

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

X17, INC., a California corporation; FRANCOIS NAVARRE also known as "REGIS", an individual; BRANDY NAVARRE, an individual; and DOES 1 through 25, inclusive,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CONFORMED COPY
OF ORIGINAL FILED**
Los Angeles Superior Court

JUN 25 2007

John A. Clarke, Executive Officer/Clerk

By D.M. Swain Deputy
D.M. Swain

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MARIO LAVANDIERA dba PEREZ HILTON, an individual

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

LASC - Downtown Courthouse
111 North Hill Street

CASE NUMBER:
(Número del Caso):

BC373254

Los Angeles, California 90012
Central District

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

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FREEDMAN & TAITELMAN, LLP

1901 Avenue of the Stars, Suite 500, Los Angeles, CA 90067

DATE: JUN 25 2007, John A. Clarke Clerk, by D.M. Swain, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):

3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):

4. by personal delivery on (date):

[SEAL]

Page 1 of 1

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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES**

19 **MARIO LAVANDIERA dba PEREZ**
20 **HILTON, an individual,**

21 Plaintiff,

22 v.

23 **X17, INC., a California corporation;**
24 **FRANCOIS NAVARRE also known as**
25 **"REGIS," an individual; BRANDY**
26 **NAVARRE, an individual; and DOES 1**
27 **through 25, inclusive,**

28 Defendants.

CASE NO.

BC373254

**COMPLAINT FOR STATUTORY UNFAIR
COMPETITION; COMMON LAW UNFAIR
COMPETITION; NEGLIGENT HIRING,
SUPERVISION, AND RETENTION;
INJUNCTIVE RELIEF; DECLARATORY
RELIEF; RESTITUTION, DISGORGEMENT
OF PROFITS, COMPENSATORY AND
PUNITIVE DAMAGES**

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Los Angeles Superior Court

JUN 20 2007

John A. Clark, Executive Officer/Clerk
By *D.M. Swain* Deputy
D.M. Swain

INTRODUCTION

1. This lawsuit seeks to redress the illegal and unethical business practices of X17, Inc. ("X17"), an unlawfully operated paparazzi organization, which, according to its

1 own former photographers, engages in a pattern and practice of: (a) hiring illegal aliens to
2 perform services, (b) improperly labeling its employees – legal or otherwise –
3 “independent contractors” to avoid payroll taxes, insurance, and potentially millions of
4 dollars of overtime pay and other compensation owed to those employees, (c) requiring its
5 employees to work excessively long hours, often for stretches of days or weeks at a time,
6 without compensating them at the legally required overtime rate, (d) continuing to promise
7 commissions from the sale of photographs, as well as other bonus compensation, to
8 photographers, without any intention of actually following through on such promises,
9 (e) intentionally withholding sales data from its employees in an effort to hide money
10 rightfully owed to them, and (f) allowing its employees to use abusive tactics to intimidate
11 other photographers and, with knowledge of such abusive tactics, failing to restrain such
12 activity, to the detriment of others.

13 2. X17 is owned and controlled by Francois Navarre, a 44-year-old Frenchman
14 who conducts business under his alias, “Regis,” and his American wife, Brandy Navarre.
15 As reported by the *Los Angeles Times*, the Navarres – who “live in one of the city’s most
16 desirable enclaves, own several homes and prefer to travel by private jet,” and boast of
17 their “hot temper[s]” and “superiority complexes” – appear to relish the high life. On
18 information and belief, they support this lifestyle on the backs of their employees, who
19 work six to seven days a week, twelve or more hours each day, without legally mandated
20 breaks, without legally mandated overtime pay, and without being provided (for the
21 purpose of calculating commissions) information concerning the money received by X17
22 for the sale of their photographs.

23 3. Perez Hilton is the owner of a web log or “blog” found on the internet at
24 www.perezhilton.com. Perez Hilton has developed a successful business posting photos
25 of celebrities, transforming them visually, and commenting on them using his own brand of
26 humor. He is not in the photography business. He does not license, distribute, or sell
27 photographs to others. Until X17 launched its own copycat blog, X17 and Perez Hilton
28 were not competitors of one another in any sense of the word. Now, with respect to this

1 narrow aspect of X17's business (which, in turn, relies on photographs from X17's
2 employees for content), X17 competes against Perez Hilton.

