

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

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

**MICHAEL BUDENZ, CHODADDY.COM, and DOES 1 through 50,
Inclusive**

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

ROBERT DEL VALLE

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

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 08 2009
J. Bishop

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 the 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:** Le han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información en continuación.

Tiene 30 DÍAS DE CALENDARIO después de que lo entreguen este 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 el día que procesen su caso en la corte. Es posible que haya un formulario que usted puede 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.courtinfo.ca.gov), en la biblioteca de leyes de su condado o en la corte que lo queda más cerca. Si no puede pagar la cuota de presentación, pide 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 cumple 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.courtinfo.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a retomar los cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o 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 desecher el caso.

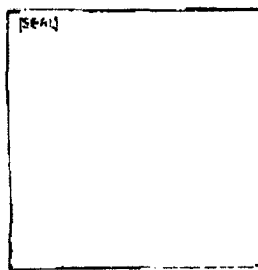
The name and address of the court is:
(El nombre y dirección de la corte es): **Riverside Superior Court
4050 Main Street, Riverside, CA 92501**

CASE NUMBER:
(Número del Caso): **RIC 541871**

The name, address, and telephone number of plaintiff 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):
William T. Pascoe, (SBN#133013) 29970 Technology Drive, Ste. 218, Murrieta, CA 92563 (951) 461-7800

DATE: **DEC 08 2009** Clerk, by **J. Bishop** Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación uso 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).

Dec 08 2005 1:57PM

William T. Pascoe

0814017004

P. 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAW OFFICE OF
William T. Pascoe
20070 TECHNOLOGY DRIVE, SUITE 218
MURRIETA, CA 92563
(951) 461-7800 Telephone
(951) 461-7804 Facsimile

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
DEC 08 2005

William T. Pascoe, State Bar No. 133013
Attorney for: Defendant ROBERT DEL VALLE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

JOSE ROBERT DEL VALLE,
Plaintiffs,

vs.

MICHAEL BUDENZ, GODADDY.COM,
and DOES 1 through 50, inclusive.

Defendants.

CASE NO. **RIC 541871**
**COMPLAINT FOR DEFAMATION AND
LIBEL; VIOLATION OF CALIFORNIA
BUSINESS AND PROFESSIONS CODE
17525, 17526; VIOLATION OF
CALIFORNIA PROFESSIONS CODE
SECTION 17200**

COMES NOW, the plaintiff, JOSE ROBERT DEL VALLE, who alleges the following facts and circumstances supporting his Complaint for Damages and Injunctive Relief.

1. JOSE ROBERT DEL VALLE is an adult individual residing within the State of California and within this judicial district.
2. Plaintiff, JOSE ROBERT DEL VALLE, is informed and believes and thereon alleges, that the defendant MICHAEL BUDENZ, is an adult individual residing within the State of Indiana but has significant and substantial contacts within the State of California; to wit, MICHAEL BUDENZ has visited the State of California before private investigation services without a license and has contacted various individuals involved in the State of California for

1 purpose of conducting a private investigation for California residences.

2 3. The facts and circumstances of this matter have arisen within the State of California
3 and within this judicial district.

4 4. Plaintiff is informed and believes, and thereon alleges that DOES 1-25 are the agents,
5 employees, representatives, clients, employers and co-conspirators, or partners of the defendant
6 MICHAEL BUDENZ. Plaintiff is unaware of the true names or capacities of such DOI:
7 defendants, but when such true names and/or capacities of such defendants become known to
8 Plaintiff, Plaintiff will amend this Complaint to allege their true names and capacities,
9

10 5. Plaintiff is informed and believes, and thereon alleges, that he has suffered special
11 damages in the nature of loss profits and income, job opportunities, and offers as a result of the
12 actions of MICHAEL BUDENZ. As a result thereof, plaintiff seeks immediate injunctive relief,
13 and a temporary restraining order enjoining MICHAEL BUDENZ from using his name in a URL,
14 a domain name, or any other internet based duplication intended to extort or retrieve money from
15 plaintiff JOSE ROBERT DEL VALLE.
16

17 6. Plaintiff is informed and believes and thereon alleges, that the damages will exceed
18 the minimum jurisdictional limits of this Court. Accordingly, plaintiff sues MICHAEL
19 BUDENZ in Superior Court with unlimited jurisdiction.
20

21 **GENERAL FACTS IN SUPPORT OF THE COMPLAINT**

22 7. Plaintiff realleges and incorporates by reference paragraphs 1 through 6 as if such
23 paragraphs were fully set forth herein.
24

25 8. Plaintiff, ROBERT DEL VALLE, is and at all relevant times was, a licensed real
26 estate agent and licensed real estate broker within the State of California.

