

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
(Miami Division)

04-21618-CIV-MARTINEZ/Klein

UNIVERSAL COMMUNICATION
SYSTEMS, INC. (a Nevada Corporation),
MICHAEL J. ZWEBNER (individually),
and Others Similarly Situated,

Plaintiffs,

v.

LYCOS, INC. and TERRA LYCOS, INC.,
d/b/a THE LYCOS NETWORK,

Defendants.

**NOTICE OF VIOLATION OF COURT ORDER AND MOTION
FOR TRANSFER OF RELATED ACTION PURSUANT
TO LOCAL RULE 3.9(C) WITH REQUEST FOR SANCTIONS**

Defendant Lycos, Inc., by and through its undersigned attorneys, hereby notifies this Court that the Plaintiffs Universal Communications Systems, Inc. and Michael J. Zwebner (the "Plaintiffs") have violated this Court's Stay Order of January 19, 2005 (the "Stay Order") by initiating and pursuing virtually identical litigation against Lycos in another case in this District. As explained below, Lycos respectfully requests that the related matter be transferred to this Court, and stricken as a violation of the Court's prior Order. At a minimum, the related matter should be consolidated with this earlier-filed action and the Stay Order should be extended to include that matter. Finally, Lycos requests that this Court issue an Order imposing sanctions on the Plaintiffs for their conduct in violation of the Stay Order.

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CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

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BACKGROUND

This case is one of a myriad of lawsuits¹ initiated by the Plaintiffs regarding postings on Internet-based message boards. Here, the Plaintiffs have asserted civil claims against Defendants Lycos, Inc., and Terra Lycos,² seeking a wide variety of injunctive relief and damages of \$100 million. Like the claims asserted in many of these other lawsuits, Plaintiffs' claims in this case are based upon supposedly defamatory postings made by third parties on "Raging Bull," an Internet message board maintained by Lycos. See generally Complaint ¶¶ 28-31, 42-44, 51-53.

Defendants have filed a Motion to Dismiss the Complaint (the "Motion to Dismiss"), which asserts their statutory immunity to suit under 47 U.S.C. § 230 ("Section 230").³ See Defendants' Motion to Dismiss the Complaint [DE #12]. Defendants have also filed a Motion to Dismiss, or in the Alternative to Transfer this action to the District of Massachusetts (the "Motion to Transfer"), on the grounds that such a transfer is required by the forum-selection clause in the Subscriber Agreement that is attached as Exhibit 1 to the Complaint. See Defendants' Motion to Dismiss, or in the Alternative, Transfer for Improper Venue [DE #15].

The Plaintiffs' litigation tactics in this case have involved a flurry of motions and cross-motions. Among other things, on December 13, 2005, Plaintiffs in this action filed a Motion

¹ See, e.g., Zwebner v. Lycos, Inc. et al., No. 05-20149-CIV-MORENO (S.D. Fla.); Universal Communications Systems, Inc. v. Turner Broadcasting System, Inc., No. 05-CV-20047 (S.D. Fla.); Zwebner v. Coughlin, No. 05-20168-CIV-COOKE (S.D. Fla.); Zwebner v. John Does – Alias "Tobias", et al., No. 03-CV-22328-MORENO (S.D. Fla.); AirWater Corp. and Universal Communications Systems, Inc. v. Elec. & Gas Technology, Inc., No. 03-CV-22196-SEITZ (S.D. Fla.); see also, e.g., Zwebner v. Villasenor, No. 00-02239 (Mass. Super. Ct.); Zwebner v. John Does Anonymous Found., Inc., No. 00-CV-01322 (D. Or.); Zwebner v. Dumont, Civil Action No. 98-00682 (D.N.H.).

² Terra Lycos is in fact not a separately-incorporated entity. Cf. Complaint ¶¶ 11-12. Accordingly, Terra Lycos is not a proper party defendant in this case as it lacks the capacity to be sued under Fed. R. Civ. P. 17(b).

³ Section 230 insulates providers of Internet-based message boards like Lycos from civil liability where that liability is based upon content provided by third parties. See generally Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint [DE #13] at 6-10.

seeking leave to file an Amended Complaint. See DE # 64. That Motion attached as an exhibit a proposed First Amended Complaint. Id. On December 27, 2004, Defendants filed an Opposition to that Motion. See DE #67.

On January 19, 2005, this Court issued an Order staying this action in its entirety pending this Court's resolution of Defendants' Motion to Transfer. See DE #78 (the "Stay Order").

Thereafter, on January 26, 2005, seven days after the Court issued its Stay Order in this case, Plaintiffs served Lycos with an entirely new Complaint bearing a new case number, 05-20149-CIV-MORENO (the "Moreno Action.") The Complaint submitted in the Moreno Action, however, was virtually identical to the proposed Amended Complaint submitted by the Plaintiffs in this case. See Complaint in Case No. 05-20149-CIV-MORENO (attached hereto as Exhibit A).

Most importantly, on February 2, 2005—fourteen days after this Court issued its Stay Order—the Plaintiffs continued their efforts to circumvent that Stay Order by filing an Amended Complaint in the Moreno Action. See Amended Complaint (attached hereto as Exhibit B). While that Amended Complaint attempts to add new parties and claims to the Moreno Action, it remains based upon the very same subject matter and allegations that that are at issue in this case. See Exhibits A and B.

ARGUMENT

By filing both a virtually identical Complaint and the subsequent Amended Complaint in the Moreno Action, the Plaintiffs in this case are clearly attempting to achieve through that other case what this Court has expressly barred in this case. Such conduct necessarily violates the spirit and intent of this Court's January 19th Stay Order. Indeed, if Lycos is required to respond

to the Amended Complaint in that other virtually identical action, this Court's Stay Order will be rendered largely meaningless.

Rule 3.9(C) of the Rules of this Court state that "[w]henver an action or proceeding is filed in the Court which involves subject matter which is a material part of the subject matter of another action or proceeding then pending before this Court . . . the Judges involved shall determine whether the newly filed action or proceeding shall be transferred to the Judge to whom the earlier filed action or proceeding is assigned." See Local Rule 3.9(C). Here, there can be no dispute that the "subject matter" of the Moreno Action is the same as the "subject matter" of this earlier-filed action. Accordingly, a transfer of the Moreno Action to this Court pursuant to Local Rule 3.9(C) is entirely appropriate. More importantly, such a transfer is necessary to prevent the Plaintiffs from circumventing the Court's January 19th Stay Order and to protect Lycos from bearing the unfair burden of litigating identical issues before two judges in this same Court.

CONCLUSION

For the foregoing reasons, pursuant to Local Rule 3.9(C), Defendant Lycos respectfully requests that this Court issue an Order transferring Case No. 05-20149-CIV-MORENO to this Court and consolidating that lawsuit with this earlier-filed action. Lycos further requests that, once this proposed transfer is completed, this Court issue an Order striking both the new Complaint and the Amended Complaint filed in the Moreno Action as violations of its January 19th Stay Order. Alternatively, Defendants request that, once a Rule 3.9(C) transfer is completed, this Court extend the previously-issued Stay Order to include the claims asserted in the Moreno Action.

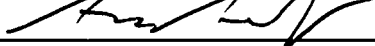
Finally, Plaintiffs' above-described conduct in violation of the Stay Order has caused Defendant Lycos to expend substantial time and effort and to incur costs in defending against

Plaintiffs' multiple and wasteful litigation tactics. Accordingly, Lycos respectfully requests that this Court issue an Order sanctioning the Plaintiffs for this conduct in the form it deems just, including (but not limited to) ordering the Plaintiffs to pay Lycos its attorneys' fees and costs incurred in connection with the preparation of this submission. Indeed, such a sanction is necessary in order to deter future efforts by the Plaintiffs to circumvent this Court's Orders.

Dated: February 9, 2005

Respectfully submitted,

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Attorneys for Lycos, Inc. and Terra Lycos
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By 

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RULE 7.1 CERTIFICATION

I HEREBY CERTIFY pursuant to Local Rule 7.1(A)(3) that on February 9, 2005, counsel for the parties conferred in a good faith attempt to resolve or narrow the issues raised in the Defendants' Motion For a Protective Order. The Plaintiffs have declined to consent to the relief requested in this Motion.

By 
Larry A. Stumpf, Esq.
Aaron Anthon, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that *Notice of Violation of Court Order and Motion for Transfer of Related Action Pursuant to Local Rule 3.9(C) with Request for Sanctions* was sent via U.S. Mail this 9th day of February, 2005 to: **John H. Faro, Esq.**, Faro & Associates, 44 West Flagler Street, Suite 1100, Miami, Florida 33130, and **David A. Bunis, Esq.**, DWYER & COLLORA, LLP, 600 Atlantic Avenue, Boston, MA 02210.


By 
Larry A. Stumpf, Esq.
Aaron Anthon, Esq.

Exhibit A

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
Southern District of Florida

Case Number: 05-20149 CIV MORENO

2005 FEB -1 AM 11:03

Plaintiff:

Universal Communications Systems Inc., Et Al.,

vs.

Defendant:

Lycos Inc., dba The Lycos Network & Terra Networks S.A.

For:

John H. Faro, Esq.
FARO & ASSOCIATES
44 West Flagler Street
Suite 1100
Miami, FL 33130

Received by CIVIL PROCESS PLUS, INC. on the 24th day of January, 2005 at 6:05 pm to be served on LYCOS INC. c/o Ct Corporation System Inc. Registered agent 1200 S. Pine Island Rd. Plantation, FL.

I, Raul Zayas, being duly sworn, depose and say that on the 26th day of January, 2005 at 3:45 pm, I:

SERVED the within named corporation by delivering a true copy of the Summons in a Civil Action With Complaint with the date and hour endorsed thereon by me to Donna Mock Supervisor of Process for C.T. Corporation Systems Inc. as REGISTERED AGENT.

I do hereby certify that I have no interest in the above styled action; that I am over the age of eighteen years and that I am a Special Appointed Process Server in and for Broward County, Florida. Under penalty of perjury I declare that I have read the foregoing Verified Return of Service and the facts contained herein are true and correct to the best of my knowledge.

Raul Zayas
S.A.P.S # 251

CIVIL PROCESS PLUS, INC.
1501 N.W. 29 Street
Miami, FL 33142
(305) 375-9111

Our Job Serial Number: 2005000815

Subscribed and Sworn to before me on the 24th day of January, 2005 by the affiant who is personally known to me.

NOTARY PUBLIC



Karia E. Velasquez
My Commission DD318991
Expires May 12, 2008

UNITED STATES DISTRICT COURT

District of _____

Universal Communication Systems, Inc., Michael J. Zwebner & Others Similarly Situated

V.

Lycos, Inc. dba The Lycos Network & Terra Networks, S.A.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

05-20149 CIV MORENO

Donna Mock -

CT Corp.