3 4. This lawsuit is about unfair competition. Perez Hilton has a website business
4 for celebrity news and gossip. X17 has a website for that purpose. Perez Hilton –
5 according to X17 – is expected to license material for his website. X17, on information
6 and belief, derives its material from its own labor pool, which it exploits through unlawful
7 business practices. By this lawsuit, Perez Hilton will establish that X17 is an unlawful
8 organization, whose conduct, unless preliminarily and permanently enjoined, will continue
9 to injure its competitors, without any benefit to the public whatsoever.

10 * * * * *

11 **THE PARTIES**

12 5. Plaintiff Perez Hilton is, and at all relevant times was, a resident of Los
13 Angeles, California.

14 6. On information and belief, Defendant X17 is, and at all relevant times was, a
15 California corporation with its principal place of business in Los Angeles, California. On
16 information and belief, X17 is the alter ego of Defendants Francois and Brandy Navarre, in
17 that such a unity of interest exists between X17 and the Navarres that the separate
18 personalities of X17 and the Navarres do not in reality exist, and an inequitable result will
19 follow if the acts alleged herein were to be treated as those of the corporation alone.

20 7. On information and belief, Defendant François Navarre, also known as
21 "Regis," is, and at all relevant times was, a resident of Los Angeles, California.

22 8. On information and belief, Defendant Brandy Navarre is, and at all relevant
23 times was, a resident of Los Angeles, California.

24 9. Perez Hilton is unaware of the true names and capacities of the individuals or
25 entities identified in this Complaint as "DOES 1 through 25," inclusive, and has sued them
26 under fictitious names. Upon discovering their true names and capacities, Perez Hilton
27 will seek leave of Court to amend this Complaint. On information and belief, the parties
28

1 named as DOES 1 through 25 have participated in the wrongful acts and omissions
2 alleged herein, and are liable to Perez Hilton for the injuries alleged in this Complaint.

3 10. On information and belief, each Defendant was acting as an agent, servant,
4 partner and/or joint venturer of each of the remaining Defendants, and in connection with
5 the matters alleged herein, was acting in the course and scope of such agency. On
6 information and belief, each Defendant, while acting as principal, expressly directed, acted
7 with the knowledge of, authorized, affirmed, consented to, ratified, encouraged, approved,
8 adopted and/or participated in the acts or transactions of the other Defendants.

9 11. On information and belief, Defendants acted in concert, conspired and
10 agreed among themselves to commit the wrongful acts and practices alleged in this
11 Complaint, and such wrongful acts and practices were committed pursuant to and in
12 furtherance of such conspiracy and agreement, and with the consent, approval and/or
13 ratification of each of the Defendants. On information and belief, each of the Defendants
14 is liable as a direct participant, co-conspirator and/or aider and abettor of the wrongful acts
15 and practices alleged herein.

16 * * * * *

17 **GENERAL ALLEGATIONS**

18 **A. *Perez Hilton and His Blog***

19 12. Perez Hilton is one of the nation's best-known "bloggers." His web log or
20 "blog" is located on the internet at www.perezhilton.com. Celebrities are the focus of his
21 blog, and, when the sometimes newsworthy events of their lives unfold, the content of his
22 site transforms gossip to journalism. While celebrity journalism may not be the stuff of
23 *Frontline* specials, it is a popular form of journalism nonetheless. And, as evidenced by
24 the recent mainstream media coverage of the death of Anna Nicole Smith (a story initially
25 reported by Perez Hilton before being picked up by CNN and others), celebrity news is
26 very often the news of the day. Perez Hilton attracts millions of web browsers each day.

1 **B. *X17, Its Owners, and Their Aliases***

2 13. X17 is a paparazzi-photography organization. Its owners are Francois and
3 Brandy Navarre, who operate the business from their home in Pacific Palisades. For
4 reasons not yet known to Perez Hilton, Francois prefers to use the name "Regis" when
5 conducting business activities on behalf of X17. Brandy, on information and belief, also
6 uses various aliases when identifying herself to employees and third parties. According to
7 the *Los Angeles Times*, the Navarres have no qualms about stalking their celebrity
8 neighbors in the Palisades for photo opportunities, for as Francios sees it: "[They] have
9 an easy way to escape that. Get out of Los Angeles."

