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Electronically
FILED
by Superior Court of California, County of San Mateo
ON 4/20/2021
By /s/ Una Finau
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

SAN MATEO COUNTY

UNLIMITED JURISDICTION

ROBERT M. LEE,)	CASE NO. 19-CIV-07263
)	
)	FIRST AMENDED COMPLAINT FOR:
)	
Plaintiff,)	1) IMPERSONATION
v.)	2) CONVERSION
)	3) INJUNCTIVE RELIEF
JOHN DOE AKA "ROBERT LEE,")	
GODADDY.COM LCC, EPIK INC.,)	
ROB MONSTER, and DOES 4 through 10)	
)	
Defendants.)	JURY TRIAL DEMANDED

Plaintiff ROBERT M. LEE ("Plaintiff") submits this Complaint (the "Complaint") against Defendants, JOHN DOE A.K.A. "ROBERT LEE," GODADDY.COM LCC, EPIK INC., and DOES 4 through 10 ("Defendants").

NATURE OF THE ACTION

1. This is an action resulting from Defendant, JOHN DOE AKA "ROBERT LEE" impersonating Plaintiff to acquire his internet domain name rle.com and subsequently transferring the domain without Plaintiff's consent. Rle.com was transferred to Defendants GODADDY.COM LCC,

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EPIK INC., and ROB MONSTER, each of whom failed to return the property after being presented with a lawful demand by Plaintiff. This action has ensued.

THE PARTIES

2. At all times herein mentioned, Plaintiff, ROBERT M. LEE was a natural person and resident in San Mateo County California.
3. Defendant JOHN DOE, AKA “ROBERT LEE,” ("Defendant") is sued herein under a fictitious name because his true name and capacity, whether individual, corporate, associate, or otherwise, is currently unknown to Plaintiff.
4. Defendant GODADDY.COM LCC, (“GoDaddy”) is a Limited Liability Company formed in the state of Delaware, with its principal place of business in Arizona, and it is also doing business in the state of California.
5. GoDaddy is in the business of being an internet services hosting provider.
6. Defendant EPIK INC., (“Epik”) is a for profit corporation formed and has its principal place of business in the State of Washington. Epik is also doing business in the state of California.
7. Epik is in the business of being an internet services hosting provider.
8. Defendant ROB MONSTER (“Rob Monster”) is a natural person residing in the state of Washington and is the principal owner and agent of Epik.com.
9. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 4-10, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff’s injuries as herein alleged were proximately caused by these fictitiously named defendants.

1 10. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned each of
2 the defendants was the agent and/or employee of the other.

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4 **FACTUAL BACKGROUND**
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6 11. On or about April 25, 1995, Plaintiff bought the internet domain name rle.com and it was
7 hosted at Network Solutions until approximately 2016. Plaintiff maintained and used the
8 domain name for over 20 years.

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10 12. In 2016 defendant JOHN DOE AKA "ROBERT LEE," impersonated Plaintiff and caused the
11 internet domain name rle.com belonging to Plaintiff to be transferred from Network Solutions
12 to a second internet services hosting provider, GoDaddy, setting up a new account at GoDaddy
13 in Plaintiff's name.

14 13. Plaintiff did not consent to have his domain name rle.com transferred to GoDaddy.

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16 14. In early 2019 Plaintiff did discover that his domain rle.com had been transferred to GoDaddy
17 by means of impersonation and fraud.

18 15. Plaintiff did contact GoDaddy on or about May of 2019 and did demand the return of his
19 domain name and further requested access to his domain.

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21 16. In May of 2019 GoDaddy refused to either return the domain name or to grant Plaintiff access
22 to the domain name.

23 17. Plaintiff did inform GoDaddy that he filed a police report reporting the domain name as stolen
24 and requested that GoDaddy engage in no further transfers of the domain name rle.com.

25 18. In November of 2019 GoDaddy did transfer the domain name rle.com to Epik.

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27 19. Plaintiff at no time consented or agreed to the transfer of rle.com from GoDaddy to Epik.
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1 20. On or about December 11, 2019 Plaintiff did contact Epik through its owner and agent Rob
2 Monster and did demand the return of his domain name rle.com and further requested access to
3 his domain rle.com.

4 21. On or about December 11, 2019 Epik, through its agent Rob Monster, refused to either return
5 the domain name rle.com or to grant Plaintiff access to the domain name unless and until
6 Plaintiff purchased additional products from Epik.

7 22. Plaintiff refused to purchase additional products from Epik and so Rob Monster did refuse to
8 return the domain name rle.com to Plaintiff.

9 23. Epik has advertised the domain name rle.com for sale for the price of \$75,000.
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13 **FIRST CAUSE OF ACTION**

14 **IMPERSONATION**

15 **(By Plaintiff LEE as to Defendants EPIK INC., ROB
16 MONSTER, JOHN DOE AKA "ROBERT LEE")**

17 24. Plaintiff incorporates by reference paragraphs 1 through 23 inclusive, as fully set forth herein.

18 25. On or about December of 2016 Defendant JOHN DOE AKA "ROBERT LEE," did knowingly
19 and without consent of Plaintiff credibly impersonate Plaintiff through or on the Internet Web
20 sites Network Solutions, GoDaddy and Epik.

