9144

JUN 12 2014

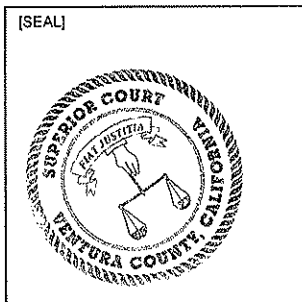
MICHAEL PLANET

M. Ochoa, Deputy
(Adjunto)

DATE:
(Fecha)

Clerk, by
(Secretario)

(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- 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):
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Philip D. Dapeer (SBN 53378) Philip D. Dapeer, a law corporation 2625 Townsgate Road, Suite 330 Westlake Village, CA 91361 TELEPHONE NO.: (323) 954-9144 FAX NO.: (323) 954-0457 ATTORNEY FOR (Name): Plaintiffs	FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED JUN 11 2014 MICHAEL D. PLANET Executive Officer and Clerk BY: <u>S MCCARTHY</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS: 800 South Victoria Ave MAILING ADDRESS: 800 South Victoria Ave CITY AND ZIP CODE: Ventura, CA 93009 BRANCH NAME: Ventura-Hall of Justice	CASE NAME: Yank Barry et al. v. Richard Fife, et al.
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
(CASE NUMBER): 56-2014-00454067-CU-NP-VTA JUDGE: _____ DEPT: _____	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 9, 2014
 Philip D. Dapeer
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—
Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1 PHILIP D. DAPEER (State Bar No. 53378)
2 PHILIP D. DAPEER
3 A Law Corporation
4 2625 Townsgate Road, Suite 330
5 Westlake Village, California 91361-5749
6 Telephone: (323) 954-9144
7 Facsimile: (323) 954-0457

8 Attorney for Plaintiffs

VENTURA
SUPERIOR COURT
FILED

JUN 11 2014

MICHAEL D. PLANET
Executive Officer and Clerk
BY S. MCCARTHY, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF VENTURA

11 YANK BARRY and GLOBAL VILLAGE
12 CHAMPIONS FOUNDATION, INC.,

13 Plaintiffs,

14 v.

15 RICHARD FIFE, NATE GERTLER, ETHAN
16 URBANIK, JOHN NAGLE , and DOES 1-50,
17 inclusive,

18 Defendants.

Case No.: 56-2014-00454067-CU-NP-VTA

COMPLAINT FOR DEFAMATION AND
INVASION OF PRIVACY (FALSE LIGHT)

19 Plaintiffs allege:

20 FIRST CAUSE OF ACTION

(Against Defendants for Defamation)

- 21 1. Plaintiff Yank Barry is and was at all times herein mentioned a resident of Bulgaria.
- 22 2. Plaintiff Global Village Champions Foundation, Inc. is and was at all times herein
23 mentioned a not for profit 501(c)(3) registered charity whose principal place of business is located in
24 Sarasota, Florida.
- 25 3. Plaintiffs do not know the true names or capacities of defendants sued herein by the
26 fictitious names set forth in the caption of the complaint. Plaintiffs will amend this complaint to
27 allege the true names and capacities of said fictitiously named defendants when ascertained.
28

1 4. Plaintiffs are informed and believe and thereon allege that each of the fictitiously
2 named defendants is responsible in some manner for the events and happenings herein alleged, and
3 that plaintiffs' damages as herein alleged were proximately caused by the conduct of said fictitiously
4 named defendants.

5 5. Plaintiffs are informed and believe and thereon allege that the fictitiously named
6 defendants conspired with the defendants named in the caption of the complaint to commit the
7 wrongful conduct, defamation and invasion of privacy that is the subject of this complaint and that
8 by virtue of the conspiracy between and among all of the defendants to engage in the wrongful acts
9 of defamation and invasion of privacy that are the subject of this complaint, each and all of the
10 defendants should be held jointly and severally liable for all damages suffered by plaintiffs as herein
11 alleged.

12 6. Plaintiffs are informed and believe and thereon allege that each of the defendants,
13 including the defendants named by the fictitious names set forth in the caption of the complaint,
14 engaged in the wrongful conduct that is the subject of this complaint and conspired with the named
15 defendants to engage in the wrongful conduct amounting to defamation and invasion of privacy as
16 alleged in the complaint, and that each of the fictitiously named defendants, by virtue of such
17 conspiracy and direct participation in the wrongful acts amounting to defamation and invasion of
18 privacy that are the subject of this complaint, is jointly and severally liable and responsible for the
19 events and happenings herein alleged and jointly and severally liable to plaintiffs for all damages
20 proximately caused by defendants' wrongful conduct as herein alleged.