27 9. Approximately 2 ½ years prior to the filing of this Complaint, plaintiff was contacted
28 by Ralph Solis to assist in the lease and secondary sale of second trust deeds. Solis represented

1 to DEL VALLE that Solis had authority from various holders of second trust deeds to sell such
2 deeds at a discount from the face value. Any prospective buyer of such second trust deeds would
3 then receive the second trust deeds at a discount, with a correspondingly higher rate of return and
4 a higher redemption value if the second trust deeds were eventually sold for their face value.
5 However, unbeknownst to Plaintiff, Solis misrepresented to Plaintiff the authenticity of such
6 deeds. In so doing, Plaintiff is informed and believes, and thereon alleges, that Solis defrauded
7 numerous investors, including Plaintiff himself and Plaintiff's immediate family, who all
8 suffered financial losses exceeding hundreds of thousands of dollars.

10
11 10. SOLIS represented to DEL VALLE that the sale of the second trust deeds would be a
12 proper, legal and a profitable enterprise. As a result, the plaintiff assisted in the sale of second
13 trust deeds and plaintiff personally purchased such second trust deeds.

14 11. Unbeknownst to plaintiff, plaintiff's employees and associates, RALPH SOLIS
15 submitted fraudulent and forged second trust deeds for sales to third parties. Plaintiff at all
16 times was unaware that the second trust deeds were forged and, in fact, plaintiff himself invested
17 substantial retirement funds and substantial funds from his mother into the second trust deeds.
18

19 12. Subsequently, SOLIS has admitted to defendant BUDENZ that SOLIS had provided
20 the forged deeds for clients contacted by DEL VALLE. Nevertheless, defendant BUDENZ has
21 falsely accused Plaintiff of criminal conduct, to wit, involvement in a Ponzi scheme.
22

23 13. At no time prior to selling any of the trust deeds did Plaintiff become aware that
24 Ralph Solis was fabricating, forging or supplying forged second trust deeds to clients of Del
25 Valle and Del Valle's clients.

26 14. On or about June, 2009, Plaintiff is informed and believes, and thereon alleges that
27 Defendant BUDENZ, and other Doe Defendants undertook an investigation purportedly to
28 recover monies lost when invested in the forged second trust deeds.

1 15. At some time unbeknownst to Plaintiff, but within the last year, Defendant BUDENZ
2 acted as a private investigator for such clients and, in the process of acting as a private
3 investigator, BUDENZ conducted several interviews and solicited clients within the state of
4 California. Plaintiff Del VALLE is informed and believes, and thereon alleges, that such actions
5 were for the express purpose of making investigative fees from such clients.
6

7 16. Plaintiff is informed and believes, and thereon alleges that the defendant MICHAEL
8 BUDENZ, thereafter, immediately demanded payment for all losses and monies fraudulently
9 taken by RALPH SOLIS and the SOLIS parties, unless payment was made, but then threatened
10 he would report plaintiff to authorities for a crime which plaintiff did not in fact commit.
11

12 17. Immediately thereafter, defendant BUDENZ then began, created, and caused a web
13 site to be created on godaddy.com. The website, amongst other things, seeks to defame and
14 formally accuse plaintiff of committing a crime, to wit, forgery, and fraud. In so doing,
15 defendant BUDENZ wrongfully misappropriated and used JOSE ROBERT DE VALLE's name,
16 ROBERT DEL VALLE, which Plaintiff has used in his personal and professional life as his
17 personal and professional identifier.
18

