

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

EAPPRAISEIT, LLC,  
a Delaware limited liability company,

Plaintiff,

v.

PAMELA CROWLEY,  
individually,

Defendant.

05-200 7 CA 027976 XXXX-XX

CASE NO.:

SUMMONS

TO: Ms. Pamela Crowley  
1647 Sawgrass Dr., SW  
Palm Bay, FL 32908

DATE 6/19/07 TIME 8:55P  
BY G. L. STEVENSON #190  
CERTIFIED PROCESS SERVER  
18TH JUDICIAL CIRCUIT OF FL

**IMPORTANT**

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint in this Court. A phone call will not protect you; your written response, including the above number and named parties, must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter 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 call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a carbon copy or a photocopy of your written response to the "Plaintiff/Plaintiff's Attorney named below:

John W. Bolanovich, Esq.  
Bogin, Munns & Munns, P.A.  
P.O. Box 2807  
Orlando, Florida 32802-2807

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above-named Defendant(s).

Dated on JUN 19 2007, 2007.

Clerk of the Circuit and County Court  
Brevard County, Florida

BY: PATRICK JOHNSON  
Deputy Clerk

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOU ARE ENTITLED AT NO COST TO YOU TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, HARRY T. AND HARRIETTE V. MOORE JUSTICE CENTER, 2825 JUDGE FRAN JAMIESON WAY, VIERA, FLORIDA 32940, TELEPHONE: (321) 633-2171, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE. IF YOU ARE HEARING OR VOICE IMPAIRED CALLED 1-800-955-8771.

IMPORTANT: SPANISH AND FRENCH VERSIONS ON THE SECOND PAGE OF THIS SUMMONS.

IMPORTANTE

Usted ha sido demandado legalmente. Tiene veinte (20) días contados, a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera; si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas en dicho caso. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser desojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo, o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney". (Demandante o Abogado del Demandante)

IMPORTANT

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs `a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite `a la plainte ci-jointe aupres de ce Tribunal. Un simple coup de telephone est insuffisant pour vous proteger; vous etes oblige de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner `a un service de reference d'avocats ou `a un bureau d'assistance juridique (figurant `a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie au carbone ou une photocopie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou `a son avocat) nomme ci-dessous.

Plaintiff/Plaintiff's Attorney:  
John W. Bolanovich, Esq.  
Bogin, Munns & Munns, P.A.  
P.O. Box 2807  
Orlando, Florida 32802-2807

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

**EAPPRAISEIT, LLC,**  
a Delaware limited liability company,

**Plaintiff,**

v.

**PAMELA CROWLEY,**  
individually,

**Defendant.**

05-2007 CA 027976 XXXX-XX

CASE NO.:

COPY - ORIGINAL WAS FILED

FILED  
CLERK OF CIR. CT.  
BREVARD CO. FL.

2007 JUN 1 P 2:48

SCOTT LILIS

**COMPLAINT**

The Plaintiff, eAppraiseIT, LLC ("Plaintiff"), a Delaware limited liability company, by and through its undersigned counsel, hereby files its Complaint for damages and injunctive relief against the Defendant Pamela Crowley, individually ("Defendant").

In support thereof, Plaintiff states:

**Jurisdiction and Venue**

1. This is an action for injunctive relief and damages where the amount in controversy exceeds FIFTEEN THOUSAND AND 00/100 DOLLARS (\$15,000.00), exclusive of attorney's fees and costs.

2. Plaintiff is a Delaware limited liability company authorized to do business in Florida and which maintains its principal place of business at 12395 First American Way, Poway, CA 92064.

3. Defendant is an individual, *sui juris*, who resides at 1647 Sawgrass Drive SW, Palm Bay, FL 32908.

4. Pursuant to § 47.011, *Florida Statutes* (2007), venue is proper for this action in Brevard County as the Defendant resides in Brevard County, Florida.

#### Statement of the Case

5. This is an action for defamation *per se* and tortuous interferences with advantageous business relations seeking injunctive relief and damages arising from the Defendant's publication of a website containing false, injurious, and defamatory statements about Plaintiff's business practices.

6. Plaintiff is an appraisal company. More specifically, Plaintiff is a leading provider of innovative, comprehensive, and high-quality collateral valuation products and programs to the mortgage lending servicing industry. Plaintiff has established goodwill and a positive and trustworthy reputation with clients and potential clients regarding its nationwide appraisal services. This goodwill and reputation are significant assets for Plaintiff as they help separate it from other appraisers in a highly competitive marketplace.

7. Defendant is the registered owner of the domain name "mortgagefraudwatchlist.org".

8. Defendant is the moderator of the domain name "AppraisersForum.com".

9. Defendant has published a website on the World Wide Web portion of the Internet at the URL "Mortgagefraudwatchlist.org" ("Website # 1").

