

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 11-14052-CV – Martinez/Lynch

JOHN ZUCCARINI,

Plaintiff,

vs.

NETWORK SOLUTIONS, LLC, *et al.*,

Defendants.

_____ /

**DEFENDANTS NETWORK SOLUTIONS, LLC AND NAMEJET, LLC’S
MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

COME NOW Defendants Network Solutions, LLC (“Network Solutions”) and NameJet, LLC (“NameJet”), and hereby move this Court for entry of an Order of sanctions against Plaintiff, John Zuccarini (“Zuccarini”), pursuant to Fed. R. Civ. P. 11(b) and in support thereof, state as follows:

I. INTRODUCTION

Litigation is not a game. The federal courts are not a vehicle for litigants, whether *pro se* or represented, to harass others by filing frivolous claims which wholly lack any conceivable merit under the existing facts or law. Zuccarini has litigated, or attempted to litigate, various versions of the same claims presented here, arising out of the same facts and against the same parties, in no fewer than three separate jurisdictions—California, Florida and Virginia. Thus far, he has been unsuccessful on all

counts and has been warned by at least one federal court that if he continued to file frivolous motions or appeals he could be subject to sanctions under Rule 11. Because of Zuccarini's numerous, meritless filings, Network Solutions and NameJet have been forced to defend themselves against multiple suits—spending thousands of dollars in attorneys' fees and expenses and wasting valuable resources in the process. Rule 11 sanctions in this matter are appropriate to deter future abusive litigation that may be contemplated by Zuccarini, and to compensate Network Solutions and NameJet for the amounts they have incurred in responding to the instant matter.

II. PERTINENT FACTS

This case began its tortured history in the United States District for the Northern District of California (the "California District Court"). *See Zuccarini v. NameJet, Inc.*, 2:10-cv-14178-KMM. The background was discussed by the Ninth Circuit in *Office Depot, Inc. v. Zuccarini*, 596 F.3d 696 (9th Cir. 2010):

In December 2000, Office Depot obtained a judgment against Zuccarini under the Anticybersquatting Consumer Protection Act of 1999 ("ACPA"), 15 U.S.C. § 1125(d), arising out of Zuccarini's registration of the domain name "offic-depot.com." Office Depot was unable to collect on the judgment and eventually assigned the judgment to DSH.

Id. at 698.

DSH sought to levy upon some of the other domain names owned¹ by Zuccarini. DSH registered the judgment in the district court for the Northern

¹ NameJet takes issue with the California District Court's use of the term "owned" in connection with a domain name registration, as it connotes that the domain name is property – which it is not. *See, e.g., Network Solutions, Inc. v. Umbro Int'l, Inc.*, 259 Va. 759, 529 S.E.2d 80 (2000).

District of California. DSH then obtained a preservation order from the district court and engaged in discovery.

Id.

DSH filed a request in the district court for a turnover order to compel the registrars of certain “.com” domain names owned by Zuccarini to transfer ownership to DSH. The district court denied the request, holding that, under California Civil Procedure Code § 699.040, it could not order third parties to turn over property. DSH then moved for the appointment of a receiver who would obtain and sell the “.com” domain names in question and would use the proceeds to satisfy the judgment. The district court granted the motion to appoint a receiver.

Id. at 699; *see also Office Depot, Inc. v. Zuccarini*, 621 F. Supp. 2d 773 (N.D. Cal. 2007) (order appointing receiver). On November 14, 2007, the California District Court entered an Order requiring Network Solutions and other domain name registrars to “transfer control of the Zuccarini domain names to” a receiver, Michael Blacksburg. A copy of this Order is attached hereto as *Exhibit 1*.² Network Solutions obeyed the Order, and transferred control of the domain names registered with it to Blacksburg. Blacksburg subsequently declined to renew the registration of 14 of the transferred domain names. As a result, and consistent with Blacksburg’s agreement with Network Solutions, the 14 non-renewed domain names were auctioned to third parties using NameJet’s auction platform.

Zuccarini vociferously, though unsuccessfully, fought the transfer of the domain names to the receiver in the California District Court and the United States Court of Appeals for the Ninth Circuit. He then sought – unsuccessfully – injunctive relief against Network Solutions and NameJet in the

² For clarity, Network Solutions has attached to the Order the “Exhibit N” referenced in the Order, although not attached to the Order itself when entered by the Court.

California District Court, despite the fact that neither was a party to the case pending in that Court. Having lost in the California courts, Zuccarini cast his lot in this Court. On July 7, 2010, Zuccarini filed an action in this Court against Network Solutions and NameJet, among others, for breach of contract, conversion, and declaratory and injunctive relief (the "First Florida Action"). Incredibly, Zuccarini filed the First Florida Action because Network Solutions and other domain name registrars *obeyed* the Order of the California District Court requiring the transfer of the domain names to the receiver. A copy the Complaint and Amendment thereto filed in the First Florida Action are attached hereto as *Exhibit 2*.

This Court transferred venue in the First Florida Action to the United States District Court for the Eastern District of Virginia (the "Virginia District Court"), where the case was styled *Zuccarini v. Network Solutions, Inc., et al*, Civil Action No. 1:10cv1327. There, the Honorable Leonie M. Brinkema dismissed with prejudice all of Zuccarini's claims, entered judgment for the defendants, and warned Zuccarini that any frivolous appeal could result in sanctions under Fed. R. Civ. P. 11. A true and correct copy of a January 14, 2011 Order is attached hereto as *Exhibit 3*. Moreover, during the hearing, Judge Brinkema stated:

All right. And all these defendants did, Mr. Zuccarini, is comply with a federal court order, which they have to or they'd be in contempt of court; and you went ahead then and filed a suit against them alleging various creative theories, including breach of contract where there were no contracts in my view that would be at all enforceable; conversion, which can't occur unless there's an unlawful act, and when you're acting in accordance of a court order, there's nothing unlawful about that; and you request a civil conspiracy in which there's absolutely no evidence nor could there be of a civil conspiracy; and requesting declaratory and injunctive relief; complete waste of time, costing these attorneys and their clients money to have to defend, and you can see where I'm going with this.

I'm granting the motions to dismiss with prejudice as to all claims in this lawsuit, and I'm putting you on what is equivalent to a judicial Rule 11 notice. You've got a right to appeal this decision. I think you're fairly sophisticated in the ways of the law. If you're going to file a notice of appeal, that has to be within 30 days of today's date. I'm putting on the record that in my view, an appeal in this case would be sanctionable, and I would strongly recommend to the Court of Appeals that if they agree with this Court's view of this case and they were to deny the appeal or dismiss it, that the Court seriously consider imposing sanctions, those sanctions to consist of the expenses to which the defense counsel would be put in having to defend any kind of an appeal.

A copy of the transcript of the January 19, 2011 proceedings is attached hereto as *Exhibit 4*.

Unswayed by the Virginia District Court's admonition, Zuccarini filed in that Court a Motion for Relief pursuant to Rule 60(b) based upon the very same theories of negligence against Network Solutions and NameJet that he alleges in the instant matter. Finding the new filings "as equally groundless and devoid of merit as his original Complaint," Judge Brinkema denied Plaintiff's motion without briefing or oral argument. A copy of a January 19, 2011 Order is attached hereto as *Exhibit 5*. Judge Brinkema further held that "even if Zuccarini's arguments that defendants were somehow negligent had any merit, those arguments should have been raised during the litigation in the Northern District of California, or on direct appeal to the United States Court of Appeals for the Ninth Circuit, not through a collateral attack in an entirely new lawsuit." *See Exhibit 5*.