10 **C. *X17 Uses Unlawful Employment Practices to Secure a Competitive Advantage***

11 14. On information and belief, X17 obtains an unfair competitive advantage over
12 other photography agencies – and now, in light of X17's competing blog, against Perez
13 Hilton, too – by violating federal and state laws. Perez Hilton alleges on information and
14 belief the following violations of state and federal law, as set forth below in this section of
15 the Complaint:

16 • ***X17 Has a Pattern and Practice of Hiring Illegal Aliens***

17 15. X17 has a pattern and practice of recruiting its work force from foreign
18 countries, particularly Brazil. Approximately 40 to 50 Brazilian photographers work for
19 X17. They are reputed to work among the longest hours of all X17 employees. Some or
20 many of these employees from Brazil or other countries are believed to be illegal aliens.
21 Perez Hilton intends to further confirm these allegations through written discovery, by
22 obtaining detailed records of X17's payments to so-called "independent contractors" and
23 deposing current and former employees to verify the accuracy of information provided by
24 X17. Once confirmed by, and proven with, competent and admissible evidence, Perez
25 Hilton will be able to establish an unambiguous violation of federal law for the benefit of
26 X17 and the detriment of Perez Hilton, as alleged in paragraphs 36 through 39 below.

27 16. Specifically, Title 8, United States Code, Section 1324(a)(1)(A) makes it
28 "unlawful for a person or other entity ... to hire, or recruit or refer for a fee, for employment

1 in the United States an alien knowing the alien is an unauthorized alien ... with respect to
2 such employment." Section 1324(f)(1) authorizes criminal fines and imprisonment for any
3 person who engages in a pattern and practice of such violations. By violating these
4 federal statutes, X17 gains a competitive advantage (cheaper labor, longer hours, less
5 taxes, no insurance) not available to other lawful paparazzi organizations and bloggers
6 who rely and comment on their photographs for their business.

7 • ***X17's So-Called "Independent Contractors" Are Actually Employees***

8 17. As to its legally employable workers, X17 improperly labels them
9 "independent contractors." The label is a sham. These workers are "employees," indeed,
10 insofar as X17 – and particularly "Regis" – has the right to control, and in fact controls, the
11 manner and means by which they obtain their photographs.

12 18. The photographers are "told where to go, what to do," usually by "Regis,"
13 who contacts them on a daily basis to direct their activities (e.g., "Go to Nicole Richie's
14 house and stay there until she leaves.") and who sometimes provides their equipment.

15 19. The photographers are employed on an exclusive basis, and cannot perform
16 services for competitors or sell their photographs to third parties.

17 20. X17 claims to own all of the copyrights to their photos, and, at least generally
18 speaking, does not enter into written contracts of any kind with the photographers (such as
19 an assignment agreement signed by an independent contractor to convey his copyright
20 interest in a photograph under a work-for-hire theory), though they have produced
21 questionable assignment agreements in related federal court litigation.

22 21. X17 has the ability to discharge the photographers at will, and Regis
23 purportedly terminated one photographer for refusing to work on Thanksgiving Day.

24 22. The photographers work long hours, six to seven days a week, often for
25 stretches of several years, all for the benefit of X17.

26 23. The photographers receive monthly paychecks at the beginning of the month.

27 24. The photographers are promised a commission based on a percentage of the
28 total value for which X17 is able to sell their photographs, but Regis and Brandy keep their

1 photographers in the dark as to how much money they receive for each initial sale, as well
2 as subsequent sales to secondary or foreign markets.

3 • ***X17 Has a Pattern and Practice of Violating Wage and Hour Laws***

4 25. Labor Code Section 510 ("Section 510") prohibits an employee from working
5 in excess of eight hours in a workday and/or 40 hours in a workweek without receiving
6 overtime compensation.

7 26. Section 510 requires an employer to pay time-and-one-half of the employee's
8 regular rate of pay for all hours worked beyond eight in a single workday and the first eight
9 hours worked on the seventh consecutive day worked in a single workweek.

10 27. Section 510 further requires an employer to pay double the employee's
11 regular rate of pay for all hours worked beyond 12 in a single workday and the hours
12 worked beyond eight on the seventh consecutive day worked in a single workweek.

13 28. X17's employees routinely work 12-hour days or longer, 6-7 days per week,
14 without receiving compensation at the rate of time and one-half or double.