1/26/05 - 3:45 PM

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TO: (Name and address of Defendant)

Lycos, Inc.
c/o CT Corporation System
Registered Agent
1200 South Pine Island Road
Plantation, FL 33324 USA

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

John H. Faro, Esq.
FARO & ASSOCIATES, LLC
44 West Flagler Street, Suite 1100
Miami, FL 33130
Phone: (305) 424-1112
Fax: (305) 424-1114

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Clarence Maddox

CLERK

(BY) DEPUTY CLERK

DATE

1/19/05

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<p><input type="checkbox"/> Served personally upon the defendant. Place where served:</p> <p><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</p> <p><input type="checkbox"/> Returned unexecuted:</p> <p><input type="checkbox"/> Other (specify):</p>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date _____ Signature of Server _____</p> <p style="text-align: center;">_____ Address of Server _____</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
(Miami Division)

05-20149

CIV-14-149

CASE NO. _____-CIV-_____

UNIVERSAL COMMUNICATION)
SYSTEMS, INC. (A Nevada Corporation),)
MICHAEL J. ZWEBNER (individually) &)
Others Similarly Situated)
Plaintiffs)
vs.)
LYCOS INC. *dba* THE LYCOS)
NETWORK & TERRA NETWORKS, S.A.,)
(A Spanish Company with its USA offices)
in Miami-Dade County, Florida)
Defendants)

MAILED

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COMPLAINT – CLASS ACTION

This is an action by the PLAINTIFF, UNIVERSAL COMMUNICATION SYSTEMS, INC. (herein also "UCSY" or "PLAINTIFF" or "CORPORATE PLAINTIFF") and Michael J. ZWEBNER (herein also "ZWEBNER" or "PLAINTIFF" or "INDIVIDUAL PLAINTIFF") against the Defendants, LYCOS, INC. & TERRA NETWORKS, S.A., (collectively, "TERRA LYCOS"), also *dba* THE LYCOS NETWORK (also collectively "DEFENDANTS"), the compiler and distributor of the messages which are posted upon the financial message board(s) on the RAGING BULL web site, including specifically, the "UCSY" financial message board(s) established on such site, without approval or authorization of PLAINTIFFS, by an anonymous Subscriber to such web site.

1/05

NATURE OF ACTION

The PLAINTIFFS' claims against the LYCOS INC. and TERRA NETWORKS, S.A., are for (a) violation of Massachusetts Law, specifically *Mass. Gen. Law (MGLA) §93A, Section 9*, for consumer fraud, (b) violations of Federal Law, specifically, *47 USC §223*, for Cyber Stalking, (c) violation of Florida Law, specifically, *F.S. § 495.151, et seq.*, for dilution of UCSY's trade name, and (d) *F.S. § 784.048, et al.*, for Cyber Stalking.

CLASS ACTION ALLEGATIONS

1. The Corporate PLAINTIFF, UCSY, is a publicly traded company, which has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the DEFENDANTS.

2. The individual PLAINTIFF, ZWEBNER, is an officer and director of UCSY, who has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the DEFENDANTS.

3. The corporate PLAINTIFF is one of several hundred companies which has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the DEFENDANTS.

4. The individual PLAINTIFF, ZWEBNER, is one of several hundred officers and directors of companies who has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the DEFENDANTS.

5. The claims asserted herein by the above named Plaintiffs present questions of fact and law that are common to all members of the classes to which these Plaintiffs belong.

6. The claims and/or defense of the above named Plaintiffs are typical of the claims and defenses of the members of the classes to which the Plaintiffs belong.

7. The Plaintiffs are representative of each of the classes of Plaintiffs set forth herein, and shall fairly and adequately protect the interest of each of these classes.

8. The DEFENDANTS named herein comprises the class of defendant against whom the following claims are asserted.

PARTIES

9. The PLAINTIFF, UCSY, is a corporation that is organized and existing under the laws of the State Of Nevada. UCSY is a Nevada corporation which is listed and publicly traded in the over-the-counter exchange. The ticker symbol for UCSY is "UCSY", the trade name of corporate PLAINTIFF, and, thus, is also used as the shorthand identifier of the corporate PLAINTIFF in these pleadings. The PLAINTIFF, UCSY, maintains its corporate offices in the city of Miami Beach, Florida.

10. The PLAINTIFF, ZWEBNER, is a citizen of the United Kingdom and of the State Of Israel, whose principle residence is within the State Of Israel. ZWEBNER also maintains a second residence within the city of Miami Beach, Florida. ZWEBNER is the Chairman of the Board of Directors of UCSY and its Chief Executive Officer.

11. Upon information and belief, the Defendant, LYCOS, INC. is company organized and existing under the laws of the Commonwealth of Massachusetts. LYCOS, INC. has its principle place of business within the city of Waltham, Massachusetts.

12. (a) Upon information and belief, Defendant, TERRA NETWORKS, S.A. is a company organized and existing under the laws of the country of Spain. The DEFENDANT

TERRA NETWORKS, S.A. has its USA offices within the city of Miami, Dade County, Florida. At the time of the acts complained of herein, TERRA NETWORKS, S.A., exercised and/or had the right to exercise control over both LYCOS, INC. & THE LYCOS NETWORK, including the right to restrict access to the LYCOS NETWORK. Upon information and belief, the DEFENDANT, TERRA NETWORKS, S.A., exercised control over LYCOS, INC. & THE LYCOS NETWORK, from its offices in Miami-Dade County, Florida.

(b) On or about August 2, 2004, TERRA NETWORKS, S.A. sold its interest in Defendant, LYCOS, INC. to DAUM COMMUNICATIONS CORP (a Korean Company). Notwithstanding, TERRA NETWORKS, S.A. continues to operate from its offices in Miami-Dade County, Florida.

13. THE LYCOS NETWORK is a wholly owned subsidiary, or division, or affiliate of the DEFENDANT, LYCOS INC., which operates an array of web sites from within the United States, including the RAGING BULL web site. Upon information and belief, THE LYCOS NETWORK operates from the LYCOS, INC. offices in Waltham, Massachusetts.

Jurisdiction & Venue

14. This is a civil action arising under Federal and State law, between citizens of diverse jurisdictions, wherein the amount in controversy exceeds \$75,000. The Complaint also seeks injunctive relief.

15. The claims asserted herein arise under Federal Law, including specifically, under

(a) 47 USC §223 (a private/implied right of action for Cyber Stalking); and, under State Law, specifically under

- (b) *MGLA §93A, Section 9* (Massachusetts General Laws - for Consumer Fraud);
- (c) *F.S. 495.151, et seq.* (Florida Law for Trade Name Dilution); and
- (d) *F.S. §784.048, et al.*, (Florida Law for Cyber Stalking).

16. This Court has jurisdiction over the parties and the Federal claims asserted herein under *28 USC §1331 & §1332*; and, over the State claims under this Court's Supplemental Jurisdiction, in that such State Claims are so related to the above Federal claims that they form part of the same case and controversy.

17. Venue is proper in this District pursuant to *28 USC §§1391(b) & (c)*.

Background Facts & Parties

18. Since as early as about September 1998 up to June 2002, PLAINTIFF, ZWEBNER, was the Chairman of *Talk Visual Corporation*— a public company which trades in equity markets under the ticker symbol “TVCE” (formerly “TVCP”); and, from about November 2001, up to and including the present, Chairman of *Universal Communication Systems Inc.* (UCSY) - a public company which trades in equity markets under the ticker symbol “UCSY”.

19. At the time of the acts complained of, the DEFENDANTS operated and maintained a website designated QUOTE.COM, which is purportedly dedicated to providing commercial information, data and financial services to a LYCOS site visitor and to an authorized user (also herein “Subscriber”) to THE LYCOS NETWORK. This QUOTE.COM site permits retrieval of stock quotation information and technical data for a company having a publicly traded security, and a link to a message board on DEFENDANTS' RAGING BULL web site, which automatically appears upon retrieval of a stock quotation for a given company.

20. The DEFENDANTS condition use of the services available on THE LYCOS NETWORK upon a registration process, wherein a potential Subscriber/User (a) first reviews and (b) then accepts the *Terms & Condition* of a boiler plate "agreement" (Massachusetts contract), referenced herein as also a "Subscriber Agreement" or "User Agreement", annexed hereto as *Exhibit "I"*.

21. According to the representations made to potential subscribers, all Subscribers to THE LYCOS NETWORK (including the RAGING BULL web site) are required to register under their true identities, specifically, their real names, and provide accurate contact information, in order for the Defendants to both verify their identity and enforce compliance with the terms and conditions of use of THE LYCOS NETWORK. Notwithstanding the DEFENDANTS' published registration requirements, registration is accorded to individuals by DEFENDANTS, based upon false information; and, DEFENDANTS permit such individuals access to THE LYCOS NETWORK, without question or verification of such registration information.

22. One of the privileges of membership accorded to an authorized Subscriber/User to THE LYCOS NETWORK, is the ability of such Subscriber/User to create a message board dedicated to a particular business or enterprises. The DEFENDANTS suggest that a Subscriber use a particular business or enterprises "stock ticker symbol" associated with such particular business or enterprises, as a means of identification of a message board, on for example, the DEFENDANTS' RAGING BULL web site.

23. Another of the privileges of membership accorded to an authorized Subscriber/User to THE LYCOS NETWORK, is the ability of such Subscriber/User to post messages (herein also "postings") on message boards on any of the sites maintained by

DEFENDANTS on THE LYCOS NETWORK. These postings are “anonymous” in that they do not reveal the true identity of the poster but rather are attributed to an individual “screen names” or “alias” assigned to the poster by the DEFENDANTS.

24. The DEFENDANTS maintain a message board on their RAGING BULL web site devoted to the PLAINTIFF, UCSY. Since about the year 2000, the UCSY message board has had more than 35,000 postings by DEFENDANTS’ Subscribers, including several thousand postings by Mr. Roberto G. Villasenor (herein also “VILLASENOR). Many of these 35,000 postings originated from the same individual, or a limited number of individuals, who utilized different screen names or aliases; and, often are, thus, repetitive or duplicative of earlier postings, some of which had been previously deleted because of their offensive nature.

COUNT I

(Consumer Fraud – Mass. Gen. Law §93A, Section 9)

25. The PLAINTIFFS incorporate paragraph (1) to (24), as if restated herein.

26. In the about December 1999, one or more of the stockholders of the PLAINTIFF, UCSY, first made the Plaintiffs aware of certain unsolicited postings appearing upon a “UCSY” message board then being hosted on THE LYCOS NETWORK, specifically, the RAGING BULL “financial” web site of THE LYCOS NETWORK.

27. These unsolicited postings, referenced herein in paragraph (26), which appeared on such RAGING BULL site included inaccurate and/or otherwise misleading information which, if unchallenged or uncorrected, could potentially cause investor deception and/or investor distress, and/or trigger regulatory scrutiny, if true. Upon information and believe, the inaccurate and/or otherwise misleading information posted upon the RAGING BULL site was intended to

cause manipulation of the price of the PLAINTIFF, UCSY, stock, to the detriment of UCSY investors.