Zuccarini refused to heed Judge Brinkema's Order and, hoping for a different result in this Court, has filed yet another suit against Network Solutions and NameJet based upon identical facts and circumstances as those raised in the First Florida Action —namely, the transfer to the receiver and

subsequent auction of 14 domain names — as well as upon the same theories of negligence that were held to be barred by Judge Brinkema’s Order.

III. APPLICABLE LAW AND ARGUMENT

Rule 11 allows a court to impose sanctions on a party who has presented a pleading, motion or other paper to the court without evidentiary support or for “any improper purpose.” *See* Fed. R. Civ. P. Rule 11 (b). An improper purpose may be inferred from the filing of frivolous papers. *See In re Kunstler*, 914 F.2d 505, 518 (4th Cir. 1990). The standard is an objective one; whether a reasonable party would have acted in a particular way. *See Chambers v. NASCO Inc.*, 501 U.S. 32, 47 (1991). “The reasonableness of the conduct involved is to be viewed at the time counsel or the party signed the document alleged to be the basis of the Rule 11 sanction.” *Sussman v. Salem, Saxon and Nielsen, P.A.*, 150 F.R.D. 209, 213 (M.D. Fla. 1993). The purpose of Rule 11 sanctions is to “reduce frivolous claims, defenses, or motions, and to deter costly meritless maneuvers.” *Massengale v. Ray*, 267 F.3d 1298, 1302 (11th Cir. 2001); *see also, Sussman*, 150 F.R.D at 213 (“this Court recognizes Rule 11’s objectives, which include: (1) deterring future litigation abuse, (2) punishing present litigation abuse, (3) compensating victims of litigation abuse, and (4) streamlining court dockets and facilitating case management”).

In the Eleventh Circuit, “three (3) types of conduct warrant Rule 11 sanctions: (1) when a party files a pleading that has no reasonable factual basis; (2) when a party files a pleading that is based on legal theory that has no reasonable chance of success and that cannot be advanced as reasonable

argument to change existing law; and (3) when a party files a pleading in bad faith or for improper purpose.” *Didie v. Howes*, 988 F.2d 1097 (11th Cir. 1993) (citations omitted). Rule 11 sanctions are **mandatory** when a signed paper is submitted to the court under the aforementioned conditions. *See Schramek v. Jones*, 161 F.R.D. 119, 122 (M.D. Fla. 1995) (emphasis added).

Like an attorney, “[a] pro se litigant is subject to Rule 11, which imposes sanctions for the filing of baseless or frivolous lawsuits.” *Id.* By way of example, in *Merrigan v. Affiliated Bankshares of Colorado, Inc.*, 775 F. Supp. 1408 (D. Colo. 1991), a case cited with deference in *Schramek*, the District Court found that Rule 11 sanctions against *pro se* litigants were warranted where the filings made by the plaintiffs had no basis under fact or law, were not well-grounded for a good faith argument for an extension of the law, and had the improper purpose of attempting to delay or relitigate other actions. In *Merrigan*, the plaintiffs filed an initial lawsuit in which judgment was entered against them and which they failed to appeal. *Id.* at 1413. Plaintiffs subsequently were sued for legal fees incurred in the first case and they failed to appear at trial and a judgment was entered against them. *Id.* In three separate civil suits, plaintiffs sought to set aside the judgment and recover damages. *Id.* They were unsuccessful on all fronts. *Id.* In dismissing the cases, the court noted that further attempts to litigate the same matter are “frivolous and groundless.” *Id.*

Failing to heed the court’s warning, the plaintiffs in *Merrigan* filed suit in federal court on the same issues. *Id.* The District Court found the case to be frivolous and without a basis in law or fact, with plaintiffs attempting to litigate issues previously dismissed in the state court. Accordingly, the court found the imposition of sanctions to be appropriate under Rule 11.

Although Rule 11 specifically contemplates sanctions in the form of an award of attorneys fees, the award of fees “is but one of several methods of achieving the various goals of Rule 11.” *See Doering v. Union County Bd. of Chosen Freeholders*, 857 F.2d 191, 194 (3d Cir. 1988). In fact, Rule 11 states that “[t]he sanction may include nonmonetary directives.” *See* Rule 11(c)(4). Numerous courts have held that injunctive sanctions are appropriate to regulate the activities of abusive litigants. *See Christensen v. Ward*, 916 F.2d 1485 (10th Cir. 1990); *see also Tripoti v. Beamon*, 878 F.2d 351, 353 (10th Cir. 1989); *Merrigan, supra*; *In re Green*, 669 F.2d 779, 781-85 (D.C. Cir.1981); *Franklin v. Murphy*, 745 F.2d 1221, 1229-36 (9th Cir. 1984); *Ruderer v. United States*, 462 F.2d at 899 n.2 (listing cases); *In re Martin-Trigona*, 737 F.2d 1254, 1264-74 (2d Cir. 1984).

Rule 11 does not enumerate factors a court should consider in deciding the appropriate sanction for a Rule 11 violation. *See* Fed. R. Civ. P. 11 Advisory Committee Notes (1993). Rather, a trial court has broad discretion to choose the nature and the amount of the sanction to achieve the deterrent purposes of Rule 11. *See DiPaolo v. Moran*, 407 F.3d 140, 146 (3rd Cir. 2005).

In the instant matter, monetary sanctions, together with injunctive sanctions enjoining Zuccarini from filing future litigation against Network Solutions and NameJet are appropriate. Despite being *pro se*, Zuccarini is a seasoned litigation veteran who has continued to attempt to litigate the same claims, albeit sometimes under what he contends are different theories, against the same defendants – over and over and over again. These claims already have been adjudicated by the California District Court, the Ninth Circuit, and the Virginia District Court to have no basis under fact or law and to be utterly

frivolous.

Zuccarini's actions in the filing of numerous frivolous pleadings in numerous jurisdictions are exactly the nature of conduct that Rule 11 was designed to remedy. Moreover, Zuccarini was warned clearly and unequivocally by the Virginia District Court that his repeated attempts to present these claims to that Court or any frivolous appeal could subject him to sanctions under Rule 11. Zuccarini undoubtedly can afford the imposition of sanctions that would include the attorneys' fees incurred by Network Solutions and NameJet in this matter. However, given his past and persistent conduct, it is unlikely that such a sanction alone would deter Zuccarini from filing future claims against Network Solutions and NameJet arising from the transfer and sale of the 14 domain names at issue in this matter, or whatever other claims may occur to Zuccarini, regardless of the factual or legal basis therefore.

While "[l]itigiousness alone will not support an injunction restricting filing activities...injunctions are proper where the litigant's abusive and lengthy history is properly set forth." *Tripati*, 878 F.2d at 353. As the United States District Court for the District of Columbia has stated:

Plaintiff's continual attempts to relitigate his unsuccessful claims are highly disruptive. Plaintiff may believe that a new judge will overlook the readily apparent similarity of each new complaint to its predecessors. Alternatively, he may think that a judge will ignore the unanimous dismissals that have greeted plaintiff's actions and reject the sound notions on which those dismissals were based. Either theory would be incorrect. Instead, plaintiff's litigiousness forces the conclusion that he resorts to legal process regardless of the legitimacy of his claims....

Sparrow v. Reynolds, 646 F. Supp. 834, 839 (D.D.C. 1986).

Zuccarini no longer should be allowed to cause Network Solutions and NameJet to incur

thousands of dollars in fees and costs necessary to respond to his frivolous claims. Moreover, in light of the strong likelihood that he will continue to file future frivolous actions, generating more years of litigation and expense, to the detriment of all parties and the courts, injunctive sanctions are particularly appropriate.

