

1 BRIAN S. KABATECK, SBN 152054
(bsk@kbklawyers.com)
2 RICHARD L. KELLNER, SBN 171416
(rlk@kbklawyers.com)
3 KABATECK BROWN KELLNER LLP
644 So. Figueroa Street
Los Angeles, California 90017
4 Phone: (213) 217-5000
5 Fax: (213) 217-5010

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Los Angeles Superior Court

OCT 30 2003

John A. Clarke, Executive Officer/Clerk
M Garcia
BY MARY GARCIA, Deputy

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES CENTRAL DISTRICT

10 ANTHONY MICHAELS; individually and)
11 on behalf of all others similarly situated,)
12)
13 Plaintiff,)

CASE NO. BC401048

14 vs.

CLASS ACTION COMPLAINT FOR:

15 CLASSMATES ONLINE, INC.;)
16 CLASSMATES MEDIA CORPORATION;)
17 UNITED ONLINE, INC.; and DOES 1)
through 50, inclusive;)
18 Defendants.)

1. INTENTIONAL MISREPRESENTATION
2. NEGLIGENT MISREPRESENTATION
3. NEGLIGENCE
4. FRAUDULENT CONCEALMENT
5. BUSINESS & PROFESSIONS CODE & 17200 et seq.
6. BUSINESS & PROFESSIONS CODE & 17500 et seq.

JURY TRIAL DEMANDED

24 ///
25 ///

1 recover damages, to seek equitable relief, and to seek restitution and other relief available at
2 law or in equity on behalf of Plaintiff, the members of the class as defined below, and on
3 behalf of all people of the State of California. Plaintiff and the proposed class assert no
4 claims under federal law.

5 4. Venue as to each Defendant is proper in this judicial district pursuant to
6 California Code of Civil Procedure sections 395(a) and 395.5, and other provisions of law.
7 Each defendant either maintains an office, transacts business, advertises or offers products
8 for sale, has an agent or is found in the County of Los Angeles. Plaintiff's causes of action
9 arose in part within the County of Los Angeles and each defendant is subject to the
10 jurisdiction of this Court. The unfair, fraudulent, unlawful and otherwise wrongful acts
11 described herein have had a direct effect on consumers within the State of California,
12 including the County of Los Angeles, and the trade and commerce described below has
13 been carried on within the State of California, including the County of Los Angeles.

14
15 **THE PARTIES**

16 5. Plaintiff Anthony Michaels ("Plaintiff") is a resident of San Diego County
17 California and has previously purchased a subscription to www.classmates.com on or
18 around December 24, 2007.

19 6. Defendant Classmates Online, Inc. is a privately held corporation organized
20 pursuant to the laws of Washington, with a principal address of 2001 Lind Ave SW, Ste
21 500, Renton, Washington, 98055. On information and belief, Classmates Online, Inc. owns
22 and operates the website www.classmates.com and is the wholly owned subsidiary of
23 Classmates Media Corp.

24 7. Defendant Classmates Media Corporation is a privately held corporation
25 organized pursuant to the laws of Delaware, with a principal address of 21301 Burbank
26 Blvd., Woodland Hills, California, 91367. On information and belief, Classmates Media
27 Corporation is a wholly owned subsidiary of United Online, Inc.

1 8. Defendant United Online, Inc. is a publicly traded corporation organized
2 pursuant to the laws of Delaware, with a principal address of 21301 Burbank Blvd.,
3 Woodland Hills, California, 91367. On information and belief, United Online, Inc. wholly
4 owns Classmates Media Corporation, who in turn, wholly owns Classmates Online, Inc.
5 On information and belief, United Online, Inc. is an Internet Service Provider and through
6 its subsidiary, Classmates Media Corporation, offers social networking services under the
7 Classmates brand name.