19 18. Plaintiff is informed and believes, and thereon alleges, that Defendant BUDENZ has
20 used multiple variations of Del VALLE'S name as a URL to cyber-squat and to create a spite site
21 using variations of JOSE ROBERT DEL VALLE'S name and reputation. This is in violation of
22 *California Business and Professions Code §§ 17525 and 17526.*
23

24 19. Plaintiff is informed and believes, and thereon alleges, that the defendant MICHAEL
25 BUDENZ, and DOES 1 - 5, have taken and appropriated Mr. DEL VALLE'S name and various
26 derivatives of his name for purposes of cyber squatting, cyber piracy, and for purposes of
27 registering a cyber site.
28

1 20. Furthermore, plaintiff is informed and believes, and thereon alleges, that the
2 defendant MICHAEL BUDENZ has no legitimate purpose, has no purposes except to extort
3 money from the plaintiff ROBERT DEL VALLE.

4
5 21. Furthermore, plaintiff is informed and believes, and thereon alleges, that the
6 defendant MICHAEL BUDENZ is using JOSE ROBERT DEL VALLE's name in a URL for
7 purposes of soliciting clients without the permission, implied or express, of JOSE ROBERT DEL
8 VALLE.

9
10 22. Furthermore, plaintiff is informed and believes, and thereon alleges, that defendant
11 MICHAEL BUDENZ has no legitimate purpose for using Mr. DEL VALLE's name on a web
12 site in the State of California because Mr. BUDENZ is not a private investigator in the State of
13 California.

14 FIRST CAUSE OF ACTION

15 **(FOR VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONALS CODE §17526)**

16
17 23. Plaintiff realleges and incorporates by reference paragraph 1 - 22, as such paragraphs
18 were solely set forth herein.

19
20 24. Plaintiff is informed and believes and thereon alleges, that the defendant MICHAEL
21 BUDENZ had violated and will continue to violate *California Business & Professions Code §§*
22 *17525 and 17526* to the extent that the defendant MICHAEL BUDENZ has misappropriated and
23 unlawfully used the name of JOSE ROBERT DEL VALLE, and confusingly similar names, such
24 as ROBERT DEL VALLE, for the improper purpose for profit and financial gain by attracting,
25 soliciting and contracting with other potential clients within the state of California.

26
27 25. Plaintiff is informed and believes, and thereon alleges, that Defendant BUDENZ has
28 not obtained the permission of Plaintiff, has misused and mis-appropriated the names of other
individual, living persons, including Ralph Solis and Michael Lugo.

1 26. Accordingly, plaintiff seeks an immediate injunction enjoining the defendant
2 MICHAEL BUDENZ and Godaddy.com and others from using the URL in an improper purpose.

3 27. Furthermore, plaintiff ROBERT DEL VALLE seeks a disgorgement of any profits,
4 fees, or commissions, earned by the defendant MICHAEL BUDENZ during his use of or
5 derivative from the use of ROBERT DEL VALLE's name on an improper website.

6 28. In addition, plaintiff seeks attorney's fees pursuant to *California and Business*
7 *Professions Code §1700 and California Code of Civil Procedure 1021.5.*

8
9 **SECOND CAUSE OF ACTION**

10 **(FOR LIBEL AS AGAINST MICHAEL BUDENZ AND DOES 6-10)**

11 29. Plaintiff alleges and incorporates by reference Paragraphs 1-28, as if such paragraphs
12 were fully set forth herein.

13 30. Plaintiff is informed and believes, and thereon alleges, that the defendant MICHAEL
14 BUDENZ has created a website with ROBERT DEL VALLE's name. The website refers to
15 ROBERT DEL VALLE being involved in "a fraud" and "ponzi scheme". Such language is
16 defamatory and libelous per se because it intends to accuse Mr. DEL VALLE of criminal
17 conduct, to wit, fraud, and embezzlement.

18 31. Furthermore, plaintiff is informed and believes, and thereon alleges, that the
19 defendant MICHAEL BUDENZ has admitted that ROBERT DEL VALLE may not be a
20 criminal. Accordingly, defendant MICHAEL BUDENZ is aware that his allegations are false.
21 However, plaintiff is informed and believes that defendant MICHAEL BUDENZ has made such
22 allegations for purposes of being malicious to Plaintiff, for unlawfully coercing Plaintiff to pay
23 monies to BUDENZ and BUDENZ' clients, and for commercial profit and to solicit new clients
24 within the State of California.