IV. CONCLUSION

For the foregoing reasons, Network Solutions and NameJet respectfully request that this Court enter an Order of sanctions against Zuccarini and (a) award to Network Solutions and NameJet their reasonable attorneys' fees, costs and expenses incurred in responding to the instant action; (b) enjoin Zuccarini from filing any civil action against either Network Solutions, LLC or NameJet, LLC based upon any of the legal or factual claims alleged by Zuccarini in *Zuccarini v. NameJet, Inc.*, 2:10-cv-14178-KMM, *Zuccarini v. Network Solutions, Inc., et al*, Civil Action No. 1:10cv1327, and/or the instant action; (c) enjoin Zuccarini from filing any civil action or otherwise seeking relief³ against either Network Solutions or NameJet in any court without an order from an appropriate federal judicial officer certifying that the claims are not frivolous; and (d) for such other and further relief that this court deems just and proper.

³ The breadth suggested here is warranted, as Zuccarini sought, in the California District Court, a temporary restraining order against Network Solutions and NameJet in an action in which they were not even parties.

/s/ Jamie M. Roos

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Driscoll & Greenfeig, P.C.
25 West Middle Lane
Rockville, Maryland 20850
Tel.: (301) 838-3326
Fax: (301) 354-8326
jhertz@steinsperling.com
Attorneys for NameJet, LLC and Network Solutions, LLC

RULE 11(c)(2) CERTIFICATE

Pursuant to Rule 11(c)(2), I hereby certify that on the 20th day of April, 2011, I served by email and first class mail, postage prepaid, upon Plaintiff, John Zuccarini, a copy of the foregoing Defendants Network Solutions, LLC and NameJet, LLC's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11, together with a letter stating as follows:

Pursuant to Fed. R. Civ. P. 11(c) (2), attached is a service copy of the Fed. R. Civ. P. 11 Motion for Sanctions of Network Solutions, LLC and NameJet, LLC ("Motion for Sanctions") which we are providing to you. We demand that you dismiss with prejudice your claims against Network Solutions, LLC and NameJet, LLC within 21 days of the date of this letter. If you refuse to dismiss your claims against Network Solutions, LLC and NameJet, LLC, than we will be forced to file the attached Motion for Sanctions with the Court.

/s/ Jamie M. Roos

Jamie M. Roos
Timothy B. Hyland

EXHIBIT 1

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OFFICE DEPOT, INC.,

Plaintiff,

v.

JOHN ZUCCARINI, et al.,

Defendants.

No. C 06-80356 SI

**ORDER GRANTING RECEIVER'S
REQUEST TO LIFT PRESERVATION
ORDER**

DS HOLDINGS, LLC,

Assignee,

v.

JOHN ZUCCARINI, et al.,

Defendants.

1. WHEREAS on December 14, 2000, the District Court for the Central District of California entered a judgment against John Zuccarini ("Zuccarini") in the amount of \$100,000 with an additional \$5,600 in attorneys' fees ("Judgment").

2. WHEREAS on December 18, 2006, DS Holdings, LLC ("DS Holdings") registered the Judgment with this Court and filed a Writ of Execution relating to the Judgment, reflecting an amount, inclusive of the judgment sum and allowable fees, costs and interest, of \$169,153.59.

3. WHEREAS on February 20, 2007, the Honorable Susan Illston issued an order requiring the preservation of documents relating to Zuccarini's domain name portfolio as listed in Exhibit N to the Declaration of Karl S. Kronenberger in Support of DS Holdings' Motion for Appointment of Receiver

United States District Court
For the Northern District of California

1 ("Domain Names"), which caused third party domain name registrars to lock Zuccarini's Domain
2 Names, preventing Zuccarini from transferring the Domain Names or altering the WHOIS information
3 for them (the "Preservation Order")

4 4. Whereas a list of the Domain Names was attached to DS Holdings' Application for
5 Appointment of Receiver as Exhibit N.

6 5. WHEREAS on September 10, 2007, this Court ordered that Michael W. Blacksburg be
7 appointed as a post-judgment receiver for the above-captioned matter to aid in the turnover of Zuccarini
8 Domain Names for the purpose of auctioning such Domain Names to satisfy the Judgment in accordance
9 with the Writ of Execution.

10 6. WHEREAS DS Holdings has consented to the below-proposed instructions, but Zuccarini has
11 not consented to the below-proposed instructions.

12 Based on the foregoing, so that Blacksburg may fulfill his duties as a post-judgment receiver,
13 the Court orders as follows:

14 1. In order to transfer control of the Domain Names from Zuccarini to the post-judgment
15 receiver, the Preservation Order is hereby lifted for the sole purpose of transferring control of the
16 Domain Names to Michael W. Blacksburg, as the post-judgment receiver for this matter.

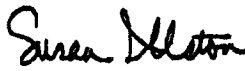
17 2. Blacksburg shall take reasonable steps to transfer control of the Domain Names to himself,
18 as the post-judgment receiver for this matter.

19 3. The third party domain name registrars shall transfer control of the Zuccarini domain names
20 to Blacksburg, as the post-judgment receiver. In the event that Zuccarini's assistance is required to
21 transfer the domain names to the receiver, the Court will at that time order Zuccarini to transfer control
22 of the domain names to Blacksburg.

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IT IS SO ORDERED.

Dated: November 14, 2007

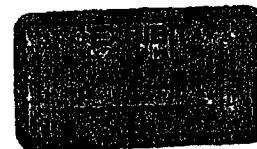

SUSAN ILLSTON
United States District Judge

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Domain Transfer List (248 domains)

Network Solutions, LLC (90 domain names)

animempi.com
animie.com
astology.com
astrology.com
astrology.com
astrology.com
badercreditloans.com
beachpictures.com
birthdaypartys.com
britlan.com
californiagovernment.com
celebrity.com
chatrooms.com
cheatcodecentral.com
cosmopolitan.com
cupcakeparty.com
dictionaries.com
dirttrackracing.com
dragonpictures.com
education.com
emailaddresses.com
emploment.com
emplyment.com
famousquotes.com
floridagovernment.com
freedownloads.com
freegreetingcard.com
freemovies.org
freemp3downloads.com
freemusicdownload.com
freepeoplesearch.com
freevideoclips.com
gamecheatcodes.com
gamesharkcodes.com
gamesrevolution.com
gamevideo.com
gemology.com
governmentauction.com
governmentauctions.com
governmentgrant.com
governmentgrants.com
greatbritain.com



horoscope.com
horosope.com
horosopes.com
instantmessenger.com
Instaant-messenger.com
johnzuccarini.com
lowridercars.com
menshairstyles.com
motorcyclegangs.com
mp3download.com
mp3downloads.com
mp3-downloads.com
mp3musicdownloads.com
music.com
music.com
music-downloads.com
musiclyrics.net
musicvedio.com
musicvedios.com
pccheatcodes.com
pcgamecheats.com
peoplelocator.com
perscriptiondrugs.com
personfinder.com
pictures.com
picturesfree.com
picturesofcars.com
quotes.com
racingresults.com
recepies.com
receips.com
recepis.com
shorthairstyles.com
sprintcarracing.com
tarrot.com
tarrotcards.com
usedcarpricing.com
usgovernment.com
vedio.com
vediogames.com
vedios.com
vidico.com
vitmans.com
wavesounds.com
wresteling.com
wrestleing.com

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wrestlingrumors.com
yesyesyes.com

Key-Systems, GmbH (93 domain names)

anuitys.com
astology.co.in
astology.in
astrologia.com
astrologyreading.org
badcreditloans.com
badcreditlowns.com
badcredloans.com
carmoive.com
carsmoive.com
corulislundtraders.com
diccionario.es
diccionarios.es
gamevedios.com
gamevidio.com
gamevidios.com
gamevidoe.com
gamevidoes.com
gamevidos.com
gamvideos.com
gosploofjudas.com
government-grant.org
gracebutnomercy.com
hackers.com
homeequityloans.com
kalosconjecture.com
mediuns.com
mortgagenote.com
mosquito.com
paykylowns.com
personallowns.com
studentlowns.com
diccionario.de
diccionarios.de
cartoesdecredito.eu
celebritys.eu
challengingdavinci.com
challengedavinci.com
challengedavincicode.com
challengeingdavinci.com
challengingdavincicode.com