21 7. Plaintiffs are informed and believe and thereon allege that defendant Richard Fife is
22 an adult and a resident of the State of California.

23 8. Plaintiffs are informed and believe and thereon allege that defendant Nate Gertler is
24 an adult and a resident of the County of Ventura, State of California.

25 9. Plaintiffs are informed and believe and thereon allege that defendant Ethan Urbanik is
26 an adult and a resident of the State of Oregon.

27 10. Plaintiffs are informed and believe and thereon allege that defendant John Nagle is an
28 adult and a resident of the State of California.

1 11. Venue is proper for this action in the Superior Court of the State of California,
2 County of Ventura, by virtue of the fact that defendant Nate Gertler, one of the alleged co-
3 conspirators and participants in the wrongful scheme to defame and invade the privacy of plaintiffs,
4 is a resident of the County of Ventura, State of California.

5 12. The defamatory statements of fact that are the subject of this complaint were
6 published in word form by defendants pursuant to a common plan and conspiracy between and
7 among defendants, and posted at https://en.wikipedia.org/wiki/Yank_Barry and
8 https://en.wikipedia.org/wiki/Talk:Yank_Barry within one year last past, all as alleged herein.

9 13. The publication and posting of the statements alleged herein to be defamatory in word
10 form are statements of fact or opinions and conclusions reasonably understood as declaring or
11 implying actual facts capable of being proven true or false. Plaintiffs are informed and believe and
12 thereon allege that the statements as published and posted at the internet sites identified herein do not
13 constitute non-actionable opinions and conclusions notwithstanding the fact that defendants may
14 have couched the statements as questions, or added qualifying language such as “apparently” or
15 “sources say,” which qualifying language does not make the statements a not actionable opinion
16 because, as the statements were published and posted by defendants as herein alleged, the language
17 and words used by defendants in making the publications and postings implies the existence of
18 unstated defamatory facts and any such characterization of the statements published and posted by
19 defendants as opinions are actionable because defendants have omitted to state the facts upon which
20 those opinions are based. Further, plaintiffs are informed and believe and thereon allege that the
21 statements published and posted by defendants, even if characterized as opinion, are actionable
22 because where defendants have stated the facts upon which the opinion is based, the facts are
23 incorrect or incomplete.

24 14. The statements published and posted by defendants as herein alleged were statements
25 concerning both of the plaintiffs and reasonably understood to concern both plaintiffs, individually
26 and jointly. Where the statements published and posted by defendants may omit a mention of either
27 plaintiff by name, the context of the published and posted statement, taken in conjunction with the
28 totality of the internet page postings, connect the statement to either or both of the plaintiffs.

1 15. The statements published and posted by defendants disparage both plaintiffs
2 personally.

3 16. The statements published and posted by defendants were communicated to at least
4 one person other than the plaintiffs who understood the statements' defamatory meaning and the fact
5 that the statements referred to either or both of the plaintiffs. The statements alleged herein to be
6 defamatory were communicated to the general public or a broad audience.

7 17. Given the manner and format of the publication and posting of the defamatory
8 statements, plaintiffs are informed and believe and thereon allege that it was foreseeable to each of
9 the defendants that the publication would be intercepted, read, and overheard by a third-party and
10 that over the period of time during which the defamatory statements were published and posted by
11 defendants, republication of the defamatory statements occurred.

12 18. The statements published and posted by defendants as herein alleged were false as to
13 both plaintiffs because the gist or sting of the statement is untrue. Plaintiffs are informed and believe
14 and thereon allege that the material and statements published and posted by defendants lowered and
15 continues to lower plaintiffs' esteem or deters people from associating with plaintiffs.

16 19. In determining the defamatory meaning of the statements published and posted by
17 defendants, the totality of the circumstances is to be considered requiring a review of the publication
18 as a whole according to the sense and meaning which the language may fairly be presumed to have
19 conveyed to those to whom it was published.

20 20. Plaintiffs are informed and believe and thereon allege that defendants, and each of
21 them, failed to use reasonable care to determine the truth or falsity of the allegedly defamatory
22 statements that are the subject of this action.

