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Attorneys for the Plaintiff

IN THE THIRD JUDICIAL DISTRICT COURT OF IN AND FOR
UTAH COUNTY, STATE OF UTAH
125 NORTH 100 WEST, PROVO, UT 84601

LEGALLY MINE, LLC, Plaintiff, vs. JOHN DOE, Defendant	COMPLAINT Case Number _____ Judge _____ Commissioner _____ TIER 2
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Plaintiff, Legally Mine, LLC (“LM”), hereby complains against defendant, John Doe, (“Doe”), seeks relief as follows:

NATURE OF CASE

1. This is a defamation case. Through this Complaint, LM seeks to receive an injunction against Doe for the things said on the website Ripoffreport.com (“ROR”). The accusations on ROR are false and have resulted in lasting damage to LM. The report on ROR appears in the top search results for LM on lead internet search sites such as Google, Bing, and

Yahoo!. Despite the false nature of the claims, many potential customers have seen the report, and have decided to decline the services of LM. Since the report has gone on to the first page of search results, there has been a measurable decrease in sales. Despite having tried to reach out to the offending individual through ROR, LM is left with no other recourse than to hold Doe accountable for the massive damages he or she has caused.

PARTIES

2. LM is a Utah Limited Liability Company that maintains its principal place of business in Utah County, Utah. At all times relevant to this action, LM operated as a provider of informational seminars, business consultant, and legal document provider.

3. Doe is the individual of unknown residence who posted the defamatory review of LM on ROR. The offending review states Doe's location as Ohio. LM hereby reserves its right to name Doe as a named party defendant should discovery establish or suggest the need for such procedural action. Plaintiff is informed and believes, and based on that information and belief alleges, that Doe is legally responsible for the events and happenings referred to in this Complaint.

JURISDICTION AND VENUE

4. This court is vested with jurisdiction of the case pursuant to Utah Code Ann. § 78A-5-102(1).

5. Venue is proper in this court pursuant to Utah Code Ann. § 78B-3-307(3).

FACTS

6. On or about March 31, 2013, Doe caused to be published on RipoffReport.com, a website maintained by Ripoff Report, an Arizona Company, a negative review of LM. A copy of the review is attached hereto as Exhibit One.

7. The statements contained in the review were false in that they claim that LM does not deliver a service, LM is slow to establish paperwork, LM is in complete disarray, the documents from LM are the same as those which can be obtained from other companies, and LM does not provide follow up service.

8. The name of Doe is listed only as “AR” on the report, and the location is listed as Ohio.

9. As of March 31, 2013, LM had no current clients with the initials “AR” residing in Ohio.

10. On or about June 10, 2013, Doe’s review began to show in the search results for LM.

11. Starting June 20, 2013, LM asked clients who were pleased with the service post rebuttals to Doe’s complain on ROR.

12. On March 4, 2014, LM sent an email to ROR inquiring as to the identity of Doe.

13. On March 5, 2014, ROR replied to the March 4 email from LM, stating that certain steps had to be followed in order to obtain the identity of Doe. A copy of this email is attached as Exhibit Two. A copy of the instructions is included as Exhibit Three.

14. On April 14, 2014, LM posted a rebuttal on the ROR website, asking Doe to contact LM to resolve all concerns raised in the review, or face legal consequences. In the

response, Doe was given two weeks from the date of posting to reply, and informed that if no effort was made by Doe, LM would seek appropriate legal action. A copy of the response is attached hereto as Exhibit Four.

15. As of May 1, 2014, Doe has failed to either respond to LM on ROR, or to contact LM directly to resolve the false comments.

16. The review clearly shows intent to interfere with the future and existing economic relations of LM.

17. Since Doe's review was posted on ROR, LM has experienced financial damages in the form of decreased sales rates and decreased total sales. As of April 1, 2014, the ratio of sales to events hosted by LM has fallen from 5.8% to 2.2%. As of April 1, 2014, the total sales, as compared to the same period in the previous year, have gone from 185 to 129.

18. Doe's published his/her review on ROR, where it is remains viewable to many other individuals, including members of the general public who understand its defamatory meaning.

