

3. In accordance with 28 U.S.C. § 1446(b), HomeAway is filing this notice of removal within thirty days of the purported receipt of plaintiff's complaint.

4. Venue is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place where the action was filed.

5. Written notice of the filing of this notice of removal is being delivered to plaintiff through its counsel of record. A copy of the notice of removal will be filed with the Clerk of the Court of Common Pleas, Cuyahoga County.

6. Under 28 U.S.C. § 1331, "the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States."

7. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because plaintiff asserts claims under federal law. In its complaint, plaintiff claims that defendants violated the federal Racketeer Influenced and Corrupt Organizations Act, including 18 U.S.C. § 1962(a), (b), and (c); the United States Mail Fraud Act, 18 U.S.C. § 1341; and the United States Wire Fraud Act, 18 U.S.C. § 1343. (*See* Compl. ¶¶ 3, 7, 11, 15, 19, 25-33.)

8. Because plaintiff asserts claims under the laws of the United States, this Court has original federal question jurisdiction over plaintiff's action. Accordingly, removal of plaintiff's complaint is proper under 28 U.S.C. § 1331.

9. In 2010, Vrbo.com, Inc. was merged into HomeAway, so Vrbo no longer exists. (*See* Certificate of Merger, attached as Exhibit B.) As a result, Vrbo has not been served. Vrbo's separate consent to this removal is therefore not required.¹

¹ While HomeAway maintains that Vrbo's consent is not required, to the extent the Court deems that it is required, HomeAway hereby consents to removal as Vrbo's successor by merger. This consent is given without waiving any of Vrbo's defenses, including with respect to jurisdiction and service.

10. By filing this notice of removal, HomeAway does not concede or waive any defense to this action, including that plaintiff's claims are subject to arbitration. HomeAway reserves all defenses relating to the Court's jurisdiction and the justiciability of this action.

WHEREFORE, HomeAway respectfully removes this action from the Court of Common Pleas, Cuyahoga County, to the United States District Court for the Northern District of Ohio.

Dated: May 9, 2019

Respectfully submitted,

/s/ Michael J. Zbiegien Jr.
Michael Zbiegien Jr. (0078352)
TAFT STETTINIUS & HOLLISTER LLP
200 Public Square, Suite 3500
Cleveland, Ohio 44114-2302
Telephone: (216) 241-2838
Facsimile: (216) 241-3707
mzbiegien@taftlaw.com

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that I caused a copy of the attached **NOTICE OF REMOVAL** to be served by
U.S. Mail, on May 9, 2019, upon the following:

William F. Chinnock
5931 Brookside Road
Independence, Ohio 44131

/s/Michael J. Zbiegien Jr.

Michael J. Zbiegien Jr. (0078352)

25019384

EXHIBIT A

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY OHIO

Case No. _____

Judge _____

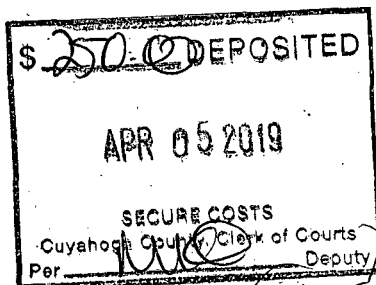
Complaint

BRIAN J CORRIGAN
CV 19 913545

World, LLC
Individually and as Representative
Plaintiff on Behalf of All Others
Similarly Situated
5931 Brookside Road
Independence, Ohio 44131

v.

VRBO.COM, INC. and
HOMEAWAY, INC.
1011 West Fifth St. #300
Austin, TEXAS
Defendants



FILED
2019 APR -5 A 10:15
CLERK OF COURTS
CUYAHOGA COUNTY

CLASS ACTION COMPLAINT FOR VIOLATION OF THE UNITED STATES RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT, THE UNITED STATES MAIL AND WIRE FRAUD ACTS, THE OHIO PATTERN OF CORRUPT ACTIVITIES ACT, THE OHIO CONSUMER FRAUD ACT, AND COMMON LAW FRAUD WITH JURY DEMAND

Plaintiff World, LLC ("World" or "Consumer"), Individually and On Behalf of All Others Similarly Situated, under Ohio Civil Rule 23 and based upon its personal knowledge, upon the investigation conducted by its attorneys, and upon its information and belief, file this Class Action Complaint with Jury Demand against defendants VRBO.COM, INC. and HOMEAWAY, INC. (Collectively "defendants").

Consumer believes that substantial support for the claims set forth herein under federal and state legal authority will exist after a reasonable opportunity for discovery.

CV19913545

108175253



I. PARTIES

1. Plaintiff World is a Colorado limited liability company headquartered in Cleveland, Ohio as a separate and distinct legal entity created under statute, based upon transactions between World and defendants which took place on or about December 22, 2018. World as a separate and distinct legal entity is not the alter ego or mere instrumentality of any other person; its business entity has not been used to perpetuate fraud or defeat a rightful claim; and an equitable result will not be achieved by disregarding its business form.