28. In order for the PLAINTIFFS to respond to investor, and potentially regulator, concerns relative to such inaccurate and/or otherwise misleading information appearing on DEFENDANTS' RAGING BULL "financial" web site, it was first necessary for PLAINTIFFS to register as a subscriber to THE LYCOS NETWORK. This registration process necessarily required that the PLAINTIFFS first review the Defendants' Subscriber Agreement and, thereafter, consent to be bound by its terms.

29. On or about December 1999, the PLAINTIFFS reviewed the Defendants' Subscriber Agreement, preliminary to the PLAINTIFF, ZWEBNER, registration as an authorized user of THE LYCOS NETWORK, including the *Terms & Conditions and Conditions and Restrictions On Use* (Exhibit "1", Paragraph (2)), of the DEFENDANTS' Subscriber Agreement. Upon information and belief, these *Terms & Conditions and Conditions and Restrictions On Use* are purportedly structured (at least on the surface) to prevent misuse of the RAGING BULL web site AND to protect the Subscribers thereto from the *Prohibited Conduct* (Exhibit "1", Paragraph (6)) set forth therein.

30. At the time of the PLAINTIFF, ZWEBNER, review of the DEFENDANTS' Subscriber Agreement, he understood that DEFENDANTS had the ability to enforce individual compliance with the *Conditions & Restriction On Use* of THE LYCOS NETWORK, including specifically, their RAGING BULL web site.

31. At the time of the PLAINTIFF, ZWEBNER, review of the DEFENDANTS' Subscriber Agreement, he understood that DEFENDANTS had the intention to enforce

individual compliance with the *Conditions & Restriction On Use* of THE LYCOS NETWORK, including specifically, their RAGING BULL web site.

32. PLAINTIFF, ZWEBNER, relied upon the representations set forth in DEFENDANTS' Subscriber Agreement, as noted in Paragraphs (30) & (31) herein, prior to his registration as registration as an authorized user of THE LYCOS NETWORK.

33. As a result of the foregoing representations, as set forth herein in paragraphs (29) to (31) herein, the PLAINTIFFS were induced to enter into DEFENDANTS' Subscriber Agreement.

34. At the time of the DEFENDANTS' solicitation of subscribers, including the PLAINTIFF, ZWEBNER, to THE LYCOS NETWORK, DEFENDANTS knew, or should have known, that certain of the representation contained in their Subscriber Agreement were false and otherwise deceptive, including specifically, the DEFENDANTS' representations with respect to, (a) DEFENDANTS' ability to protect subscribers to their Network, including the PLAINTIFF, ZWEBNER, from individuals who engage in the *Prohibited Conduct* recited in the Subscriber Agreement.

35. At the time of the DEFENDANTS' solicitation of subscribers, including the PLAINTIFF, ZWEBNER, to THE LYCOS NETWORK, DEFENDANTS knew, or should have known, that they lacked the ability to identify individuals engaging in *Prohibited Conduct*, and thereby preclude them from access to THE LYCOS NETWORK to protect subscribers to their Network, including the PLAINTIFF, ZWEBNER, from individuals who engage in the *Prohibited Conduct* recited in the Subscriber Agreement.

36. The PLAINTIFF, ZWEBNER, has repeatedly written to the DEFENDANTS,

- (a) to apprise them of the personal attacks upon him (both personally and professionally), and upon his company, UCSY, in postings, (hereinafter "objectionable postings"), appearing upon the "UCSY" message board, ZWEBNER letter to "Legal Department, Community Manager, dated April 12, 2003, annexed hereto as *Exhibit "4"*;
- (b) to request (a) the removal of the objectionable postings and (b) that the individuals responsible for such objectionable postings be prohibited from further access to DEFENDANTS LYCOS NETWORK, to no avail, ZWEBNER letter to Jamie Carney dated August 5, 2003, annexed hereto as *Exhibit "5"*; and
- (c) charged DEFENDANTS Subscriber Agreement, specifically, the representations contained therein, as set forth herein above in paragraphs , were "illusory" and "misleading", ZWEBNER letter to E. Solowey, dated December 30, 2003, annexed hereto as *Exhibit "6"*;

Notwithstanding, the DEFENDANTS receipt of notice, consistent with MGLA 93A, Section 9, demanding relief from the Objectionable Postings maintained and distributed on THE LYCOS NETWORK, and accusing the DEFENDANTS of misleading and deceptive misconduct by virtue of their failure to conform their conduct to their representations contained in their solicitation of subscribers to their NETWORK, the DEFENDANTS made no effort to compromise or otherwise comply with PLAINTIFFS' demands for relief.

37. The DEFENDANTS' conduct, as set forth herein above in paragraphs 34, 35 & 36, is deceitful and operated as a fraud upon the PLAINTIFFS; and, thus, comprise a deceptive act and practice under MGLA 93A, Section 9.

38. As a direct and proximate result of the DEFENDANTS' conduct, as set forth herein above in paragraphs 34, 35 & 36, the PLAINTIFF, ZWEBNER, has suffered both economic harm and severe emotional distress.

WHEREFORE, the PLAINTIFFS demand judgment against the DEFENDANTS for actual and consequential damages in the amount of \$100M, or according to proof.

COUNT II
(Cyber Stalking - 47 USC §223)

39. The PLAINTIFFS incorporate paragraph (1) to (38) as if restated herein.

40. The DEFENDANTS own, control and operate a commercial telecommunication facility, specifically, THE LYCOS NETWORK, within the contemplation and scope of federal regulation by the Federal Communications Commission (FCC), including *47 USC §223*.

41. The DEFENDANTS' telecommunications facility, specifically THE LYCOS NETWORK, has and continues to be used to transmit and publish comments, suggestions, images and other communications from DEFENDANTS' authorized, anonymous subscribers, which are calculated to annoy, abuse, threaten and harass the PLAINTIFFS.

42. The PLAINTIFFS, have the right to be and remain free from persistent abuse, harassment and ridicule, on THE LYCOS NETWORK by DEFENDANTS' authorized, anonymous subscribers.

43. The federal regulation of DEFENDANTS' telecommunications facility, specifically THE LYCOS NETWORK, requires, *inter alia*, that DEFENDANTS, implement measures, which are reasonable, effective, and appropriate, under the circumstances, to restrict access to their NETWORK and thereby prohibit an individual for the use of such NETWORK

from repeatedly making anonymous threatening and abusive communications, in violation of *47 USC §232(a)(1)(C)*, to PLAINTIFFS.

44. At all times material hereto, the Defendants knew, or should have know, that THE LYCOS NETWORK was being used by one or more of its Subscribers to repeatedly make anonymous threatening and abusive communications, in violation of *47 USC §223(a)(1)(C)*, to PLAINTIFFS.

45. At all times material hereto, the PLAINTIFFS complained to the DEFENDANTS, in writing, of their receipt of anonymous threatening and abusive communications, and requested DEFENDANTS implement measures to restrict access to their NETWORK by the individuals making the anonymous threatening and abusive communications directed PLAINTIFFS. See *Exhibits "2", "4", "5" & "6"*.

46. Notwithstanding DEFENDANTS' awareness of their authorized users utilizing their NETWORK to make repeated anonymous threatening and abusive communications directed at PLAINTIFFS, and the DEFENDANTS' selective deletion of many of the more threatening and abusive communications directed at PLAINTIFFS, the DEFENDANTS failed to implement any measures to restrict access to their NETWORK to prohibit an individual for the use of their NETWORK from repeatedly making anonymous threatening and abusive communications directed at the PLAINTIFFS.

47. The DEFENDANTS acts and omissions, as set forth in paragraphs (43) to (46), inclusive, violate Federal policy (*47 USC §230(b)(5)*) and Federal law *47 USC §223(a)(1)(C)*.

48. The DEFENDANTS acts and omissions, as set forth in paragraphs (43) to (46), gives rise to a cause of action in favor of PLAINTIFFS against DEFENDANTS for violation of PLAINTIFFS' rights.

49. As a direct and proximate result of the violation of the PLAINTIFFS' rights, the PLAINTIFF, ZWFBNER, has been subjected to emotional distress, and sustained economic losses.

WHEREFORE, the PLAINTIFFS demand judgment against the DEFENDANTS for actual and consequential damages in the amount of \$100M or according to proof.

The PLAINTIFF, UCSY, also requests that this Court enter a mandatory injunction requiring the DEFENDANTS to

- (a) permanently and irrevocably delete any and all postings on DEFENDANTS RAGING BULL web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and
- (c) enjoin the DEFENDANTS from creation and maintaining of a UCSY message board.

COUNT III

(Dilution Of Trade Name – F.S. § 495.151. et seq.)

50. The PLAINTIFFS incorporate paragraph (1) to (49) as if restated herein.

Background Facts

51. The PLAINTIFF, UCSY, is an international company, based in Miami Beach, Florida, that has been engaged in the provision of telecommunications services (wireless broadband internet services), and more recently, in the development of a proprietary and patented technology for water extraction systems which have application in civilian and government markets (e.g. military).

52. At all times material hereto, the PLAINTIFF, UCSY, adopted and used the trade name and trademark, "UCSY", to identify Universal Communication Systems, Inc., as a

company, and with the products/services available from Universal Communication Systems, Inc.. "UCSY" has also been adopted and exclusively associated Universal Communication Systems, Inc., as the ticker symbol in financial markets and on stock exchanges.

53. The "UCSY" mark is inherently distinctive and has become exclusively identified with the PLAINTIFF company, and with PLAINTIFFS' proprietary water extraction products and technologies. Accordingly, the PLAINTIFF company is entitled to protection of its "UCSY" mark against unauthorized commercial use by third parties, including the DEFENDANTS.

54. The PLAINTIFF, UCSY, has and continues to invest tens of thousands of dollars in the promotion of the UCSY image, and in the promotion of the UCSY products under the UCSY name and logo, and, under its NASDAQ over-the-counter Bulletin Board ticker symbol "UCSY", UCSY promotional brochure annexed hereto as *Exhibit "3"*.

55. The PLAINTIFF, UCSY, is neither a subscriber to THE LYCOS NETWORK, nor has it ever assented to the DEFENDANTS' use of its trade name, or to its ticker symbol, on any of the web sites sponsored/maintained by DEFENDANTS. Accordingly, all reference to the PLAINTIFF, UCSY, in the promotion or use of DEFENDANTS' commercial activities on THE LYCOS NETWORK is without authorization or approval of the PLAINTIFF, UCSY.

56. The postings which appear upon the message boards of THE LYCOS NETWORK, are retrievable on various search engines (e.g., GOOGLE) and thereby generate traffic on the DEFENDANTS' NETWORK. The volume of traffic on the DEFENDANTS' NETWORK determines the charges the DEFENDANTS can obtain for third party advertising of products and services on their NETWORK.

