

UNITED STATES DISTRICT COURT

Southern District of Florida

Case Number: 08-CV-80797-MARRA/JOHNSON

v.

Plaintiff VISION MEDIA TV GROUP, LLC

DefendantS

LESLIE RICHARD, personally

LESLIE RICHARD d/b/a THEOKOBOX.COM

SUMMONS IN A CIVIL CASE

TO: (Name and address of defendant)

LESLIE RICHARD

25 1/2 Woodrow Ave.

Asheville, NC 28801

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

LEE LEVENSON

634 E. Ocean Ave

Boynton Beach, FL 33435

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon 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. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

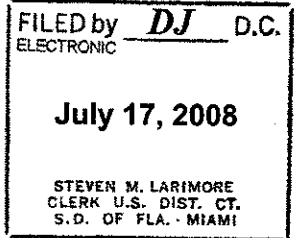


Steven M. Larimore
Clerk of Court

SUMMONS

DATE JULY 17, 2008

s/Doris Jones
Deputy Clerk
U.S. District Courts



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

08-80797-Civ-MARRA/JOHNSON

VISION MEDIA TV GROUP, LLC
a Florida Limited Liability Company
Plaintiff,

Civil Action No. _____

v.

LESLIE RICHARD personally and
LESLIE RICHARD d/b/a THEOKO
BOX.COM
Defendants.

_____/

COMPLAINT

Vision Media TV Group, LLC, hereinafter "Vision Media" a Florida limited liability company, hereby sues Leslie Richard and Leslie Richard d/b/a theokobox.com and allege as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over the claims pursuant to 28 U.S.C. § 1332; the parties to this matter are citizens of different states and the matter in controversy the sum of \$75,000, exclusive of interest and costs.

2. Venue is proper under 28 U.S.C. § 1391(a) in the Southern District of Florida in that a substantial part of the events and damages giving rise to the claims which are the subject of this complaint occurred in the Southern District of Florida.

3. Jurisdiction is proper in the Southern District of Florida in that the Defendants have committed tortuous acts within the State of Florida and caused injury to the Plaintiff in the State of Florida by purposely directing false statements regarding the Plaintiff on the internet injuring

the Plaintiff's in the Southern District of Florida. The false statements are accessible to Florida residents with access to the internet.

4. Jurisdiction is proper in that the Defendants have committed tortuous acts within the State of Florida within the meaning of Fla. Stat. 48.193(1)(b).

5. Jurisdiction is proper in that the Defendants have engaged in substantial and not isolated activity within the state, and the Southern District of Florida, within the meaning of Fla. Stat. 48.193(2).

6. The court has jurisdiction to enter a temporary and permanent injunction order pursuant to Fed. R.Civ.P. 65.

THE PARTIES

7. The Plaintiff, Vision Media TV Group, LLC doing business as Vision Media, is now and at all times mentioned in this complaint a limited liability company organized and existing under the laws of the State of Florida, having an address at 1515 N. Federal Highway, Suite 300, Boca Raton, FL 33432, Palm Beach county, Florida.

8. Vision Media is a production company which produces short-form educational documentaries (editorial) that air regionally, nationally and internationally. Vision Media also distributes said documentaries to Public Television. Hugh Downs the former news anchor of 20/20 presently hosts the documentaries produced by Vision Media.

9. The Defendant Leslie Richard upon information and belief is a resident of North Carolina.

10. The Defendant, Leslie Richard d/b/a theokobox.com is a non-incorporated web based company selling organic clothing and accessories. Leslie Richard d/b/a theokobox.com lists its address as 25 ½ Woodrow Avenue, Asheville, NC 28801, Buncombe county North Carolina.

11. Defendants, Leslie Richard and Leslie Richard d/b/a theokobox.com created, owns and operates theokobox.com. The Defendants also created, owns and operates The Oko Box Blog, at www.oko-organic-clothing.blogspot.com, a web site which Miss Richard uses to post commentaries on the internet. The readers of this web site have the ability to also post their own comments in an interactive format.

12. The Defendants operate out of North Carolina, however targets consumers located in the Southern District of Florida via their blog and other avenues on the internet.