15 29. One former photographer reported working 100-150 hours per week and
16 indicated that this may be common for other employees.

17 30. Discovery will reveal whether X17 also violates controlling minimum wage
18 laws to the extent that, after considering the number of hours worked per week and
19 average hourly pay, some or all of its employees earn less than the mandated minimum
20 wage. In this event, Perez Hilton reserves his right to amend his complaint accordingly.

21 **D. *X17 Uses Intimidation, Even Violence, to Secure a Competitive Advantage***

22 31. Section 240 of the Penal Code defines assault as "an unlawful attempt,
23 coupled with a present ability, to commit a violent injury on the person of another."

24 32. Section 242 of the Penal Code defines battery as "any willful and unlawful
25 use of force or violence upon the person of another."

26 33. On information and belief, X17 has engaged in a pattern and practice of
27 intimidating photographers through threats of physical harm and violence, including
28

1 grabbing other photographers, pushing them, trying to break their cameras, slashing their
2 car tires, and in at least one instance reportedly threatening them with a baseball bat.

3 34. X17 also may employ photographers with criminal backgrounds and/or gang
4 affiliations, which is apparently rumored in the industry, though the specifics of this
5 practice, if it exists, have yet to be discovered. Perez Hilton reserves the right to amend
6 this complaint in the event that X17 has engaged in a pattern and practice of hiring
7 convicted felons and/or present or former gang members in an effort to bolster its image
8 as a dangerous or menacing paparazzi organization that is capable of intimidating its
9 competitors, thereby securing an unfair competitive advantage through unlawful means.

10 35. X17 may also rely on theft to obtain its photographs – reportedly stealing
11 Lindsay Lohan's camera to obtain compromising pictures of her, which were then sold to a
12 national magazine.

13 **E. As a Result of These Unlawful Acts, X17 Unfairly Competes With Perez Hilton**

14 36. X17 claims to be one of the largest paparazzi photography agencies in the
15 country. As to X17's blog, and only its blog, X17 and Perez Hilton are competitors.

16 37. According to X17, Perez Hilton should be required to purchase or license the
17 photographs used on his site, from parties other than X17, which is responsible for many
18 such photographs. X17 thereby seeks to limit Perez Hilton's ability to obtain photographs
19 of newsworthy events captured by X17's photographers. X17, by contrast, purports to
20 create its own photographs using its exploited employees for labor.

21 38. Perez Hilton intends to establish in this lawsuit that X17 improperly classifies
22 its employees as "independent contractors" (presumably avoiding expenses such as
23 payroll taxes, worker's compensation insurance, etc.), hires illegal aliens to perform
24 photography services (thereby avoiding the same expenses and allowing X17 to obtain
25 employment services for longer hours and less money), and fails to pay the other
26 members of its workforce adequate compensation.

27 39. In other words, on information and belief, X17 – which has established a blog
28 to compete against Perez Hilton and now refuses to license its photos to the latter – relies

1 on unlawful employee exploitation, and intimidation and threats designed to ensure that
2 other paparazzi agencies cannot lawfully compete with X17, to the detriment of Perez
3 Hilton and other bloggers who rely on such photographs as subjects of commentary,
4 criticism, and other transformative uses.

5 * * * * *

6 **FIRST CAUSE OF ACTION**

7 **(STATUTORY UNFAIR COMPETITION AGAINST ALL DEFENDANTS)**

8 40. Perez Hilton incorporates and realleges paragraphs 1 through 39 of this
9 Complaint as though herein set forth in full.

10 41. Section 17200 of the Business and Professions Code prohibits "any unlawful,
11 unfair, or fraudulent business act or practice."

12 42. As alleged above, and in particular at paragraphs 14 through 35 of this
13 Complaint, Defendants have engaged in unlawful conduct violating various state and
14 federal statutes. Perez Hilton has lost money and suffered injury in fact as a result of
15 these practices.

16 43. Defendants' unlawful business practices are ongoing and present continuing
17 harm to its competitors as well as its employees.

18 44. The harm to Perez Hilton and members of the public outweighs the utility of
19 Defendants' practices and, consequently, Defendants' practices constitute an unfair
20 business act or practice within the meaning of Business and Professions Code § 17200.

21 45. Defendants have received unearned commercial benefits at the expense of
22 Plaintiff and other members of the public. Perez Hilton seeks restitution and disgorgement
23 of X17's unlawful profits.

