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Electronically
FILED
by Superior Court of California, County of San Mateo
ON 10/3/2022
By /s/ Marcela Enriquez
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

ROBERT M. LEE,
PLAINTIFF,

v.

JOHN DOE AKA "ROBERT LEE,"
GODADDY.COM LCC, EPIK INC., ROB
MONSTER, and DOES 4 through 10

DEFENDANT

Case No. 19-CIV-07263

**DECLARATION OF ROBERT M. LEE IN
SUPPORT OF DEFAULT**

I, ROBERT M. LEE, offer this declaration in support of a default judgment against defendant's EPIK INC and ROB MONSTER pursuant to CRC 3.1800.

1. I am the plaintiff in this action and reside at 176 Flying Cloud Isle, Forster City CA.
2. I have resided in the county of San Mateo since 1966 with exception of college (1980 - 1985) and living in Los Angeles County (1989 to 1991).
3. I can competently testify to the contents of this declaration, and I make all statements based upon my personal knowledge unless stated otherwise.
4. Beginning on April 25, 1995, I bought the rights to the internet domain name rle.com.

- 1 5. From 1995 to 2016 the domain name rle.com was hosted by Network Solutions.
- 2 6. From 1995 to 2016 I paid a yearly fee to Network Solutions to host rle.com. I was never
- 3 delinquent in paying the fee.
- 4 7. Thus, at all times mentioned in this declaration I had the right to possess rle.com.
- 5 8. From 1995 to 2016 I was able to put up any website I wanted on rle.com.
- 6 9. From 1995 to 2016 I did not share rle.com with any other person.
- 7 10. From 1995 to 2016 I did in fact post websites to rle.com. Specifically, I used it as a website to
- 8 show potential web designs to customers while I worked a web design contractor.
- 9 11. rle.com is also of personal interest to me because it closely matches my first initial and last
- 10 name and my company name Robert Lee Entertainment.
- 11 12. I was my intention to continually purchase the rights to rle.com in perpetuity.
- 12 13. I have 25+ years of experience in the field of technology and internet domain; in particular I am
- 13 a web designer by trade.
- 14 14. Between 1995 to the present day, I have purchased the rights to a dozen other domain names.
- 15 15. I am aware 1, 2, and 3 letter domain names that end in “.com” have a much higher value than
- 16 most other domain names.
- 17 16. I am informed and believe that in 2016 someone impersonated me (Hereinafter “JOHN DOE”),
- 18 gained access to my account with Network Solutions, and then transferred the hosting of
- 19 rle.com to Godaddy.com.
- 20 17. I did not learn that JOHN DOE had transferred the domain name until early 2019 when I tried
- 21 to access the website.
- 22 18. After learning that the domain had been transferred without my consent, I reported to the police
- 23 that the domain name rle.com stolen on May 23, 2019. Specifically, I did report the theft
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1 to the Foster City police department and they generated a police report.

2 19. When rle.com was moved from Network Solutions it interfered with my ability to use my
3 property rle.com.

4 20. I could no longer control what website appeared when one accessed the domain name, and I
5 also could no longer control the account information as the password to access it was unknown
6 to me.

7
8 21. In May of 2019 I did contact Godaddy.com and informed them that the domain was stolen
9 from me and demanded them to return it to my care.

10 22. From discussions with Godaddy.com I am informed and believe that JOHN DOE kept the
11 registration of rle.com under the name "ROBERT LEE" but that he provided a different
12 physical address, phone numbers and email address than my own.

13
14 23. Specifically, JOHN DOE provided the address: 319 Maple Ave, South San Francisco CA
15 94080.

16 24. In 2019 I did see where the address "319 Maple Ave, South San Francisco CA 94080" should
17 be, and it does not actually exist. There is no building at the location where such an address
18 should be; there are buildings with addresses higher and lower on the avenue, but the address
19 "319" itself does not exist.
20

21 25. In an abundance of caution, I mailed a certified letter to 319 Maple Ave, South San Francisco
22 CA 94080 demanding my domain back. This letter was returned unopened as undeliverable.

23 26. JOHN DOE also used a different email address for the registration rlee@representative.com.

24 27. In 2019 I did email this address without any response.

25
26 28. JOHN DOE also provided a different phone number than my phone number; I called this
27 number to no effect.

1 29. When I requested that Godaddy return the domain to my care they indicated that they wanted
2 to verify I was the domain holder and asked for a copy of my driver's license.

3 30. I provided my driver's license to GoDaddy, and they refused to provide access, noting that my
4 address did not match the fake address 319 Maple address they had on file (the address given
5 by JOHN DOE).