GENERAL ALEGATIONS

13. On or about January 2008, a representative of Vision Media contacted Leslie Richard to solicit her business as a potential business that may be featured on one of Vision Media's segments. Vision Media was planning on producing a segment on organic clothing and was interested in featuring theokobox.com and its owner Miss Richard on said segment. Once the cost of being featured in of the documentary was mentioned to Miss Richard, Miss Richard became irate and unreasonably concluded that Vision Media's business was fraudulent and wanted to scam her and theokobox.com out of money. Miss Richard reported Vision Media to the Better Business Bureau.

14. Miss Richard did not stop at reporting Vision Media to the Better Business Bureau, she proceeded to spread lies about Vision Media on the internet. On February 5, 2008, the Defendants posted on Co-Op America that Vision Media is a "scam targeting green businesses". Again on February 6, 2008, the Defendants posted on Co-op America "straight up scam-they ask for the money upfront posting as legit TV production company- but there is actually no company at all...." Co-Op America is a green business network website with over 65,000 individual and 2,500 business members. The Defendants comments were posted on Co-Op America's Green

Business Network Lounge where the members of Co-Op America are able to post comments and the lounge also enables other members to post responses to the comments made.

15. The Defendants false statements were targeted at small eco friendly businesses which is the targeted customer base of Vision Media for it's eco friendly documentaries.

16. On or about February 5, 2008, Miss Richard and Leslie Richard d/b/a theokobox.com created on their blog, The Oko Box Blog, <http://oko-organic-clothing.blogspot.com> 2008/02/scam-taking-advantage-of-green.html, a new page dedicated at defaming Vision Media. Vision Media's logo and trademark were posted on the blog without the permission of Vision Media. Since the creation of the blog on February 5, 2008, there have been over 60 postings defaming Vision Media. By simply going to google.com and typing in the search box "Christian Kelch scam", "Vision Media Television", or "Vision Media with Hugh Downs", one will be directed to The Oko Box Blog on the page defaming Vision Media at <http://oko-organic-clothing.blogspot.com/2008/02/scam-taking-advantage-of-green.html>. The Oko Box Blog has approximately 6,000 visitors per month. As a direct result of the Defendants internet blog, The Oko Box Blog, and the postings on the Co-Op America Business Network Lounge made by the Defendants, collectively "the offending statements" the Plaintiff, Vision Media, has lost an estimated \$5 million in potential and actual business.

17. For example, on March 27, 2008, Vision Media contacted SHC Environmental Products, Inc., an eco friendly business based out of Alberta, Canada. The General Manager, Brenda Webster, was excited about the prospect of using the services of Vision Media and was committed to "closing the deal" with Vision Media on March 31, 2008.

18. On March 31, 2008, Vision Media received an email from Brenda Webster, the general

manager of SHC Environmental Products, Inc., stating "please note, our company will no longer be accepting information or invitations from you. Please do not call us." Also as part of the message, Miss Webster attached the web address for The Oko Box Blog, <http://oko-organic-clothing.blogspot.com/2008/02/scam-taking-advantage-of-green.html>.

19. The contract between SHC Environmental Products, Inc., and Vision Media was worth \$22,900. Many other examples of these losses are available.

CLAIMS FOR RELIEF

COUNT I

DEFAMATION

20. Plaintiff, Vision Media, realleges paragraphs 1-19 as if fully set forth herein.

21. Vision Media has brought this cause of action for defamation for the libelous blog postings by the Defendants on The Oko Box Blog and the false internet web site postings on Co-Op America's Business Network Lounge and any other false or misleading internet statements regarding Vision Media (collectively "the offending statements"). A true and correct copy of the internet postings from greenbusinessnetwork.ning.com are attached herein as Exhibit "A". A true and correct copy of the internet postings from The Oko Box Blog are hereby attached herein as Exhibit "B".

22. The offending statements were read by persons who visited those web sites or were simply researching Vision Media on the internet and person intending to do business with the Plaintiff.

23. The offending statements were of the nature of libel per se as they falsely state that Vision Media is engaging in fraud and other crimes.

24. As a proximate result of the publication of the false and offending statements by the

Defendants, Leslie Richard and Leslie Richard d/b/a theokobox.com, Vision Media has suffered damages in excess of \$5,000,000.00. Vision Media suffered a loss of reputation and goodwill by being discredited in its professional field including the Defendants market of green, eco friendly business market.

25. As part of the effort to restore Vision Media's reputation, Vision Media demands that Defendants remove all internet offending statements about Plaintiff, post a correction and apology on all web sites where Defendants posted offending statements. The form of the correction and apology is to be in the form approved by the court.

26. Defendants aforesaid acts have caused and will cause great and irreparable injury to Plaintiff, and unless said acts are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury.

27. Plaintiff has no adequate remedy at law.

COUNT II

TORTIOUS INTERFERENCE WITH BUSINESS RELATIONSHIP

28. Plaintiff, Vision Media, realleges paragraphs 1-19 as if fully set forth herein.

29. Plaintiff, Vision Media, was in final contract negotiations with several small eco business owners in an effort to service their businesses by producing short segments featuring their business which Vision Media was producing for its environmental series which was to air on Public Television.

30. One such small eco business which Vision Media had a business relationship with was SHC Environmental Products, Inc. Vision Media and the general manager of SHC Environmental Products, Inc. were in agreement that Vision Media would feature them in one of the segments for the sum of \$22,900.

31. The Defendants were aware that Vision Media was an operating limited liability company in the business of producing short segments for television. The Defendants were also aware that Vision Media was in operation and was actively soliciting small eco business owners and their businesses to be featured on segments produced by Vision Media for a fee.

32. The Defendants intentionally and unjustly interfered with the business relationship between the Plaintiff and SHC Environmental Products, Inc. and the other small eco friendly businesses by posting on the internet the offending statements.

33. The offending statements were posted and continue to be posted in a medium which targets Vision Media's existing and potential customers for example the Green Business Network web site and The Oko Box Blog.

34. The offending statements in essence states that Vision Media is a fraud and "warns" other small eco businesses to not do business with Vision Media.

35. In engaging in the posting of the offending statements on the internet, the Defendants intended to impair or destroy Vision Media's business relationship with the other small eco business owners.

36. The Defendants unjustified and intentional offending statements on the internet have resulted in an interference with Vision Media's business relationship with SHC Environmental Products, Inc. and the other small eco businesses.

37. The intentional and unjustified conduct engaged in by the Defendants and described above was the proximate cause of the loss of Vision Media's business relationship with the SHC Environmental Products, Inc. and the other small eco businesses.

38. As a result of the loss of Vision Media's business relationship with SHC Environmental

Products, Inc. and the other small eco friendly businesses, Vision Media suffered loss of the economic expectancy arising from the relationship in the amount of \$5,000,000.00.

39. Defendants aforesaid acts have caused and will cause great and irreparable injury to Plaintiff, and unless said acts are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury.

40. Plaintiff has no adequate remedy at law.

COUNT III

TRADE LIBEL

41. Plaintiff, Vision Media, realleges paragraphs 1-19 as if fully set forth herein.

42. The Defendants caused the injurious statements which are false to be published on the internet. The statements alleged that Vision Media was not a business at all and that it was trying to defraud small businesses.

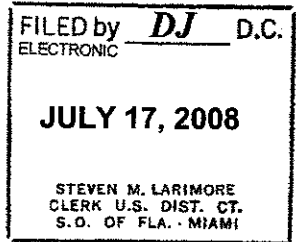
43. The injurious statements were read and continue to be read by many prospective client's of Vision Media.

44. The Defendants knew or reasonably should have known that the statements would likely influence prospective clients of Vision Media to not be part of Vision Media's documentaries or segments.

45. In fact, the false injurious statements were a material factor in inducing others not to work with Vision Media in the production of its segments.

46. As a proximate cause of the publication of the false injurious statements by the Defendants, Vision Media suffered special damages. Plaintiff as a result of Defendants action lost the business of SHC Environmental Products, Inc., which resulted in a lost \$5,000,000.00.

47. The acts of the Defendants have harmed Plaintiff's reputation, severely harmed and



UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
08-CV-80797-MARRA/JOHNSON

VISION MEDIA TV GROUP, LLC
a Florida Limited Liability Company
Plaintiff,

Civil Action No. _____

v.

LESLIE RICHARD personally and
LESLIE RICHARD d/b/a THEOKO
BOX.COM
Defendants.

PLAINTIFF'S PETITION FOR TEMPORARY INJUNCTION

COMES NOW the Plaintiff, Vision Media Television, hereinafter "Vision Media", and moves that Defendants Leslie Richard and Leslie Richard d/b/a theokobox.com from publishing any false and injurious statements regarding the Plaintiff on the internet or any other medium.

The Complaint in this case alleges a cause of action for injunctive and other relief pursuant to Fed.R.Civ.P. 65 for defamation (Complaint ¶¶13-18, count I), tortuous interference with business relationship (Complaint ¶¶13-18, count II) and trade libel (Complaint ¶¶13-18 count III). This Court has jurisdiction by reason of diversity of jurisdiction 28 U.S.C. § 1332.

These claims relate to the tortuous actions of the Defendants by posting false and injurious statements on the internet regarding the Defendant, Vision Media. In support thereof, Plaintiff states as follows.

JUDGEMENT AWARDED TEMPORARY INJUNCTIVE RELIEF IS APPROPRIATE

Plaintiff seeks an award of permanent injunctive relief in the form set forth in the attached order. Plaintiff believes that there is a substantial likelihood that it will succeed in this

matter as to all counts. The false injurious statements (Complaint ¶¶14 and 16) published by the Defendants were defamatory per se. The false and injurious statements were read by persons in Florida and the Southern District of Florida with access to the internet and resulted in damage of reputation and goodwill of the Plaintiff. Parsons v. Nationwide Mut. Ins. Co., 889 F.Supp. 465, 469 (M.D. Fla. 1995). Vision Media had a business relationship with many eco businesses including SHC Environmental Products, Inc. The Defendants knew Plaintiff was conducting business with other small eco businesses. Defendants with the intention of interfering with the business relationship between Plaintiff and the other small eco businesses published the false and injurious statements against Plaintiff. The publication of such statements did in fact cause many other small eco business owners to sever their business relationship with Plaintiff. Salt v. Ruden, 742 So.2d 381 (Fla. 4th DCA 1999); Border Collie Rescue, Inc. v. Ryan, 418 F. Supp.2d 1330 (M.D. Fla. 2006). Plaintiff is also confident that there is a substantial likelihood that it will succeed in its trade libel count as Defendants published on the internet false statements with in essence stated that Vision Media is a scam and is trying to defraud small eco businesses. Defendants knew that the false and injurious statements would likely influence prospective customers of Vision Media. The false and injurious statements played a material part in the inducing prospective clients of Vision Media to not conduct business with Vision Media which damaged Plaintiff in the sum of \$5,000,000.00. Salt v. Ruden, 742 So.2d 381 (Fla. 4th DCA 1999).

Defendant's tortuous activities have harmed Plaintiff's reputation, severely damaged Plaintiff's goodwill and have irreparably harmed Plaintiff. Plaintiff has no adequate remedy at law. Many current and prospective customers do not wish to enter into a business relationship with Plaintiff as a result of the false and injurious statements.

Defendants are likely to continue their tortuous activities, and cause irreparable harm to Plaintiff unless restrained by the court. When contacted by Plaintiff to cease their defamatory conduct and remove the false and injurious statements from the internet, the Defendants responded by writing The Oko Box Blog what has transpired between Defendants and Plaintiff and infer that Vision Media is a scam. This can be demonstrated by the statements posted Defendants on February 5, 2008 and March 7, 2008. As long as the this page remains on The Oko Box Blog and any other internet website, the damage to Plaintiff will worsen as more and more prospective and current clients will be able to read the comments posted.

In these circumstances, the public interest favors the entry of injunctive relief, and the relative harm to Defendants in being enjoined from making the injurious statements is minimal.