24 46. Pursuant to California Business and Professions Code § 17203, Perez Hilton
25 is entitled to preliminary and permanent injunctive relief requiring Defendants to cease
26 their acts of unfair competition.

* * * * *

SECOND CAUSE OF ACTION

(COMMON LAW UNFAIR COMPETITION AGAINST ALL DEFENDANTS)

47. Perez Hilton incorporates and realleges paragraphs 1 through 46 of this Complaint as though herein set forth in full.

48. As alleged above, and in particular at paragraphs 14 through 35 of this Complaint, Defendants have engaged in unfair competition that interferes with the legitimate commercial interests of Perez Hilton.

49. Defendants' unlawful business practices are ongoing and present continuing harm to its competitors as well as its employees, thus warranting preliminary and permanent injunctive relief.

50. As a direct and proximate result of Defendants' acts of unfair competition, Perez Hilton has been damaged in an amount to be proven at trial.

51. Defendants conduct is willful and malicious, subjecting them to an award of punitive damages.

* * * * *

THIRD CAUSE OF ACTION

(DECLARATORY RELIEF AGAINST ALL DEFENDANTS)

52. Perez Hilton incorporates and realleges paragraphs 1 through 51 of this Complaint as though herein set forth in full.

53. An actual controversy presently exists between Perez Hilton and Defendants concerning the unfair business practices of Defendants.

54. Perez Hilton seeks a declaration, in the interests of justice, that:

- Defendants have a pattern and practice of hiring illegal immigrants in violation of federal law.
- Defendants have a pattern and practice of labeling X17 photographers "independent contractors," when they are, in

1 fact, "employees" entitled to the same benefits as other
2 employees under California law.

- 3 • Defendants have a pattern and practice of violating wage
4 and hour law by requiring their employees to work over eight
5 or even twelve hours per day and/or 40 hours per week,
6 without paying them compensation at the legal rate.
- 7 • Defendants have a pattern and practice of using intimidation
8 and violence to deter other photographers from competing
9 against them.

10 * * * * *

11 **FOURTH CAUSE OF ACTION**
12 **(NEGLIGENT HIRING, SUPERVISION, AND RETENTION**
13 **AGAINST ALL DEFENDANTS)**

14 55. Perez Hilton incorporates and realleges paragraphs 1 through 54 of this
15 Complaint as though herein set forth in full.

16 56. Defendants have a duty to use reasonable care in the hiring, supervision,
17 and retention of their employees.

18 57. As alleged in this Complaint, and in particular paragraphs 31 through 35,
19 Defendants have breached their duty of care with respect to the hiring, supervision, and
20 retention of their employees.

21 58. As a direct and proximate result of the Defendants' breach of this duty of
22 care, Perez Hilton has been damaged in amount to be proven at trial.

23 * * * * *

24 **PRAYER FOR RELIEF**

25 **WHEREFORE**, Plaintiff prays for relief against Defendants as follows:

26 1. Defendants, their agents, servants, employees, and all persons acting in
27 concert with them shall be restrained and enjoined preliminarily and permanently from
28 unfairly competing in the manner alleged above.

1 2. Defendants shall be required disgorge its unlawfully obtained profits, and to
2 pay general, special, consequential, compensatory, incidental, and punitive damages, to
3 the extent authorized by law in connection with the second cause of action for unfair
4 competition, in an amount according to proof.

5 3. Plaintiff shall recover his costs and attorney's fees, as provided by law and
6 the private attorney general doctrine in particular.

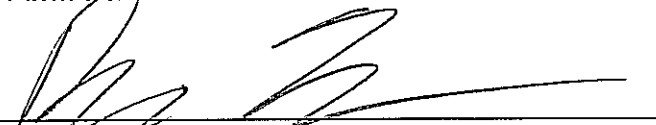
7 4. Declaratory relief shall be granted as set forth in paragraph 54 above.

8 5. Plaintiff shall be awarded such other and further relief as this Court may
9 deem just and proper.

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Dated: June 25, 2007

FREEDMAN & TAITELMAN LLP
DOLL AMIR & ELEY LLP

By 
Bryan J. Freedman

Attorneys for Plaintiff MARIO LAVANDEIRA dba
PEREZ HILTON