8 9. At all times herein mentioned, Classmates Online, Inc. and Classmates
9 Media Corporation were acting as the agents, ostensible agents, servants, partners, aider
10 and abettor, co-conspirator, joint venturer and/or employees of United Online, Inc., and in
11 doing the acts and following the course of conduct set forth herein, Classmates Online, Inc.
12 and Classmates Media Corporation were acting within the course and scope of such agency
13 or employment, and Defendant United Online, Inc. approved, ratified, permitted, condoned
14 and/or affirmed the marketing and sales practices, associated with the website
15 www.classmates.com.

16 10. There exists, and at all times herein mentioned, there existed, a unity of
17 interest in ownership between Defendant Classmates Online, Inc. and Defendants
18 Classmates Media Corporation and United Online, Inc., such that any individuality and
19 separateness between Defendants has ceased and Defendants Classmates Media
20 Corporation and United Online, Inc., are the alter-egos of Classmates Online, Inc. and
21 exerted control over Classmates Online, Inc. Adherence to the fiction of the separate
22 existence of Defendant Classmates Online, Inc. as an entity distinct from Defendants
23 Classmates Media Corporation and United Online will permit an abuse of the corporate
24 privilege and would sanction fraud and would promote injustice. Defendant Classmates
25 Online, Inc. and Defendants Classmates Media Corporation and United Online, Inc. are
26 alter egos and comprise a single enterprise. Classmates Online, Inc. is a wholly owned
27 subsidiary of Classmates Media Corporation, which in turn, is a wholly owned subsidiary

1 of United Online, Inc.

2 11. Plaintiff and the Class do not know the true names or capacities of the
3 persons or entities sued herein as DOES 1 to 50, inclusive, and therefore sue such
4 defendants by such fictitious names. Plaintiff and the Class are informed and believe and
5 thereon allege that each of the DOE defendants is in some manner legally responsible for
6 the damages suffered by Plaintiff and the Class as alleged herein. Plaintiff and the Class
7 will amend this complaint to set forth the true names and capacities of these defendants
8 when they have been ascertained, along with appropriate charging allegations, as may be
9 necessary.

10 12. There is a complete unity of interests and ownership among defendants and
11 their subsidiaries, such that there is no corporate separateness and independence among
12 said corporations and each of said corporations is merely the agent and instrumentality of
13 each other. By reason of the above facts, recognition of the independent identity of the
14 defendants would operate a fraud upon plaintiffs such that each of said defendants should
15 be regarded as alter ego of each other and held responsible for its obligations and liabilities

16
17 **CLASS ACTION ALLEGATIONS**

18 13. In addition to prosecuting this action as a private attorney general on behalf
19 of the general public general pursuant to Business & Professions Code section 17204,
20 Plaintiff brings this class action pursuant to the provisions of Code of Civil Procedure
21 section 382.

22 14. Plaintiff brings this action on behalf of the following class:

23 *A class consisting of all persons located within the United States who purchased a*
24 *subscription to www.classmates.com in response to an email, correspondence,*
25 *advertisement, message, text message, and/or other communication initiated by the*
26 *Defendants indicating to the class that individuals and/or past acquaintances are*
27 *trying to contact them.*

1 Excluded from the class are governmental entities, defendants, defendants' affiliates,
2 parents, subsidiaries, employees, officers, directors, and co-conspirators. Also excluded is
3 any judge, justice or judicial officer presiding over this matter and the members of their
4 immediate families and judicial staff.

5 15. Plaintiff does not know the exact number of class members, because such
6 information is in the exclusive control of defendants. Due to the nature of the trade and
7 commerce involved, however, Plaintiff believes that the total number of class members is at
8 least in the hundreds of thousands and members of the class are so numerous and
9 geographically dispersed across the United States and even within the State of California
10 that joinder of all class members is impracticable.