2. Defendants are affiliate corporations that do business in all of the United States which conduct internet advertising for short-term rentals primarily on the World Wide Web.

II. NATURE OF THE ACTION

3. This is a Class Action brought under Ohio Civ. R. 23 On Behalf of a Class of Consumers against defendants for violations of the United States Racketeer Influenced and Corrupt Organizations Act (RICO), the United States Mail Fraud Act, the United States Wire Fraud Act, the Ohio Pattern of Corrupt Activities Act, the Ohio Consumer Fraud Act, and Common Law Fraud.

4. Defendants' illegal transactions consist of their agreeing to provide advertising and rental services to consumers of their residential realty, under a scheme by which (a) defendants make misrepresentations to consumers to act as their agent, and advertise and list their residential realty on defendants' internet websites at annual fees of \$750; (b) defendants engage in conflicts of interest by acting as agents both for consumers and persons leasing consumer's realty ("Guests"); (c)

defendants act against consumers on behalf of Guests in disputes between them; and (d) upon consumers discovering that defendants are acting against them on behalf of Guests, defendants suspend and terminate consumers advertising and listing agreement services, and convert consumer's annual fees to their own use.

Specifically, Class Members consist of each person and entity (a) whom defendants solicited over the past three years through their use of the United States Wires and Mails to purchase their advertising and rental agency services, (b) for which consumers paid defendants the annual sum of \$750 for defendants to provide such services to consumers, (c) but in which consumers discovered that instead of defendants acting as agent for them, they were in fact acting as agent against them on behalf of parties leasing consumers realty. Consumer is a member of the Class.

III. NATURE OF SCHEME

5. Defendants' on-going scheme is committed through a pattern of racketeering activity which through the use of interstate mails and wires deceives American consumers into entering into transactions for the purchase of defendants' misrepresented realty agent services, which constitutes a deceptive and fraudulent scheme to defraud consumers.

6. Based upon plaintiff's information and belief, Consumer believes the Class consists of less than 100 consumers with total damages of about \$63,500. The exact number of members of the Class is only within the knowledge and possession of defendants, and can only be ascertained through appropriate discovery.

7. The activity in which defendants engaged in with Consumer was not "isolated or sporadic activity" but was in fact "continuous activity" and

the "acts were related to each other" as a part of the business operation, verifying that defendants intended to continue to engage in such activity in the future, constituting a pattern of racketeering activity and the explicate threat of continuing such pattern. Defendants committed their multiple acts of racketeering activity through mail fraud (18 U.S.C. 1341) and wire fraud (18 U.S.C. 1343).

8. The activities of defendants recited herein are sufficient to provide them with adequate notice of the acts giving rise to the claims.

9. The acts of defendants recited herein meet the plausibility standard and allows the Court to draw the reasonable inference that defendants are liable for the misconduct alleged. The fraudulent misrepresentations of defendants committed over time against numerous consumers are no more and no less than the racketeering activity which defendants committed against Consumer as hereinafter described.

10. The facts specified herein satisfy the specificity requirement of the Civil Rules because any further particulars of defendants' fraud cannot be obtained without discovery.

11. Defendants' scheme to defraud consumers consists of their use of the mails and wires in furtherance of their racketeering activity to deprive consumers of something of value by trick, deceit, chicane, and/or overreaching. In violation of the U. S. Mail Fraud Act [18 USC 1341], defendants (a) formed a scheme to defraud; (b) used the U. S. mails in furtherance of the scheme; (c) did so with the specific intent to deceive or defraud, and (d) contemplated harm. In violation of the United States Wire Fraud Act [18 USC 1343], defendants (a) formed a scheme to defraud; (b) used the United States wires in furtherance of the scheme; (c) did so with the specific intent to deceive or defraud; and (d) contemplated harm.

12. Consumer seeks injunctive relief in the form of an Injunction to end defendants' fraudulent and illegal activities, actual damages, treble damages, punitive damages, costs, and attorneys fees.

IV. JURISDICTION AND VENUE

13. Ohio courts have jurisdiction over this action and venue is proper. Defendants transact substantial business in Ohio, and the acts and omissions alleged herein were committed in Ohio, including the pattern of racketeering activity consisting of defendants' dissemination of materially false and misleading information by wire and mail, the entering into of the transaction between the parties, and World residing in Ohio.

V. FACTS REGARDING DEFENDANTS' SCHEME TO DEFRAUD CONSUMERS

14. About March 1, 2018 Consumer became a victim of defendants' scheme to defraud consumers throughout the United States when it received Internet solicitations from defendants promoting their realty rental services. Defendants engaged in interstate wire transmissions consisting of offers for Consumer to enter into transactions for defendants' services, without giving notice or indication whatsoever of defendants' scheme to defraud them, as set forth above. On or about March 1, 2018, Consumer entered into an advertising and listing agreement with defendants under which defendants agreed to act as agent for Consumer and provide advertising and listing service for short-term rentals of Consumer's residential realty.