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corulislandtraders.eu
downloadringtones.de
downloadringtones.de
emprestimo.eu
empresimos.eu
fracchase.com
freehoroscope.eu
freehoroscopes.eu
freemusikdownloads.eu
freeringtons.eu
freetarot.eu
kredietarten.eu
kredietkaarten.eu
lifeanywhere.com
liveanywere.com
lyrics.eu
lyris.eu
music.cn
moive.cn
moives.cn
moives.eu
muisc.cn
muisc.eu
mulsc.jp
music.cn
muisk.eu
musc.cn
musci.cn
onlindegres.com
palmistry.eu
perscription.eu
perscriptiondrugs.eu
perscriptions.eu
personalloan.eu
personalloans.eu
smart-lipo.com
smartlipo.de
smartlipo.eu
smartlipo.la
smartlipo.org
smartlipo.tv
tarotcards.eu
tarrot.eu
vidoes.eu
virnlvidos.com
virilvideos.com

wwwfreedownloads.com
wwwgovernmentauction.com
wwwmusic.com
wwwpeopleseach.com
wwwpeopleserch.com
wwwsmartlipo.com

I.D.R. Internet Domain Register, Ltd. (10 domain names)

addictedingames.com
adictivegame.com
freetranslations.com
freetranlations.com
freetransation.com
freetransation.com
freetranslation.com
freetranslation.com
freetranslations.com
lyricsstyles.com

eNum, Inc. (28 domain names)

50cent.com
50sent.com
astology.co.uk
astrology.co.uk
blackalbinosheep.com
evanescence.com
evanescene.com
frent.com
funnyjunk.com
hitting.com
kernelchat.com
makeyourownicons.com
megenti.com
megente.com
nakri.com
nuakari.com
pastsecret.com
popscap.com
quzilla.com
rntemybut.com
smokinggum.com
smokinggun.com
thesmokinggum.com

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thesmkinggun.com
vickysjokes.com
wild94.com
wwwinvestissement.com

Computer Services Langenback GmbH dba Joker.com (27 domain names)

anmic.com
blackboard.com
cccheat.com
chsetplanet.com
cheatccc.com
cheatcc.com
collegeboard.com
daileynews.com
fantasyfootball.com
fantasyfootball.com
fireware.com
free-ones.com
freepasswords.com
kaazan.com
kozau.com
livejournal.com
livejournal.com
livejournal.com
lycris.com
lyrics.com
lyrics.com
muchmuisc.com
poety.com
realbutts.com
suppercheats.com
whatsyourface.com
yes-yes-yes.com

EXHIBIT 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

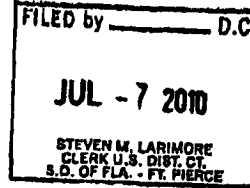
Case No. _____ - Civ

10-14178-CV-Moore/Lynch

**JOHN ZUCCARINI,
Plaintiff**

vs

**NAMEJET, INC;
NETWORK SOLUTIONS, INC;
VERISIGN, INC;
ENOM, INC;
Defendants**



JURY TRIAL DEMANDED

VERIFIED COMPLAINT FOR DAMAGES

1. This action is brought by Plaintiff John Zuccarini against the above named Defendants for breach of contract, conspiracy, conversion; Plaintiff seeks damages, injunctive relief, declaratory relief, any other relief the Court sees fair and just, as well as court costs.

PARTIES TO THE ACTION

2. Plaintiff, John Zuccarini, is a citizen of the state of Florida, and at all times relevant has resided at: 190 SW Kanner Highway; Stuart, FL 34997.
3. Defendant VeriSign, Inc. ("VeriSign") is a for-profit corporation existing and under the laws of Delaware, during all times relevant, their principal executive

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offices were located at: 487 East Middlefield Road, Mountain View, CA 94043; they can be served with Process through their Registered Agent **CT Corporation System**, located at: 818 West Seventh St. Los Angeles, CA 90017.

4. Defendant **Network Solutions, Inc. ("NSI")** is a for-profit corporation existing and organized under the laws Delaware, during all times relevant, their principal place of business was located at: 13200 Woodland Park Rd., Herndon, VA 20171-0000; they can be served with Process through their Registered Agent **CT Corporation**, located at 4701 Cox Rd., Suite 301; Glen Allen, VA 23060-6802.

5. Defendant **Enom, Inc. ("Enom")** is a for-profit corporation, existing and organized under the laws of Nevada, during all times relevant, their principal place of business was located at: 15801 N.E. 24th Street; Bellevue, WA 98008, where they can be served with process through **Richard Danis**, who is listed as their Registered Agent.

6. Defendant **NameJet, Inc. ("NameJet")**¹ is a for-profit corporation existing and organized under the laws Nevada, during all times relevant, their principal place of business was located at: 15801 NE 24th St.; Bellevue, WA 98008; they can

¹ From research, Plaintiff has come to the conclusion that NameJet is either part of Enom, or is a subsidiary of Enom; they both have the same address, and both share the same Registered Agent. Nevertheless, Plaintiff has named them separately as Defendants in order to cover all possibilities.

be served with Process through their **Registered Agent Richard Danis**, located at: 15801 NE 24th Street; Bellevue, WA 98008.

7. The Defendants,² and each of them, were the agents, employees, representatives, partners, officers, principals and/ or joint venturers of each of the remaining defendants, and in doing the things hereinafter alleged, were acting within the scope, course and purpose of such agency, employment or position, or within the apparent scope, course and purpose of such agency, employment or position and with permission and consent of each of the remaining defendants.
8. Plaintiff is informed and believes, and upon such information and beliefs allege, that each of the Defendants, inclusive, were, at all times herein mentioned, acting in concert with, and in conspiracy with, each and every one of the remaining Defendants.

JURISDICTION

9. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1332 (a), as this is a diversity action; the parties are citizens of different states,³ and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and

² Whenever appearing in this complaint, each and every reference to Defendants or to any of them, is intended to be and shall be a reference to all Defendants hereto, and to each of them, unless said reference is specifically qualified.

³ §1332(c)(1) "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business"

costs.

FIRST CAUSE OF ACTION

Breach of Contract

10. Plaintiff incorporates by reference paragraphs 1 through 9, inclusive, of this Complaint including all paragraphs of general allegations as if the same were fully set forth herein.

11. Over the years, Plaintiff has obtained and registered domain names, abided by and adhered to agreements/contracts between himself and named defendants.

12. A copy of one such Agreement/Contract is attached as "*Exhibit A*".

13. Defendant NSI, in a malicious, negligent act, and with no regard to Plaintiff's Rights, breached the agreement/contract by voluntarily transferring "90 subject domain names which were registered with it." An act to which Defendant judicially admitted⁴ on June 14, 2010, "*Exhibit B*" page 5. (B-5)⁵

14. A Domain name registrant acquires "the intangible contractual right to use a unique domain for a specified period of time"; "a domain name registration is the product of a contract for services between the registrar and registrant."⁶

⁴ "the registration for the 90 subject domain names were transferred from Zuccarini's accounts to Network Solutions' account controlled by Blacksburg"

⁵ (B-5) = Exhibit B, page 5.

