

FILED COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

POWERMARK HOMES, INC. ^{25 P 4: 29}
 25053 Saddlehorn
 Columbia Station, Ohio 44028
 and
 MARK POWERS
 25053 Saddlehorn
 Columbia Station, Ohio 44028
 and
 LISA POWERS
 25053 Saddlehorn
 Columbia Station, Ohio 44028
 Plaintiffs
 vs.
 JOHN DOE (real name unknown)
 (address unknown)
 and
 DOMAINS BY PROXY, INC.
 15111 N. Hayden Road, Suite 160
 PMB 353
 Scottsdale, AZ 85260
 Defendants

CASE NO. Complaint
 TIMOTHY MCCORMICK
 CV 07 625465
 JUDGE: _____

COMPLAINT FOR DEFAMATION,
 DISPARAGEMENT, INVASION OF
 PRIVACY

\$ 100 DEPOSITED
 MAY 23 2007
 SECURE COSTS
 GERALD E. FUERST, Clerk of Courts
 PER [Signature] DEPUTY

Now come the plaintiffs, Powermark Homes Inc. ("Powermark") an Ohio corporation, and Mark and Lisa Powers, and for their complaint against the defendants do hereby state and aver as follows:

1. During Spring, 2007, up to and including the date of May 22, 2007, the defendants did

CV07625465 45658922


THE STATE OF OHIO }
 Cuyahoga County } SS. I GERALD E. FUERST, CLERK OF
 THE COURT OF COMMON PLEAS
 WITHIN AND FOR SAID COUNTY.
 HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
 TAKEN AND CORRIED FROM THE ORIGINAL
 Order Dated May 23, 2007
 NOW ON FILE IN MY OFFICE
 WITNESS MY HAND AND SEAL OF SAID COURT THIS 6th
 DAY OF June A.D. 2007
 GERALD E. FUERST, Clerk
 By [Signature] Deputy

create and maintain a website at the Internet address www.powermarkhomes.net ("the false internet site").

2. Copies of sample pages from that false Internet site, which included both a home page and also many link pages, are attached as Exhibit A.
3. The defendant Domains by Proxy is the listed registrant for this website and involved in hosting and maintaining the website.

COUNT I - DEFAMATION

4. All prior paragraphs and averments are included as if fully restated herein.
5. The statements, allegations, pictures and other representations contained in the false Internet site are in many or most instances false and misleading against some or all of the plaintiffs, and assert false allegations of fact which directly harm the reputation and public appearance of some or all of the plaintiffs.
6. The statements, allegations, pictures and other representations contained in the false Internet site were, via the posting of the site, widely distributed and published to third parties, resulting in direct and material harm to some or all of the defendants.
7. As a result of such statements, allegations, pictures and other representations contained in the false Internet site, the plaintiffs have been severely harmed, ridiculed, and suffered direct loss to reputation, loss of business, shame and dishonor and other egregious harm and damage.

COUNT II - INVASION OF PRIVACY - APPROPRIATION

8. All prior paragraphs and averments are included as if fully restated herein.
9. The statements, allegations, pictures and other representations contained in the false

Internet site invaded the privacy of one or more of the plaintiffs by misappropriating photos, and the name, logotype, tradename and trademark of the plaintiffs, in violation of their privacy and their right to use these solely for their personal benefit.

10. As a result of such invasion of privacy, widely distributed via the Internet, the plaintiffs have been severely harmed, ridiculed, and suffered direct loss to reputation, loss of business, shame and dishonor and other egregious harm and damage.

COUNT III - INVASION OF PRIVACY - FALSE LIGHT

11. All prior paragraphs and averments are included as if fully restated herein.
12. The statements, allegations, pictures and other representations contained in the false Internet site invaded the privacy of one or more of the plaintiffs by casting them in a false light, including but not limited to characterizing the plaintiff Lisa Powers falsely as an owner of Powermark Homes Inc., in violation of their privacy and their right not to be cast falsely in the public eye.
13. Such casting in false light was done on a widely publicized basis, including a national and international posting on the false Internet site.
14. As a result of such invasion of privacy, widely distributed via the Internet, the plaintiffs have been severely harmed, ridiculed, and suffered direct loss to reputation, loss of business, shame and dishonor and other egregious harm and damage.