21 26. On or about November of 2019 Defendant JOHN DOE AKA "ROBERT LEE," did knowingly
22 and without consent of Plaintiff credibly impersonate him through or on an Internet Web sites
23 GoDaddy and Epik.
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25 27. JOHN DOE AKA "ROBERT LEE's" impersonation included but is not limited to, opening an
26 email account of rlee@representative.com claiming he was Plaintiff, and then using that email
27 address with the third parties Network Solutions, GoDaddy and Epik.
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- 1 28. By means of impersonation JOHN DOE AKA "ROBERT LEE," did harm and defraud
2 Plaintiff by gaining access to rle.com, secreting away the domain name rle.com to GoDaddy
3 and then Epik, depriving Plaintiff of the use of rle.com and failing to return the property
4 thereafter.
- 5 29. California Penal Code Section 528.5(e) creates a private right of action for a person who
6 suffers damages or loss by reason of a violation of that section.
- 7 30. Defendant willfully violated Penal Code §528.5 by knowingly and without consent credibly
8 impersonating Plaintiff for the purpose of harming and defrauding Plaintiff of his internet
9 domain name rle.com.
- 10 31. On information and belief, unless restrained and enjoined by this Court, Defendant will
11 continue to engage in the unlawful action alleged herein, thereby causing irreparable harm to
12 Plaintiff that cannot fully be compensated by damages. Plaintiff therefore has no adequate
13 remedy at law.
- 14 32. Plaintiff is entitled to a preliminary and permanent injunction barring Defendant JOHN DOE
15 AKA "ROBERT LEE," from continuing their unlawful conduct.
- 16 33. Defendants Epik and Rob Monster were aware that JOHN DOE AKA "ROBERT LEE,"
17 planned to impersonate Plaintiff and that Defendants Epik and Rob Monster agreed with JOHN
18 DOE AKA "ROBERT LEE," and intended that the impersonation be committed.
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23 **SECOND CAUSE OF ACTION**

24 **CONVERSION**

25 **(By Plaintiff LEE as to all Defendants)**

- 26 34. Plaintiff incorporates by reference paragraphs 1 through 33 inclusive, as fully set forth herein.
- 27 35. Plaintiff had a right to possess the domain name rle.com.
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36. Defendant GoDaddy substantially interfered with Plaintiff's property right in the domain name rle.com by knowingly or intentionally taking possession of rle.com, and then refusing to return the property after Plaintiff demanded its return in May of 2019.

37. Defendant further interfered with Plaintiff's property right by transferring the domain rle.com to Defendant Epik after Plaintiff had informed GoDaddy that JOHN DOE AKA "ROBERT LEE," was impersonating him and that GoDaddy should not further transfer the domain name.

38. Plaintiff did not consent to have GoDaddy take or retain possession of rle.com.

39. Plaintiff did not consent to the have GoDaddy transfer his property to Epik.

40. Plaintiff was harmed because he was denied use of the domain name rle.com by GoDaddy.

41. GoDaddy's conduct was a substantial factor in causing Plaintiff's harm.

42. Defendants Epik and Rob Monster substantially interfered with Plaintiff's property right by knowingly or intentionally taking possession of the domain name rle.com in November of 2019 and then refusing to return the property after Plaintiff demanded its return.

43. Plaintiff did not consent to have Epik and Rob Monster take or retain possession of his property rle.com.

44. Plaintiff was harmed because he was denied use of the domain name rle.com by Epik and Rob Monster.

45. Epik and Rob Monster's conduct was a substantial factor in causing Plaintiff's harm.

46. At all times herein Rob Monster was the owner and operator of Epik. Rob Monster did direct Epik to take the above actions depriving Plaintiff of rle.com, which in turn did actually interfere with Plaintiff's property interests and did harm Plaintiff.

47. JOHN DOE AKA "ROBERT LEE," substantially interfered with Plaintiff's property by knowingly or intentionally taking possession of the domain name rle.com at an unknown date in 2016 and maintaining continuous unlawful possession thereafter.

1 48. Plaintiff did not consent to JOHN DOE AKA "ROBERT LEE," taking possession of his
2 property.

3 49. Plaintiff was harmed by JOHN DOE AKA "ROBERT LEE," taking possession of his property
4 as he was deprived of use of the property.

5 50. JOHN DOE AKA "ROBERT LEE,s" conduct was a substantial factor in causing Plaintiff's
6 harm.
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9 **THIRD CAUSE OF ACTION**
10 **INJUNCTIVE RELIEF**

11 **(By Plaintiff LEE as to Defendants Epik, Rob Monster, JOHN DOE AKA "ROBERT LEE,")**

12 51. Plaintiff incorporates by reference paragraphs 1 through 50 inclusive, as fully set forth herein.

13 52. Plaintiff had a right to possess and use the domain name rle.com.
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15 53. Unless enjoined, defendants Epik, Rob Monster and JOHN DOE AKA "ROBERT LEE," will
16 continue to deprive Plaintiff of his property rle.com

17 54. By being deprived of the property rle.com Plaintiff will be irreparably harmed as the property
18 rle.com is unique; there is no other domain name rle.com that exists.

19 55. Plaintiff asks that defendants Epik and Rob Monster, and JOHN DOE AKA "ROBERT LEE,"
20 be enjoined and required to return the property rle.com to his person.
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WHEREFORE, Plaintiff prays for judgment, as follows:

PRAYER

- i. For a preliminary and permanent injunction restoring Plaintiff's internet domain name;
- ii. For a permanent injunction returning the internet domain name rle.com as well as forfeiture and return of any and all related data;
- iii. For injunctive relief enjoining all Defendants and all persons or entities acting in concert or participation with therewith;
- iv. For costs of suit herein incurred;
- v. For General and Special Damages;
- vi. For compensatory damages in an amount to be proven at trial;
- vii. For punitive and exemplary damages;
- viii. For interest on damages.
- ix. For recovery of attorney's fees, costs, and expenses incurred in this action; and
- x. For such other and further relief as the court deems proper.

Date: 4/5/2021



Alexander Jones
Attorney for Plaintiff