⁶ *Network Solutions, Inc. v Umbro Int'l, Inc.* 259 Va. 759, 529 S.E.2d 80, 86 (2000); (quoting *Doer v. Arel*, 60 F. Supp. 2d 588, 561 (E.D. Va. 1999)). See also *Palacio del Mar Homeowners Ass'n v. McMahon*, 174 Cal. App. 4th 1386, 1391, 95 Cal. Rptr. 3d 445, 449 (2010)(Domain name registration supplies the intangible 'contractual right to use a unique domain name for a specified period of time.'")

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15. NSI is surely, very familiar with the *Palacio* case, and since VeriSign is located in CA; VeriSign's Vice President resides in CA, the defendants have actual knowledge of Cal. statutes concerning domain names; including the knowledge that Cal. statute limits judgments to tangible property that can be "levied upon by taking it into custody"; "there can be no turnover order in aid of writ of attachment for intangible assets incapable of being taken into custody" *Id.*

16. NSI, has admitted to "voluntarily" giving the domains away (B-5), with actual knowledge that giving away the domain names was violating CA state law, VA law, and/or federal laws and/or regulations, for which they would be held liable.⁷

17. A third party continues to hold ninety-three (93) Domain names, which NSI and/or Enom unlawfully transferred from Plaintiff's ownership, in violation of CA and VA statutes, and the contract between the Plaintiff and VeriSign, and/or NSI, and/or Enom and/or NameJet. "*Exhibit C*"

18. During the month of May 2010, fourteen (14) of the ninety (90) domain names transferred by NSI were auctioned by NameJet, in violation of CA and VA statutes. Plaintiff believes that the remaining Domain names will be unlawfully auctioned off as well, if this Court fails to act swiftly.

19. Domain Names have the potential to "produce good income for the party

⁷ *Kremen v. Cohen*, 337 F.3d, 1024 (9th Cir. 2003).

registering the domain names"; the names held at this particular time are producing around Five Thousand Eight Hundred Dollars (\$5800.00) per month, which would be part of Plaintiff's livelihood, and his future.

20. Plaintiff has suffered irreparable harm, as one of the domain names, governmentgrants.com was auctioned for Fifty-Three Thousand Twenty-Two Dollars (\$53,022.00) "Exhibit D." Several other Domain Names owned by Plaintiff auctioned the same day, for a total of around Sixty-Five Thousand Dollars (\$65,000.00) (D-2).

21. By NSI's own judicial admissions, the amount of the fourteen (14) domain names that were auctioned totaled around \$80,000.00 (B-7 first paragraph).

22. Ninety-three (93) Domain Names that were unlawfully transferred from Plaintiff to a third party, are still in the hands of the third party; but it is only a matter of time until those domain names are also auctioned off.

23. The domain names that were previously auctioned off unjustly enriching NSI and/or Enom/NameJet in the neighborhood of Eighty-Thousand Dollars (\$80,000.00); the entity that the domain names were registered through, NSI, received eighty percent (80%) of the proceeds.

24. Both VeriSign and NSI have a reputation for the unlawful transfer of domain names to other individuals, as shown in Domainnamenews.com (DNN) article

¹ Enom/NameJet, wrote the article in Exhibit C , and according to Enom/NameJet, the Domain Name that auctioned for "\$53K" is worth "\$500K" (C-1)

“Network Solutions Front-Running Leads to \$1 Million Class Action Settlement” by Adam Strong⁹ dated April 29, 2009 ***“Exhibit E”***.

25. Even before that, on April 10, 2008 the Domainnamenews article ***“Network Solutions Got Game - Hijacking Sub-Domains -*** by Chad Ketter; showed that Network Solutions’ “lust for profits”, has caused issue of “whether or not the company is looking to make money through controversial means, but rather of question of how far they’re willing to go to do so.” ***“Exhibit F”***

26. Another article from CnetNews.com discusses the infamous “sex.com” case¹⁰ that named as defendants, both VeriSign and NSI; the case was taken to court on the grounds that the defendants in that case, allowed someone else to take that Plaintiff - Kremen’s Domain name, sex.com. ***“Exhibit G”***

27. The actions of the defendants were committed intentionally, willfully, wantonly, maliciously, and with total disregard of the contract and Plaintiff’s Rights.

28. As a direct and proximate result of the defendants’ actions, the Plaintiff suffered a great loss and injury, and will continue to suffer great loss and injury, from the acts of the defendants.

29. Plaintiff thus demands an award of compensatory damages in the amount of

⁹ Adam Strong is also DNN founder: <http://www.domainnamenews.com/up-to-the-minute/dnn-founder-adam-strong-joins-growing-partnership-mocom/7663>

¹⁰ *Kremen v. Cohen*, 337 F.3d 1024 (9th Cir. 2003)

Five Hundred Thousand Dollars (\$500,000.00) from each defendants, and actual, and punitive damages.

SECOND CAUSE OF ACTION

Conversion

30. Plaintiff incorporates by reference paragraphs 1 through 28, inclusive, of this Complaint including all unnumbered paragraphs of general allegations as if the same were fully set forth herein.

31. It has been well founded that "the right to use a domain name is a form of intangible personal property"¹¹

32. "Registrants have a legitimate claim to exclusivity". "It informs others that the domain name is the registrant's and no one else's."¹²

33. Plaintiff in this case, undoubtedly "owned" the domain names that were given away.

34. There was "wrongful disposition of Plaintiff's property right and damages" from the giving away of the domain names.

35. The acts of the defendants have caused Plaintiff's future to become more uncertain than it already is, has effected and hindered his livelihood, and his ability to pay his debts.

¹¹ *Network Solutions, Inc. v Clue Computing, Inc.*, 946 F.Supp. 858, 860 (D.Colo. 1996)(same)

¹² See *G.S. Rasmussen & Assocs., Inc. v. Kalitta Flying Serv, Inc.*, 958 F.2d at 900; *Kremen v. Cohen*, 337 F.3d 1024 (9th Cir. 2003)

36. The actions of the defendants were committed intentionally, willfully, wantonly, maliciously, and with total disregard of the contract and Plaintiff's Rights.

37. As a direct and proximate result of the defendants' actions, the Plaintiff suffered a great loss and injury, and will continue to suffer great loss and injury, from the acts of the defendants.

38. Plaintiff thus demands an award of compensatory damages in the amount of Five Hundred Thousand Dollars (\$500,000.00) from each defendants, and actual, and punitive damages.

THIRD CAUSE OF ACTION

Civil Conspiracy

39. Plaintiff incorporates by reference paragraphs 1 through 38, inclusive, of this Complaint including all unnumbered paragraphs of general allegations as if the same were fully set forth herein.

40. Defendants all had actual knowledge of both Virginia and California law concerning intangible property, and garnishments; as well as actual knowledge of domain names; they worked a conspiracy to obtain and auction Plaintiff's domain names in the name of greed.

41. Defendants, each of them, have actual knowledge that under California law, just as under Virginia law, intangible property cannot be levied upon.

42. Defendants agreed, between and among themselves, to engage in action and in a course of conduct designed to further an illegal act or accomplish a legal act by unlawful means, and to commit one or more overt acts in furtherance of the conspiracy to transfer and auction the domain names.

43. The only logical conclusion for violating the contract between Plaintiff and themselves, was to set it up to where a third party's actions would result in the unlawful auctioning of the domain names; or the lawful auctioning by unlawful means, resulting in a substantial amount of money going to the defendants, while the guilt pointed to the third party, not themselves.

44. Defendants agreed between and among themselves to engage in the conspiracy for the common purpose of accruing economic gains for themselves, at the expense and detriment to the Plaintiff.

45. The act was made possible because the relationship between VeriSign, NSI, and Enom/NameJet.

46. The acts of the defendants have caused Plaintiff's future to become more uncertain that it already was, has effected and hindered his livelihood, and his ability to pay his debts.

47. The actions of the defendants were committed intentionally, willfully, wantonly, maliciously, and with total disregard of the contract and Plaintiff's Rights.