About November 15, 2018, Consumer entered into a lease with the McMahon Family ("Guests") as a result of defendants' advertising services. Also about November 15, 2018, defendants also entered into an agreement with Guests, under which defendants agreed to act an agent for Guests.

Defendants concealed their dual agency status from Consumer. About December 20, 2018, defendants acted in further violation of their agreement with Consumer by acting as Guests' agent against Consumer in a dispute between Consumer and Guests.

Defendants, on behalf of Guests, made false claims of misrepresentation against Consumer, suspended the listing agreement between defendants and Consumer, and confiscated Consumer's \$750 paid by Consumer to defendants for one year of advertising and rental agency services. Upon discovery of defendants' scheme, Consumer made demand upon defendants to refrain from acting as agent for Guests against Consumer, and to reinstitute defendants' services on behalf of Consumer, but defendant failed and refuse to do so, thereby substantially injuring Consumer. Such acts and omissions of defendants constitute a scheme to defraud American consumers for purposes of financial gain, to the great damage of consumers throughout the United States.

15. Defendants' practices as described herein violate the United States Racketeer Influenced and Corrupt Organization Act; the United States Mail Fraud Act; the United States Wire Fraud Act; the Ohio Pattern of Corrupt Activities Act; the Ohio Consumer Fraud Act; and Common-Law Fraud.

16. Consumer and the other class members seek actual damages, treble damages, punitive damages, costs of suit, interest, and attorney's fees on a class wide basis, and in addition seek declaratory and injunctive relief with respect to defendant's illegal practices.

VI. CLASS ACTION ALLEGATIONS

17. The Class: The Class of Consumers consists of all persons who for the period beginning five years prior to the filing of this Complaint lived in the United States were solicited and enticed by defendants to into transactions with them by their use of the interstate mails and wires in making material misrepresentations relating to the content and substance of defendants' misrepresented realty rental services, constituting a deceptive and fraudulent scheme to defraud consumers.

18. Numerosity: In this action the Class is so numerous and each class member's claim is so small that joinder under the Civil Rules of all members is impractical to the extreme. A reasonable approximation of the number of the class members is less than 100 consumers. A reasonable approximation of the amount of total damages is less than \$75,000. Judicial economy favors a class action instead of forcing each class member to maintain a separate action individually, and the disposition of the multitude of claims of the class members in a single action will provide substantial benefits to all parties, the Court, and the administration of justice.

19. Commonality: Similar questions of law and/or fact are common to the class because class members suffered the same injury and seek the same remedies under the same legal theories, including at least the following issues:

- (a) Whether defendants engaged in the scheme and pattern of racketeering activity in violation of United States Racketeer Influenced and Corrupt Organizations Act (RICO);
- (b) Whether defendants' scheme violated the United States Mail Fraud Act;
- (c) Whether defendants' scheme violated the United States Wire Fraud Act;
- (d) Whether defendants' scheme violated the Ohio Pattern of Corrupt Activities Law;

- (e) Whether defendants scheme violated the Ohio Deceptive Trade Practices Act;
- (f) Whether defendants scheme violated the Ohio Consumer Fraud Act;
- (g) Whether defendants scheme violated the Uniform Commercial Code;
- (h) Whether defendants' scheme constituted Common Law Fraud, and
- (i) The proper measure of damages sustained by the class members.

20. Typicality: Consumer's claims are typical and substantially similar to the claims of the class members. All class members have been injured by the same misrepresentations, practices, and course of conduct perpetrated by defendants, and all are based on the same legal and remedial theory.

21. Adequacy: Consumer requests that this Court appoint it to act as class representative and appoint Class Counsel whom it believes will vigorously prosecute the action to adequately assert and protect the interests of the members of the Class. Consumer is represented by legal counsel who is competent and experienced in class actions. Consumer believes that it has had its legal rights violated by defendants, wishes to obtain redress of these wrongs for itself and the class members, and wants defendants stopped from perpetuating similar wrongs on other innocent consumers.

22. Superiority: Certification of the Class under Rule 23 is appropriate. The questions of law and fact common to the members of the Class predominate over any questions affecting only individual members. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, in that: (a) the consumers targeted by defendants are not readily capable of individually controlling the prosecution of separate actions; (b) concentration of the litigation

concerning this matter in this Court is desirable in the interests of judicial economy and the administration of justice; and (c) the Class is of modest size and the difficulties likely to be encountered in the management of a class action are not great. The claims under federal law apply uniformly to all members of the Class, and the collateral state claims apply to all members of the Class under substantially similar and uniform state acts. Absent a class action, the class members and the public will continue to suffer injury, violations of law will continue without remedy, and defendants will be allowed to continue to unjustly profit from the harm perpetuated by them upon class members and the public.