11 16. Defendants Classmates Online, Inc., Classmates Media Corporation and
12 United Online, Inc. have acted with respect to the Class in a manner generally applicable to
13 each class member. There is a well-defined community of interest in the questions of law
14 and fact involved in the action, which affect all class members. The questions of law or
15 fact common to the Class predominate over any questions affecting only individual
16 members, including, but not limited to, the following:

17 a. Whether Defendants Classmates Online, Inc., Classmates Media
18 Corporation and United Online, Inc. misrepresented to Plaintiff and the Class that
19 individuals and past acquaintances were trying to make contact with them through
20 the website www.classmates.com;

21 b. Whether or not Plaintiff and the members of the Class have been
22 damaged by the wrongs complained of herein, and if so, the measure of those
23 damages and the nature and extent of other relief that should be afforded.

24 17. The claims of Plaintiff are typical of the claims of the other members of the
25 Class in that all members of the Class have been harmed in substantially the same way by
26 the actions of Defendants Classmates Online, Inc., Classmates Media Corporation and
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1 United Online, Inc.

2 18. Plaintiff is committed to prosecuting this action and has retained competent
3 counsel experienced in litigation of this nature. Plaintiff is an adequate representative of
4 the Class.

5 19. A class action is superior to other available methods for the fair and efficient
6 adjudication of the controversy. The prosecution of separate actions by individual members
7 of the Class would create the risk of inconsistent or varying adjudications with respect to
8 individual members of the Class which would establish incompatible standards of conduct
9 for defendants, or adjudications with respect to individual members of the Class which
10 would, as a practical matter, be dispositive of the interests of the other members not parties
11 to the adjudications or substantially impair or impede their ability to protect their interests.

12 20. In view of the complexity of the issues and the expense that an individual
13 plaintiff would incur if he or she attempted to obtain relief from large, multinational
14 corporations such as Classmates Online, Inc., Classmates Media Corporation and United
15 Online, Inc., the separate claims of individual class members are monetarily insufficient to
16 support separate actions. Because of the size of the individual class members' claims, few,
17 if any, class members could afford to seek legal redress for the wrongs complained of in
18 this Complaint.

19 21. The proposed class fulfills the certification criteria of Code of Civil
20 Procedure section 382.

21 **FACTUAL BACKGROUND**

22 22. As alleged more fully below, Classmates Online, Inc., Classmates Media
23 Corporation and United Online, Inc. misrepresented material information in the marketing,
24 advertising, promoting and sale of subscriptions to the www.classmates.com website.

25 23. At all times relevant hereto, Classmates Online, Inc., Classmates Media
26 Corporation and United Online, Inc. owned and operated www.classmates.com, a website
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1 in which visitors to the website complete a free profile registration in order to view the
2 profiles of other registrants. The advertised purpose of the free registration is to allow the
3 user to view the profile of alumni from their respective school.

4 24. In order to register for free and view other user profiles, the visitor must
5 provide the following: Class/Graduation Year, Year of Birth, Title, Name, Email Address,
6 and Zip/Postal Code. According to the website free members are limited to the functions of
7 “find friends and post a profile.”

8 25. As a paid subscriber, referred to as the “Gold Membership,” members are
9 able to “See where friends live now on Classmates Maps,” “Find out who’s visited and
10 signed your profile,” Chat on your school’s message board,” “Send Classmates Email to
11 friends from your school.” The Gold Membership has varying price points depending on
12 the desired duration of membership.

13 26. Upon information and belief, without the Gold Membership, free members
14 cannot find out who visited and/or signed their profile, and also, send and receive messages
15 from “classmates” through the website.

16 27. Plaintiff Anthony Michaels registered for a free membership to
17 www.classmates.com on or around December 24, 2007. During the course of this free
18 membership, Plaintiff was sent emails, messages and/or communications generated,
19 composed, created, initiated, and/or authored by Defendants Classmates Online, Inc.,
20 Classmates Media Corporation and United Online, Inc., misrepresenting to Plaintiff that
21 former classmates of his were viewing his profile, leaving messages, and/or trying to
22 contact him through www.classmates.com.