6 31. While I was corresponding with GoDaddy in November of 2019, JOHN DOE then transferred
7 the domain name to a different hosting service EPIK INC.
8

9 32. EPIK INC. is a for profit corporation formed and has its principal place of business in the state
10 of Washington with State Number 602 401 092. I ask the court to take judicial notice of this
11 fact.
12

13 33. EPIK INC. provides web hosting services. I know this because the EPIK INC. website states
14 as much and its owner ROB MONSTER has stated as much to me personally.

15 34. EPIK INC has a single owner, ROB MONSTER. I know this because ROB MONSTER has
16 stated as such to me personally.
17

18 35. On December 5, 2019 I did contact EPIK INC. by email informing them of that my domain
19 rle.com had been stolen from me and that I wanted it returned. Attached to this email I did
20 provide a copy of the police report I filed with the Foster City police department. Attached to
21 this declaration as EXHIBIT A is a true and correct copy of the email I sent on December 5,
22 2019.

23 36. On or about December 11, 2019 I did have a phone call with EPIK INC. through its owner and
24 agent ROB MONSTER.
25

26 37. I learned during the December 11, 2019 phone call with ROB MONSTER that the domain
27 rle.com was still hosted with EPIK INC.

- 1 38. I learned during the December 11, 2019 phone call that the domain was still registered to
2 "ROBERT LEE" but now the stated address of ROBERT LEE was a location was in France
3 (350 Chemin du pre Neuf, La Mure, Isere, France 3835).
- 4 39. Using google maps I can see that 350 Chemin du pre Neuf is an industrial warehouse.
- 5 40. I explained to ROB MONSTER in my phone call of December 5, 2019 that the domain rle.com
6 was taken by JOHN DOE who was impersonating me and I then demanded that the domain
7 name be returned to my custody and control.
- 8 41. ROB MONSTER admitted to me during this phone call that he and EPIK INC. had the ability
9 to return the domain rle.com to my custody.
- 10 42. During this conversation ROB MONSTER did not ask me for any kind of additional proof to
11 verify that the domain was stolen, or that I was the true Robert Lee. For example, he did not
12 ask me for a driver's license (like GoDaddy did) to verify my identity. Notably, he also did not
13 ask me to establish a chain of title back to Network Solutions.
- 14 43. In addition, at no point did ROB MONSTER indicate that he needed to contact JOHN DOE to
15 try and sort out who the true "Robert Lee" and owner was.
- 16 44. Instead, ROB MONSTER appeared to believe me that the domain was stolen.
- 17 45. However, ROB MONSTER told me that he would only return the domain to my control under
18 certain conditions.
- 19 46. During the conversation I had mentioned I was a web designer and owned other valuable
20 domain names. ROB MONSTER immediately expressed an interest in hosting them.
- 21 47. ROB MONSTER told me that rle.com would only be returned to my control if I transferred all
22 my other domains to EPIK INC.
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1 48. ROB MONSTER indicated I would not be charged any money for the return of rle.com, and he
2 did not mention any possible problems with taking the domain name from JOHN DOE when he
3 presented this proposed agreement.

4 49. I understood from ROB MONSTER that if I refused to transfer all my other web domains to
5 EPIK INC. that rle.com would not be returned to me under any circumstances.

6
7 50. During my conversation with ROB MONSTER he represented that he alone was making the
8 decision whether to return my domain name to me, he at no point referred to any sort of
9 external policy or legal requirement that dictated a procedure for returning the domain name to
10 me.

11 51. At no point did I consent for EPIK INC. or ROB MONSTER to host or have control over my
12 domain name rle.com. In fact, I protested their continual control of the domain, and I made this
13 protest known to EPIK INC. and ROB MONSTER on December 11, 2019 during our call.

14
15 52. I refused ROB MONSTER's offer, and the domain has remained with EPIK INC and ROB
16 MONSTER to this day.

17 53. I also wish to bring to the court's attention that on December 9, 2019 EPIK INC did post the
18 domain name rle.com for sale at \$75,000. Attached as EXHIBIT B is a true and correct copy of
19 the advertisement from the EPIK INC. website.

20
21 54. On June 5, 2020 my friend Kimberly Cane approached ROB MONSTER and did ask how
22 much it would cost to purchase the domain name rle.com. ROB MONSTER represented in
23 writing that "You should expect close to \$100K if not higher" for the purchase of rle.com. A
24 declaration of Kimberly Cane is being submitted concurrently with this declaration.

25
26 55. On July 6, 2022 my friend James De Rin did approach ROB MONSTER and asked how much
27 it would cost to purchase the website rle.com. ROB MONSTER represented in writing that the

1 value of the domain “is well into 6 figures...” A declaration of James De Rin is being
2 submitted concurrently with this declaration.