23. Same Injuries and Damages: All Class members have suffered the same injuries and have been damaged in the same manner, to a greater or lesser degree, as may be established with respect to any individual circumstance, as a direct result of the violations of law committed by defendants. While the aggregate amount of damages suffered by the members of the class is substantial, the individual damages suffered by each of the members of the Class is too small to warrant the expense of individual lawsuits, and even if the individual damages were sufficient to warrant individual lawsuits, our court system would be unreasonably burdened by the number of cases that would be filed.

24. In this case, there is an ascertainable class, and there is a well-defined community of interest in questions of law and fact affecting the members of the class.

VII. CLAIMS 1 THROUGH 4 – VIOLATIONS OF
RICO – 18 USC 1962 (a), (b), (c), and (d)

25. Consumer incorporates paragraphs 1-24 by reference.

26. 18 U.S.C 1964 (c): Consumer and each class member is a "person" within the meaning of 18 USC 1964 (c) which provides that "any person injured in his business or property by reason of a violation of section 1962 of [the Racketeer Influenced and Corrupt Organizations Act] [RICO] may sue" alleging violations of 18 U.S.C. 1962 (a); (b), (c), and/or (d).

27. 18 U.S.C. 1961(D)(3) and 18 U.S.C 1961(D)(4): Defendants are "persons" within the meaning of 18 U.S.C. 1961(D)(3) which defines a "person" as "any individual or entity capable of holding a legal or beneficial interest in property; and they are "enterprises" within the meaning of 18 U.S.C. 1961(D)(4) which defines an "enterprise" as "any individual, partnership, corporation, association, or other legal entity."

28. 18 U.S.C 1962 (a): Defendants are "persons" and "enterprises" within the meaning of 18 U.S.C 1962 (a) which provides that "it shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity . . . to use or invest, directly or indirectly, any part of such income . . . in the establishment or operation of an enterprise which is engaged in, or the activities of which is engaged in . . . interstate or foreign commerce."

In violation of 18 USC 1962(a), defendants derived income from their pattern of racketeering activities, and invested and used such income from the pattern of racketeering activities in their operation of the enterprise. Consumer and the members of the class suffered injury in their business or property by reason of defendants' investment of racketeering income in the enterprise and its use in the operation of the enterprise.

29. 18 U.S.C 1962 (b): Defendants are "persons" and "enterprises" within the meaning of 18 U.S.C 1962 (b) which provides that "it shall be

unlawful for any person through a pattern of racketeering activity . . . to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in . . . interstate or foreign commerce."

A specific nexus exists between control of the enterprise and the resulting racketeering activity.

In violation of 18 USC 1962(b), defendants acquired or maintained an interest in and control over the enterprise through a pattern of racketeering activity. Consumers and members of the class suffered injury in their business or property by reason of defendants' maintenance of their interests in the enterprise and by using the proceeds of racketeering activity in their business operations.

30. 18 U.S.C 1962 (c): Defendants are "persons" and "enterprises" within the meaning of 18 U.S.C 1962 (c) which provides that "it shall be unlawful for any person employed by or associated with any enterprise engaged in . . . interstate or foreign commerce . . . to conduct or participate, directly or indirectly, in the conduct of an enterprise's affairs through a pattern of racketeering activity."

In violation of 18 USC 1962(c), defendants as "persons" and "enterprises" engaged in interstate commerce, and conducted and participated in their affairs through a pattern of racketeering activity. Consumer and members of the class suffered injury in their business or property by reason of defendants' racketeering activities.

31. 18 U.S.C 1962 (d): Defendants are "persons" and "enterprises" within the meaning of 18 U.S.C 1962 (d) which provides that "it shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section."

In violation of 18 USC 1962(d), defendants conspired to violent sub-sections (a), (b), and (c) of 18 USC 1962, and Consumer and members of the class suffered injury in their business or property by reason of defendants' conspiracy and racketeering activities.

32. The activities of defendants affect interstate commerce in that they communicate with members of the public through the interstate mails, interstate telephone communications, interstate facsimile transmissions, and interstate communications through the worldwide internet, and their activities curtail travel between and among the states.

33. Defendants have engaged in an open-ended pattern of racketeering activity through multiple acts with a "continuity of activity" plus an "inner relationship among the acts constituting a threat of continued racketeering activity that should be restrained with all interests divested under 18 USC 1964(a). The predicate acts are a regular way that the enterprise conducts its ongoing legitimate business operation. The racketeering activity of defendants consists of conduct indictable under the federal mail fraud and wire fraud statutes [18 USC 1341 and 1343].