23 28. As a result of these emails, messages and/or communications from
24 Defendants Classmates Online, Inc., Classmates Media Corporation and United Online,
25 Inc., and in reliance on these emails, messages and/or communications, Plaintiff registered
26 for the Gold Membership by paying for said membership and registering as a paid
27 subscriber.

1 who were purportedly making attempts to contact Plaintiff and the Class through
2 www.classmates.com. As more specifically set forth above, these representations appear as
3 inbox messages, email messages, profile visits, guestbook signatures and other
4 informational materials that the Defendants Classmates Online, Inc., Classmates Media
5 Corporation and United Online, Inc. prepared, composed, generated, initiated, and
6 participated in the preparation and/or approved and endorsed, and in various other media.

7 34. The Defendants Classmates Online, Inc., Classmates Media Corporation and
8 United Online, Inc., knew that the representations as to the individuals, members, and/or
9 users who were purportedly making attempts to contact Plaintiff and the Class were false
10 when they were made and made them intentionally. The Defendants Classmates Online,
11 Inc., Classmates Media Corporation and United Online, Inc. also knew that information it
12 misrepresented to Plaintiff and the Class was material.

13 35. The Defendants Classmates Online, Inc., Classmates Media Corporation and
14 United Online, Inc. intended that Plaintiff and the Class rely on these representations and
15 thereby induced Plaintiff and the Class to purchase the Gold Membership.

16 36. Plaintiff and the Class reasonably relied on the representations made by the
17 Defendants Classmates Online, Inc., Classmates Media Corporation and United Online,
18 Inc. when they purchased their Gold Membership.

19 37. Plaintiff and the Class were harmed when they purchased the Gold
20 Membership.

21 38. Plaintiff's reliance on the representations made by Defendants Classmates
22 Online, Inc., Classmates Media Corporation and United Online, Inc. was a substantial
23 factor in causing the harm.

24 39. Plaintiff's claim that the Defendants Classmates Online, Inc., Classmates
25 Media Corporation and United Online, Inc. aided and abetted one another in making
26 misrepresentations as to the individuals, members, and/or users who were purportedly
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1 making attempts to contact Plaintiff and the Class through www.classmates.com. These
2 Defendants knew that the individuals, members, and/or users who were making attempts to
3 contact Plaintiff and the Class were not former classmates of Plaintiff and the Class when
4 they approved, authorized, permitted, condoned, controlled, endorsed and/or made false
5 representations regarding the attempted contacts. All of these Defendants knew the
6 misrepresentations were material and substantially assisted in the misrepresentations.

7 40. Classmates Online, Inc., Classmates Media Corporation and United Online,
8 Inc. were motivated by their financial interests in continuously and systematically
9 misrepresenting to Plaintiff and the Class, the true identity of the individuals, members,
10 and/or users who were making attempts to contact Plaintiff and the Class, such as to
11 constitute oppression, fraud, or malice under *California Civil Code*, section 3294, entitling
12 Plaintiff and the Class to punitive damages in an amount appropriate to punish or set an
13 example of Classmates Online, Inc., Classmates Media Corporation and United Online, Inc.

14 SECOND CAUSE OF ACTION

15 **NEGLIGENT MISREPRESENTATION**

16 **(vs. Classmates Online, Inc., Classmates Media Corporation, and United**
17 **Online, Inc.)**

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19 41. Plaintiffs realleges the preceding paragraphs as if fully set forth herein and,
20 to the extent necessary, pleads this cause of action in the alternative.

21 42. Plaintiffs claim that they were harmed because the Defendants Classmates
22 Online, Inc., Classmates Media Corporation and United Online, Inc. negligently and
23 carelessly misrepresented the individuals, members, and/or users who were purportedly
24 making attempts to contact Plaintiff and the Class through www.classmates.com. As more
25 specifically set forth above, these representations appear as inbox messages, email
26 messages, profile visits, guestbook signatures and other informational materials that the
27 Defendants Classmates Online, Inc., Classmates Media Corporation and United Online,
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1 Inc. prepared, composed, generated, initiated, and participated in the preparation and/or
2 approved and endorsed, and in various other media.

