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8 Hypertouch

9
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SAN MATEO

12 HYPERTOUCHE, a California corporation,
13 for themselves and for all others similarly
14 situated,

15 Plaintiffs,

16 vs.

17 LINK IT SOFTWARE CORPORATION, a
18 California corporation, and DOES 1 through
19 100, inclusive,

20 Defendants.

) Case No. CIV426832

) **CLASS ACTION**

) **COMPLAINT FOR DAMAGES AND**
) **INJUNCTIVE RELIEF**

) **1. Violation of Business & Professions**
) **Code §17538.45**
) **2. Trespass**
) **3. Unfair Business Practices**

21 Plaintiffs allege as follows:

22 1. Representative Plaintiff Hypertouch is a California corporation with its principal place of
23 business in Redwood City, California.

24 2. Plaintiffs are informed and believe and thereon allege that Defendant, Link It Software
25 Corporation, was, at all times relevant hereto, a corporation duly organized and recognized under the laws
26 of the State of California. The violations of law alleged in this Complaint have been and are being carried
27 out within San Mateo County and elsewhere throughout the State of California.

28 3. Plaintiffs are ignorant of the true names and capacities of Defendants sued herein as DOES 1
through 100, inclusive, and therefore sue those Defendants by such fictitious names.

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- H. For restitution of lost profits;
- I. For attorneys' fees;
- J. For the costs of suit herein incurred;
- K. For an order of this Court enjoining Defendants, and each of them, and their agents, servants and employees and all persons acting under, in concert with, or for them from transmitting to Electronic mail service providers with equipment in California and to California residents by email any unlawful commercial advertisement forever after; and
- J. For such other and further relief as the Court may deem just and proper.

LAW OFFICE OF JOHN L. FALLAT

DATED: _____

By _____
John L. Fallat