COUNT IV - DISPARAGEMENT

15. All prior paragraphs and averments are included as if fully restated herein.
16. All or part of the statements, allegations, pictures and other representations contained in the false Internet site were are in many or most instances false and misleading against

some or all of the plaintiffs, and assert false allegations of fact which directly harm, disparage, and interfere with the business and business relationships of some or all of the plaintiffs.

17. The statements, allegations, pictures and other representations contained in the false Internet site were, via the posting of the site, widely distributed and published to third parties, resulting in direct and material harm to the business and business relationships of some or all of the plaintiffs.

18. As a result of such statements, allegations, pictures and other representations contained in the false Internet site, the plaintiffs' business and business relationships have been disparaged and severely harmed, ridiculed, and suffered direct and serious loss.

WHEREFORE, the plaintiffs pray for relief as follows:

1. An order that the false website be immediately canceled, removed and terminated.
2. For an award of damages against the defendants, jointly and severally, in an amount in excess of \$25,000.00.
3. For an award of punitive damages against the defendants in an amount to be determined by the Court.
4. For costs, interest and attorney fees.



Bruce W. McClain (0040384)



Thomas Maczuzak (0079464)
McClain & Maczuzak
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1900 Superior Avenue
Cleveland, Ohio 44114
(216) 710-0299
bmccclain@brucewmccclain.com

Powermark Homes Alert

Do you really want to do business with this Ohio Home Builder?

CONSUMER ALERT

Nothings here but the facts!

ABOUT POWERMARK HOMES

- ▶ Powermark Homes Alert
- ▶ About The Owners
- ▶ The Truth Exposed?

OHIO LAWSUITS

- ▶ Berea Municipal Court
- ▶ Cuyahoga County Court
- ▶ Elyria Municipal Court
- ▶ Lorain County Court
- ▶ Medina County Court
- ▶ Medina Municipal Court
- ▶ Rocky River Municipal Court

BOND FORFEITURES

- ▶ Strongsville, Ohio
- ▶ Strongsville Police Report

ABOUT

- ▶ Public Records
- ▶ E-mail Comments
- ▶ Our Privacy Policy

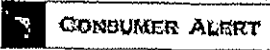
POWERMARK HOMES ALERT
THESE DEFENDANTS
MARK J. POWERS
LISA M. POWERS
HAVE BEEN SUED BY
THE PLAINTIFF
FREEDOM EXCAVATING LLC
THE AMOUNT
\$63,275.75
COURT OF COMMON PLEAS
CUYAHOGA COUNTY
CLEVELAND, OHIO
Case Number
CV-06-60805
Civil Cases & Property Liens
Click Here To View Court Record
POWERMARK HOMES, INC.
CLAIM: Powermark Homes has managed to weather all construction 'storms' over the years and continues to be a great value builder.
FREEDOM OF SPEECH - PUBLIC RECORDS - THE INTERNET
CAN THEY WEATHER THIS STORM?

POWERMARK HOMES, INC. THE TRUTH EXPOSED

Do you really want to do business with this Home Builder?

Powermark Homes Alert

Do you really want to do business with this Ohio Home Builder?



Nothings here but the facts!

Mark J. Powers

Lisa M. Powers

This husband and wife team are obviously a very busy couple, between them they own the (5) Ohio Corporations listed below.

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Powermark Homes, Inc. was established in April 1994 and in September 1995 they got sued for the 1st time. Public Records indicate they have been involved in at least thirty four (34) civil lawsuits in seven (7) different Ohio Courts, in three (3) different Ohio Countles and its owners were named as Co-Defendants in most of these lawsuits.

On December 28, 2006 the State of Ohio Department of Taxation filed a \$690.06 State Tax Lien against them for unpaid Withholding Tax and as of April 13, 2007 there are still three (3) active Civil Lawsuits pending in three (3) different Ohio Courts.

The questions are:

(1) How can this company not pay taxes, forfeit compliance bonds, be involved in (34) known lawsuits, and still be in business?

(2) What does all of this say about the owners Mark & Lisa Powers?