VIII. CLAIM 5 – VIOLATIONS OF THE OHIO PATTERN
OF CORRUPT ACTIVITIES ACT [O.R.C. 2923.31-.36]

34. Consumer incorporates paragraphs 1- 33 by reference.

35. Defendants' pattern of corrupt activities as specified herein constitutes violations of the Ohio Pattern of Corrupt Activities Act (O.R.C. 2923.31 to .36. Defendants' acts and omissions alleged herein (a) involve them in corrupt activities; (b) involve them in two or more incidents of corrupt activities; (c) an enterprise through which defendants acted existed

separate and apart from them; and (d) consumers suffered an acquisition or maintenance injury from defendants' acts and omissions.

36. Defendants acted in the face of prior notice that their conduct was in violation of the Ohio Pattern of Corrupt Activities Act, such prior notice consisting of (1) rules adopted by the Attorney General under O.R.C. 1345.04(B)(2), and (2) court decisions made available for public inspection by the Attorney General under O.R.C. 1345.05 (A)(3), including *Felix v. Ganley*, 2013-Ohio-3523 (8-15-2013) (8th App. Dist.).

37. Consumer and the class members are entitled under the Ohio Pattern of Corrupt Activities Act to an award of actual damages, treble damages, punitive damages, costs of suit, attorneys fees, equitable and declaratory relief, and such further remedies to which they are entitled according to law.

IX. CLAIM 6 -- VIOLATIONS OF
OHIO CONSUMER FRAUD ACT
[O.R.C. 1345.03(A)]

38. Consumer incorporates paragraphs 1- 37 by reference.

39. Defendants' actions and conduct constitute an "unconscionable act or practice in connection with a consumer transaction" against Consumers and the members of the class under O.R.C. 1345.03(A) of the Ohio Consumer Fraud Act.

40. Defendants acted in the face of prior notice that their conduct was in violation of the Ohio Consumer Fraud Act, such prior notice consisting of (1) rules adopted by the Attorney General under O.R.C. 1345.04(B)(2), and (2) court decisions made available for public inspection by the Attorney

General under O.R.C. 1345.05 (A)(3), including *Felix v. Ganley*, 2013-Ohio-3523 (8-15-2013) (8th App. Dist.).

41. Consumer and members of the class suffered substantial damages by reason of defendants' deceptive consumer practices.

XI. CLAIM 7 – VIOLATIONS OF COMMON LAW FRAUD

42. Consumer incorporates paragraphs 1- 41 by reference.

43. Defendants' actions and conduct constitute Common Law Fraud.

44. Consumer and members of the class suffered substantial damages by reason of defendants' commission of Common Law Fraud.

XII. JURY DEMAND

45. Plaintiff demands a trial by jury on all issues so triable.

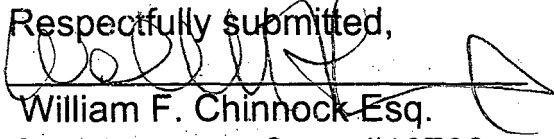
XIII. PRAYER FOR RELIEF

WHEREFORE, plaintiff individually and On Behalf of the Class pray for the following relief:

- A. An Order directing defendants to provide to plaintiff and the Court forthwith within 30 days a list containing the full and complete names, last known addresses, phone numbers, and email addresses of the members of the Class, such information only being within their knowledge and possession;
- B. An Order directing defendants to notify the members of the Class of the pendency of this action, the cost of such notification being less to defendants than to plaintiff;
- C. An Order certifying the proposed Class under Rule 23 of the Ohio Rules of Civil Procedure;

- D. An Order declaring that the actions of defendants as described herein are in violation of the federal and state statutes set forth herein;
- E. An Order enjoining defendants from continuing to engage in the scheme and pattern of racketeering activities described herein;
- F. An order divesting defendants' interests in the enterprise described herein;
- G. Actual damages as proven at a trial by jury in the sum of Sixty-Four Thousand Dollars (\$63,500);
- H. Total damages as proven at trial by jury;
- I. Punitive damages as awarded by the jury;
- J. Pre-Judgment and post-judgment interest as provided by law;
- K. Reasonable attorney's fees and costs; and
- L. Such other relief at law or equity to which the class members may be justly entitled.

Respectfully submitted,


William F. Chinnock Esq.
Ohio Supreme Court #10762
Counsel for Plaintiffs
5931 Brookside Road
Independence, Ohio 44131
720-504-6655
judgewfc@aol.com

Certificate of Service

This document was served in accordance with law upon defendants


William F. Chinnock Esq.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

2019 APR -5 A 10:15 Case

CLERK OF COURTS
CUYAHOGA COUNTY

Judge: BRIAN J CORRIGAN

CV 19 913545

WORLD, LLC, et al
PLAINTIFF

v.