Injury To Business Reputation By Defendants

57. Upon information and belief, the DEFENDANTS have suggested to one or more of their subscriber to THE LYCOS NETWORK, that they use the PLAINTIFFS' proprietary and distinctive "UCSY" mark for designation of a message board on the RAGING BULL web site which is maintained by the DEFENDANTS.

58. Upon information and belief, the DEFENDANTS compile postings from its subscribers, relating to the Plaintiffs, upon the UCSY message board, and thereafter promote and commercially distribute such UCSY message board, to individuals who solicit a stock quotation on the DEFENDANTS' QUOTE.COM web site.

59. The DEFENDANTS' have been made aware that many of the anonymous posting compiled by them on the UCSY message board, and distributed on their RAGING BULL web site, are false and misleading, and thereby likely to be injurious to the UCSY company image/reputation and to the UCSY product image/reputation.

60. The PLAINTIFFS have repeatedly requested that DEFENDANTS curtail their compilation and distribution of such false and misleading information on the RAGING BULL web site, and, further, that they deny their authorized subscribers access to THE LYCOS NETWORK, to prevent further dissemination of false and misleading information relative to the UCSY company image and to the UCSY products.

61. The DEFENDANTS have either been ineffective in removal of such false and misleading postings from their compilation of messages appearing on the RAGING BULL web site, and/or ignored the PLAINTIFFS' repeated requests to remove such false and misleading postings from their compilation of messages appearing upon the RAGING BULL web site.

62. The DEFENDANTS' compilation and continued distribution of false and misleading information appearing on the message board bearing the "UCSY" mark and

designation, has and shall continue to cause irreparable harm to the UCSY company image and to the UCSY products, and otherwise tarnish, dilute and/or otherwise detract from the cache associated with the "UCSY" trade name and designation.

63. As a direct and proximate result of the DEFENDANTS' acts and omissions as set forth herein in paragraphs (57) to (62), the PLAINTIFF, UCSY has been injured.

WHEREFORE, the PLAINTIFF, UCSY, demands judgment against the DEFENDANTS for actual and consequential damages in the amount of \$100M, or according to proof.

The PLAINTIFF, UCSY, also requests that this Court enter a mandatory injunction requiring the DEFENDANTS to

- (a) permanently and irrevocably delete any and all postings on its RAGING BULL web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and
- (c) enjoin the DEFENDANTS from creation and maintaining of a UCSY message board.

COUNT IV

(Cyber Stalking F.S. § 784.048, et al. et seq.)

64. The PLAINTIFFS incorporate paragraph (1) to (63) as if restated herein.

65. The DEFENDANTS operate a telecommunication facility, specifically, THE LYCOS NETWORK.

66. The have registered and authorized subscribers to use THE LYCOS NETWORK under certain Terms & Conditions.

67. THE LYCOS NETWORK that has and continues to be used by their authorized subscribers to make repeated anonymous threatening and abusive communications directed at PLAINTIFFS, in violation of state law, including *F.S. § 784.048, et al. et seq.*

68. PLAINTIFFS have repeatedly requested that the DEFENDANTS implement controls to curtail the anonymous threatening and abusive communications, by its authorizes subscribers, directed at PLAINTIFFS.

69. The DEFENDANTS have been indifferent to PLAINTIFFS' concerns, and to their emotional distress caused by the repeated anonymous threatening and abusive communications directed at PLAINTIFFS by DEFENDANTS authorized subscribers.

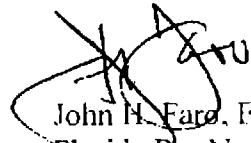
70. The DEFENDANTS acts and omission, as set forth in paragraph (65) to (69), inclusive, have and continue to facilitate the repeated anonymous threatening and abusive communications directed at PLAINTIFFS by DEFENDANTS authorized subscribers

WHEREFORE, the PLAINTIFF, ZWEBNER, requests that this Court enter an injunction and permanent restraining order requiring the DEFENDANTS to

- (a) permanently and irrevocably delete any and all postings on DEFENDANTS RAGING BULL web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and

(c) enjoin the DEFENDANTS from creation and maintaining of a message board containing postings on any message board on THE LYCOS NETWORK, including the RAGING BULL web site, relating to either of the PLAINTIFFS.

Respectfully,

A handwritten signature in black ink, appearing to read "John H. Faro", written over a circular stamp or mark.

John H. Faro, Esq.
Florida Bar No. 527.459
Attorney For Plaintiffs

Faro & Associates
44 West Flagler Street, Suite 1100
Miami, Florida 33130-1808
phone (305) 424-1112
fax (305) 424-1114

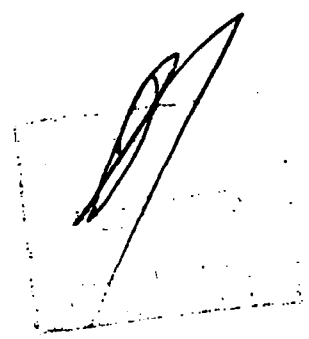
Exhibit B



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**
(Miami Division)

CASE NO. 05-20149-CIV-MORENO/GARBER

UNIVERSAL COMMUNICATION)
SYSTEMS, INC. (A Nevada Corporation).)
MICHAEL J. ZWEBNER (individually) &)
Others Similarly Situated)
Plaintiffs)
vs.)
)
LYCOS INC. <i>dba</i> THE LYCOS)
NETWORK & TERRA NETWORKS, S.A..))
Defendants)
<hr style="border: 0.5px solid black;"/>	



NOTICE OF FILING FIRST AMENDED COMPLAINT

The Plaintiffs, Universal Communication Systems, Inc. (also herein "UCSY") & Michael J. Zwebner, (also herein "ZWEBNER"), herein give *Notice Of Filing First Amended Complaint*.

1. Complaint [DE 1] in this action was filed on January 19, 2005:
2. The Complaint was served upon the originally named Defendants between January 20, 2005 (Lycos, Inc.) and February 1, 2005 (Terra Networks, S.A.), or less than 20 days from the date of the filing of the First Amended Complaint, which is annexed hereto as ***Exhibit "1"***;
3. As of the date of this *Notice* no responsive pleading has been filed by any of the originally named Defendants;
4. It is the understanding of the Plaintiffs that the originally named Defendants in this action are represented by Larry A. Stumpf, Esq., BLACK, SREBNICK, KORNSPAN & STUMPF, PA (Miami, Florida) & Daniel J. Cloherty, Esq., DWYER & COLLARA, LLP

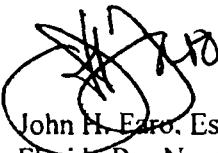
6/15

(Boston, Massachusetts), whose name and address appear on the Certificate Of Service attached to this Notice:

5. The First Amended Complaint deletes original Count I. and substitutes in its place a new Count I for violation of *F.S. §517.301*; supplements the jurisdictional allegations relative to Defendant, Terra Networks, S.A.; and, adds eight (8) new Defendants, John Doe #1 aka "*the_worm06*", John Doe #2 aka "*no_insiders*", John Doe #3 aka "*the_worm_06A*", John Doe #4 aka "*65175R*", John Doe #5 aka "*Henry_Johnson123*", and John Doe #6 aka "*quondol*", John Doe #7 aka "*Tobias95*", John Doe #8 aka "*CrawleySmith*". It is believed that all of the John Does are one and the same, and, it is further believed that their true identity is Roberto Villasenor, or are individuals acting in concert with Roberto Villasenor.

6. Insofar as the true identity and whereabouts of each the John Does is unknown, and Roberto Villasenor has, in the past, successfully evaded all attempts at service of process, and/or his current whereabouts are unknown, the Plaintiffs shall pursue service of process upon these additional John Doe Defendants under *FS §§48.181 & 48.161*, by substituted service upon the Florida Secretary of State.

Respectfully,



John H. Faro, Esq.
Florida Bar No. 527,459
Attorney For Plaintiffs

Faro & Associates
44 West Flagler Street, Suite 1100
Miami, Florida 33130-1808
phone (305) 424-1112
fax (305) 424-1114

EXHIBIT "I"



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**
(Miami Division)

CASE NO. 05-20149-CIV-MORENO/GARBER

UNIVERSAL COMMUNICATION)	
SYSTEMS, INC. (A Nevada Corporation),)	
MICHAEL J. ZWEBNER (individually) &)	
Others Similarly Situated)	
Plaintiffs)	
vs.)	
)	
LYCOS INC. <i>dba</i> THE LYCOS)	
NETWORK & TERRA NETWORKS, S.A.,))	
JOHN DOE #1 aka " <i>the_worm06</i> ",)	
JOHN DOE #2 aka " <i>no_insiders</i> ",)	
JOHN DOE #3 aka " <i>the_worm_06A</i> ",)	
JOHN DOE #4 aka " <i>65175R</i> ",)	
JOHN DOE #5 aka " <i>Henry_Johnson123</i> " &))	
JOHN DOE #6 aka " <i>quondo1</i> ")	
JOHN DOE #7 aka " <i>Tobias95</i> ")	
JOHN DOE #8 aka " <i>CrawleySmith</i> ")	
Defendants)	
)	
	/	

FIRST AMENDED COMPLAINT – CLASS ACTION

The is an action by the PLAINTIFF, UNIVERSAL COMMUNICATION SYSTEMS, INC. (herein also "UCSY" or "PLAINTIFF" or "CORPORATE PLAINTIFF") and Michael J. ZWEBNER (herein also "ZWEBNER" or "PLAINTIFF" or "INDIVIDUAL PLAINTIFF") against the Defendants, LYCOS, INC. & TERRA NETWORKS, S.A., (collectively, "TERRA LYCOS"), also *dba* THE LYCOS NETWORK (also collectively "DEFENDANTS" or "TERRA LYCOS"). JOHN DOE #1 aka "*the_worm06*", JOHN DOE #2 aka "*no_insiders*", JOHN DOE #3 aka "*the_worm_06A*", JOHN DOE #4 aka "*65175R*", JOHN DOE #5 aka "*Henry_Johnson123*", and JOHN DOE #6 aka "*quondo1*", JOHN DOE #7 aka "*Tobias95*",

JOHN DOE #8 aka "*CrawleySmith*" (also collectively "DEFENDANTS"), all of whom were at one time or another, subscribers to the LYCOS NETWORK

NATURE OF ACTION

The PLAINTIFFS' claims against the DEFENDANTS, are for (a) violation of Florida Law specifically *F.S. §517.301*, for Fraudulent Transactions: falsification and/or concealment of facts, (b) violations of Federal Law, specifically, *47 USC §223*, for Cyber Stalking, (c) violation of Florida Law, specifically, *F.S. § 495.151, et seq.*, for dilution of UCSY's trade name, and (d) *F.S. § 784.048, et al.*, for Cyber Stalking.

All of the claims asserted herein relate to JOHN DOE posting of false and misleading information relating to the financial condition, business prospects and management integrity of the Plaintiffs, upon the "UCSY" message board on RAGING BULL financial site maintained by the LYCOS NETWORK; and, the compilation and distribution of such posted information by TERRA LYCOS, knowing it to false and/or misleading.

CLASS ACTION ALLEGATIONS

1. The Corporate PLAINTIFF, UCSY, is a publicly traded company, which has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by TERRA LYCOS.

2. The individual PLAINTIFF, ZWEBNER, is an officer and director of UCSY, who has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by TERRA LYCOS.

3. The individual PLAINTIFF, ZWEBNER, is also a stockholder in UCSY, who has sustained losses, both realized and unrealized, as a result of the numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by TERRA LYCOS.

4. The corporate PLAINTIFF is one of several hundred companies which has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the TERRA LYCOS.

5. The individual PLAINTIFF, ZWEBNER, is one of several hundred officers and directors of companies who has been the object of numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by the DEFENDANTS.

6. The individual PLAINTIFF, ZWEBNER, is one of several hundred stockholder in public companies, such as UCSY, who has sustained losses, both realized and unrealized, as a result of the numerous anonymous false, defamatory and harassing postings on one or more message boards which have been compiled and distributed by TERRA LYCOS.

7. The claims asserted herein by the above named PLAINTIFFS present questions of fact and law that are common to all members of the classes to which these PLAINTIFFS belong.

8. The claims and/or defense of the above named PLAINTIFFS are typical of the claims and defenses of the members of the classes to which the PLAINTIFFS belong.

9. The PLAINTIFFS are representative of each of the classes of Plaintiffs set forth herein, and shall fairly and adequately protect the interest of each of these classes.

10. The DEFENDANTS named herein comprises the class of defendant against whom the following claims are asserted.

PARTIES

11. The PLAINTIFF, UCSY, is a corporation that is organized and existing under the laws of the State Of Nevada. UCSY is a Nevada corporation which is listed and publicly traded in the over-the-counter exchange. The ticker symbol for UCSY is "UCSY", which is also the trade name of corporate PLAINTIFF. Accordingly, "UCSY" is also used as the shorthand identifier of the corporate PLAINTIFF in these pleadings. The PLAINTIFF, UCSY, maintains its corporate offices in the city of Miami Beach, Florida.

12. The PLAINTIFF, ZWEBNER, is a citizen of the United Kingdom and of the State Of Israel, whose principle residence is within the State Of Israel. ZWEBNER also maintains a second residence within the city of Miami Beach, Florida. ZWEBNER is the Chairman of the Board of Directors of UCSY and its Chief Executive Officer.

13. Upon information and belief, the Defendant, LYCOS, INC. is company organized and existing under the laws of the Commonwealth of Massachusetts. LYCOS, INC. has its principle place of business within the city of Waltham, Massachusetts.

14. The Defendant, TERRA NETWORKS, S.A. is company which is believed to have its principle place of business in Barcelona Spain. TERRA NETWORKS, S.A. conduct world-wide operations through affiliates and business agents located in various countries throughout the world, including the United States..

(a) Upon information and belief, Defendant, TERRA NETWORKS, S.A. is a company organized and existing under the laws of the country of Spain.

(b) At the time of the acts complained of herein, TERRA NETWORKS, S.A., exercised and/or had the right to exercise control over both LYCOS, INC. & THE

LYCOS NETWORK, including the right to control and/or restrict access to the LYCOS NETWORK. Upon information and belief, the DEFENDANT, TERRA NETWORKS, S.A., exercised control over LYCOS, INC. & THE LYCOS NETWORK, from its offices in Miami-Dade County, Florida.

- (c) At all times material hereto, TERRA NETWORKS directly and indirectly, conducted its various business operations through a maize of companies throughout the world, including its operations in the United States. The DEFENDANT, LYCOS, INC. was an integral part of this maize.
- (d) TERRA NETWORKS continues to directly operate one or more to its companies or affiliates from its office in Miami-Dade County, Florida, and/or indirectly operate one or more companies or affiliates through a business agent who maintains its office in Miami-Dade County, Florida .
- (e) At the time of the acts complained, one or more of the TERRA NETWORKS Florida based business agents and/or Florida based affiliates were operated by the DEFENDANT, LYCOS, INC..
- (f) On or about August 2, 2004, TERRA NETWORKS, S.A. sold its interest in Defendant, LYCOS, INC. to DAUM COMMUNICATIONS CORP (a Korean Company). Notwithstanding such sale, TERRA NETWORKS, S.A. continues to directly and/or indirectly operate one or more of its businesses, through a business agent with offices in Miami-Dade County, Florida.
- (e) TERRA NETWORKS, S.A. have and continue to conceal its whereabouts for the purpose of avoiding service of process in this and related litigation.

- (g) Upon information and belief, a unity of interest exists between each of TERRA NETWORKS, S.A. and LYCOS, INC., which each of TERRA NETWORKS, S.A. and LYCOS, INC., acting as the agent, representative, and/or principal of each other when performing the acts alleged in this Complaint; and each of TERRA NETWORKS, S.A. and LYCOS, INC. should be treated as fully responsible and liable for the acts alleged in this Complaint.

15. THE LYCOS NETWORK is a wholly owned subsidiary, or division, or affiliate of the DEFENDANT, LYCOS INC., which operates an array of web sites from within the United States, including the RAGING BULL web site. Upon information and belief, THE LYCOS NETWORK operates from the LYCOS, INC. offices in Waltham, Massachusetts.

JURISDICTION & VENUE

16. This is a civil action arising under Federal and State law, between citizens of diverse jurisdictions, wherein the amount in controversy exceeds \$75,000. The Complaint also seeks injunctive relief.

17. The claims asserted herein arise under Federal Law, including specifically, under

(a) *47 USC §223* (for Cyber Stalking - a private/implied right of action); and, under State Law, specifically under

(b) *F.S. §517.301*, (for Fraudulent Transactions: falsification and/or concealment of facts);

(c) *F.S. 495.151, et seq.* (for Trade Name Dilution); and

(d) *F.S. §784.048, et al.*, (for Cyber Stalking).

18. This Court has jurisdiction over the parties and the Federal claims asserted herein under *28 USC §1331 & §1332*; and, over the State claims under this Court's Supplemental Jurisdiction, in that such State Claims are so related to the above Federal claims that they form part of the same case and controversy.

19. Venue is proper in this District pursuant to *28 USC §§1391(b) & (c)*.

BACKGROUND FACTS & PARTIES

20. Since as early as about September 1998 up to June 2002, PLAINTIFF, ZWEBNER, was the Chairman of *Talk Visual Corporation*— a public company which trades in equity markets under the ticker symbol “TVCE” (formerly “TVCP”); and, from about November 2001, up to and including the present, Chairman of *Universal Communication Systems Inc.* (UCSY) - a public company which trades in equity markets under the ticker symbol “UCSY”.

21. At the time of the acts complained of, the TERRA LYCOS operated and maintained a website designated QUOTE.COM, which is purportedly dedicated to providing commercial information, data and financial services to a TERRA LYCOS site visitor and to an authorized user (also herein “Subscriber”) to THE LYCOS NETWORK. This QUOTE.COM site permits retrieval of stock quotation information and technical data for a company having a publicly traded security, and a link to a message board on the TERRA LYCOS RAGING BULL web site, which automatically appears upon retrieval of a stock quotation for a given company.

22. One of the privileges of membership accorded to an authorized Subscriber/User to THE LYCOS NETWORK, is the ability of such Subscriber/User to create a message board dedicated to a particular business or enterprises. TERRA LYCOS suggests that a Subscriber use

a particular business or enterprises "stock ticker symbol" associated with such particular business or enterprises, as a means of identification of a message board, on for example, the TERRA LYCOS RAGING BULL web site.

23. Another of the privileges of membership accorded to an authorized Subscriber/User to THE LYCOS NETWORK, is the ability of such Subscriber/User to post messages (herein also "postings") on message boards on any of the sites maintained by TERRA LYCOS on THE LYCOS NETWORK. These postings are "anonymous" in that they do not reveal the true identity of the poster but rather are attributed to an individual "screen name" or "alias" assigned to the poster by TERRA LYCOS.

24. TERRA LYCOS maintains a message board on their RAGING BULL web site devoted to the PLAINTIFF, UCSY. Since about the year 2000, the UCSY message board has had more than 47,000 postings by the TERRA LYCOS Subscribers, including several thousand postings by Mr. Roberto G. Villasenor (herein also "VILLASENOR). Many of these 47,000 postings originated from the same individual, or a limited number of individuals, who utilized different screen names or aliases; and, often are, thus, repetitive or duplicative of earlier postings, some of which had been previously deleted by TERRA LYCOS because of their offensive nature.

COUNT I

(Fraudulent Securities Transactions- F.S. §517.301)

25. The PLAINTIFFS incorporate paragraph (1) to (24), as if restated herein.

26. Each of the DEFENDANTS, JOHN DOE #1 aka "*the worm06*", JOHN DOE #2 aka "*no insiders*", JOHN DOE #3 aka "*the worm 06A*", JOHN DOE #4 aka "*65175R*", John Doc #5 aka "*Henry Johnson123*", JOHN DOE #6 aka "*quondol*", JOHN DOE #7 aka

"Tobias95", and JOHN DOE #8 aka "Crawley-Smith" were, at one time or another, subscribers to the RAGING BULL web site maintained by TERRA LYCOS on THE LYCOS NETWORK.

27. Upon information and belief, each of the JOHN DOES named herein in paragraph (26) are one in the same individual, Roberto Villasenor, Jr. and/or are individuals acting in concert with Roberto Villasenor, Jr.. Accordingly, the JOHN DOE DEFENDANTS are collectively referred to hereinafter as "VILLASENOR".

28. Upon information and belief, VILLASENOR is in the business of manipulating the price of securities of companies, specifically, micro-cap and/or start-up companies, such as UCSY, which have limited, if any, operating history and limited reporting history, by

- (a) first "shorting" the stock in such companies,
- (b) "trashing" such company and/or the integrity/competency of its management, through the systematic and orchestrated posting of derogatory information about the financial condition, business prospects and management integrity of the such company on a message board devoted to such company, so as to artificially depress the market price of the publicly traded stock of the such company, and
- (c) "covering his shorts" by buying the publicly traded stock in such company at a depressed market price.

29. VILLASENOR has and continues to post messages which purport to contain information relating to the financial condition, business prospects and management integrity of the PLAINTIFFS, upon the "UCSY" message board on RAGING BULL financial site maintained by the LYCOS NETWORK. A representative sampling of the postings of VILLASENOR are annexed hereto as Composite *Exhibit "I"*

30. The VILLASENOR posting appearing on the "UCSY" message board on RAGING BULL financial site maintained by the LYCOS NETWORK were intended to depress the market for UCSY stock, by creating stockholder insecurity and apprehension relating to the financial condition, business prospects and management integrity of the PLAINTIFFS.

31. The VILLASENOR posting appearing on the "UCSY" message board on RAGING BULL financial site maintained by the LYCOS NETWORK are false, misleading and or incomplete, so as to be fraudulent.

32. As a direct and proximate result of the VILLASENOR posting appearing on the "UCSY" message board on RAGING BULL financial site, the market price for the UCSY stock has been substantially depressed, and remains substantially depressed.

33. As a direct and proximate result of the VILLASENOR posting appearing on the "UCSY" message board on RAGING BULL financial site, a number of stockholders, including the Plaintiff, ZWEBNER, have either sold their UCSY stock at depressed prices, and thereby have incurred a substantial realized loss, and/or, alternatively, a number of stockholders, have retained their UCSY stock, and thereby have incurred a substantial unrealized loss.

34. The actions of VILLASENOR, as set forth in paragraphs (29) to (33) violate *F.S. §517.301(1)(c)*

35. TERRA NETWORKS knew and/or had reason to believe that the VILLASENOR postings appearing on the UCSY message board were false and/or were made in reckless disregard for the truth.

36. Notwithstanding TERRA NETWORKS knowledge of the falsity of the VILLASENOR postings, and the natural consequences flowing from the dissemination of these false postings relating to the financial condition, business prospects and management integrity of

the PLAINTIFFS. TERRA NETWORKS has and continues to facilitate and/or cause the manipulation of the UCSY stock by VILLASENOR through its practice and course of business.

- (a) of enabling VILLASENOR to access the RAGING BULL web site under multiple pseudonyms/alias, and thereby permit his posting of false information, over an extended period of time, under ostensibly different pseudonyms, so as to perpetuate and lend credibility to his postings;
- (b) of compiling the VILLASENOR postings within a message board, which bears the "USCY" trade name, so as to perpetuate such false and misleading in an archive accessible upon THE LYCOS NETWORK; and/or
- (c) of publishing the VILLASENOR postings within a message board, which bears the USCY trade name, so as to disseminate, or enable dissemination of, such false information through third party search engines.

37. The actions of TERRA LYCOS, as set forth in paragraph (35) to (36), inclusive, are in violation *F.S. §517.301(1)(c)*

WHEREFORE, the PLAINTIFFS demand judgment against the DEFENDANTS, jointly and severally, for actual and consequential damages in the amount of \$100M, or according to proof.

COUNT II
(Cyber Stalking Under Federal Law - 47 USC §223)

37. The PLAINTIFFS incorporate paragraph (1) to (38) as if restated herein.

38. TERRA LYCOS owns, controls and operates a commercial telecommunication facility, specifically, THE LYCOS NETWORK, within the contemplation and scope of federal regulation by the Federal Communications Commission (FCC), including 47 USC §223.

39. The TERRA LYCOS telecommunications facility, specifically THE LYCOS NETWORK, has and continues to be used to transmit and publish comments, suggestions, images and other communications from the TERRA LYCOS authorized, anonymous subscribers, which are calculated to annoy, abuse, threaten and harass the PLAINTIFFS.

40. The PLAINTIFFS, have the right to be and remain free from the systematic and orchestrated posting of false and derogatory information calculated to annoy, abuse, threaten and harass each of them by the TERRA LYCOS authorized, anonymous subscribers to THE LYCOS NETWORK.

41. The federal regulation of the TERRA LYCOS telecommunications facility, specifically THE LYCOS NETWORK, requires, *inter alia*, that TERRA LYCOS, implement measures, which are reasonable, effective, and appropriate, under the circumstances, to restrict access to their NETWORK and thereby prohibit an individual from the use of such NETWORK for repeatedly making anonymous annoying, abusive, threatening and harassing communications to PLAINTIFFS, in violation of 47 USC §232(a)(1)(C).

42. At all times material hereto, TERRA LYCOS knew, or should have know, that THE LYCOS NETWORK was being used by one or more of its Subscribers, including VILLASENOR, to repeatedly make anonymous annoying, abusive, threatening and harassing communications to PLAINTIFFS, in violation of 47 USC §223(a)(1)(C).

43. At all times material hereto, the PLAINTIFFS complained to TERRA LYCOS, in writing, of their receipt of anonymous threatening and abusive communications, and requested

DEFENDANTS implement measures to restrict access to their NETWORK by the individuals making the anonymous threatening and abusive communications directed PLAINTIFFS. See PLAINTIFFS complaints to TERRA LYCOS annexed hereto as *Exhibits "2", "3" & "4"*

44. Notwithstanding the TERRA LYCOS awareness of their authorized users utilizing their NETWORK to make repeated anonymous annoying, abusive threatening and harassing communications directed at PLAINTIFFS, and the TERRA LYCOS selective deletion of many of the more threatening and abusive communications directed at PLAINTIFFS, TERRA LYCOS failed to implement any reasonable, effective, and appropriate measures to restrict access to their NETWORK to prohibit an individual for the use of their NETWORK from repeatedly making anonymous threatening and abusive communications directed at the PLAINTIFFS.

45. The TERRA LYCOS acts and omissions, as set forth in paragraphs (42) to (44), inclusive, violate Federal policy, as set forth in *47 USC §230(b)(5)*, and Federal law as set forth in *47 USC §223(a)(1)(C)*.

46. The TERRA LYCOS acts and omissions, as set forth in paragraphs (42) to (44), gives rise to a "cause of action" in favor of PLAINTIFFS against TERRA LYCOS for violation of PLAINTIFFS' rights.

47. As a direct and proximate result of the violation of the PLAINTIFFS' rights, the PLAINTIFF, ZWEBNER, has been subjected to emotional distress, and sustained economic losses, which have been sustained and/or yet to have been realized.

WHEREFORE, the PLAINTIFFS demand judgment against TERRA LYCOS for actual and consequential damages in the amount of \$100M or according to proof.

The PLAINTIFF, UCSY, also requests that this Court enter a mandatory injunction requiring TERRA LYCOS to

- (a) permanently and irrevocably delete any and all postings on the TERRA LYCOS RAGING BULL web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and
- (c) enjoin TERRA LYCOS from creation and maintaining of a UCSY message board.

COUNT III

(Dilution Of Trade Name – F.S. § 495.151. et seq.)

- 48. The PLAINTIFFS incorporate paragraph (1) to (47) as if restated herein.

Background Facts

49. The PLAINTIFF, UCSY, is an international company, based in Miami Beach, Florida, that has been engaged in the provision of telecommunications services (wireless broadband internet services), and more recently, in the development of a proprietary and patented technology for solar powered systems, specifically solar powered water extraction systems, which have application in civilian and government markets (e.g. military).

50. At all times material hereto, the PLAINTIFF, UCSY, adopted and used the trade name and trademark, "UCSY", to identify Universal Communication Systems, Inc., as a company, and with the products/services available from Universal Communication Systems, Inc.. "UCSY" has also been adopted and exclusively associated Universal Communication Systems, Inc., as the ticker symbol in financial markets and on stock exchanges.

51. The "UCSY" mark is inherently distinctive and has become exclusively identified with the PLAINTIFF company, and with the PLAINTIFFS' proprietary products and

technologies. Accordingly, the PLAINTIFF company is entitled to protection of its "UCSY" mark against unauthorized commercial use by third parties, including the unauthorized commercial use thereof by TERRA LYCOS.

52. The PLAINTIFF, UCSY, has and continues to invest tens of thousands of dollars in the promotion of the UCSY image, and in the promotion of the UCSY products under the UCSY name and logo, and, under its stock ticker symbol "UCSY", UCSY promotional brochure annexed hereto as *Exhibit "5"*.

53. The PLAINTIFF, UCSY, is neither a subscriber to THE LYCOS NETWORK, nor has it ever assented to the TERRA LYCOS use of the "UCSY" trade name, or to its ticker symbol, on any of the web sites sponsored/maintained by TERRA LYCOS. Accordingly, all reference to "UCSY", in the promotion of the TERRA LYCOS commercial activities on THE LYCOS NETWORK is without authorization or approval of the PLAINTIFF, UCSY.

54. The postings which appear upon the message boards of THE LYCOS NETWORK, are retrievable on various search engines (e.g., GOOGLE) and thereby generate traffic on THE LYCOS NETWORK. The volume of traffic on THE LYCOS NETWORK determines the charges the TERRA LYCOS can obtain for third party advertising of products and services on their NETWORK. Accordingly, the more participants who access and/or post messages on the "UCSY" message board, the more benefit TERRA LYCOS derives from such activity.

Injury To Business Reputation By Defendants

55. Upon information and belief, the TERRA LYCOS has suggested to one or more of their subscriber to THE LYCOS NETWORK, that they use the PLAINTIFFS' proprietary and

distinctive "UCSY" mark for designation of a message board on the RAGING BULL web site which is maintained by TERRA LYCOS.

56. Upon information and belief, TERRA LYCOS compile postings from its subscribers, relating to the Plaintiffs, upon the UCSY message board, and thereafter promotes and distributes such UCSY message board, to individuals who solicit a stock quotation on the TERRA LYCOS QUOTE.COM web site, to further generate and increase the volume of traffic upon THE LYCOS NETWORK.

57. TERRA LYCOS has been made aware that many of the anonymous posting compiled by them on the UCSY message board, and distributed on their RAGING BULL web site, are false and misleading, and thereby likely to be injurious to the UCSY company image/reputation and to the UCSY product image/reputation.

58. The PLAINTIFFS have repeatedly requested that TERRA LYCOS curtail their compilation and distribution of such false and misleading information on the RAGING BULL web site, and, further, that they deny their authorized subscribers access to THE LYCOS NETWORK, to prevent further dissemination of false and misleading information relative to the UCSY company image and to the UCSY products.

59. TERRA LYCOS has either ignored the PLAINTIFFS' repeated requests to remove such false and misleading postings from their compilation of messages appearing upon the RAGING BULL web site and/or been ineffective in removal of such false and misleading postings from their compilation of messages appearing on the RAGING BULL web site.

60. The TERRA LYCOS compilation and continued distribution of false and misleading information appearing on the message board bearing the "UCSY" mark and designation, has and shall continue to cause irreparable harm to the UCSY business reputation

and to the UCSY products, and otherwise tarnish, dilute and/or otherwise detract from the cache associated with the "UCSY" trade name and designation.

61. As a direct and proximate result of the TERRA LYCOS acts and omissions as set forth herein in paragraphs (55) to (60), the PLAINTIFF, UCSY has been injured.

WHEREFORE, the PLAINTIFF, UCSY, demands judgment against TERRA LYCOS for actual and consequential damages in the amount of \$100M, or according to proof.

The PLAINTIFF, UCSY, also requests that this Court enter a mandatory injunction requiring TERRA LYCOS to

- (a) permanently and irrevocably delete any and all postings on its RAGING BULL web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and
- (c) enjoin TERRA LYCOS from creation and maintaining of a UCSY message board on THE LYCOS NETWORK in the future.

COUNT IV

(Cyber Stalking Under State Law - F.S. § 784.048, et al. et seq.)

62. The PLAINTIFFS incorporate paragraph (1) to (61) as if restated herein.

63. TERRA LYCOS operates a telecommunication facility, specifically, THE LYCOS NETWORK.

64. TERRA LYCOS has registered and authorized subscribers to use THE LYCOS NETWORK.

65. THE LYCOS NETWORK that has and continues to be used by the TERRA LYCOS authorized subscribers to make repeated anonymous annoying, threatening, harassing

and abusive communications directed at PLAINTIFFS, in violation of state law, including *F.S. § 784.048, et al. et seq.*

66. PLAINTIFFS have repeatedly requested that TERRA LYCOS implement controls to curtail the anonymous threatening and abusive communications, by its authorized subscribers, including VILLASENOR, directed at PLAINTIFFS.

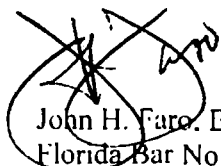
67. TERRA LYCOS has been indifferent to PLAINTIFFS' concerns, and to their emotional distress caused by the repeated anonymous threatening and abusive communications directed at PLAINTIFFS by the TERRA LYCOS authorized subscribers.

68. The TERRA LYCOS acts and omission, as set forth in paragraph (65) to (69), inclusive, have and continue to facilitate the repeated anonymous threatening and abusive communications directed at PLAINTIFFS by the TERRA LYCOS authorized subscribers

WHEREFORE, the PLAINTIFF, ZWEBNER, requests that this Court enter an injunction and permanent restraining order requiring TERRA LYCOS to

- (a) permanently and irrevocably delete any and all postings on the TERRA LYCOS web site that appear on the UCSY message board;
- (b) permanently and irrevocably delete the UCSY message board; and
- (c) enjoin TERRA LYCOS from creation and maintaining of a message board containing postings on any message board on THE LYCOS NETWORK, including the RAGING BULL web site, relating to either of the PLAINTIFFS.

Respectfully,


John H. Faro, Esq.
Florida Bar No. 527,459
Attorney For Plaintiffs

Faro & Associates

44 West Flagler Street, Suite 1100
Miami, Florida 33130-1808
phone (305) 424-1112
fax (305) 424-1114

EXHIBIT "1" - "the_worm06"

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By: 65l75r

04 Aug 2003, 08:15 PM EDT

Msg. 18025 of 18296

Jump to msg. #

EVERYONE KNOWS?

By: the_worm06

18 May 2002, 01:50 AM EDT Msg. 805 of 805

(This msg. is a reply to 802 by Solo_ski.)

Solo_ski I see that you continue to bring my name up in your posts...

I don't post anymore,

because, frankly, everyone now knows about the massive fraud scheme that Zwebner and his buddies have committed in the following stocks: DCTC, TVCP, EINI, SECT, OPTG, UCSI, GONT, TALL, SLPH, WNRG, ASEQ,

USXP, VGEN, ENTERTECH MEDIA, ETC ETC.

Everyone knows about the fact that he forged his wife's signature on a loan application in the U.K.

Everyone knows how he falls from his wheelchair to obtain sympathy from businessmen.

Everyone knows the way he treated his daughters when they were young.

Everyone knows about Gina Maura.

Everyone knows about his relationship with Cheryl Cunningham and where they spend their time in Sacramento.

Everyone knows about the fact that he had to pay Dean Dumont at least \$400,000 to settle a lawsuit which was initiated by Zwebner so that the fact that Zwebner has not paid U.S. taxes is not brought out.

Everyone knows about the fact that he tried to Blackmail a witness in my lawsuit against him.

Everyone knows that he has fraudulently used his family's non-existent bad health as an excuse in every lawsuit, including mine, to his advantage.

Everyone knows that he and Brad Driesen posted as Grupo_Brad, John_Quinlan, Clear_Thinker, Momentum, Rob_Potowski, russianfox and others in a massive confidence scheme to defraud investors out of tens of millions of dollars in at least four stocks.

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Everyone knows that he has reneged on his settlement in his lawsuit against Les French in Oregon. And that he is now representing himself "pro se" without an attorney because he does not have a public firm to charge his person legal expenses to.

Everyone knows that he has reneged on his settlement in his lawsuit against DCI Telecommunications and Joe Murphy in Connecticut. And that he is now representing himself "pro se" without an attorney because he does not have a public firm to charge his person legal expenses to.

Everyone knows that Zwebner has charged TVCP and SECT hundreds of thousands of dollars in legal bills for his PERSONAL lawsuits...all six of them.

Everyone knows that he has dirt on Gene Rosov the former CEO of TVCP that will put pressure against him in testifying against Zwebner.

Everyone knows that Zwebner committed at least 50 infractions of perjury when I deposed him in my lawsuit.

Everyone knows that Zwebner has been laundering money.

Everyone knows about Zwebner's relationship with Steve Cunningham and their "secret" love nests in Rhode Island, Miami and Belize.

Everyone knows about the fact that Zwebner criminally used a different name, Michael Zarek, in 1990 in the investigation of the death of an individual in Florida.

Everyone knows that he is about to be served in another lawsuit for another attempted blackmail, next 30 days. And that his accomplice, Hayley Zwebner will be deposed in this lawsuit.

etc etc etc.

SO AS YOU SEE....I REALLY DON'T NEED TO POST...

regards,

the_worm06

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EXHIBIT "1" - "65175R"

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By: 65175r

Msg. 18314 of 18320

07 Aug 2003, 02:48 PM EDT

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OH MY.....

It seems that Zwebner has not been able to get Raging Bull to delete his false defamatory public statements about Roberto Villasenor (the_worm06) made on August 5, 2003 as he has successfully done during the past 3 1/2 years.

He also has not been able to get Raging Bull to remove the factual posts that show SEC filings that prove that many of Zwebner's press releases and public statement have been materially false and misleading.

One wonders if the reason for this is the rumor that certain current and former employees of Raging Bull are currently being "observed" by certain government agencies for their part as accomplices in several fraudulent stock schemes.

[http://ragingbull.lycos.com/mboard/memalias.cgi?
board=UCSY&member=MICHAELJ123](http://ragingbull.lycos.com/mboard/memalias.cgi?board=UCSY&member=MICHAELJ123)

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By: henry_johnson123
01 Oct 2003, 09:05 PM EDT

Msg. 20759 of 20886

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Zwebner (vanishing act)

Quote (del. 15 min.)

3:47 PM ET

0.1150

Volume: 274,000

Full quote | [LiveChart](#)

What do you mean "who cares"...

I believe that the stockholders of a company have the right to know if the CEO molested and abused his wife and children don't you?

By: vanishing_act

01 Oct 2003, 08:56 PM EDT

Msg. 20756 of 20757

(This msg. is a reply to 20754 by henry_johnson123.)

Jump to msg. #

worm06

Zwebner's divorce documents sealed in the U.K.?

WHO CARES, IF THEY ARE SEALED THEN YOU CAN'T READ THEM

(Voluntary Disclosure: Position- Long; ST Rating- Strong Buy; LT Rating-

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EXHIBIT "1" - "quondo1"

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By: quondo!

07 Feb 2004, 10:35 PM EST

Msg. 31396 of 31829

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200

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Zwebner, Child Molestation and Pedophilia

Somehow the topic of Child Molestation and Pedophilia seems to follow Michael Joel Zwebner around. Why is this?

1. Zwebner falsely accused Les French of being a Convicted Child Molestor.
2. An alias used by Zwebner and Santa Barbara psychiatrist Eli Katz falsely posted on the Raging Bull boards that the_worm06 was also a Convicted Child Molestor.
3. A post appeared on the TVCP Raging Bull board mentioning that Gene Rosov, the former partner of Zwebner and CEO of TVCP had a history of pedophilia.
4. The previous CEO of WLGS (which became UCSY), who turned over the CEO position to Zwebner, was known to have a taste for young boys.
5. Zwebner's defender, scu, is an admitted pedophile, and is now about to marry a boy that has come "of age" to marry.

Quote (del. 15 min.)

3:44 PM ET

0.0640

Volume: 0

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ONE HAS TO TRULY TRULY WONDER WHY ZWEBNER'S DIVORCE PAPERS IN THE U.K. WITH HIS WIFE RITA ARE UNDER SEAL....WAS THIS DONE TO PROTECT THE CHILDREN?

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EXHIBIT "1" – "Tobias95"

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By: [tobias95](#)

Msg. 11257 of 16734

13 Apr 2003, 04:13 PM EDT

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OT: Zwebner is a SYRIAN TERRORIST. com

Quote (del. 15 min.)

1:00 PM ET

0.1700

Volume: 223,900

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By: tobias95 **Msg. 169289 of 170031**
12 Apr 2003, 06:37 PM EDT (This msg. is a reply to 169287 by bobushka.)
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OT: bob? I think you are posting from some asylum at this time? ZWEBNER IS AN ENEMY TO THE FREE WORLD BECAUSE HE SEELS WEAPONS OF MASS DESTRUCTION FOR THE \$\$\$ AGAINST ISRAEL

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Main Identity

From: "Michael Zwebner" <mjzwebner@sprynet.com>
To: "Mark O. Van Wagoner" <movw@uswest.net>
Sent: Sunday, July 06, 2003 9:17 PM
Subject: Raging Bull Post 11260 on UCSY Message Board

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by: **tobias95**

Msg. 11260 of 16780

13 Apr 2003, 06:19 PM EDT

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OT: Zwebner is a terrorist. Watch FOX NEWS for updates

Quote (del. 15 min.)
9:52 PM ET

0.1700

Volume: 223,900

Full quote | LiveChart

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By: tobias95

Msg. 28640 of 28709

15 Jan 2004, 12:13 AM EST

(This msg. is a reply to [28630](#) by [stevecu123](#).)

Jump to msg. #



\$7 Trades, Apply Now!

Quote (del. 15 min.)

3:25 PM ET

0.0649

0.0000 (0.00)

Volume: 0

[Full quote](#) | [LiveChart](#)

Zwebner/steve! Quit bothering posters! You have a lot to learn. You know where I am, so quit bothering eveyone else, so lets play! I can handle it! :-)

(Voluntary Disclosure: Position- No Position)

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By: tobias95
07 Nov 2003, 09:57 PM EST

Msg. 21908 of 21915
(This msg. is a reply to 21876 by tobias95.)

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By: tobias95

29 Oct 2003, 11:16 PM EST

Msg. 21127 of 21127

(This msg. is a reply to 21124 by tobias95.)

Jump to msg. # [Go](#)

Quote (del. 15 min.)

2:41 PM ET

0.1030

-0.0020 (-1.90 %)

Volume: 232,600

Full quote | [LiveChart](#)

Zwebner is the worst POS I have ever witnessed in 20 years?I think the DOJ has his number by now!

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By: tobias95
 29 Oct 2003, 11:05 PM EST

Msg. 21124 of 21127

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Did I haps to forget Zwebner is a CON ARTIST???" eom

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By: [tobias95](#)

Msg. 171057 of 171061

29 Oct 2003, 10:45 PM EST

(This msg. is a reply to 171056 by arialmaid.)