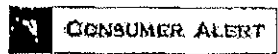
	<small>Public Records of Incorporation</small>	
<u>Powermark Homes, Inc. Record of Incorporation</u>		4/6/1994
<u>Record of Fictitious Name: Pinnacle Homes</u>		5/11/1994
<u>MLM Developmet, Inc. Record of Incorporation</u>		1/24/2001
<u>5051 Eastpointe, Inc. Record of Incorporation</u>		1/24/2001
<u>PowerGait Farms, Inc. Record of Incorporation</u>		10/26/2006

POWERMARK HOMES, INC. THE TRUTH EXPOSED

Do you really want to do business with this Home Builder?

Powermark Homes Alert

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OHIO LAWSUITS

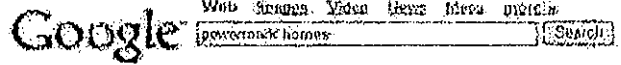
- ▶ Berea Municipal Court
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Web

Tip: Sometimes by hitting the return key instead of clicking on "Search"

Powermarkhomes.com is shut down for non payment of web hosting bill.
Powermarkhomes.com is shut down for non payment of web hosting bill.
www.powermarkhomes.com - 1k - 0.0000 - 3/10/07 2:22:22

When Powermark Homes, Inc. quit paying for website hosting services, the website developer **Eclipse Solutions Group of Independence, Ohio** shut down their website for non payment and posted a notice explaining exactly why the website was shut down. Consequently, as you can see from the example above all of the major search engines such as **Google, AOL, Yahoo** and **Altavista** etc. displayed Eclipse Solutions non-payment notice.

The Truth Exposed

In didn't take this self proclaimed "multi-million dollar company" very long to show their true colors by building a 'do-it-yourself website' and posting it online themselves. On the new **Powermark Homes Website** they claim " *to bring value to the consumer through price competitiveness, efficiency and low over head.*"

Is their behavior an example of how an efficient "multi-million dollar company" keeps a "low over head" or is it more typical of a company that slips and slides, doesn't pay their suppliers or vendors, gets sued repeatedly, but continues to do business as usual? And, can they really believe visitors to their new 'canned incomplete website' will think this is a multi-million dollar company worthy of doing business with?

POWERMARK HOMES, INC. THE TRUTH EXPOSED

Do you really want to do business with this Home Builder?



PowermarkHomes.Net & Public Records

Information related to Powermark Homes, Inc. or its owners has been obtained from public records.

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About Us

The information contained on this website is representative of what can be learned by reviewing "Public Records" in your community. Our objective is to alert consumers and to demonstrate the value of utilizing public records when doing research on any business or individual.

POWERMARKHOMES.NET is online in an attempt to reach consumers who are actively searching the internet in their efforts to locate Custom Home Builders.

All of the information related to Powermark Homes, Inc. or its owners has been obtained from public records and we believe this information will be a valuable resource to assist interested consumers in making an informed decision before selecting and doing business with any company.

We will not make comment on or answer any questions about Powermark Homes, Inc. and its owners because all consumers must make their own conclusions about the reliability and truthfulness of information provided on any website they visit.

We wish you well in your search for an honest, reliable Home Builder and hope to have been helpful in informing you about the value of using public records.

POWERMARK HOMES, INC. THE TRUTH EXPOSED

Do you really want to do business with this Home Builder?

CASE NO.
CV07625465

D2 CX

SUMMONS NO.
10253272

Rule 4 (B) Ohio

Rules of Civil
Procedure

POWERMARK HOMES INC. ET AL
VS
JOHN DOE ET AL

PLAINTIFF
DEFENDANT

SUMMONS

DOMAINS BY PROXY INC
15111 N HAYDEN RD STE 160
PMS 353
SCOTTSDALE AZ 85260-0000

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:



Plaintiff's Attorney

BRUCE W MCCLAIN
1900 SUPERIOR AVENUE
SUITE 307
CLEVELAND, OH 44114-0000

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left).

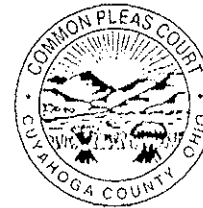
Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

TIMOTHY MCCORMICK
Do not contact judge. Judge's name is given for attorney's reference only.

GERALD E. PUERST
Clerk of the Court of Common Pleas



DATE
May 28, 2007

By OC
Deputy

COMPLAINT FILED 05/28/2007