19. Doe's review may be found at the following URLs:
www.ripoffreport.com/reports/specific_search/legally%20mine;
<http://www.ripoffreport.com/r/Legally-Mine/Internet-Utah-84059/Legally-Mine-Daniel-McNeff-estate-planning-Internet-Utah-1039422>; <http://www.ripoffreport.com/r/Legally-Mine/>.

FIRST CLAIM FOR RELIEF
(Defamation)

20. The allegations in paragraph 1-19 above are incorporated herein by reference.

21. Doe's allegations contained in the review published on ROR are false.
22. Doe knows the statements to be false and acted intentionally in causing the review to be published.
23. Doe's review was not subject to any privilege.
24. Doe's intended to harm the current and future business relations of LM through the publication of the review on ROR.
25. Through the conduct alleged in this Complaint, Doe has committed the tort of defamation against LM.
26. As a proximate result of Doe's review, LM has suffered injury and damages in the principal amount of at least \$400,000.00, plus interest, attorney fees, and costs.

SECOND CLAIM FOR RELIEF
(Tortious Interference with Prospective Business Relations)

27. The allegations in paragraphs 1-26 above are incorporated herein by reference.
28. Doe intentionally interfered with LM's existing and potential economic relations. The review specifically states that all future potential clients of LM should avoid doing business with LM.
29. Doe published the review for an improper purpose, namely, to cause malicious harm to LM.
30. Doe used improper means by intentionally defaming LM on ROR.
31. Doe's actions have caused severe economic harm to LM.

32. Through the conduct alleged in this Complaint, Doe has committed the tort of intentional interference with prospective economic relations.

33. As a proximate result of Doe's review, LM has suffered injury and damages in the principal amount of at least \$400,000.00, plus interest, attorney fees, and costs.

THIRD CLAIM FOR RELIEF
(Permanent Injunctions)

34. The allegations in paragraphs 1-33 above are incorporated herein by reference.

35. LM has suffered special damages. The decrease in sales and lost revenue caused by the review are unique, profound, and dramatic.

36. LM has a protectable interest in its good name and in continued business with other clients.

37. Legal remedies in the form of monetary damages alone would be insufficient.

38. In addition to the over \$400,000.00 in actual damages already suffered, LM has suffered irreparable harm to its reputation that would only be remedied by the removal of Doe's review.

39. The enforcement of an order to remove the review would be enforceable.

40. LM merits the injunction, even after balancing the equities. The threatened injury from Doe's review outweighs whatever damage the injunction may cause to Doe. At most, Doe experiences minor nuisance for the review being made unavailable. LM continues to suffer severe economic harm each day the review remains available on the site www.ripoffreport.com/reports/specific_search/legally%20mine.

FOURTH CLAIM FOR RELIEF
(Preliminary Injunction and Temporary Restraining Order)

41. The allegations in paragraph 1-40 above are incorporated herein by reference.

42. LM gave notice through ROR that it would be seeking all appropriate legal action, though LM has not yet located Doe to give direct notice of the request for a preliminary injunction and/or temporary restraining order.

43. Even without being able to provide notice, LM will suffer irreparable harm unless the injunction or temporary restraining order is issued. To this point, LM has already suffered over \$400,000.00 in damages due to the untrue claims in Doe's review.

44. LM has made appropriate efforts to provide notice to Doe. LM left a response to Doe's review on ROR. Furthermore, LM has contacted ROR directly in an effort to find the identity of Doe. However, ROR refused to reveal the identity of Doe until after a civil suit had been filed. LM has searched its database of clients for any individuals with the initials "AR" living in Ohio, but has been unable to find any clients who match this criteria. All reasonable efforts to find Doe and provide notice have been exhausted.

45. The threatened injury from Doe's review outweighs whatever damage the injunction or restraining order may cause to Doe. At most, Doe experiences minor nuisance for the review being made unavailable. LM continues to suffer severe economic harm each day the review remains available on the site www.ripoffreport.com/reports/specific_search/legally%20mine.

46. The injunction and/or order, if issued, would not be adverse to the public interest.

47. There is a substantial likelihood that LM will prevail on the merits of the claim, as it can easily show the untrue nature of the comments made in the review, and has clearly shown the severe damages which have resulted from the review.