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48. As a direct and proximate result of the defendants' actions, the Plaintiff suffered a great loss and injury, and will continue to suffer great loss and injury, from the acts of the defendants.

49. Plaintiff thus demands an award of compensatory damages in the amount of Five Hundred Thousand Dollars (\$500,000.00) from each defendants, and actual, and punitive damages.

**CAUSE OF ACTION FOR DECLARATORY AND
INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS**

50. Plaintiff incorporates by reference paragraphs 1 through 48, inclusive, of this Complaint including all unnumbered paragraphs of general allegations as if the same were fully set forth herein.

51. Plaintiff alleges that an actual controversy exists as to the following issues:

52. Plaintiff alleges that a judicial declaration is necessary and appropriate at this time under the circumstances in order that Plaintiff may ascertain his rights under the Contract, and as to defendant's right to reclaim the auctioned domain names; all proceeds unjustly gained by the defendants; and all of Plaintiff's domain names transferred unlawfully to a third party.

53. Plaintiff alleges that actions of the defendants have undermined their right to any proceeds from the auction of domain names, and that they have interfered, continue to interfere, and will interfere in the future with Plaintiff's right to

hold intangible property, which both CA and VA laws have stated are not subject to turnover, garnishment, etc.

54. By the action above and set forth herein, Plaintiff has a strong likelihood of prevailing on the merits of the case. Plaintiff requests that this Court grant a Preliminary Injunction restraining order, and injunctive relief under Fed. R. C. P. Rule 65(b); Fla. R. Civ. P.: 1.610 to prohibit the sale/auctioning of domain names, and secondly a permanent injunction precluding defendants from engaging in the wrongful conduct identified herein in the future.

**PLAINTIFF'S REQUEST FOR RELIEF AND JUDGMENT
AGAINST THE DEFENDANTS, AND EACH OF THEM AS FOLLOWS:**

55. Plaintiff incorporates by reference paragraphs 1 through 53, inclusive, of this Complaint including all unnumbered paragraphs of general allegations as if the same were fully set forth herein

56. That the transfer of domain names to a third party be deemed illegal and void, and the same be permanently enjoined, and relinquish to Plaintiff the sum of Eighty Thousand Dollars (\$80,000.00) that defendants were unjustly enriched.

57. That the selling/auctioning of the domain names is illegal and void, and the fourteen (14) auctioned domain names must be returned. "*Exhibit H*"

58. That the actions of all defendants be determined to be unfair and deceptive business practices in Violation of CA law, VA law, and that this Court award

all such relief to Plaintiff as he may be entitled to, including treble damages and an award of costs and attorney's fees;

59. That the actions of defendants be determined to be in violation of Cal. Civil Code, Va. Civil Code, and Fla. Civil Code.

60. A permanent injunction precluding defendants, and each of them from engaging in the wrongful conduct identified herein;


61. For compensatory damages against each defendant for not less than \$500,000.00;

62. For punitive and exemplary damages against defendants in a sum to be decided by a Jury or the Court, or by whatever means are appropriate.

63. For award of court costs and reasonable costs incurred due to the suit; and

64. For any other relief this Court may deem fair and just.

Respectfully submitted, this 7th day of July, 2010

By: 
JOHN ZUOCARINI, Pro Se
190 SW Kanner Highway
Stuart, FL 34997
raveclub@comcast.net
(772) 631-3887

VERIFICATION

I, John Zuccarini, am the Plaintiff in the above-titled action. The foregoing complaint has been prepared from firsthand knowledge. Further, I have reviewed the contents and state that all allegations have come from my own knowledge, and are true and correct. The Exhibits, although some are taken from articles, have not been altered in form or substance except to format into a printable material for use as Exhibits, and the website links for each is included herein. I have reviewed each Exhibit and state that they are true and correct in accordance with my first hand knowledge. I so declare, under penalty of perjury.

John Zuccarini

JOHN ZUCCARINI

Subscribed to and Sworn Before Me
This 1 day of July, 2010

Cheryl Morello
NOTARY PUBLIC, State of Florida



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.

I. (a) PLAINTIFFS John Zuccarini

(b) County of Residence of First Listed Plaintiff Martin
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Pro Se
190 SW Kanner Highway
Stuart, FL 34997

DEFENDANTS NameJet, Inc.
Network Solutions, Inc.
VeriSign, Inc., Enom, Inc.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)
Unknown

10-14178-CV-Moore/Lynch

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicates Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State 1 DEF 1 1 Incorporated or Principal Place of Business in This State 4 4

Citizen of Another State 2 2 Incorporated and Principal Place of Business in Another State 5 5

Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Malicious Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Ecol. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 193 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 343 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 353 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Personal Property <input type="checkbox"/> 371 Trench in Landing <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Science of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.L. & Trench <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyright <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 851 FIA (1965) (f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 530 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input type="checkbox"/> 590 Other Statutory Actions <input type="checkbox"/> 591 Agricultural Acts <input type="checkbox"/> 592 Economic Stabilization Act <input type="checkbox"/> 593 Environmental Matters <input type="checkbox"/> 594 Energy Allocation Act <input type="checkbox"/> 595 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Denomination Under Equal Access to Justice <input type="checkbox"/> 930 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Easements <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 243 Tort Product Liability <input type="checkbox"/> 280 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

Original Proceeding 2 Removed from State Court 3 Re-filed (see VI Below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. 1332 Diversity
Breach of Contract, Conversion, Civil Conspiracy

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 500,000 Each CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD: John Zuccarini DATE: 7/7/2010

FOR OFFICIAL USE ONLY

AMOUNT \$ 352.00 RECEIPT # 23 07

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:10-cv-14178-KMM

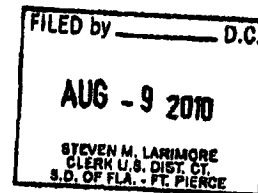
JOHN ZUCCARINI,

Plaintiff

vs

**NAMEJET, LLC;
NETWORK SOLUTIONS, LLC;
VERISIGN, INC.;
ENOM, INC.;
Defendants**

**PLAINTIFF'S AMENDMENT
TO COMPLAINT
and to EXHIBIT H**



PLAINTIFF'S AMENDMENT TO COMPLAINT AND EXHIBIT H

COMES NOW, Plaintiff John Zuccarini, who pursuant to Fed. R. Civ. P. Rule 15 and Local Rule 15.1, and as a matter of course, files *Plaintiff's Amendment to Complaint and Amendment to Exhibit H*.

Plaintiff amends the name of Defendant "Network Solutions, Inc.", to "Network Solutions, LLC". Network Solutions, LLC is a for-profit corporation existing and organized under the laws Delaware, during all times relevant, their principal place of business was located at: 13200 Woodland Park Rd., Herndon, VA 20171; they can be served with Process through their Registered Agent CT Corporation, located at 4701 Cox Rd., Suite 301; Glen Allen, VA 23060-6802.

Plaintiff amends the name of Defendant "NameJet, Inc.", to "NameJet,

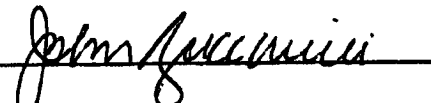
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LLC". NameJet, LLC is a for-profit corporation existing and organized under the laws Delaware, during all times relevant, their principal place of business was located at: 15801 NE 24th St.; Bellevue, WA 98008; they can be served with Process through their Registered Agent **The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.**

It has recently come to Plaintiff's attention that item 1. of Exhibit H of the Complaint has a type-o, and Plaintiff seeks to amend the word governmentgrants.com to govermentgrants.com. Plaintiff has attached a copy of the Original Exhibit to the Amended Exhibit, and all other aspects of the Exhibit remains the same.