VRBO.COM, INC. and
HOMEAWAY, INC.
DEFENDANTS

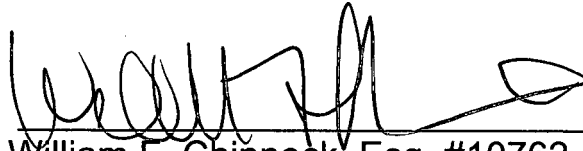
PLAINTIFF'S INSTRUCTIONS TO
CLERK OF COURT FOR SERVICE OF PROCESS

PLEASE SERVE THE FOLLOWING DOCUMENTS
UPON BOTH DEFENDANTS

(1) CLASS ACTION COMPLAINT

(2) PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS

PLEASE MAKE SURE THAT THE FULL TITLES OF THESE DOCUMENTS
ARE LISTED ON THE RETURN OF SERVICE



William F. Chinnock, Esq. #10762
5931 Brookside Road
Independence, Ohio 44131
720-504-6655 / judgewfc@aol.com



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

WORLD, LLC
 Plaintiff
 Vs.
VRBO.COM, INC ET AL
 Defendant

Judge: BRIAN J CORRIGAN

CV 19 913545

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
☒ 1314 Consumer Action **CLASS ACTION**
☐ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☒ None Stated
☐ Less than \$25,000
☐ Prayer Amount _____

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

WILLIAM F. CHINNOR
 Firm Name (Print or Type)
5531 BROOKSIDE RD
 Address
INDEPENDENCE, OHIO
 Address
720-504-6655
 Phone
JUDGEWFC@AOL.COM

WILLIAM F. CHINNOR
 Attorney of Record (Print or Type)
10762
 Supreme Court #
JUDGEWFC@AOL.COM
 Email Address
William F. Chinnor
 Signature

FILED
 2019 APR -5 A 10:25
 CLERK OF COURTS
 CUYAHOGA COUNTY

CASE NO. CV19913545	D1 FX	SUMMONS NO. 38275784
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Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

<p>WORLD, LLC VS VRBO.COM, INC, ET AL</p>
--

PLAINTIFF

DEFENDANT

<p>VRBO.COM, INC. AND HOMEAWAY, INC. 1011 WEST FIFTH ST. #300 AUSTIN TX 78703-0000</p>
--

Said answer is required to be served on:



Plaintiff's Attorney

<p>WILLIAM F CHINNOCK</p>

You have been named defendant in a sums 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 (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:

<p>BRIAN J CORRIGAN Do not contact judge. Judge's name is given for attorney's reference only.</p>

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Doreen McKinley

By _____
Deputy



<p>DATE SENT Apr 8, 2019</p>

COMPLAINT FILED 04/05/2019



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY OHIO

Judge: BRIAN J CORRIGAN

CV 19 913545

WORLD, LLC
Plaintiff

v.

VRBO.COM, INC. and
HOMEAWAY, INC.
Defendants



FILED
2019 APR -5 A 10:16
CLERK OF COURTS
CUYAHOGA COUNTY

**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS WITH FIRST
SET OF INTERROGATORIES AND FIRST REQUEST FOR
DOCUMENTS PROPOUNDED UPON DEFENDANTS
VRBO.COM, INC. AND HOMEAWAY, INC.**

Plaintiff hereby requests that defendants under oath and in writing, under the Ohio Rules of Civil Procedure, answer Plaintiff's Discovery Requests [Request for Admissions, Interrogatories, and Request for Documents] within twenty-eight (28) days of service hereof and forward to the law offices of William F. Chinnock, Esq., 5931 Brookside Road, Independence, Ohio 44131 / phone 720-04-6655; judgewfc@aol.com.

These Requests for Admissions and Interrogatories and Requests for Documents shall be deemed continuing so as to require supplemental answers if further information is obtained by defendants or their agents or representatives between the time the answers are served and the time of trial.

Defendants must identify the person responding to each discovery request, identify the source which maintains the information used in preparing the discovery responses, and name the witness(es) most likely to testify concerning the material or information contained in each of the discovery responses.

Each discovery response shall be answered upon defendants' entire knowledge from all sources and all information in its possession or otherwise available to him. If defendants claim that they cannot answer any of the discovery requests, they must describe in detail their reasons for such inability, including a list of sources which were consulted to obtain a response.

When asked to attach any document, in addition to doing so, defendants must provide the following information: the type of document; the date the document bears; the date on which it was prepared; the identities of the persons who prepared the document; the identity of each signatory thereon; the persons for whom the document was prepared; the title of the document or some other means of identifying it; its present

location and the identity of its present custodian; and if the original document has been destroyed, the date and reason for or circumstances under which it was destroyed.

If any document that is required to be produced or identified is claimed to be privileged or to constitute work product or to be otherwise confidential, defendant must state the grounds upon which such privilege, work product or confidentiality is being asserted, and include a description of the document, and identify its author and persons receiving copies thereof.

Failure to respond to these Discovery Requests within twenty-eight (28) days of service may cause them to be deemed admitted under law.

The costs, including legal fees and other litigation expenses, of plaintiff having to prove any Request for Admission that defendants deny rather than admits, shall be borne by defendants upon proof by plaintiff that such Request for Admission should have been admitted by defendants.

