

The Order of the Court is stated below:

Dated: December 04, 2015
01:20:01 PM

/s/ Darold McDade
District Court Judge



JAROM L. HILLERY (USB #14204)
JACOB STEWART (USB #13871)
LEGALLY MINE, LLC
225 W 520 N
Orem, UT 84057
Telephone: (801) 477-1750
Facsimile: (888) 801-6454
Jarom@LegallyMineUSA.com
Jacob@LegallyMineUSA.com

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

**PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

Case Number - 150400521

Judge Darold McDade

Commissioner _____

TIER 2

The matter before the court on motion for default judgment filed by the Plaintiff, Legally Mine, LLC, is a civil complaint on the tort of defamation. This matter is being resolved by the default of John Doe, the Defendant. No hearing was held in this matter. Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed, the Court enters the following findings of fact and conclusions of law as set forth below.

I. FINDINGS OF FACT

1. 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.
2. 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.
3. The name of Doe is listed only as “AR” on the report, and the location is listed as Ohio.
4. As of March 31, 2013, LM had no current clients with the initials “AR” residing in Ohio.
5. On or about June 10, 2013, Doe’s review began to show in the search results for LM.
6. Starting June 20, 2013, LM asked clients who were pleased with the service post rebuttals to Doe’s complain on ROR.

7. On March 4, 2014, LM sent an email to ROR inquiring as to the identity of Doe.
8. 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.
9. 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.
10. 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.
11. The review clearly shows intent to interfere with the future and existing economic relations of LM.
12. 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.

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

14. 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-](http://www.ripoffreport.com/r/Legally-Mine/Internet-Utah-84059/Legally-Mine-Daniel-McNeff-estate-planning-Internet-Utah-1039422)

[Mine-Daniel-McNeff-estate-planning-Internet-Utah-1039422;](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/.](http://www.ripoffreport.com/r/Legally-Mine/)

II. CONCLUSIONS OF LAW

A. DEFAMATION

15. Doe's allegations contained in the review published on ROR are false.
16. Doe knows the statements to be false and acted intentionally in causing the review to be published.
17. Doe's review was not subject to any privilege.
18. Doe's intended to harm the current and future business relations of LM through the publication of the review on ROR.
19. Through the conduct alleged in this Complaint, Doe has committed the tort of defamation against LM.
20. 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.

B. TORTIOUS INTERFERENCE WITH ECONOMIC RELATIONS

21. 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.

22. Doe published the review for an improper purpose, namely, to cause malicious harm to LM.
23. Doe used improper means by intentionally defaming LM on ROR.
24. Doe's actions have caused severe economic harm to LM.
25. Through the conduct alleged in this Complaint, Doe has committed the tort of intentional interference with prospective economic relations.
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.

C. PERMANENT INJUNCTIONS

27. LM has suffered special damages. The decrease in sales and lost revenue caused by the review are unique, profound, and dramatic.
28. LM has a protectable interest in its good name and in continued business with other clients.
29. Legal remedies in the form of monetary damages alone would be insufficient.
30. 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.
31. The enforcement of an order to remove the review would be enforceable.

32. 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.

D. PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

33. LM gave notice through ROR that it would be seeking all appropriate legal action.
34. 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.
35. LM 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.
36. 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.
37. The injunction and/or order would not be adverse to the public interest.
38. 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.

THEREFORE,

IT IS ORDERED, that the Motion for Default Judgment filed by Legally Mine is GRANTED. Accordingly, the Court grants the following relief: (a) judgment against Doe for compensatory damages in the principal amount of at \$400,000.000, plus interest, attorney fees, and costs; (b) injunctive relief for the removal of the review from ROR; and a permanent restraining order for the removal of the review from ROR.

DATED: April 13, 2015.

Legally Mine, LLC

/s/_____
Jarom L. Hillery
Counsel for Plaintiff

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