JURY DEMAND

Plaintiff hereby demands a jury and pays the required statutory fee.

WHEREFORE, LM prays for the following relief: (a) judgment against Doe for compensatory damages in the principal amount of at least \$400,000.000, plus interest, attorney fees, and costs; (b) injunctive relief for the removal of the review; and (c) such further relief as the Court deems just and equitable.

DATED: April 13, 2015.

Legally Mine, LLC

/s/ _____
Jarom L. Hillery
Counsel for Plaintiff

Plaintiff's Address:
225 W 520 N
Orem, UT 84057

PLAINTFF'S EXHIBIT ONE

Ripoff Report | Legally Mir x

www.ripoffreport.com/r/Legally-Mine/Internet-Utah-84059/Legally-Mine-Daniel-McNeff-estate-planning-Inter

Is there a Ripoff Report about you? SEO Reputation Management WARNING! Click Here Now!

Report: #1039422

Complaint Review: Legally Mine

Related Reports

AARGON AGENCY Outstanding medical bill? Outrageous! Not mine!! Las Vegas Nevada

Bill V Ison, William V Ison, Gene Orio, Olathe Mining Co, Blue Diamond Excavation William V Ison Bill have been conning a very good friend of mine for almost 2 years and my friend still believes him! Newport Beach, California

Pace Recovery Group Inc Enrico Pace, John James, Bob King, Katie Shysters, they prey on people who need help legally collecting bad debts Ft. Lauderdale Florida

National Recovery Agency National Recovery refuses to provide proof that a debt is mine, Harrisburg, Pennsylvania

ACS Incorp. Legally prosecuted, 1 VIOLATION OF FEDERAL BANKING REGULATION Irving Texas

ChannelAdvisor Poor Company, Waste of Money, Legally Aggressive, Outdated Technology, Technology Sharks, Con Richmond Victoria, Australia

Hector Leonel pizarri the lionel pizarri group, legal preparation group of silicon valley Paralegal Certificate Earned In State Prison Through a book correspondence Is He legally Registered or Licensed or Bonded ??? san jose, Internet

Goldmine Properties Mike Cherwenka, Gold Mine Properties Mike Cherwenka is a Crook that promises the world, then Treats you like dirt when you fall for his scam Dacula, Georgia

ACE CASH SERVICES, CUSTOMER ID: 854258CASE FILE #: KP-87895LOAN INFORMATIONPAST DUE AMOUNT - \$985.67CREDITOR - ACE CASH SERVICES.You are going to be legally prosecuted in the Court House within couple of days. Your SSN is put on hold by US Government, so before some No name and stating I owe money. No information and when I called no valid number. Internet

ACS INC AKAs ACE CASH SERVICES You are going to be legally prosecuted in the Court House within couple of days. Your SSN is put on hold by US Government Internet

Submitted: Sun, March 31, 2013 Updated: Mon, April 14, 2014

Reported By: AR — Ohio

Legally Mine
PO Box 1629, Orem Utah 84059
Internet, Utah
United States of America

Phone: 855 361 2686
Web: legallymine.USA.com
Category: [Business Consultants](#)

Legally Mine Daniel McNeff estate planning Internet, Utah

***UPDATE Employee: Please Contact Us**

***Consumer Comment: Excellent Service with Legally Mine**

***Consumer Comment: Positive experience with Legally Mine**

***Consumer Comment: Excellent Service**

***Consumer Comment: Good experience regarding Legally Mine**

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REBUTTAL BOX™ | Respond to this Report!

Do not trust this company! The owner, Daniel McNeff gives a great presentation regarding what his company can establish for you to protect your wealth and investments, but his company does not deliver service. His company is slow to process any paper work to establish the stated information he so eloquently discusses in his presentation. His company seems to be in complete disarray, you speak with multiple people and obtain very little results for a significant expense. The paper work this company provides can easily be obtained from internet sites such as Legal Zoom. This company takes your money and provides little in return especially no follow-up services, unless you want to pay even more after being ripped off the first time, other than phone call to rate thier service. I was shock they even wanted a response! Avoid this company.

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PLAINTIFF'S EXHIBIT TWO



Jarom Hillery <jarom@legallymineusa.com>

[Ripoff Report Customer Support] Re: Report by "AR - Ohio": To whom it may concern: Legally Mine, LLC is currently pursuing a lawsuit for defamation against the author of this post: h...

1 message

Ripoff Report Customer Support <support@ripoffreport.com>

Wed, Mar 5, 2014 at 2:37 PM

Reply-To: Ripoff Report Customer Support <support@ripoffreport.com>

To: Jarom Hillery <jarom@legallymineusa.com>

- Please type your reply above this line -##

Your request ([#6308](#)) has been answered, to respond to this request, reply to this email or click the link below:

<https://ripoffreport.zendesk.com/requests/6308>



Ripoff Report Customer Support (Ripoff Report Customer Support)

Mar 05 02:37 PM

Thank you for contacting us,

In the event you have yet to review our website's content on this subject, we would like to direct you to a page, which provides information about the process and requirements for obtaining the information that we have on the

author. Please review the following link for more information: <http://www.ripoffreport.com/ConsumersSayThankYou/FalseReport.aspx>.

Please note that any communication regarding legal matters should be directed to legal@ripoffreport.com.

Sincerely,

Ripoff Report® Support

*** Nothing in this message should be construed as a promise to remove any material from the Ripoff Report website. Furthermore, any investigation or action promised or undertaken by Ripoff Report is done solely as a courtesy and shall not create any legal obligations owed to you by Ripoff Report.



Jarom Hillery

Mar 04 04:15 PM

Report by "AR – Ohio": To whom it may concern:

Legally Mine, LLC is currently pursuing a lawsuit for defamation against the author of this post:

<http://www.ripoffreport.com/r/Legally-Mine/Internet-Utah-84059/Legally-Mine-Daniel-McNeff-estate-planning-Internet-Utah-1039422>

. However, the name of the person leaving the report is only listed as "AR". Because the facts outlined in the post do not line up with any of our customer's experiences, we need the following information: Name of the Original Poster; email address of the Original Poster; any other information which may be helpful in the identification of the individual

who wrote the original report.

Best regards,

--

Jarom L. Hillery, J.D.

Head of Legal Department

Legally Mine, LLC

[800-375-2453 ext. 110](tel:800-375-2453)

This email does not constitute personal legal or tax advice. For personal legal or tax advice, please consult your licensed personal attorney or personal accountant. Our company accepts no liability for the content of this email, or for the consequences of any actions taken on the basis of the information provided, unless that information is subsequently confirmed in writing. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

This email is a service from Ripoff Report Customer Support. Delivered by [Zendesk](#).

PLAINTIFF'S EXHIBIT THREE

About Us: False report about me on this site!

There is a false report about me on this site!!!

How Can I Obtain Information About An Author Who I Believe Has Defamed Me?

Suppose you just finished reading the long section about "[So, you want to sue Ripoff Report?](#)", and you realize that the law protects this website and, in most cases, does not allow you to sue the website's operators for the materials published here by users of the site. What do you do now? Of course, as we have said before, the law does NOT protect the original author, and thus you are free to sue that person if you wish. But how can you get the name of someone who posted a report anonymously?

Out of the millions of comments posted on Ripoff Report, once in a while we receive a request asking us to reveal the true identity of someone who posted a report. Sometimes these requests include a subpoena and sometimes they don't. Sometimes these requests come from an attorney and sometimes they are from an average citizen, business owner, etc.

Because most people are not familiar with the legal issues involved and because we regard the privacy rights of our users as extremely important, this section explains our policy on when and how the true identity of a Ripoff Report user may be obtained. This section also provides answers to the following questions:

- Can Ripoff Report users remain anonymous and protect their privacy?
- Will Ripoff Report ever disclose the real name of an author?
- How can lawyers obtain information about an author?

THE FIRST AMENDMENT RIGHT TO FREE SPEECH INCLUDES THE RIGHT TO REMAIN ANONYMOUS.

First of all, it is important to understand a fundamental point - the First Amendment right to free speech includes the right to remain anonymous. That's not just our view, it is a principle the United States Supreme Court has recognized over and over again; "an author's decision to remain

anonymous, like other decisions concerning omissions or additions to the content of a publication, is an aspect of the freedom of speech protected by the First Amendment." *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334, 341-42, 115 S.Ct. 1511, 1516, 131 L.Ed.2d 426, 436 (1995).

Why does this matter? Because people who ask us to voluntarily disclose the real name of an author need to appreciate this is similar to walking into a doctor's office and asking to see someone else's medical records. This information is private and can't just be handed over upon request. Rather, you have to follow a series of steps to be sure that the affected party is informed of the request so he/she can take steps to protect their privacy. We'll explain what those steps are later below.

THE RIGHT TO REMAIN ANONYMOUS IS NOT ABSOLUTE.

Of course, the right to remain anonymous is NOT absolute. For example, if someone posts a death threat against the President, the First Amendment will offer no protection. Furthermore, the First Amendment does not protect statements which are false and defamatory.

YOU CAN'T OBTAIN AN AUTHOR'S NAME JUST BY CLAIMING THAT SOMETHING IN A REPORT IS FALSE OR INACCURATE

Although the First Amendment does not protect defamatory speech, this does not mean that you can contact the Ripoff Report and obtain an author's name just by claiming that something in a report is false or inaccurate. We are not in a position to determine which party is telling the truth, so we cannot and will not dissolve the First Amendment rights of our users based on a unilateral allegation that something in a report is false. These issues must be presented to the courts so that a judge can review the matter and decide what to do.

So, what does this mean? What do you have to do in order to get the real name of an author?

The Arizona Court of Appeals has answered that question as follows:

We hold that to obtain a court order compelling discovery of an anonymous internet speaker's identity, the requesting party must show that: (1) the speaker has been given adequate notice and a reasonable opportunity to respond to the discovery request, (2) the requesting party's cause of action could survive a motion for summary judgment on the elements of the claim not dependent on the identity of the anonymous speaker, and (3) a balance of the parties' competing interests favors disclosure.

Mobilisa v. Doe, 217 Ariz. 103, 114-15, 170 P.3d 712, 723-24 (App. 2007) (If you are interested, you can read the full *Mobilisa* case here: <http://www.scribd.com/doc/76263546/Mobilisa-v-Doe-217-Ariz-103-170-P-3d-712-App-2007>)

PROCESS FOR ISSUING A SUBPOENA FOR AUTHOR INFORMATION

Because the operator of the Ripoff Report website is located in Arizona and all of our business records are kept in Arizona, we require that any request for the identity of an author must comply with Arizona law, and that means complying with the standards of *Mobilisa*. This means if you want to obtain the identity of an author, you must do each of the following things:

- 1.) Post a notice as a rebuttal to each report for which you are seeking the author's information. We will not do this for you, so please don't ask. This notice must explain that you have initiated a court proceeding in an effort to learn the author's identity and it should provide a case number and name/address of the court so that the author can appear and defend the case if necessary.
- 2.) Wait a reasonable amount of time for the author to respond to you.
- 3.) If you don't get a response from the author of the report, you may obtain a subpoena directed to Xcentric Ventures, LLC from an Arizona court (preferably the Superior Court of Arizona, Maricopa County in Phoenix) which describes the information you are requesting. Fancy legalese or magic words are NOT required and we would appreciate it if you would keep your request as SHORT and CLEAR as possible. In general, your subpoena can simply say: "Please produce all author information for the author of Report #123456." You must include the report number with any subpoena you send. Also, please be sure to include YOUR email address with your subpoena. Failure to include a valid email address may significantly delay the processing of your subpoena.

Your subpoena must comply with *Mobilisa*. This means that you must show your claim of defamation could survive a motion for summary judgment. To meet this burden, you must include with your subpoena a declaration of the Plaintiff (or a corporate representative of the Plaintiff) that states under penalty of perjury which statements in the report you claim to be false, or some other form of admissible evidence, and why you claim those statements to be false.

Personal service of the subpoena is required. You may serve the subpoena on Xcentric's statutory agent in Arizona: Maria Crimi Speth, c/o Jaburg & Wilk, P.C., 3200 N. Central Avenue, Suite 2000, Phoenix, AZ 85012.