RFA NO. 1: Admit that on or about March 1, 2018 World, LLC ("World"), entered into a contract ("Contract") with defendants in the sum of \$750 for defendants to advertise an internet listing on defendant's website of World's premises located at 8238 Sugarloaf Road, Boulder, CO 80302 ("premises") for short-term rentals.

If your response to RFA No. 1 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 1: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 1.

ANSWER:

REQUEST FOR DOCUMENTS NO. 1: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 1.

ANSWER:

RFA NO. 2: Admit that under such Contract, defendants agreed to act as agent for World in advertising and helping World effectuate the rental of its premises.

If your response to RFA No. 2 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 2: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 2.

ANSWER:

REQUEST FOR DOCUMENTS NO. 2: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 2.

ANSWER:

RFA NO. 3: Admit that the Contract between defendants and World fails to inform World that defendants make available to potential lessees of World's premises the services of defendant's acting as an agent for them regarding their potential rental of World's premise.

If your response to RFA No. 3 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 3: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 3.

ANSWER:

REQUEST FOR DOCUMENTS NO. 3: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 3.

ANSWER:

RFA NO. 4: Admit that in mid-November 2018, World leased its premises to the Mahon Family of Raleigh, North Carolina ("McMahon lessees") through defendants' website for

the dates of December 20 to December 27, 2018 ("rental period").

If your response to RFA No. 4 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 4: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 4.

ANSWER:

REQUEST FOR DOCUMENTS NO. 4: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 4.

ANSWER:

RFA NO. 5: Admit that defendants also entered into a contract with McMahon lessees in regard to the premises under which defendants agreed to act as agents for the McMahan lessees and provide to or secure for them other services, including renters insurance.

If your response to RFA No. 5 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 5: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 5.

ANSWER:

REQUEST FOR DOCUMENTS NO. 5: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 5.

ANSWER:

RFA NO. 6: Admit that defendants failed to advise World of the existence and/or content of the contract between them and the McMahon lessees for the rental period of World's premises, and/or failed to provide a copy of such contract to World.

If your response to RFA No. 6 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 6: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 6.

ANSWER:

REQUEST FOR DOCUMENTS NO. 6: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 6.

ANSWER:

RFA NO. 7: Admit that on or about December 22, 2018 ("Notice Date to defendants") the McMahon lessees phoned defendants and made known to them that the furnace on the premises had malfunctioned and that World had "misrepresented" the condition of the premises because when World and the McMahon lessees entered into the lease in mid-November World had promised that the premises would have heat and hot water, and that on December 22, 2018 they lack the heat and hot water.

If your response to RFA No. 7 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 7: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 7.

ANSWER:

REQUEST FOR DOCUMENTS NO. 7: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 7.

ANSWER:

RFA NO. 8: Admit that on the Notice Date to defendants, defendants phoned World and

left a voicemail message stating that "VRBO is calling on behalf of the McMahon family" who are complaining to us that the premises are without heat or hot water" and that "World was required to take immediate action to remedy the situation."

If your response to RFA No. 8 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 8: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 8.

ANSWER:

REQUEST FOR DOCUMENTS NO. 8: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 8.

ANSWER:

RFA NO. 9: Admit that on or about the Notice Date to defendants, defendants further sent an email message to World, declaring that World had committed "MISREPRESENTATION" to the McMahon lessees.

If your response to RFA No. 9 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 9: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 9.

ANSWER:

REQUEST FOR DOCUMENTS NO. 9: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 9.

ANSWER:

RFA NO. 10: Admit that on or about December 22, 2018 World took immediate action to

attempt to restore water and heat to the premises.

If your response to RFA No. 10 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 10: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 10.

ANSWER:

REQUEST FOR DOCUMENTS NO. 10: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 10.

ANSWER:

RFA NO. 11: Admit that on or about December 26, 2018 defendant's customer service department notified World that unless it reimbursed the McMahon lessees for the seven days they had paid for but had not been able to use the premises, defendants would suspend/terminate World's account with them.

If your response to RFA No. 11 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 11: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 11.

ANSWER:

REQUEST FOR DOCUMENTS NO. 11: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 11.

ANSWER:

RFA NO. 12: Admit that on or about December 26, 2018 World send two email messages to defendants' legal department explaining the circumstances of the dispute between World and the McMahon lessees advising that (1) the McMahon lessees had breached the lease between World and them by notifying defendants of the dispute between them and World; and (2) the McMahon lessees had unreasonably demanded reimbursement for seven nights, rather than for the five nights they had been unable to stay at the premises, and that World reasonably agreed to reimburse them for the five nights they were unable to use the premises, which reasonable offer they rejected.

If your response to RFA No. 12 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 12: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 12.

ANSWER:

REQUEST FOR DOCUMENTS NO. 12: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 12.