3 43. Defendants Classmates Online, Inc., Classmates Media Corporation and
4 United Online, Inc. negligently and carelessly made, authorized, permitted, controlled, and
5 condoned representations that were not true and had no reasonable grounds for believing
6 the representations were true when they made them, and negligently and carelessly induced
7 the Plaintiff and the Class into purchasing a Gold Membership.

8 44. Plaintiffs reasonably relied on the representations made by the Defendants
9 Classmates Online, Inc., Classmates Media Corporation and United Online, Inc. when they
10 purchased their Gold Memberships.

11 45. Plaintiffs' reliance on the representations made by the Defendants
12 Classmates Online, Inc., Classmates Media Corporation and United Online, Inc. was a
13 substantial factor in causing their harm.

14 46. Plaintiff's claims that the Defendants Classmates Online, Inc., Classmates
15 Media Corporation and United Online, Inc. aided and abetted one another in negligently
16 and carelessly representing that the individuals, members, and/or users who were
17 purportedly making attempts to contact Plaintiff and the Class through
18 www.classmates.com were former classmates of Plaintiff and the Class. These Defendants
19 knew that the individuals, members, and/or users who were making attempts to contact
20 Plaintiff and the Class were not former classmates of Plaintiff and the Class when they
21 approved, authorized, permitted, condoned, controlled, endorsed and/or made false
22 representations regarding the attempted contacts. All of these Defendants should have
23 known the misrepresentations were material and substantially assisted in the
24 misrepresentations.

1 **THIRD CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(vs. DOES 1-50 Directors, Officers, Managers, Advisory Staff, Managerial**
4 **Employees and/or Agents)**

5 47. Plaintiffs reallege the preceding paragraphs as if fully set forth herein and, to
6 the extent necessary, pleads this cause of action in the alternative.

7 48. Upon information and belief, Plaintiff and the Class allege that they were
8 harmed because Does 1-50, negligently failed to disclose certain information pertaining to
9 the individuals, members, and/or users who were making attempts to contact Plaintiff and
10 the Class.

11 49. Upon information and belief, Plaintiff and the Class allege that Does 1-50
12 were Directors, Officers, Management, Advisory Staff, Managerial Employees and/or
13 agents of the Defendants Classmates Online, Inc., Classmates Media Corporation and
14 United Online, Inc. which marketed, promoted, advertised, and sold the Gold Membership
15 to Plaintiff and the Class. That Does 1-50 negligently failed to disclose material
16 information pertaining to the individuals, members, and/or users who were making attempts
17 to contact Plaintiff and the Class, known only to Does 1-50 and that Plaintiffs could not
18 have discovered. Plaintiffs did not know of the material information pertaining to the
19 individuals, members, and/or users who were making attempts to contact Plaintiff and the
20 Class.

21 50. Upon information and belief, Plaintiff and the Class allege that Does 1-50
22 negligently caused harm to the Plaintiff and the Class by failing to disclose the material
23 information pertaining to the individuals, members, and/or users who were making attempts
24 to contact Plaintiff and the Class. The nondisclosure by Does 1-50 was a substantial factor
25 in causing Plaintiff's harm. Plaintiff reasonably relied on Does 1-50's nondisclosure
26 pertaining to the individuals, members, and/or users who were making attempts to contact
27 Plaintiff and the Class.

1 51. Plaintiff and the Class were harmed when they purchased the Gold
2 Membership under false pretenses.

3 **FOURTH CAUSE OF ACTION**
4 **FRAUDULENT CONCEALMENT**

5 **(vs. Classmates Online, Inc., Classmates Media Corporation, and United**
6 **Online, Inc.)**

7 52. Plaintiff and the Class reallege the preceding paragraphs as if fully set forth
8 herein and, to the extent necessary, plead this cause of action in the alternative.