10. Defendant published statements on the World Wide Web portion of the Internet at the URL "AppraisersForum.com" ("Website # 2") (collectively "Websites").

11. Through the publication of these Websites, Defendant began a campaign of disparaging Plaintiff and injuring Plaintiff's reputation and goodwill in the appraisal management industry.

12. These Websites contains false and malicious statements made by Defendant attributing conduct and characteristics to Plaintiff that are contrary to customary and lawful appraisal management business practices.

13. Defendant's false and malicious statements contained on Website # 1 include, without limitation, that (a) "I have many stories coming in from appraisers all over the nation regarding EappraiseIT demanding they do what is unethical at the least" and (b) "LSI, eAppraiseIT, AppraisalPort, and many others ARE: unlocking your appraisal reports, 'converting' them to something else, delivering them completely unlocked, doing whatever they want with and to the data along the way. At this point I very strongly suggest that ALL appraisers should IMMEDIATELY STOP SENDING ANYTHING IN TO ANY OF THESE AMCs!!!! The evidence I already have that is being delivered to various Federal and State law enforcement and regulators, and others, with much more coming in regularly, would make your eyes pop out of your heads."

14. Defendant's false and malicious statements contained on Website # 2 include, without limitation, that (a) "[o]ne of the best examples of the power and results of what I've been doing is what happened with *eAppraiseIT* pressuring an appraiser to raise the value and finding out that they DO unlock each and every appraisal delivered through them!. Without the contacts I've been able to collect, I don't know that anything could have happened" and (b) "Please know that eAppraiseIT opens your appraisals to make additions to it. Knowing that, how is your signature secured anymore?"

15. Defendant made these false and malicious statements on the Websites (a) knowing they were false or with a reckless disregard for the truth, (b) without reasonable grounds for Defendant to believe they were true, and/or (c) with intent to injure and defame Plaintiff.

16. These false and malicious statements were communicated to third parties *via* the world wide web.

17. Defendant's false and malicious statements, when considered alone and without innuendo, have (a) negatively impacted Plaintiff's trustworthiness and character, (b) caused Plaintiff to be subjected to distrust, ridicule, contempt, and disgrace, and (c) injured Plaintiff's reputation and goodwill in the appraisal management industry.

18. As a result of Defendant's actions, Plaintiff has suffered damages for which Defendant should compensate Plaintiff.

19. Plaintiff is informed, believes, and fears that these false and defamatory *per se* statements will continue to be published in databases used by the public and will foreseeably be re-published by their recipients, all to the ongoing harm and injury to Plaintiffs' business, and professional reputation. Plaintiffs also seek redress in this action for all foreseeable re-publications.

20. Defendant's actions in publishing these defamatory statements to third parties displayed intentional misconduct and/or gross negligence in that either Defendant had actual knowledge of the wrongfulness of the conduct and the high probability that damage to Plaintiff would result and, despite that knowledge, intentionally pursued the course of conduct resulting in Plaintiff's injury and damages or Defendant's conduct was

so reckless and wanting in care that it constitutes a conscious disregard or indifference to the rights of the Plaintiff.

21. Defendant is vicariously liable for the unlawful acts of its managerial agents as Defendant actively and knowingly participated in such conduct, its officers, directors, or managers knowingly condoned, ratified, or consented to such conduct, and/or Defendant engaged in conduct that constituted intentional misconduct and/or gross negligence contributing to Plaintiff's loss, damages, or injury suffered.

22. Plaintiff has performed all conditions precedent to the bringing of this action.

**COUNT I  
DEFAMATION PER SE**

23. Plaintiff incorporates by reference all allegations contained in paragraphs 1-22.

24. Defendant, through her websites, has made statements about Plaintiff which are false.

25. Defendant, through her website, published and/or communicated to third parties these falsehoods.

26. Defendant knew such false statement would likely result in material and substantial defamation of Plaintiff and its business practices.

27. Defendant's false statements imputes to others conduct, characteristics, and/or conditions incompatible with the proper exercise of Plaintiff's lawful business, trade, and/or profession.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order in its favor and against Defendant and award it appropriate damages to include, but not be

limited to, the value of the lost business relationships with Plaintiff's customers, the loss of good will from existing customers, the costs incurred in bringing this action, and any further relief deemed to be appropriate by this Court.

**COUNT II  
TORTIOUS INTERFERENCE WITH ADVANTAGEOUS BUSINESS  
RELATIONS**

28. Plaintiff incorporates by reference all allegations contained in paragraphs 1-22.

29. Plaintiff has thousands of advantageous business relationships with various companies, entities, and individuals wishing to purchase the products and services provided by Plaintiff.