- 4.) Xcentric will review the subpoena to determine (a) whether it complies with *Mobilisa*; (b) whether you have properly served it; and (c) whether the statements complained about are actionable defamation. In order for a statement to be actionable defamation, it must be capable of

being proven true or false. Opinions cannot be defamatory. Xcentric will advise you in writing whether it will comply with the subpoena or whether your subpoena is being objected to.

5.) Due to the time and expense involved in responding to subpoenas, Xcentric Ventures charges the following flat rate for producing records in order to comply with civil subpoenas. Payment is required prior to production of the subpoenaed information. Xcentric's subpoena compliance fee for a properly-issued civil subpoena is \$150.00, which includes all research costs, mailing costs, copying charges, and related expenses. Checks should be made out to Xcentric Ventures, LLC and mailed to PO Box 310, Tempe, Arizona 85280. Xcentric reserves the right to charge additional fees to repeat issuers of numerous, particularly burdensome and/or improper subpoenas.

6.) If the author of the report(s) being subpoenaed does not object to the subpoena or otherwise file a Motion to Quash in the appropriate forum within the requisite time period allowed under Arizona law, and Xcentric determines in its sole discretion that you have met your burden under *Mobilisa* and properly complied with the subpoena criteria identified in this article, the requested author information will be produced.

7.) If Ripoff Report or the author does object to your subpoena, you must bring a motion in the issuing court asking the court to determine that you have complied with the standards set forth in *Mobilisa*. Depending on the nature of the statements, the position of the author (if any) and the arguments in your motion, Ripoff Report may or may not oppose your motion. If the court reviews your motion and finds that you have satisfied *Mobilisa's* requirements, then we will provide you with the requested information.

If you have any specific subpoena-related questions which are not already covered above, please feel free to send any questions to legal@ripoffreport.com.

taken from: <http://www.ripoffreport.com/ConsumersSayThankYou/FalseReport.aspx>

PLAINTIFF'S EXHIBIT FOUR

Ripoff Report | Legally Mine

www.ripoffreport.com/r/Legally-Mine/Internet-Utah-84059/Legally-Mine-Daniel-McNeff-estate-planning-Inter

Is there a Ripoff Report about you? SEO Reputation Management WARNING! Click Here Now!

The New "Digital Extortion"

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Remove Reports?

No! Better yet! Arbitrate to set the record straight!

REBUTTALS & REPLIES:

Author Consumer Employee/Owner

Updates & Rebuttals

#1 UPDATE Employee

Please Contact Us

AUTHOR: LegallyMineUSA - ()

SUBMITTED: Monday, April 14, 2014

To AR in Ohio. Legally Mine reaches to all clients to provide quality service and thoughtful interaction. Unfortunately, as we do not have any clients whose experiences match what you have listed, we are not sure who you are or how to respond. Please get into contact with us so that we can help to resolve your concerns!

Legally Mine does have a dedicated team of professionals including paralegals, attorneys, and customer care representatives. It is entirely possible to have appointments with several individuals depending on what types of documents need to be completed. A trust document requires that you meet with our attorney who focuses on estate planning. Questions about how to set up an LLC require a meeting with either a paralegal or our business attorney. Similarly, questions about taxation will result in an appointment with our tax attorney.

Furthermore, the quality of our paperwork is far and above what could be purchased at other online document sites.

Because the untrue nature of your accusations, unless you can contact us directly within 2 weeks to help with the issues you have, we will consider this post to be defamation, and will seek appropriate legal action. Please help us to resolve this before it gets to that point.

Respond to this report! File a Rebuttal ?

#2 Consumer Comment

Excellent Service with Legally Mine

AUTHOR: Dr. W - ()

SUBMITTED: Thursday, August 29, 2013

I have been working with Legally Mine for the past few months and am extremely pleased with their service. They return my calls promptly and have offered excellent advice and suggestions. They appear to be very knowledgeable and competent which instills a feeling of confidence that I have chosen the right company.

I feel my case has been relatively complicated and they have been very helpful. I'm looking forward to a long term relationship with them.

Respond to this report! File a Rebuttal ?

#3 Consumer Comment

Positive experience with Legally Mine

AUTHOR: DR.RY - ()

Related Topics

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- Online Background Ch
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- Consumer Reports On

Ripoff Re
LEGAL DIREC

Business's (11)
Lawyers and Law Firms (5312)

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