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7 Attorneys for Plaintiff Incorp Services, Inc.

8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF NEVADA

<p>10 INCORP SERVICES, INC., a Nevada 11 corporation, 12 Plaintiff, 13 vs. 14 NEVADA CORPORATE SERVICES, INC., a Nevada corporation, and DOES 1 - 10, inclusive, 15 Defendants. 16</p>	<p>CASE NO.</p>	<p>COMPLAINT</p> <p>DEMAND FOR JURY TRIAL</p>
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17 Plaintiff Incorp Services, Inc. (“Incorp”) brings this complaint against Nevada Corporate
 18 Services, Inc. (“NCS”), and allege as follows:

19 **INTRODUCTION**

- 20 1. Defendant Nevada Corporate Services, Inc. is a competitor of Plaintiff Incorp
 21 Services, Inc.
- 22 2. NCS drafted and published false and defamatory letters about Incorp and sent
 23 these letters to Incorp’s clients.
- 24 3. These letters falsely claimed that Incorp “may be discontinuing” its registered
 25 agent services, leaving its clients “vulnerable and at risk.”
- 26 4. As a result of Incorp’s clients’ receipt of these false and defamatory letters, Incorp
 27 has been substantially harmed.
- 28

JURISDICTION AND VENUE

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2 5. This Court has subject matter jurisdiction over the federal false advertising claim
3 pursuant to the Lanham Act, 15 U.S.C. §1121 and 28 U.S.C. §§1331 & 1338. The Court has
4 supplemental jurisdiction over the claim arising under state law pursuant to 28 U.S.C. §1367(a),
5 in that the state law claim is so related to the claim over which the Court has original jurisdiction
6 that it forms part of the same case or controversy under Article III of the United States
7 Constitution.

8 6. This Court has personal jurisdiction over NCS because it is a Nevada-based
9 corporation, conducts substantial business in Nevada, committed the misconduct at issue in
10 Nevada, and directed the misconduct towards a Nevada resident.

11 7. Venue is proper in the District of Nevada pursuant to LR IA 6-1 and 28 U.S.C
12 §1391(b)(2) &(c), because a substantial part of the events or omissions giving rise to Plaintiff's
13 claims occurred here, and because the Defendant is subject to personal jurisdiction in this
14 District.

PARTIES

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16 8. Plaintiff Incorp Services, Inc. is a Nevada corporation, with its principal place of
17 business in Clark County, Nevada.

18 9. Defendant Nevada Corporate Services, Inc. is a Nevada corporation, with its
19 principal place of business in Clark County, Nevada.

20 10. Incorp is uncertain of the true names and capacities of those defendants sued by
21 the fictitious names Does 1 through 10, who also are responsible and liable for the injuries
22 alleged in this Complaint and who proximately caused damage to Incorp. Incorp will amend this
23 Complaint to add the true names and capacities of the Does when they become known.

NCS'S MISCONDUCT

24
25 11. Incorp provides a variety of company formation and registration services,
26 including registered agent services.

27 12. Incorp has an established track record of providing high quality, trouble-free, and
28 efficient registered agent services to its clients.

1 13. As a result of Incorp's history of providing excellent registered agent services,
2 Incorp enjoys a competitive advantage over other registered agent services and is able to demand
3 a premium for its services.

4 14. NCS is a direct competitor of Incorp, offering various company formation and
5 registration services, including registered agent services.

6 15. NCS struggles to compete with Incorp regarding client satisfaction in the
7 provision of registered agent services.

8 16. On or around May 28, 2009 NCS drafted false and defamatory letters about
9 Incorp.

10 17. These letters stated that Incorp "may be discontinuing its services."

11 18. These letters also stated that Incorp's discontinuance of services may leave its
12 clients "vulnerable and at risk."

13 19. The letter went on to assert criticism after criticism about registered agent
14 services, insinuating that these statements were about Incorp.

15 20. Thus, the letter stated that the Incorp client may be "victimized by a lack of
16 service and professionalism" by Incorp.

17 21. The letter further stated that the Incorp client may be "devastated by their
18 Registered Agent's failures."

19 22. The letter further stated that Incorp may fail "in fulfilling their statutory duties,
20 opening you, their client, to strategic vulnerabilities."

21 23. The letter contains numerous other criticisms about Incorp.

22 24. These statements were false.

23 25. NCS sent these letters to numerous—if not all—of Incorp's clients.

24 26. The harm to Incorp from the defamatory letters was immediate and irreparable.

25 27. On information and belief, NCS carried out the above-described misconduct
26 knowingly, willfully, maliciously, and with the intent to harm Incorp.

27 28. On information and belief, NCS conspired with and aided and abetted the Doe
28 defendants in carrying out the above-described misconduct.

FIRST CAUSE OF ACTION

(False Advertising under the Lanham Act, 15 U.S.C. §1125(a))

29. Incorp repeats and incorporates by reference all of the allegations set forth above.

30. NCS intentionally and with knowledge published false descriptions and representations of fact about Incorp.

31. NCS's statements misrepresented the quality and nature of Incorp's professionalism and client dedication as well as the quality, reliability, and safety of Incorp's services.

32. NCS published these false descriptions and representations in letters, which it then sent in interstate commerce to Incorp's clients.

33. NCS's statements were made to discourage people from using Incorp's services, and to encourage people to use NCS's services.

34. As a result of NCS's statements, Incorp has been substantially harmed.

SECOND CAUSE OF ACTION

(Defamation)

35. Incorp repeats and incorporates by reference all of the allegations set forth above.

36. NCS published false and defamatory statements about Incorp.

37. NCS published these false and defamatory statements knowing that they were false and with malice and the specific intent to harm Incorp and benefit NCS.

38. NCS published these false and defamatory statements to third parties.

39. NCS's false and defamatory statements were unprivileged.

40. As a result of NCS's misconduct Incorp has suffered and continues to suffer significant harm.

PRAYER

WHEREFORE, Plaintiff respectfully request relief as follows:

- 1. That the Court enter a judgment against NCS that it is:
 - a. Liable to Incorp for false advertising under 15 U.S.C. §1125(a).
 - b. Liable to Incorp for defamation.

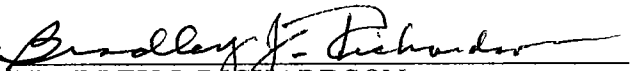
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- 2. That the Court enter a judgment against NCS in favor of Incorp as follows:
 - a. Direct, compensatory, general, special, and consequential damages against NCS for defamation;
 - b. Compensatory damages for contributory false advertising under 15 U.S.C. §1117(a);
 - c. Punitive damages against NCS, under N.R.S. 42.005(e) for oppression, fraud, and malice in its defamatory acts;
 - d. Treble damages against NCS, under 15 U.S.C. §1117(a) for oppression, fraud, and malice in its false advertising;
 - e. Attorneys' fees and necessary expenses against NCS under 15 U.S.C. §1117(a);
 - f. All costs of this action; and
 - g. Pre-judgment interest.

3. That the Court grant to Incorp such additional relief as is just and proper.

Dated this 17th day of July, 2009.

GORDON SILVER

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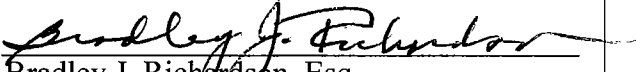
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REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: July 17, 2009

GORDON SILVER

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