30. Defendant knew of the existence of these advantageous business relationships.

31. Defendant willfully, intentionally and maliciously interfered with those relationships by publishing orally, and in writing, false and damaging information about Plaintiff's business, and such publications and statements interfered with such business relationships.

32. Defendant, through her acts, has intentionally and unjustifiably interfered with Plaintiff's advantageous business relationships.

33. Plaintiff has been damaged as a result of Defendant's intentional and unjustified interference with these advantageous business relationships.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order in its favor and against Defendant and award it appropriate damages to include, but not be limited to, the value of the lost business relationships with Plaintiff's customers, the loss



of good will from existing customers, the costs incurred in bringing this action, and any further relief deemed to be appropriate by this Court.

**COUNT III  
INJUNCTION**

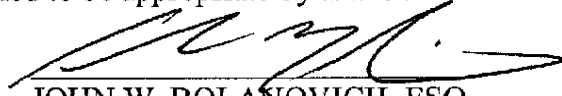
34. Plaintiff incorporates by reference all allegations contained in paragraphs 1-22.

35. As a result of Defendant's unlawful actions, as described above, Plaintiff has suffered, and continues to suffer, irreparable harm.

36. No other adequate remedy at law exists for Plaintiff.

37. A substantial likelihood of success exists for Plaintiff in this claim.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order in its favor and against Defendant Wesley and enter a temporary and permanent injunction against her from further publications of defamatory statements about Plaintiff on her websites, award it the reasonable attorney's fees and costs incurred in bringing this action, and award it any further relief deemed to be appropriate by this Court.



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BOGIN, MUNNS & MUNNS  
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05-200 7 CA 027976 XXXX-XX

CASE NO.:

FILED IN MLB  
CLERK OF CIR. CT.  
BREVARD CO. FL.  
2001 JUN 5 9 1 P 2:48  
SCOTT ELLIS

VERIFIED MOTION FOR INJUNCTIVE RELIEF

The Plaintiff, eAppraiseIT, LLC ("Plaintiff"), a Delaware limited liability company, by and through its undersigned counsel, hereby moves this Court for a temporary injunction against Defendant Pamela Crowley, individually ("Defendant"). In support thereof, Plaintiff states:

1. This is an action for defamation *per se* and tortuous interferences with advantageous business relations seeking injunctive relief and damages arising from the Defendant's publication of a website containing false, injurious, and defamatory statements about Plaintiff's business practices.

2. Plaintiff is an appraisal management company. More specifically, Plaintiff is a leading provider of innovative, comprehensive, and high-quality collateral valuation products and programs to the mortgage lending servicing industry. Plaintiff has established goodwill and a positive and trustworthy reputation with various appraisers, clients, and potential clients regarding its nationwide appraisal services. This goodwill

and reputation are significant assets for Plaintiff as they help separate it from other appraisal management companies in a highly competitive marketplace.

3. Defendant is the registered owner of the domain name "mortgagefraudwatchlist.org".

4. Defendant is a moderator of a posting board within the domain name "AppraisersForum.com".

5. Defendant has published a website on the World Wide Web portion of the Internet at the URL "Mortgagefraudwatchlist.org" ("Website # 1").

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7. Through the publication of these Websites, Defendant began a campaign of disparaging Plaintiff and injuring Plaintiff's reputation and goodwill in the appraisal management industry.

8. These Websites contains false and malicious statements made by Defendant attributing conduct and characteristics to Plaintiff that are contrary to customary and lawful appraisal management business practices.

9. Defendant's false and malicious statements contained on Website # 2 include, without limitation, that (a) "I have many stories coming in from appraisers all over the nation regarding EappraiseIT demanding they do what is unethical at the least" and (b) "LSI, eAppraiseIT, AppraisalPort, and many others ARE: unlocking your appraisal reports, 'converting' them to something else, delivering them completely unlocked, doing whatever they want with and to the data along the way. At this point I very strongly suggest that ALL appraisers should IMMEDIATELY STOP SENDING

ANYTHING IN TO ANY OF THESE AMCs!!!! The evidence I already have that is being delivered to various Federal and State law enforcement and regulators, and others, with much more coming in regularly, would make your eyes pop out of your heads.”

10. Defendant’s false and malicious statements contained on Website # 2 include, without limitation, that (a) “[o]ne of the best examples of the power and results of what I’ve been doing is what happened with *eAppraiseIT* pressuring an appraiser to raise the value and finding out that they DO unlock each and every appraisal delivered through them!. Without the contacts I’ve been able to collect, I don’t know that anything could have happened” and (b) “Please know that eAppraiseIT opens your appraisals to make additions to it. Knowing that, how is your signature secured anymore?”