Based on the foregoing, injunctive relief is an appropriate remedy for this cause of action as the facts set forth in the Complaint. The remedy of injunction is within Court's discretion and thus it shall generally entertain such proposals as long as there is no adequate remedy at law Perez v. City of Key West, 823 F. Supp. 934 (M.D. Fla. 1993).

For the Plaintiff

By: 

Lee E. Levenson, B.S.C.S., LLM, J.D.
Fla. Bar No.: 2429
THE LEVENSON LAW GROUP, P.A.
634 East Ocean Avenue
Boynton Beach, FL 33435
Telephone: (561) 736-1665
Facsimile: (561) 736-1029
Attorney for Plaintiff

Dated: 7/17/08

Plaintiff's goodwill.

48. Defendants aforesaid acts have caused and will cause great and irreparable injury to Plaintiff, and unless said acts are restrained by this Court, they will be continued and Plaintiff will continue to suffer great and irreparable injury.

49. Plaintiff has no adequate remedy at law.

RELIEF REQUESTED

WHEREFORE, the Plaintiff respectfully requests:

- A. That this Court enters judgment against the Defendants Leslie Richard and Leslie Richard d/b/a theokobox.com.
- B. That the court award the Plaintiff compensatory damages for the value of the contracts between Plaintiff and third parties who are no longer doing business with Vision Media as a result of the false offending statements in the amount of \$5,000,000.00;
- C. That Defendants, and all officers, directors, agents, servants, employees, attorneys, successors, and assign and all persons in active concert or participation therewith, be preliminarily and permanently enjoined and restrained from further defamatory communication via the internet, the mail or via any other outlet.
- D. That the Defendants remove all offending statements placed by them on any internet web site and issues an apology to Vision on Media on those internet web sites.
- E. That Plaintiff have and recover, pursuant to the laws of the State of Florida, in addition to its actual damages, punitive damages against the Defendants in the amount of \$15,000,000.00.
- F. That Plaintiff have and recover its reasonable attorney fees incurred in this action.
- G. That Plaintiff have and recover its taxable costs and disbursements herein.
- H. That Plaintiff have other and such further relief as the Court may deem just and proper.

THE LEVENSON LAW GROUP, P.A.

By: 

Lee E. Levenson, B.S.C.S., LLM, J.D.

Fla. Bar No.: 2429

634 East Ocean Avenue

Boynton Beach, FL 33435

Telephone: (561) 736-1665

Facsimile: (561) 736-1029

Attorney for Plaintiff

Dated: 7/17/08

EXHIBIT A



[CoopAmerica.org](#) [About Co-op America](#) [Programs](#) [National Green Pages™](#)

CO-OP AMERICA'S GREEN BUSINESS NETWORK™

THE ORIGINAL Socially Responsible BUSINESS NETWORK



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Our Mission

Co-op America's Green Business Network™ is dedicated to helping socially and environmentally responsible businesses emerge and thrive to form a global green economy.

[Who We Are »](#)

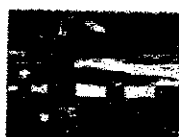
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Have questions about us? Email using our web-based email form or call us at 1-202-872-5340.

News & Updates



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Build the green marketplace. Connect with like-minded business visionaries. Learn how green businesses succeed. Roll up your sleeves and bite into the green business revolution at this hands-on conference. Register now: this event sells out each year. [Learn more »](#)



Read the Latest Faces of the Green Pages Interview

With greater public attention to the problem of global warming and the solution of renewable energy, business is booming for **Third Sun Solar and Wind Power III**, a seven-year-old business that passed the \$1 million revenue mark for the first time in 2007. We asked Michelle Greenfield to tell us more about the business of producing clean energy. Check out the latest interview [»](#)



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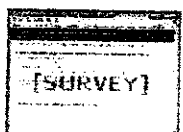
Green Business Trends

Gore Awarded Nobel Peace Prize, Consumers Demand Companies Walk Their Green Talk, What Would Jesus Buy? Coming Soon, and the Bible Goes Green: read about Green business trends in *Connections* [»](#)



Guide to the Green Marketplace

Check out our overview of the language and attitudes of the new green consumer-critical guidance for any company wishing to engage the emerging green market. Find the Guide in *Resources* [»](#)



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