ANSWER:

RFA NO. 13: Admit that on or about January 10, 2018, despite the fact that World had communicated twice with defendants legal department regarding the dispute between it and the McMahon lessees, defendants customer service department advised World that it was suspending and/or canceling its contract with World.

If your response to RFA No. 13 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 13: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 13.

ANSWER:

REQUEST FOR DOCUMENTS NO. 13: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 13.

ANSWER:

RFA NO. 14: Admit that on or about January 10, 2018, World advised defendants that if they suspended/canceled World's agreement with defendants, and confiscated World's monies it had paid under the contract with defendants, It would have no alternative other than to file a RICO class action against defendants.

If your response to RFA No. 14 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 14: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 14.

ANSWER:

REQUEST FOR DOCUMENTS NO. 14: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 14.

ANSWER:

RFA NO. 15: Admit that World' fair warning to defendants regarding the filing of a RICO class action against them if they suspended/revoked World's contract with them and confiscated World's funds it had paid to defendants under the contract, nevertheless defendants did suspend/revoke World's contract with defendants, and confiscated World's funds it had paid to defendants under the contract.

If your response to RFA No. 15 is anything but an unqualified admission, please describe the basis for your denial in full and complete detail, and produce a copy of any documents supporting your response.

ADMIT: _____ DENY: _____

INTERROGATORY NO. 15: Identify all facts, documents, and persons with knowledge of such facts that verify your admission or denial of RFA NO. 15.

ANSWER:

REQUEST FOR DOCUMENTS NO. 15: Attach copies of all documents related in any manner to your admission or denial of RFA NO. 15.

ANSWER:

REQUEST FOR DOCUMENTS NO. 16: *Attach copies of all documents related in any manner to this lawsuit which you have not already attached under the previous REQUESTS FOR DOCUMENTS*

Defendant VRBO.Co, Inc. CEO

Date: _____

Defendant HomeAway, Inc. CEO

Again, the costs, including legal fees and other litigation expenses, of plaintiff having to prove any Request for Admission that defendants deny rather than admits, shall be borne by defendants upon proof by plaintiff that such Request for Admission should have been admitted by defendants.



William F. Chinnock, Esq. (#10762)
5931 Brookside Road
Independence, Ohio 44131
303-258-0511/ judgewfc@aol.com

EXHIBIT B

**STATE OF DELAWARE
CERTIFICATE OF MERGER OF
DOMESTIC CORPORATIONS**

Pursuant to Title 8, Section 251(c) of the Delaware General Corporation Law, the undersigned corporation executed the following Certificate of Merger:

FIRST: The name of the surviving corporation is HOMEAWAY.COM, INC.
_____, and the name of the corporation being
merged into this surviving corporation is VRBO.COM, INC.
_____.

SECOND: The Agreement of Merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations.

THIRD: The name of the surviving corporation is HOMEAWAY.COM, INC.
_____ a Delaware corporation.

FOURTH: The Certificate of Incorporation of the surviving corporation shall be its Certificate of Incorporation.

FIFTH: The merger is to become effective on DECEMBER 31, 2010.

SIXTH: The Agreement of Merger is on file at 1011 W. FIFTH STREET,
STE. 300, AUSTIN, TX, 78703, the place of business
of the surviving corporation.

SEVENTH: A copy of the Agreement of Merger will be furnished by the surviving corporation on request, without cost, to any stockholder of the constituent corporations.

IN WITNESS WHEREOF, said surviving corporation has caused this certificate to be signed by an authorized officer, the 31ST day of DECEMBER, A.D., 2010.

By: 
Authorized Officer

Name: Lynn Atchison
Print or Type

Title: CFO

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

World LLC, Individually and as Representative Plaintiff on Behalf of All Others Similarly Situated

(b) County of Residence of First Listed Plaintiff Cuyahoga
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William F. Chinnock
5931 Brookside Rd.
Independence, Ohio 44131/PH. 720-504-6655

DEFENDANTS

Vibo.com, Inc. and HomeAway.com, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Michael J. Zbiegien Jr., Taft Stettinius & Hollister LLP
200 Public Square, Suite 3500, Cleveland, Ohio 44114
216-241-2838

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C. §1962(a), (b) and (c); 18 U.S.C. §1341; 18 U.S.C. §1343

Brief description of cause:

Alleged fraud regarding vacation rentals

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
64,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

05/09/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michael J. Zbiegien Jr.

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

Print

Save As...

Reset

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

I. Civil Categories: (Please check one category only).

1. ☒ General Civil
2. ☐ Administrative Review/Social Security
3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: ☐ is **RELATED** to another **PENDING** civil case ☐ is a **REFILED** case ☐ was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule **3.8**, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY:

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY: Cuyahoga

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

☐

AKRON

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

☒

CLEVELAND

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

☐

YOUNGSTOWN

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

☐

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Vacation Property Owner Sues HomeAway Over Alleged RICO Violations](#)