23 21. Plaintiffs are informed and believe and thereon allege that they are private figures and
24 that the defamatory statements are not an issue of public concern. However, in the alternative, if it
25 should determined in this action that either or both of the plaintiffs is a public figure or the
26 statements address and issue of public concern, plaintiffs are informed and believe and thereon
27 allege that each of the defendants knew the defamatory statement was false or acted with reckless
28 disregard of its falsity in that defendants published a knowingly false statement or entertained

1 serious doubts as to its truth. Alternatively, if it should be determined in this action that either of the
2 plaintiffs was a limited purpose or "vortex" public figure, who embroiled himself or itself in an issue
3 by purposeful activity amounting to a thrusting of his or its personality into the "vortex" of an
4 important public controversy, then plaintiffs are informed and believe and thereon allege that
5 constitutional limitations apply only with respect to statements relating to that particular controversy
6 or activity. However, plaintiffs are informed and believe and thereon allege that the statements
7 published and posted by defendants did not concern a public controversy, being an issue that is
8 publicly debated and has foreseeable and substantial ramifications for people beyond those in the
9 debate. To the contrary, plaintiffs are informed and believe and thereon allege that the defamatory
10 statements published and posted by defendants did not concern a public controversy and did not
11 concern either of the plaintiffs as a "vortex" or "limited purpose" public figure in that plaintiffs have
12 not embroiled themselves in an issue by purposeful activity amounting to a thrusting of their
13 personality into the "vortex" of an important public controversy. Thus, plaintiffs are informed and
14 believe and thereon allege that there are no constitutional limitations with respect to the prosecution
15 by plaintiffs as herein alleged of a damage claim for defamation as against the named defendants and
16 the fictitiously named defendants.

17 22. Plaintiffs are informed and believe and thereon allege that the statements published
18 and posted by defendants are defamatory per se because they are viewed as so serious that they
19 naturally cause harm and the existence of injuries are presumed from the fact of publication.
20 Alternatively, if it should be determined that the defamatory statements published and posted by
21 defendants are libel per quod, as a direct and proximate result of the publication and posting by
22 defendants of the statements that are the subject of this action, plaintiffs, and each of them, have
23 suffered, loss damage and injury with respect to his and its property, business, trade, profession or
24 occupation, including such amounts of money as plaintiffs have had to spend as a result of the
25 alleged libel.

26 23. As a direct and proximate result of the libel published and posted about both of the
27 plaintiffs by defendants, plaintiffs have suffered actual damages in the sum of not less than \$10
28 million dollars.

1 24. In 2014, defendants, jointly and severally, and in conspiracy with each other,
2 published and posted the following false and defamatory statements concerning and pertaining to
3 plaintiffs on the Wikipedia pages for plaintiffs, as follows:

4 (1) Barry was ordered before the Quebec Securities Commission. It ruled that
5 Global Village Market International was an illegal investment and told him to close it down.

6 (2) In 1999, Yank Barry and the company was the subject of an enforcement
7 action by the Canadian Association of Securities Administrators.

8 (3) So Barry's company raised money by selling shares on a sham stock
9 exchange.

10 (4) (1994) Texas State Prison VitaPro scheme.

11 (5) (2000) Global Village Market International stock offering on sham stock
12 exchange.

13 (6) (2003) Tobacco lawsuit scheme. Result: scheme collapse, court ordered
14 Barry to pay \$3 million to investor.

15 (7) (2013) Degas, the replica bronzes deal.

16 (8) One of Barry's companies is "Global Village Market." It started out as a
17 multi-level marketing scheme for VitaPro. Over the years, it moved from multi-level marketing to
18 selling VitaPro products (34) to being the Global Village Champions Foundation site today.

19 (9) The Global Village Market ... that's his main business.

20 (10) The website for gvmarket.com slowly morphs over the years from a MLM site
21 to a charity.

22 (11) I removed the Bo Derek, Yank Barry film announcement because an
23 announcement was never made.

24 (12) Barry wanted to sell VitaPro to the public and he enticed over 400 people to
25 invest thousands of dollars in a pyramid-style company.

26 (13) He was in the music business and is now is involved in "the multi-level
27 marketing field" specifically with VitaPro, Global Village, Propectin and Jeunesse.
28

1 (14) We need to cover how Global Village Market was shut down by Quebec
2 authorities. That's his real business.

3 (15) Not sure whether to mention the First Bank of Grenada/WISE fake stock
4 offering ... so he's acknowledged it happened.

5 (16) On the Jeunesse/Propectin front, there's a patent infringement lawsuit
6 involving Jeunesse.

7 (17) The Global Village Market thing needs more reliable sources. That's
8 important, because that's his main business. The process by which it somehow morphed from a
9 MLM business to a charity needs to be filled in.

10 (18) The Global Village Market phony stock exchange thing still isn't clear. (If a
11 company sells stock on a fake stock exchange, does that make them a public company?)

12 (19) So yeah, it really does look like "random lawyer in Bulgaria claims to
13 nominate Yank Barry," which isn't worth mentioning in the article.

14 (20) Whether Gorianov is even qualified to submit a nomination is a big question
15 mark.

16 (21) I'm pretty sure that a nomination is going to be a yearly thing from now until
17 Barry's demise.

18 (22) The fact that a man regularly referred to as a "billionaire" declared bankruptcy
19 in 1987 and has not had any particularly large visible means of income since then

20 (23) The standards for a Nobel Peace Prize nomination are very low. Low enough
21 that a nomination by itself is effectively meaningless. Even given that, neither Gorianov nor
22 Singson meet the qualifications for Nobel Peace Prize nominations.

23 (24) And a "film" by documentary maker in support for a charity is more likely to
24 be ad material with famous narrators than the sort of feature production one might otherwise assume
25 for a film "starring" a couple of actors. I don't think there's much there.

26 (25) The CNN article ... has to be treated gingerly as a piece that was clearly not
27 properly checked fully before publication.

28

1 (26) ASCAP ... no listings for Falovich. So I'm not finding a lot of material that
2 suggests a significant songwriting career.

3 (27) If you want to actually get paid for the songs, you register them with ASCAP
4 or BMI. It does give us one recorded credit, on the Humperdinck piece, and that would be sufficient
5 explanation for the gold record (although would not make him notable on that basis).

6 (28) I'm not crazy about the Gusi peace prize. It appears to have little notability
7 even in the Philippines (there's no Filipino article about it). The nomination/award process is very
8 opaque and the winners list just seems bizarre ... a large part of wining the awards seems to revolve
9 around showing up. There are a lot of fake/unverifiable claims made to awards that Barry earned.

10 (29) Sufficient doubt about the status of the band he was a member of exists. At
11 best, he was the lead singer of a cover band, which is not really very notable. We have good sources
12 that he was a member of a cover band organized by a party who lacked the rights to the name. That
13 site is owned by the "Kingsmen Fan Club" (77) and not by the group. The legal owner of the site
14 appears to be the "Kingsmen fan club" as noted above. It is not owned by nor operated by the
15 "Kingsmen" as far as any personnel appear to be concerned (there is a NB corporation with that
16 name, but it is unclear that they are the sole owners of that name, nor that they are a "reliable source"
17 for facts about that group.

18 (30) Misrepresenting the situation by contributing to the false impression that he
19 was a regular part of the band is a problem per WP:BLP. The band's willingness to play a one-off
20 show with him changes nothing.

21 (31) I excised the bit about him being a three time nobel peace prize nominee.
22 While that sounds impressive, it ain't.

23 25. Defendants, in making, publishing and posting the defamatory statements concerning
24 plaintiffs on Wikipedia during 2014, have acted with malice as confirmed by the posting "don't kid
25 yourselves: this page is the number one Google result for a search for 'Yank Barry.' We are
26 threatening his livelihood (and rightly so. His means of livelihood is extremely suspect.)" "So, as
27 they say, buckle up. He cannot defend the fluff that goes on to the page, so he won't."
28

1 26. In order to maximize the damaging impact on plaintiffs of the false and defamatory
2 statements published and posted by defendants on Wikipedia, defendants, jointly and severally, and
3 in conspiracy between and among each other to cause harm to plaintiffs, have periodically and
4 systematically removed truthful and verifiable content from the Wikipedia pages pertaining to
5 plaintiffs with the intent and purpose to downplay, minimize, attack or criticize favorable content
6 about the plaintiffs all with the intent and purpose of highlighting and focusing reader attention on
7 the false and defamatory content published and posted by defendants with the aim and purpose, as
8 stated by defendants, 'of threatening plaintiff Yank Barry's livelihood because his means of
9 livelihood are extremely suspect.' Plaintiffs are informed and believe and thereon allege that
10 defendants' intent and purpose in manipulating the content on the Wikipedia pages pertaining to the
11 plaintiffs is to cause loss, harm and damage to plaintiffs by removing content from the Wikipedia
12 pages that would demonstrate the falsity and defamatory nature of the postings and publications
13 made by defendants.