1 32. Furthermore, plaintiff is informed and believes, and thereon alleges that the
2 defendant MICHAEL BUDENZ has acted maliciously and oppressively, all within the meaning
3 of *California Civil Code §3294* and, accordingly, plaintiff seeks damages sufficient in nature to
4 punish and deter defendant MICHAEL BUDENZ from similar such conduct in the future.
5

6 33. Furthermore, plaintiff is informed and believes, and thereon alleges, that plaintiff has
7 lost several job opportunities and offers due primarily to the fact that defendant MICHAEL
8 BUDENZ, and others, have unlawfully used his name and libeled him on the internet. Plaintiff
9 will amend this Complaint to allege such damages prior to the time of trial.
10

11 THIRD CAUSE OF ACTION

12 **(FOR VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS 13 CODE §17200 AND CALIFORNIA CODE OF CIVIL PROCEDURE 1021.5)**

14 34. Plaintiff realleges and incorporates by reference Paragraph I - 33, as if such
15 paragraphs were fully set forth herein. Plaintiff is informed and believes, and thereon alleges,
16 that at various times in June and November, 2009, the defendant MICHAEL BUDENZ has acted
17 as a private investigator, interviewed witnesses, and others in the State of California, all within
18 the meaning of *California Business and Professions Code §17200*.

19 35. Plaintiff is informed and believes, and thereon alleges, that the defendant MICHAEL
20 BUDENZ is not a licensed private investigator within the State of California. Therefore, such
21 activities are prohibited by regulation and law and the violation of those regulations constitutes a
22 breach of *California Business and Professions Code §17200*.

23 36. In addition, plaintiff is informed and believes, and thereon alleges, that the defendant
24 MICHAEL BUDENZ has unlawfully taken fees, commissions, and monies from third parties in
25 the State of California, all without being licensed to do so. Accordingly, plaintiff seeks
26 restitution of such fees to those witnesses and persons.
27
28

1 37. In addition, plaintiff seeks attorney's fees pursuant to *California Code of Civil*
2 *Procedure §1021.5.*

3 WHEREFORE, plaintiff prays for the following:

4 1. Temporary and permanent injunction enjoining the defendant MICHAEL BUDENZ,
5 Godaddy.com and any other DOI defendants from using the name or similar names of JOSE
6 ROBERT DEL VALLE, including ROBERT DEL VALLE, J. ROBERT DEL VALLE, to create
7 a website, cyber squat or to create a spite site impugning and destroying the reputation of
8 ROBERT DEL VALLE;
9

10 2. Special damages for lost wages, lost job opportunities according to proof on the
11 Second Cause of Action;
12

13 3. Punitive damages on the Second Cause of Action according to proof;

14 4. Punitive damages on the Third Cause of Action;

15 5. Injunction and an Order of Restitution on the Third Cause of Action;

16 6. Any or relief that the Court finds just and appropriate.
17

18
19 Dated: December 8, 2009

LAW OFFICE OF WILLIAM T. PASCOE

20 By: 

21 WILLIAM T. PASCOE

22 Attorney for Plaintiff

23 JOSE ROBERT DEL VALLE
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF ASSIGNMENT TO DEPARTMENT FOR CASE MANAGEMENT PURPOSES
AND CASE MANAGEMENT CONFERENCE (CRC 3.722)

DEL VALLE VS. BUDENZ

CASE NO. RIC 541871

This case is assigned to the Honorable Judge Mac R. Fisher in Department 06 as the case management department. The Case Management Conference is scheduled for 06/04/10 at 8:30 in Department 06.

The plaintiff/cross-complainant shall serve a copy of this notice on all defendants/cross-defendants who are named or added to the complaint and file proof of service,

Any disqualification pursuant to CCP Section 170.6(2) shall be filed in accordance with that section.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Dated: 12/10/09

Court Executive Officer/Clerk

By: JOANNE S BISHOP, Deputy Clerk

ac : cmc ; cmcb ; cmch ; cmct ; cmcc
cmccb ; cmcch ; cmcct