Respectfully submitted this 3rd day of August, 2010,

By: 
JOHN ZUCCARINI, Pro Se
190 SW Kanner Highway
Stuart, FL 34997
raveclub@comcast.net
(772) 631-3887

Original Exhibit H:

List of the fourteen (14) auctioned domain names

List of the fourteen (14) auctioned domain names

1. governmentgrants.com
2. usgovernment.com
3. govermentgrant.com
4. govermentauction.com
5. govermentauctions.com
6. floridagovernment.com
7. californiagovernment.com
8. britian.com
9. greatbritian.com
10. dictionarys.com
11. perscriptiondrugs.com
12. wrestleing.com
13. wresteling.com
14. emailaddresses.com

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Amended Exhibit H:

List of the fourteen (14) auctioned domain names

Amended List of the fourteen (14) auctioned domain names

1. governmentgrants.com
2. usgovernment.com
3. governmentgrant.com
4. governmentauction.com
5. governmentauctions.com
6. floridagovernment.com
7. californiagovernment.com
8. britian.com
9. greatbritian.com
10. dictionarys.com
11. perscriptiondrugs.com
12. wrestleing.com
13. wresteling.com
14. emailaddresses.com

CERTIFICATE OF SERVICE

I hereby Certify that I have this 3rd day of August, 2010 served upon the defendants, a true and correct copy of foregoing *Notice of Amended Complaint and Exhibit*, through their attorney of file, with the USPS, First Class Mail, proper postage affixed thereto, and addressed, in addition by email to the stated email addresses, as follows:

Namejet, LLC
Jamie Michelle Roos
Stein Sperling Bennett De Jong Driscoll & Greefeig, PC
25 West Middle Lane
Rockville, md 20851
Email: jhertz@steinsperling.com

Network Solutions, LLC
Jamie Michelle Roos
Stein Sperling Bennett De Jong Driscoll & Greefeig, PC
25 West Middle Lane
Rockville, md 20851
Email: jhertz@steinsperling.com

Verisign, Inc.
John Anderson Camp
Carlton Fields
100 SE 2nd Street
Suite 4200 PO Box 019101
Miami, FL 33131-9101
Email: jcamp@carltonfields.com

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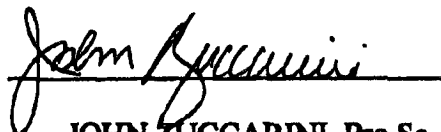
Enom, Inc.
Angela Kristin Steele
Greenberg Traurig
1221 Brickell Avenue
Miami, FL 33131
Email: steelea@gtlaw.com

Ian Ballon
Greenberg Traurig LLP
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Suite 400E
Santa Monica, CA 90404
Email: ballon@gtlaw.com

Lori Chang
Greenberg Traurig LLP
2450 Colorado Avenue
Suite 400E
Santa Monica, CA 90404
Email: changl@gtlaw.com

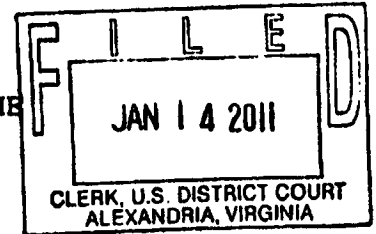
Marlene Koch Silverman
Greenberg Traurig
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DATED: August 3, 2010



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EXHIBIT 3



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOHN ZUCCARINI,)	
)	
Plaintiff,)	
)	
v.)	1:10cv1327 (LMB/TCB)
)	
)	
NAMEJET, INC., <u>et al.</u> ,)	
)	
)	
Defendants.)	

ORDER

For the reasons stated in open court, Defendant VeriSign, Inc.'s Motion to Dismiss Complaint and Amendment to Complaint for Failure to State a Claim (Fed. R. Civ. P. 12(B)(6) [Dkt. No. 33], Network Solutions, LLC's Revised Motion to Dismiss for Failure to State a Claim (Fed. R. Civ. P. 12(b)(6)) [Dkt. No. 63], and Namejet, LLC's Revised Motion to Dismiss for Failure to State a Claim (Fed. R. Civ. P. 12(b)(6)) [Dkt. No. 67] are GRANTED, and it is hereby

ORDERED that the complaint be and is DISMISSED WITH PREJUDICE as to all defendants.


The Clerk is directed to enter judgment in defendants' favor pursuant to Fed. R. Civ. P. 58, terminate this action, and forward copies of this Order to plaintiff, pro se, and counsel of record for the defendants.

To appeal this decision, plaintiff must file a written Notice of Appeal with the Clerk of this Court within thirty (30)

days. Failure to file a timely Notice of Appeal waives the right to appeal this decision. Plaintiff is on notice that a frivolous appeal could result in sanctions under Fed. R. Civ. P. 11.

Entered this 14th day of January, 2011.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge

EXHIBIT 4

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JOHN ZUCCARINI,	.	Civil Action No. 1:10cv1327
	.	
Plaintiff,	.	
	.	
vs.	.	Alexandria, Virginia
	.	January 14, 2011
NAMEJET, LLC, et al.,	.	10:34 a.m.
	.	
Defendants.	.	
	.	
.	

TRANSCRIPT OF MOTIONS HEARING
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:	JOHN ZUCCARINI (pro se) 190 SW Kanner Highway Stuart, FL 34997
FOR DEFENDANTS NAMEJET, LLC, AND NETWORK SOLUTIONS, LLC:	TIMOTHY B. HYLAND, ESQ. Stein, Sperling, Bennett, De Jong, Driscoll & Greenfeig, P.C. 25 West Middle Lane Rockville, MD 20850
FOR DEFENDANT VERISIGN, INC.:	JAMES T. HUBLER, ESQ. VeriSign, Inc. 21351 Ridgetop Circle Dulles, VA 20166
OFFICIAL COURT REPORTER:	ANNELIESE J. THOMSON, RDR, CRR U.S. District Court, Fifth Floor 401 Courthouse Square Alexandria, VA 22314 (703)299-8595

(Pages 1 - 5)

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

1 PROCEEDINGS

2 THE CLERK: Civil Action 10-1327, John Zuccarini v.
3 NameJet, Inc., et al. Would counsel please note their appearances
4 for the record.

5 MR. HYLAND: Your Honor, Tim Hyland for NameJet and
6 Network Solutions. Mr. Barger, however, who's counsel for eNom,
7 got called away, I believe.

8 THE COURT: Well, I saw him earlier, but let's just get
9 everybody else's appearances on the record as well.

10 MR. HYLAND: Okay.

11 MR. HUBLER: Good morning, Your Honor. James Hubler on
12 behalf of defendant VeriSign.

13 THE COURT: I'm sorry, I didn't get your first -- your
14 name.

15 MR. HUBLER: James Hubler.

16 THE COURT: Okay.

17 MR. ZUCCARINI: Good morning, Your Honor. John
18 Zuccarini, the plaintiff.

19 THE COURT: All right. NameJet and Network Solutions,
20 Mr. Hyland, are the same, right? I mean, they're represented by
21 you?

22 MR. HYLAND: They're co-represented, but they are
23 different entities, yes.

24 THE COURT: All right. I'm going to go ahead and hear
25 this without Mr. Barger. I know he was in court this morning, and

1 there's such an overlap among the defense motions for dismissal
2 that I don't need -- I'm not going to hear from all counsel
3 anyway.

4 MR. HYLAND: Okay.

5 THE COURT: Quite frankly, the only reason I didn't do
6 this case on the papers was that I wanted Mr. Zuccarini to get up
7 here at least one time. We had allowed him to appear originally
8 by telephone, but quite frankly, I find this whole case to be so
9 meritless that I felt there should be some penalty accorded him
10 for having ever filed it and continued to litigate it.

11 The motions to dismiss are all based upon the fact that
12 a district judge, a colleague of equal rank as mine in another
13 district in the Ninth Circuit, entered an order back on, I
14 believe, November 14, I think of 2007, correct?

15 MR. HYLAND: That's correct, Your Honor.

16 THE COURT: In which the order directed that a series of
17 domain name registrars were to transfer control of specific
18 identified domain names which had been registered by Mr. Zuccarini
19 to a court-appointed receiver. That receiver had been appointed
20 as a result of another piece of litigation in which a judgment had
21 been entered against Mr. Zuccarini, and this was in the course of
22 trying to execute on that judgment.

23 My understanding is that Mr. Zuccarini appealed that
24 order from the district court and the Ninth Circuit affirmed it.
25 So what we have is a final order of a court of equal jurisdiction

1 that directed certain activity by the defendants.

2 Now, the defendants include both registrars and a
3 registry. As I understand, VeriSign is the registry, correct?

4 MR. HUBLER: That's correct, Your Honor.

5 THE COURT: All right. And all these defendants did,
6 Mr. Zuccarini, is comply with a federal court order, which they
7 have to or they'd be in contempt of court; and you went ahead then
8 and filed a suit against them alleging various creative theories,
9 including breach of contract where there were no contracts in my
10 view that would be at all enforceable; conversion, which can't
11 occur unless there's an unlawful act, and when you're acting in
12 accordance of a court order, there's nothing unlawful about that;
13 and you request a civil conspiracy in which there's absolutely no
14 evidence nor could there be of a civil conspiracy; and requesting
15 declaratory and injunctive relief; complete waste of time, costing
16 these attorneys and their clients money to have to defend, and you
17 can see where I'm going with this.

18 I'm granting the motions to dismiss with prejudice as to
19 all claims in this lawsuit, and I'm putting you on what is
20 equivalent to a judicial Rule 11 notice. You've got a right to
21 appeal this decision. I think you're fairly sophisticated in the
22 ways of the law. If you're going to file a notice of appeal, that
23 has to be within 30 days of today's date.

24 I'm putting on the record that in my view, an appeal in
25 this case would be sanctionable, and I would strongly recommend to

1 the Court of Appeals that if they agree with this Court's view of
2 this case and they were to deny the appeal or dismiss it, that the
3 Court seriously consider imposing sanctions, those sanctions to
4 consist of the expenses to which the defense counsel would be put
5 in having to defend any kind of an appeal.

6 That's my ruling. Thank you, gentlemen.

7 MR. HYLAND: Thank you, Your Honor.

8 MR. HUBLER: Thank you, Your Honor.

9 MR. ZUCCARINI: Your Honor, did --

10 THE COURT: No, I've ruled. Thank you.

11 (Which were all the proceedings
12 had at this time.)

13
14 CERTIFICATE OF THE REPORTER

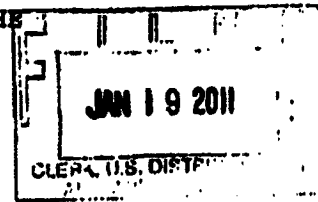
15 I certify that the foregoing is a correct transcript of the
16 record of proceedings in the above-entitled matter.

17
18
19 _____ /s/
20 Anneliese J. Thomson

21
22
23
24
25

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



JOHN ZUCCARINI)	
)	
Plaintiff,)	
)	
v.)	1:10cv1327 (LMB/TCB)
)	
NAMEJET, LLC, et al.,)	
)	
Defendants.)	

ORDER

Before the Court are plaintiff Zuccarini's Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 94], Notice/Motion to Strike and Replace with Second Corrected Motion [Dkt. No. 95], and Second Corrected Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 96].

In his Motions for Relief, Zuccarini argues that the Court should grant him relief under Fed. R. Civ. P. 60(B) from its final judgment on January 14, 2011 dismissing his Complaint, based on his new argument that the defendants in this civil action were negligent for not notifying the United States District Court of the Northern District of California "that their Registrar/Registrant Agreements do not recognize third-party beneficiaries" and that "they could not provide the secure setting necessary to protect the domain names from any unauthorized transfer from the receiver Michael Blacksburg." See Pl.'s Second Corrected Mot. for Relief at 2.

Those arguments, however, appear nowhere in plaintiff's original Opposition to Defendants' Revised Motions to Dismiss. Additionally, although Zuccarini indicates that he had prepared an

"Addendum" to his Opposition, which he filed with the Clerk of Court and attempted to present orally at the motion hearing on January 14, 2011, plaintiff never obtained permission from the Court to file such a supplemental pleading, nor does it appear that he ever gave adequate notice to defendants regarding his wholly new arguments.

Finally, having reviewed Zuccarini's new filings, the Court finds them equally groundless and as devoid of merit as his original Complaint. Specifically, plaintiff never presents any plausible explanation for his assertion that defendants could or should have refused to transfer the domain names to the court-appointed receiver "for justifiable good cause," even in the face of a valid federal court Order mandating that transfer. Moreover, even if Zuccarini's arguments that defendants were somehow negligent had any merit, those arguments should have been raised during the litigation in the Northern District of California, or on direct appeal to the United States Court of Appeals for the Ninth Circuit, not through a collateral attack in an entirely new lawsuit.

Zuccarini has already wasted quite enough of the parties' and this Court's time and resources in responding to his frivolous claims. Accordingly, the Court dispenses with further briefing by the defendants and with oral argument on plaintiff's motions because neither would aid the decisional process, and it is hereby

ORDERED that plaintiff's Motion for Relief from Order Granting Defendants' Revised Motions to Dismiss [Dkt. No. 94], Notice/Motion to Strike and Replace with Second Corrected Motion [Dkt. No. 95], and Second Corrected Motion for Relief from Order Granting

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Defendants' Revised Motions to Dismiss [Dkt. No. 96] be and are DENIED.

To appeal this decision, plaintiff must file a written Notice of Appeal with the Clerk of this Court within thirty (30) days. Failure to file a timely Notice of Appeal waives the right to appeal this decision. Plaintiff is again placed on notice that filing a frivolous appeal, or further frivolous motions in this Court, could result in the imposition of sanctions under Fed. R. Civ. P. 11.

The Clerk is directed to forward copies of this Order to counsel of record and to plaintiff, proceeding pro se.

Entered this 19th day of January, 2011.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 11-14052-CV – Martinez/Lynch

JOHN ZUCCARINI,

Plaintiff,

vs.

NETWORK SOLUTIONS, LLC, *et al.*,

Defendants.

_____ /

ORDER

UPON CONSIDERATION of Defendants Network Solutions, LLC and NameJet, LLC's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 against Plaintiff, John Zuccarini, any response(s) thereto, and the record herein, it is this ____ day of _____, 2011,

ORDERED, that Defendants' Rule 11 Motion be and hereby is GRANTED, and it is further,

ORDERED, that Plaintiff reimburse to Network Solutions, LLC and NameJet, LLC its reasonable attorneys' fees, costs and expenses incurred in responding to the instant action; and it is further

ORDERED, that Plaintiff be and hereby is enjoined from filing any civil action against either Network Solutions, LLC or NameJet, LLC based upon any of the legal or factual claims alleged by Plaintiff in *Zuccarini v. NameJet, Inc.*, 2:10-cv-14178-KMM, *Zuccarini v. Network Solutions, Inc., et al.*, 1:10cv1327, and/or the instant action; and it is further

ORDERED, that Plaintiff be and hereby is enjoined from filing any civil action or

otherwise seeking relief against either Network Solutions, LLC or NameJet, LLC in any court without an order from an appropriate federal judicial officer certifying that the claims are not frivolous.

SO ORDERED.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA

By: _____
The Honorable Jose E. Martinez

Copies to:

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