

CAUSE NO. 219-04483-2014

PLAINTIFF: § IN THE DISTRICT COURT  
JEREMY WAGES and  
THE RHODESTEAM  
VS. § 219<sup>th</sup> JUDICIAL DISTRICT  
DEFENDANT:  
LIN L § COLLIN COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JEREMY WAGES and THE RHODES TEAM (hereinafter "Plaintiffs"), complaining of LIN L (hereinafter "Defendant") and for cause of action would respectfully show the Court as follows:

I.

**THE PARTIES**

1. JEREMY WAGES, Plaintiff, is an individual residing in Collin County Dallas, Texas.
2. THE RHODES TEAM is a professional real estate company located in Collin county and licensed to do business in the State of Texas.
3. LIN L, Defendant, is an unknown individual or entity whose whereabouts are unknown. Defendant has falsely represented themselves to the public as customers of Jeremy Wages and the The Rhodes Team through a website known as www.yelp.com.

4. Yelp Inc. ("Yelp") is a Delaware corporation with its principal place of business in California. Yelp operates [www.yelp.com](http://www.yelp.com), a social networking, user review and local search web site, with approximately 80 million unique visitors

II.

**VENUE**

4. Venue is proper in Collin County, Texas pursuant to TEXAS CIVIL PRACTICE AND REMEDIES CODE ANN.

III.

**NATURE OF THE CASE**

5. YELP allows any person with internet access to [www.yelp.com](http://www.yelp.com) as "the user" to view and file reports of alleged consumers regarding their experience with a particular business. That report filed by the user is then disseminated to all internet users who access the YELP website and search for information about that particular business.

6. As of November 1, 2014, YELP maintained one file that relates to Plaintiffs WAGES and THE RHODES TEAM on [www.yelp.com](http://www.yelp.com). Filed June 6, 2013. A true and correct copy of the search for WAGES and THE RHODES TEAM is attached as **Exhibit A**.

6. Plaintiffs WAGES and THE RHODES TEAM advised YELP that LIN L was fictitious and the post should be removed. **Exhibit B**

7. YELP has refused to remove the post or provide the identity of LIN L.

8. Plaintiffs WAGES and THE RHODES TEAM has completed an independent investigation to attempt to match the negative review of LIN L with clients in their

database. NO SUCH RECORD EXISTS and the negative review was never a client of Plaintiffs WAGES and THE RHODES TEAM.

9. YELP's privacy policy states that ALL users must submit the following:
  - a. full name, gender, birth date and email address
  - b. the user's reviews will appear to the public
  - c. if users purchase anything through the YELP website, they must provide credit card information, which YELP will store
  - d. YELP track's each user's location and stores the user's activities
  - e. YELP will place tracking devices known as "cookies" on a user's computers
  - f. YELP will collect information about a users use of Facebook or Twitter
  - g. YELP will retain user information for 5 years
  - h. YELP will provide user data to comply with legal process served on YELP
10. The negative review of Plaintiffs WAGES and THE RHODES TEAM are false and defamatory. LIN L states " I would never use the Rhodes team again", "Jeremy Wages is deceitful and money greedy sales agent", "He failed to represent us as clients, never explained our contracts to us", "we lost so much and he sold our home in two weeks because our home was extremely underpriced" and "we had the worst experience and would not want anyone else to go through the same."
11. Not only were Plaintiffs WAGES and THE RHODES TEAM unable to find ANY evidence of a client known as "LIN L" but the review is a fraud.

IV.

**COUNT 1 DEFAMATION**

12. Upon information and belief, Lin L has falsely represented himself or herself as a client of Plaintiffs WAGES and THE RHODES TEAM in order to write a negative review on [www.yelp.com](http://www.yelp.com).

- a. The negative review was published by YELP
- b. The negative review was shown to the general public
- c. The negative review is NOT an opinion because defendant LIN L resented himself or herself as a client of Plaintiffs, when in fact, they were not. Moreover, they represented that they received poor service, when in fact, they NEVER received any.
- d. The defendant Lin L's made the statement knowingly and knowingly false
- e. The negative review proximately caused damages to Plaintiffs WAGES and THE RHODES TEAM

**COUNT II CIVIL CONSPIRACY**

13. Upon information and belief, Lin L has conspired with two or more persons by falsely represented himself or herself as a client of Plaintiffs WAGES and THE RHODES TEAM in order to write a negative review on [www.yelp.com](http://www.yelp.com).

- a. The defendant Lin L was a member of a combination of 2 or more persons
- b. The objective of the combination of persons was to publish false negative reviews on YELP
- b. The negative review was shown to the general public
- c. The persons committed an unlawful, overt act to further negative reviews against Plaintiffs

**COUNT III EXEMPLARY DAMAGES**

14. In the underlying cause of action as set forth in paragraphs 5-13, defendant LIN L's actions of hatred and ill-will toward the Plaintiffs WAGES and THE RHODES TEAM with a desire to oppress the Plaintiffs and their business was done intentionally and recklessly to harm Plaintiffs.

V.

15. As a result of Defendants' conduct, Plaintiffs were forced to employ the services of Robert D. Wilson, a licensed Texas attorney, to protect their interests in this matter. Plaintiff is, therefore, entitled to recover attorney's fees, including all costs of appeal.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that the Defendant be cited to appear and answer and that, on final trial, Plaintiff have:

1. judgment against the Defendant and or others as alleged, jointly and severally, for the sum in excess of the jurisdictional limits of the Court;
2. exemplary damages against Defendant and or others;
3. interest before and after judgment at the highest legal rate until paid;
4. reasonable attorney's fee;
5. costs of suit; and
6. such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

By /s/ Robert D. Wilson

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