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arial, ZWEBNER is a FELON, he has no business ability! So SUE me!

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By: [tobias95](#)

Msg. 19896 of 21001

04 Sep 2003, 10:26 PM EDT

(This msg. is a reply to [19880](#) by [tobias95](#).)

Jump to msg. #

UCSY is nothing more than a MOSAD secret police front! They are a classic!
You just ran into some Americans that want to right their deviate wrong!

(Voluntary Disclosure: Position- No Position)

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EXHIBIT "2"

From the desk of Michael J Zwebner
Suite 12F
407 Lincoln Road
Miami Florida 33139
Tel 305 672 6344
Email: MJZwebner@Sprynet.com

April 12th 2002

Legal Department
Community Manager
Lycos, Inc.
100 5th Ave
Waltham, MA 02451

Letter sent by Mail, Fax and Email to :
communities@lycos.com

Dear Sir / Madam,

I write to you once again regarding several posters on the UCSY web chat line on Raging Bull.

Over the past year, I have had occasion to write to you on many occasions complaining about certain posters that are both defaming me, libeling me, making false and accusatory statements, and generally acting against the Raging Bull Terms Of Service. My Complaints seem to go unanswered, and your organization seems more intent in protecting the anonymity and continuity of the posters, with total disregard to the victim here (myself)

I have told you several times in then past that I will take legal action, and file suit against YOUR organization if you continue to ignore me, and continue to allow this unabated onslaught of slander and libel.

Page 2

The two main aliases that I am bringing to your attention this time, are: **“Tobias95”, and “CrawleySmith”**. I suggest you look at their postings and see for yourself the vulgarity, evilness, and defamatory nature of their posts. For your information, “CrawleySmith” is none other than Mr Roberto G Villasenor, who has used some 15 other aliases already on Raging Bull, and one that you have deleted many times over. He seems to return with absolute impunity, and your company seem totally uninterested in enforcing your own terms of service.

I have now again written to you, and expect to see your dealing with this matter soonest. I again here repeat some of the facts previously brought to your attention.

On Raging Bull, I have been attacked on line, accused of being a criminal, accused of everything from being a member of the Mafia, Running a Criminal Gang, Murder to Money Laundering, to Stock Manipulation, Fraud, acting illegally etc. I have also been accused on line of being a homosexual, and as a result of all these outrageous postings, I have suffered severe pain, both emotional and physical, and my general health has suffered badly.

I have and also suffer from accusations that have severely impeded my business activities, and I believe that the shareholder base of my companies have suffered too as a result of these posts. I have lost substantial sums of Money as a result of these posts.

For the record, (other than for driving offenses) I HAVE NEVER BEEN ARRESTED, INDICTED OR CONVICTED NOR EVEN INVESTIGATED BY ANY LAW ENFORCEMENT, SEC, FBI, DEA, OR ANY GOVERNMENT AGENCY for any crime, WHATSOEVER.

I am not going to re-post his postings here in this letter, as you are well able to access the UCSY and TVCP chat lines, and see for your self the level and ferocity of his blatant lies and false postings. I request you do take a serious look at his postings, and then decide what action you wish to take.

Page 3.

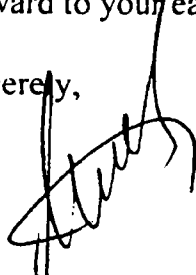
I would like to hear from you soonest as to what action you propose to take to stop these personal attacks. Nothing less than a complete ban on this type of posting is acceptable. **THIS FALLS UNDER YOUR RULES.**

Depending on your responses, and the actions you decide to take, I will decide with my legal advisors the next action we will have to take to stop this outrageous behavior. If necessary, we may have NO choice but to file a law suit against LYCOS for the unending facilitation of the Raging Bull medium for these attacks.

I trust you will work with me on this matter to help resolve this situation.

I look forward to your early response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael Zwebner', written over the 'Yours sincerely,' text.

Michael Zwebner.

EXHIBIT "3"

From the desk of Michael J Zwebner
Appt 3801, Blue Diamond Building
4779 Collins Avenue
Miami Beach FL 33140
Tel / Fax 305 535 1525
Email mjzwebner@sprynet.com

August 5, 2003

Mr. Jamie Carney
Raging Bull
Lycos Network Abuse Manager
100 5TH Street
Waltham
MA 02451

LETTER BY FAX // OFFICIAL WARNING AND NOTICE.

Dear Mr. Jamie Carney,

I have reached the end of the tether with regards your company's ability to comply with your own stated "terms of use" and conditions of posting.

I have in the past few days TOS'ed several posters, and demanded that you delete both the posts and the posters aliases. You have not complied with these requests, nor have you acted in accordance with your contractual obligations. In the latest TOS's I brought your attention to poster **"65175R"** who I have identified is poster (Roberto Villasenor) who is now using this new alias.

He has previously posted under alias "theworm_06" (as well as several others) This poster is Roberto Villasenor Jr, of Sherman Oaks Los Angeles Ca.

The terms of service of LYCOS for posters includes the following sentence :

Multiple aliases

Posting under more than one member name, this includes creating a new member name after a suspension or deletion.

This is only ONE of the terms of use that this poster is in transgression. In my view, he is acting in direct disregard of almost ALL YOUR RULES.

It seems your company / organization is either incapable or unwilling or deliberately failing to enforce the very terms of use and conditions of posting that YOU yourselves contract all your registered users to. You are therefore guilty of "Breach of Contract" in this regard, and I am suffering as a result of your actions or inactions.

I have now written to you too many times, and yet you fail to deal with this matter. Therefore, I will have to resort to other actions to stop this nonsense, and your indifference to what is transpiring on your web/chat sites.

If you have any questions or comments or wish to discuss this matter with me, you may call me at any time to my home number above 305 535 1525, or you may reach me on my cell phone to 617 513 2529. This the last time I plan to write to you on this matter.

You have now been put on notice !.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael J Zwebner", with a long horizontal stroke extending to the right.

Michael J Zwebner

CC Mark Van Wagoner - Attorney

EXHIBIT "4"

From the desk of Michael Zwebner
Suite 12K, 407 Lincoln Road
Miami beach FL 33139
Tel 305 672 6344
Fax 305 672 1965
Email: mjzwebner@sprynet.com

Mr. E. Solowey, - Attorney
Terra Lycos Inc / Raging Bull
100 Fifth Avenue
Waltham MA 02451

December 30th 2003

Letter by FAX and Overnight Mail

Dear Mr. Solowey,

I draw your attention to Poster alias: **"quondo1"** who is posting on Raging Bull UCSY chat line.

As you must certainly know, this is the most recent alias of Roberto G. Villasenor, Jr., who has used, among others, the following aliases: **'the_worm06'; "no_insiders"; "SCRI_852"; "The Worm_06A"; "65175R"; "Henry_Johnson123"**. He has now again reposted several times a defamatory article from the Mail on Sunday. Before I was aware that he was essentially "judgment proof," I previously sued him over the publication of these canards. In addition to this republication of foul defamation, his other recent posts are outrageous, harassing and transgresses your own terms of service.

I have brought Mr. Villasenor to the attention of Raging Bull / Lycos on numerous occasions, (letters, faxes and emails to Jamie Charney) and you have previously determined that he would not be permitted to use your service. Let me remind you that the terms of service of LYCOS for posters includes the following sentence :

Multiple aliases

Posting under more than one member name, this includes creating a new member name after a suspension or deletion.

If your terms of service mean anything, Mr. Villasenor should have no access to your boards. If you cannot police this one wild poster, it may mean that your supposed rules are merely illusory and, perhaps, misleading to the general public. Even if Mr. Villasenor's current posts were not defamatory, harassing and in plain violation of your published rules, those posts should be deleted and the poster's ISP or other addresses should be blocked because of prior violations. It is outrageous that you have and continue to allow this poster to continue to return to RB, and post the lies and false insinuations that he does, with total impunity.

Others of your clients have defamed me and I have attempted merely to find a real name so I can confront these cyber-cowards in Federal Court. Despite your published statements to the contrary, you have interfered with legal processes to protect these posters who violate your terms of service.

Here, then is another clear opportunity for your company to demonstrate what it considers to be integrity. Will you protect this poster? Do your terms of service have meaning? I believe that you act in arbitrary and capricious ways to essentially void your public agreements and to act as a publisher as that term is defined in Internet law.

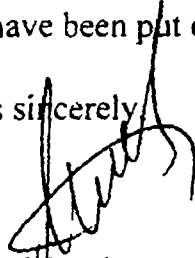
I DEMAND YOU IMMEDIATELY STOP THESE POSTS, DELETE THEM AND BLOCK THE POSTER PERMANENTLY.

I have now written to your organization on many, many occasions. You seem totally either unable or unwilling to take action, and enforce YOUR own terms of service. You seem to want to leave me no option but to resort to legal action against your company.

Page 3

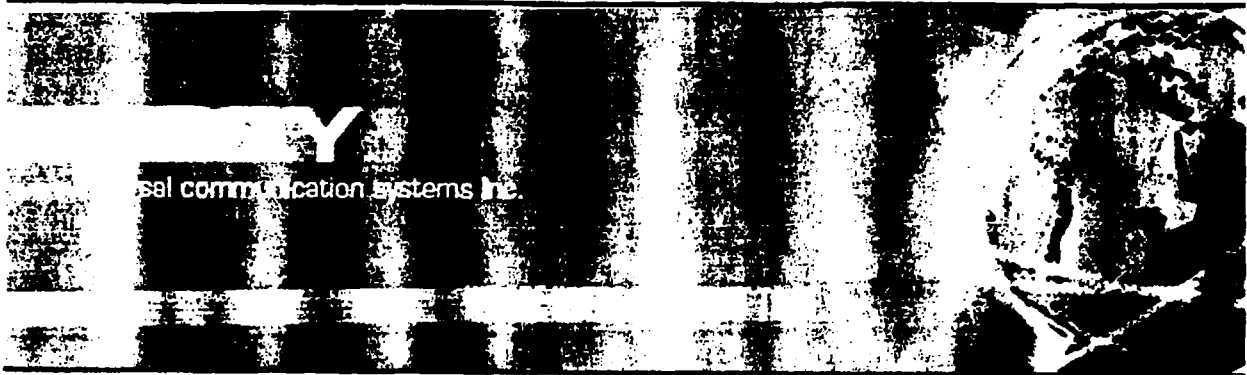
You have been put on notice for the last time.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michael Zwebner". The signature is written in a cursive style with a large, sweeping initial "M".

Michael Zwebner.

EXHIBIT "5"

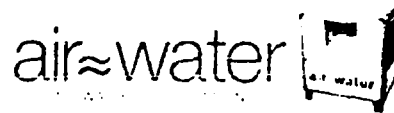


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Keep up with all the happenings. Find out about the Who, What, When and Why of UCSY. Click here to register and receive timely updates.



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