9 53. Plaintiff claims that the Defendants Classmates Online, Inc., Classmates
10 Media Corporation and United Online, Inc. knew at all times that the individuals, members,
11 and/or users who were making attempts to contact Plaintiff and the Class were not former
12 classmates of Plaintiff and the Class when they approved, authorized, permitted, condoned,
13 controlled, endorsed and/or made false representations regarding the attempted contacts.
14 Defendants Classmates Online, Inc., Classmates Media Corporation and United Online,
15 Inc. actively concealed and/or intentionally failed to disclose this important information,
16 which was known only to the Defendants Classmates Online, Inc., Classmates Media
17 Corporation and United Online, Inc. Moreover, Plaintiffs could not have discovered in the
18 marketing, promotional, advertising, sales, publicity, disclosure, contractual and other
19 informational materials, and communications that the Defendants Classmates Online, Inc.,
20 Classmates Media Corporation and United Online, Inc. prepared, generated, distributed,
21 approved, endorsed, displayed and/or authorized.

22 54. The Defendants Classmates Online, Inc., Classmates Media Corporation and
23 United Online, Inc., intended to deceive, and did deceive Plaintiff and the Class by
24 concealing and failing to disclose the fact that the individuals, members, and/or users who
25 were making attempts to contact Plaintiff and the Class were not former classmates of
26 Plaintiff and the Class.

27 55. Plaintiff and the Class reasonably believed the individuals, members, and/or
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1 users who were making attempts to contact Plaintiff and the Class, since the true facts were
2 withheld from them, and this reasonable belief caused them to purchase the Gold
3 Membership.

4 56. Plaintiff and the Class were harmed when they were induced into purchasing
5 the Gold Membership under false pretenses.

6 57. The concealment of, and the failure to disclose, the individuals, members,
7 and/or users who were making attempts to contact Plaintiff and the Class was a substantial
8 factor in causing harm to Plaintiff and the Class.

9 58. Plaintiff and the Class claim that Classmates Online, Inc., Classmates Media
10 Corporation and United Online, Inc. aided and abetted one another in concealing and failing
11 to disclose the true identity of the individuals, members, and/or users who were making
12 attempts to contact Plaintiff and the Class.

13 59. Classmates Online, Inc., Classmates Media Corporation and United Online,
14 Inc. were motivated by their financial interests in continuously and systematically
15 misrepresenting to Plaintiff and the Class, the true identity of the individuals, members,
16 and/or users who were making attempts to contact Plaintiff and the Class, such as to
17 constitute oppression, fraud, or malice under *California Civil Code*, section 3294, entitling
18 Plaintiff and the Class to punitive damages in an amount appropriate to punish or set an
19 example of Classmates Online, Inc., Classmates Media Corporation and United Online,
20 Inc..

21 **FIFTH CAUSE OF ACTION**

22 **VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE**

23 **SECTIONS 17200 ET SEQ**

24 **(vs. Classmates Online, Inc., Classmates Media Corporation, and United**
25 **Online, Inc.)**

26 60. The Plaintiffs reallege the preceding paragraphs as if fully set forth herein
27 and, to the extent necessary, pleads this cause of action in the alternative.

1 61. The Plaintiff has standing to pursue this claim as the Plaintiff has suffered
2 injury in fact and has lost money or property as a result of the actions of the Defendants
3 Classmates Online, Inc., Classmates Media Corporation and United Online, Inc. as
4 delineated herein.

5 62. This cause of action is brought on behalf of the Plaintiff and the Class in
6 accordance with the provisions of California Business & Professions Code section 17200.
7 The Plaintiff and the Class have lost money or property as a result of the actions of the
8 Defendants Classmates Online, Inc., Classmates Media Corporation and United Online,
9 Inc. as delineated herein.

10 63. The Defendants Classmates Online, Inc., Classmates Media Corporation and
11 United Online, Inc.'s actions as alleged in this complaint constitute an unfair or deceptive
12 practice within the meaning of California Business and Professions Code section 17200 in
13 that the Defendants Classmates Online, Inc., Classmates Media Corporation and United
14 Online, Inc.'s actions were unfair, unlawful and/or fraudulent and because the Defendants
15 Classmates Online, Inc., Classmates Media Corporation and United Online, Inc. have made
16 unfair, deceptive, untrue or misleading statements in inbox messages, email messages,
17 profile visits, guestbook signatures and other informational materials within the meaning of
18 California Business and Professions Code sections 17200, et seq.

19 64. Classmates Online, Inc., Classmates Media Corporation and United Online,
20 Inc.'s marketing and sales practices associated with the website www.classmates.com, are
21 unfair because they offend established public policy and/or are immoral, unethical,
22 oppressive, unscrupulous, misleading and/or substantially injurious to consumers in that
23 consumers were not informed that the individuals, users and/or members purportedly
24 attempting to contact them were not in fact former classmates.

25 65. The Plaintiffs claim that Classmates Online, Inc., Classmates Media
26 Corporation and United Online, Inc. aided and abetted one another in unfair or deceptive
27 practice within the meaning of California Business and Professions Code section 17200 in
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1 that Classmates Online, Inc., Classmates Media Corporation and United Online, Inc.'s
2 actions were unfair, unlawful and/or fraudulent because Classmates Online, Inc.,
3 Classmates Media Corporation and United Online, Inc. have made unfair, deceptive, untrue
4 or misleading statements in the inbox messages, email messages, profile visits, guestbook
5 signatures and other informational materials, within the meaning of California Business and
6 Professions Code sections 17200, et seq.

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8 **SIXTH CAUSE OF ACTION**

9 **VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE**

10 **SECTIONS 17500 ET SEQ**

11 **(vs. Classmates Online, Inc., Classmates Media Corporation, and United**
12 **Online, Inc.)**

13 66. The Plaintiff and the Class reallege the preceding paragraphs as if fully set
14 forth herein and, to the extent necessary, pleads this cause of action in the alternative.

15 67. The Plaintiff and the Class have standing to pursue this claim as the Plaintiff
16 and the Class have suffered injury in fact and have lost money or property as a result of the
17 actions of Classmates Online, Inc., Classmates Media Corporation and United Online, Inc.
18 as delineated herein.

19 68. This cause of action is brought on behalf of the Plaintiff and the Class in
20 accordance with the provisions of California Business & Professions Code section 17200.
21 The Plaintiff and the Class have lost money or property as a result of the actions of the
22 Classmates Online, Inc., Classmates Media Corporation and United Online, Inc. as
23 delineated herein.

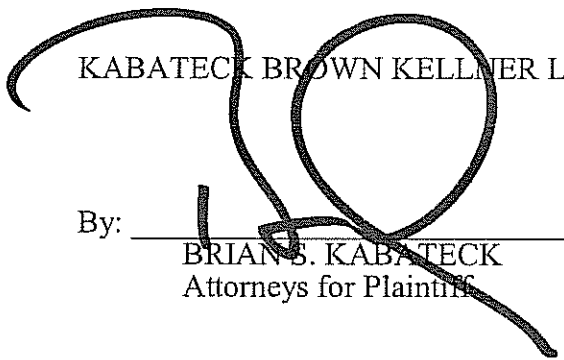
24 69. Classmates Online, Inc., Classmates Media Corporation and United Online,
25 Inc.'s marketing and sales practices associated with the website www.classmates.com, as
26 alleged herein, are unlawful because the conduct constitutes false marketing and
27 advertising, as well as the other causes of action herein alleged.

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- 9. Awarding Plaintiff and the Class injunctive relief for Classmates Online, Inc., Classmates Media Corporation and United Online, Inc.'s violation of the Business & Professions Code sections 17200;
- 10. Awarding Plaintiff and the Class restitution for Classmates Online, Inc., Classmates Media Corporation and United Online, Inc.'s violation of the Business & Professions Code sections 17200 and 17500;
- 11. Awarding Plaintiff and the Class pre- and post-judgment interest as allowed by law;
- 12. Awarding costs and expenses.
- 13. Awarding Attorneys Fees.
- 14. Plaintiff and the Class hereby demand a Jury Trial
- 15. Granting such other and further relief that this Court may deem just and proper

Dated: October 29, 2008

KABATECK BROWN KELLNER LLP

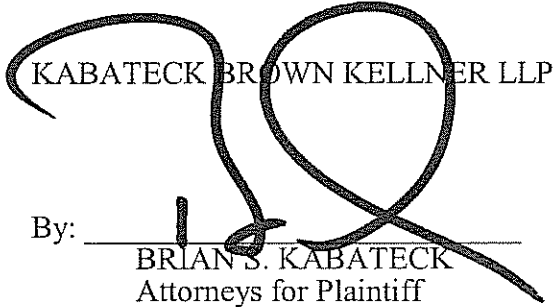
By:  _____
BRIAN S. KABATECK
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

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Plaintiff hereby demands a trial by jury in the instant action.

Dated: October 29, 2008


KABATECK BROWN KELLNER LLP
By: _____
BRIAN S. KABATECK
Attorneys for Plaintiff

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE**

Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT BC 401048

Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this for

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Gregory Alarcon	36	410	Hon. Mary H. Strobel	32	406
Hon. Conrad Aragon	49	509	Hon. Ernest M. Hiroshige	54	512
Hon. Helen I. Bendix	18	308	Hon. Jane L. Johnson	56	514
Hon. Elihu M. Berle	42	416	Hon. Ann I. Jones	40	414
Hon. (pending)	23	315	Hon. Ruth Ann Kwan	72	731
Hon. Kevin C. Brazile	20	310	Hon. (pending)	33	409
Hon. Soussan G. Bruguera	71	729	Hon. Malcolm H. Mackey	55	515
Hon. Susan Bryant-Deason	52	510	Hon. Rita Miller	16	306
Hon. Luis A. Lavin	13	630	Hon. David L. Minning	61	632
Hon. Victoria Chaney*	324	CCW	Hon. Aurelio Munoz	47	507
Hon. Judith C. Chirlin	19	311	Hon. Mary Ann Murphy	25	317
Hon. Ralph W. Dau	57	517	Hon. Joanne O'Donnell	37	413
Hon. Maureen Duffy-Lewis	38	412	Hon. Yvette M. Palazuelos	28	318
Hon. James R. Dunn	26	316	Hon. Mel Red Recana	45	529
Hon. Mark Mooney	68	617	Hon. Alan S. Rosenfield	31	407
Hon. William F. Fahey	78	730	Hon. Teresa Sanchez-Gordon	74	735
Hon. (pending)	51	511	Hon. John P. Shook	53	513
Hon. Edward A. Ferns	69	621	Hon. Ronald M. Sohigian	41	417
Hon. Kenneth R. Freeman	64	601	Hon. Michael C. Solner	39	415
Hon. Richard Fruin	15	307	Hon. Michael L. Stern	62	600
Hon. Terry A. Green	14	300	Hon. Rolf M. Treu	58	516
Hon. Elizabeth A. Grimes	30	400	Hon. Elizabeth Allen White	48	506
Hon. Paul Gutman	34	408	Hon. John Shepard Wiley Jr.	50	508
Hon. Robert L. Hess	24	314	Hon. Mary Thornton-House	17	309
			Other		

*Class Actions

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ JOHN A. CLARKE, Executive Officer/Clerk

By _____, Deputy Clerk