14 27. Prior to the commencement of this action, plaintiffs gave written notice to each of the
15 defendants demanding that they cease and desist from such wrongful conduct. Notwithstanding that
16 written notice to each of the defendants, and in response thereto, each of the defendants has persisted
17 and continued to engage in the wrongful conduct that is the subject of this complaint.

18 28. Plaintiffs are informed and believe and thereon allege that defendants, jointly and
19 severally, have acted intentionally and unreasonably with the recognition that their wrongful acts as
20 herein alleged would likely result in illness through mental and emotional distress to plaintiff Yank
21 Barry. Defendants' conduct was intentional and outrageous and intentionally directed at plaintiff
22 Yank Barry. The distress has been serious, substantial and enduring, all to plaintiff Yank Barry's
23 loss, damage and injury and was caused by the defendants' outrageous conduct as herein alleged.
24 Alternatively, the severe emotional distress was proximately caused by defendants' negligent
25 conduct.

26 29. As a direct and proximate result of defendants' wrongful conduct as herein alleged,
27 plaintiffs have suffered special damages in a sum subject to proof at trial in an amount not less than
28 \$5 million dollars.

1 30. As a direct and proximate result of defendants' wrongful conduct as herein alleged,
2 plaintiffs have suffered presumed general damages in a sum subject to proof at trial in an amount not
3 less than \$5 million dollars.

4 31. As a direct and proximate result of defendants' wrongful conduct as herein alleged,
5 plaintiffs have suffered general damages in a sum subject to proof at trial in an amount not less than
6 \$5 million dollars.

7 32. As a direct and proximate result of defendants' wrongful conduct, plaintiff Yank
8 Barry has suffered emotional and physical distress damages in a sum not less than \$1 million dollars.

9 33. Defendants' wrongful conduct warrants the imposition of punitive damages in a sum
10 subject to proof at trial.

11 **SECOND CAUSE OF ACTION**

12 (Against Defendants for False Light Publicity)

13 34. Plaintiffs repeat, re-plead, re-allege and incorporate by reference herein each of the
14 allegations of the first cause of action of the complaint.

15 35. As a direct and proximate result of the publications and postings made by defendants,
16 jointly and severally, during 2014 on the Wikipedia pages pertaining to the plaintiffs, and by
17 engaging in a concerted course of action to remove content from those pages in such a fashion so as
18 to highlight and focus reader attention on the statements published and posting by defendants so as
19 to deprive readers of the benefit of the statements, publications and postings systematically removed
20 by defendants that would otherwise expose the falsity of defendants' postings and/or provide context
21 and background that would similarly expose the defamatory nature of the publications and postings
22 made by defendants, each of the defendants has subjected plaintiffs to unreasonable and highly
23 objectionable publicity that attributes to them characteristics, conduct or beliefs that are false such
24 that plaintiffs have been placed before the public in a false position by the defendants through their
25 publications and postings of false matter about the plaintiffs and their attempt to conceal the falsity
26 of the matter by editing or removing content from the Wikipedia pages pertaining to the plaintiffs
27 that had been published and posted by others who were not intent on causing plaintiffs loss, damage
28 or injury and who were not intent on acting with malice as were defendants, who knew the

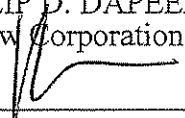
1 statements were false or acted with reckless disregard of the falsity of the statements or with serious
2 doubts as to the truth of the statements.

3 36. Defendants herein have acted from a state of mind arising from hatred or ill will
4 towards plaintiffs evidencing a desire to vex, annoy or injure plaintiffs as alleged in the first cause of
5 action of the complaint, and as defendants have admitted in their publications and postings made to
6 the Wikipedia pages pertaining to the plaintiffs.

7 WHEREFORE, plaintiffs pray judgment as follows:

- 8 1. For special damages subject to proof;
- 9 2. For presumed general damages subject to proof;
- 10 3. For actual damages subject to proof;
- 11 4. For punitive damages subject to proof;
- 12 5. For appropriate injunctive relief enjoining defendants from future repetition of the
13 specific statements to be determined to be defamatory in this case;
- 14 6. For plaintiffs' costs of suit incurred herein; and
- 15 7. For such other and further relief as the courts deems just and proper.

16 DATED: June 9, 2014

17 PHILIP D. DAPEER
A Law Corporation
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19 PHILIP D. DAPEER
Attorney for Plaintiffs

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