11. Defendant made these false and malicious statements on the Website (a) knowing they were false or with a reckless disregard for the truth, (b) without reasonable grounds for Defendant to believe they were true, and/or (c) with intent to injure and defame Plaintiff.

12. These false and malicious statements were communicated to third parties *via* the world wide web.

13. Defendant’s false and malicious statements, when considered alone and without innuendo, have (a) negatively impacted Plaintiff’s trustworthiness and character, (b) caused Plaintiff to be subjected to distrust, ridicule, contempt, and disgrace, and (c) injured Plaintiff’s reputation and goodwill in the appraisal management industry and appraiser community, upon which Plaintiff relies for completion of its duties.

14. Plaintiff is informed, believes, and fears that these false and defamatory *per se* statements will continue to be published in databases used by the public and will

foreseeably be re-published by their recipients, all to the ongoing harm and injury to Plaintiffs' business, and professional reputation. Plaintiffs also seek redress in this action for all foreseeable re-publications.

15. Defendant's actions in publishing these defamatory statements to third parties displayed intentional misconduct and/or gross negligence in that either Defendant had actual knowledge of the wrongfulness of the conduct and the high probability that damage to Plaintiff would result and, despite that knowledge, intentionally pursued the course of conduct resulting in Plaintiff's injury and damages or Defendant's conduct was so reckless and wanting in care that it constitutes a conscious disregard or indifference to the rights of the Plaintiff.

16. Defendant is vicariously liable for the unlawful acts of its managerial agents as Defendant actively and knowingly participated in such conduct, its officers, directors, or managers knowingly condoned, ratified, or consented to such conduct, and/or Defendant engaged in conduct that constituted intentional misconduct and/or gross negligence contributing to Plaintiff's loss, damages, or injury suffered.

17. Plaintiff has thousands of advantageous business relationships with various companies, entities, and individuals wishing to purchase the products and services provided by Plaintiff as well as a vast appraiser network for fulfillment of its work.

18. Defendant knew of the existence of these advantageous business relationships and networks.

19. Defendant willfully, intentionally and maliciously interfered with those relationships and networks by publishing orally, and in writing, false and damaging

information about Plaintiff's business, and such publications and statements interfered with such business relationships.

20. Defendant, through her acts, has intentionally and unjustifiably interfered with Plaintiff's advantageous business relationships.

21. A substantial likelihood of success on the merits exists for Plaintiff.

22. There is a substantial threat that Plaintiff will suffer irreparable injury if an injunction is not granted.

23. The threatened injury to Plaintiff outweighs the threatened harm the injunction may cause to Defendant.

24. Granting a preliminary injunction will not be adverse to the public interest.

WHEREFORE, Plaintiff respectfully requests that this Court enter a temporary injunction against Defendant from further publication of defamatory statements on the Websites, award Plaintiff the costs incurred in bringing this action, and award it any further relief deemed to be appropriate by this Court.



JOHN W. BOLANOVICH, ESQUIRE  
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2601 Technology Drive  
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Telephone: (407) 578-1334  
Facsimile: (407) 578-2347  
Attorney for Plaintiff

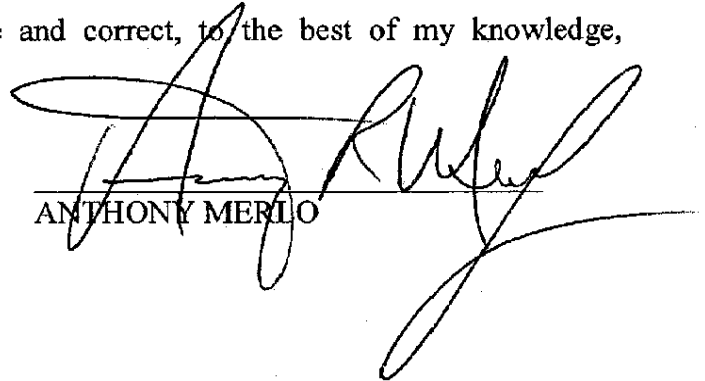
#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Defendant contemporaneously with the service of the Complaint in this matter.

  
JOHN W. BOLANOVICH, ESQUIRE


**VERIFICATION OF FACTS CONTAINED HEREIN**

I, ANTHONY MERLO, President of First American eAppraiseit, LLC, hereby affirm that I have read the allegations set forth in the foregoing Verified Motion for Injunctive Relief and that they are true and correct, to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
ANTHONY MERLO

STATE OF CALIFORNIA  
COUNTY OF San Diego

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared ANTHONY MERLO, who is personally known or who produced CA Drivers License as identification and who executed the foregoing instrument and who did take an oath, and acknowledged before me that he executed the same for the purposes therein expressed this 14<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF  
Commission Number:  
My Commission Expires:

