

COMMON PLEAS COURT

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IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO

FILED  
DAVID B. WADSWORTH  
MEDINA COUNTY  
CLERK OF COURTS

MED EXPRESS INC. )  
5478 Grafton Road )  
Valley City, Ohio 44280, )

Plaintiff )

vs. )

DENNIS ROGAN )  
122 Washington Street )  
West Pittston, Pennsylvania 18643, )

and )

EBAY, INC., )  
2145 Hamilton Avenue )  
San Jose, California 95125, )

Also serve: )  
c/o National Registered Agents, Inc., )  
Statutory Agency )  
1300 East Ninth Street )  
Cleveland, Ohio 44114, )

Defendants )

CASE NO.

**13 CIV 0352**

JUDGE

**CHRISTOPHER J. COLLIER, JUDGE**

VERIFIED COMPLAINT

Plaintiff Med Express Inc., for its Verified Complaint against Defendants Dennis Rogan and Ebay, Inc., states as follows:

1. Med Express Inc. ("Med Express") is an Ohio corporation which is and has at all times material to this Complaint been doing business in Medina County, Ohio.
2. Defendant Dennis Rogan ("Rogan") is, upon information and belief, an individual who resides in West Pittston, Pennsylvania, who transacted business with Med Express in Medina County, Ohio. Rogan's Ebay username is rogielog646.

3. Defendant Ebay, Inc. ("Ebay") is, upon information and belief, a Delaware corporation licensed to do business in the state of Ohio as a foreign corporation, and doing business in Medina County, Ohio.

4. Med Express is engaged in the business of selling used medical equipment that has been repaired, refurbished and rebuilt on Ebay.com, a website that is owned, operated and maintained by Ebay.

5. On or about December 8, 2012, Rogan purchased a Pyrex 10 ml. Graduated Cylinder No. 3046-10 Double Pack from Med Express in Ebay transaction No. 330660664519.

6. After Rogan sent payment for the item, one of the two cylinders was inadvertently broken during handling.

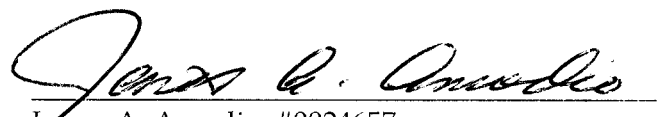
7. Despite Med Express furnishing Rogan with a full refund, Rogan on January 24, 2013, posted neutral feedback and negative comments on Ebay's website, and low dealer ratings in Ebay's Detailed Seller Ratings section. In so doing, Rogan has falsely and deliberately slandered the good name and reputation of Med Express.

8. Rogan, by posting the neutral feedback and comments and the low dealer ratings, has caused Med Express to incur damages including, but not limited to, the loss of income and revenue which has irreparably harmed Med Express and caused Med Express to lose customers and income, and to incur additional charges from Ebay, for which it may recover damages from Rogan.

WHEREFORE, Plaintiff Med Express Inc. demands judgment against Defendants Dennis Rogan and Ebay, Inc. as follows:

1. For temporary, preliminary and permanent injunctive relief requiring Rogan and Ebay to remove the neutral feedback, negative comments and low dealer ratings from Ebay's website;
2. For damages against Rogan in the amount to be determined at trial necessary to compensate Med Express for Rogan's conduct;
3. Because Rogan's conduct was intentional and malicious, for an award of reasonable attorney fees and punitive damages; and
4. For Plaintiff's cost and expenses herein and for such other and further relief as the Court deems necessary or appropriate.

BROWN, AMODIO & CHANDLER,  
A LEGAL PROFESSIONAL ASSOCIATION

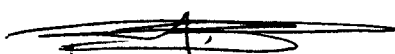


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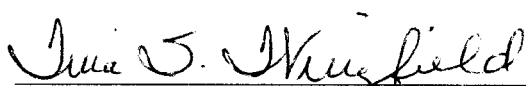
VERIFICATION

STATE OF OHIO            )  
                                  ) ss:  
COUNTY OF MEDINA    )

Richard A. Radey, President of Plaintiff Med Express Inc., being first duly sworn according to law, deposes and says that he has read the allegations contained in the foregoing Complaint and that the same are true as he verily believes.

  
\_\_\_\_\_  
Richard A. Radey

SWORN TO AND SUBSCRIBED in my presence at Medina, Ohio, this 25<sup>th</sup>  
day of March, 2013.

  
\_\_\_\_\_  
Notary Public



**TINA S. WINGFIELD**  
Notary Public, State of Ohio  
My Commission Expires 1/24/2016