3 56. For both the declarations of Kimberly Cane and James De Rin I wish to provide the foundation
4 that ROB MONSTER has verbally confirmed to me his email address is: rob@epik.com.

5 57. Because of EPIK INC. and ROB MONSTER I have not had use of my domain name rle.com
6 since November of 2019 thus I have been damaged by being deprived of my property.
7

8 58. For damages for Conversion, I request the following orders:

9 a. I ask the court to order EPIK INC. and ROB MONSTER to return the domain name
10 rle.com to my possession.

11 b. If the court will not order the return of the domain, then I ask for the entire value of the
12 domain name \$136,432.

13 c. I am submitting concurrently with this declaration the declaration of Kerrie Merrifield
14 who can testify to the value of the domain name.
15

16 d. I also ask the court for \$125,000 in punitive damages.

17 59. During my conversation with ROB MONSTER on December 11, 2019, I understood that ROB
18 MONSTER and EPIK INC. were aware that JOHN DOE did knowingly and without my
19 consent, impersonate me through Internet websites, namely Network Solutions, GoDaddy and
20 EPIK INC.
21

22 60. During my conversation with ROB MONSTER on December 11, 2019, I understood that ROB
23 MONSTER and EPIK INC. were aware that JOHN DOE did harm and defraud me by gaining
24 access to rle.com, secreting away the domain name rle.com to GoDaddy and then EPIK INC.,
25 thereby depriving me of the use of rle.com and failing to return the property thereafter.
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1 61. During my conversation with ROB MONSTER on December 11, 2019 I understood that ROB
2 MONSTER and EPIK agreed with JOHN DOE and intended that the impersonation continue
3 to be committed and deprive me of my property unless and until I transferred control of all my
4 other domains to EPIK INC. and ROB MONSTER.

5 62. Thus, it is my personal belief that either ROB MONSTER and EPIK INC. were in a conspiracy
6 with JOHN DOE or else they are JOHN DOE.
7

8 63. For damages for Impersonation under California Penal Code Section 528.5(e) (which provides
9 a civil right of action) I ask for:

- 10 a. I ask the court for \$100,000 in general damages.
11 b. I ask the court for an additional \$125,000 in punitive damages.
12 c. I am not asking for economic damages under 528.5(e) unless the court does not award
13 any under conversion, in which case I request \$136,432 in economic damages under a
14 theory of Impersonation, but to be clear, I am not requesting the same economic
15 damage twice.
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18 I declare the above is true under penalty of perjury under the laws of the state of California.

19 Date:

20 8/30/2022

21 
22 ROBERT LEE

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EXHIBIT A

9.

DECLARATION



Alex Jones <ajones@jonesdevoy.com>

Fw: [Request received] RLE.com - Stolen Domain

Alex Jones <ajones@jonesdevoy.com>
To: Alex Jones <ajones@jonesdevoy.com>

Tue, Aug 30, 2022 at 11:22 AM

From: Epik <support@epik.com>
To: Robert Lee <bobleisure@yahoo.com>
Sent: Thursday, December 5, 2019 at 02:54:25 PM PST
Subject: [Request received] RLE.com - Stolen Domain

##- Please type your reply above this line -##

Your request (60341) has been received and is being reviewed by our support staff.

To add additional comments, reply to this email.

**Robert Lee**

Dec 5, 14:54 PST

Dear Epik Support.

The Domain RLE.com was stolen from me and is for sale on your website EPIK for \$75,000

Domain originally registered at Network Solutions 1995Domain account was hacked and moved to Godaddy.com.Domain was moved to Epik .com

I have a police report attached from the Foster City Police completed by Officer Mayra Valdivia. I would like my domain returned to me, Robert Lee, as soon as possible as this is example of identity theft AND the Anticybersquatting Consumer Protection Act
In the meantime please do not allow this domain to be transferred or sold.

What are next steps? Please contact me as soon as possible

Thank you

Robert Lee 176 Flying Cloud Isle Foster City, CA 94404650.274.5662

Attachment(s)

[FCPD Report RLE.com -1.pdf](#)

[FCPD Report RLE.com -2.pdf](#)

[FCPD Report RLE.com -3.pdf](#)

[FCPD Report RLE.com -4.pdf](#)

Issue: -

This email is a service from Epik. Delivered by Zendesk | Privacy Policy

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EXHIBIT B

10.

DECLARATION



Rle.com

BUY THIS DOMAIN FOR

\$75,000

BUY NOW

Or Make An Offer

Why purchase this domain with Epik