

ALTERNATIVE DISPUTE RESOLUTION

2

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK , NEW JERSEY 07101-0419

Local Civil Rule 10.1(b)
requires docket number and
name of district judge on all
pleadings filed with this office.

DIRECTV, INC.	:	Civil Action No. 2:03cv02384
	Plaintiff(s)	:
v.	:	NOTICE OF ALLOCATION
	:	and ASSIGNMENT
BONILLA	:	
	Defendant(s)	:
	:	

ALLOCATION: Pursuant to Local Civil Rule 40.1(a), I have allocated this action to NEWARK. Please file all pleadings and make all motions returnable there.

ASSIGNMENT: This action has been assigned to United States District Judge Joseph A. Greenaway, Jr. for trial. Discovery and other non-dispositive matters have been assigned to United States Magistrate Judge G. Donald Haneke.

MEDIATION: You may consent to mediation of this action pursuant to Local Civil Rule 301.1. However, this matter may be referred to mediation by a judicial officer regardless of consent. See Attached.

MAGISTRATE JUDGE JURISDICTION: You may consent to conduct all proceeding, including trial and the entry of final judgment, before the United States Magistrate Judge in accordance with the provisions of 28 U.S.C. & 636(c).

NOTICE TO COUNSEL AND PRO SE LITIGANTS: The Court has directed that counsel and pro se litigants be advised that there will be STRICT ENFORCEMENT of Local Civil Rules 16.1 (pretrial conferences; scheduling; case management) and 26.1 (discovery). Sanctions may be imposed for failure to comply with the local rules and orders entered pursuant thereto. Sanctions may include dismissal of the action and suppression of the defense.

ORIGINAL FILED

5-27-03

WILLIAM T. WALSH, CLERK

WILLIAM T. WALSH
CLERK

by: Michael DeCapua
M.D.
Deputy Clerk

Date: 05/27/03

DNJ-Civ-001(05/00)

ALTERNATIVE DISPUTE RESOLUTION
IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Mediation is the Alternative Dispute Resolution ("ADR") program in this Court. Mediation is governed by Local Civil Rule 301.1. The mediation program under this rule is supervised by a judicial officer (at present United States Magistrate Judge Ronald J. Hedges) who is available to answer any questions about the program.

Any district judge or magistrate judge may refer a civil action to mediation. This may be done without the consent of the parties. However, the Court encourages parties to confer among themselves and consent to mediation. Moreover, you are reminded that, when counsel confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 26.1, one of the topics that must be addressed is the eligibility of a civil action for participation in ADR.

A civil action may be referred to mediation at any time. However, one of the advantages of mediation is that, if successful, it enables parties to avoid the time and expense of discovery and trial. Accordingly, the Court encourages parties to consent to mediation prior to or at the time that automatic disclosures are made pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

If parties consent to mediation, they may choose a mediator either from the list of certified mediators maintained by the Court or by the selection of a private mediator. If a civil action is referred to mediation without consent of the parties, the judicial officer responsible for supervision of the program will select the mediator.

Mediation is non-judgmental. The role of the mediator is to assist the parties in reaching a resolution of their dispute. The parties may confer with the mediator on an ex parte basis. Anything said to the mediator will be deemed to be confidential and will not be revealed to another party or to others without the party's consent. The first six hours of a mediator's time is free. The mediator's hourly rate thereafter is \$250.00, which is borne equally by the parties.

If you would like further information with regard to the mediation program please review the Guidelines for Mediation, which are available on the Court's Web Site PACER, (pacer.njd.uscourts.gov) and appear as Appendix Q to the Local Civil Rules. You may also make inquiries of the judicial officer responsible for supervision of the program.

Civil actions in which there are pro se parties (incarcerated or not) are not eligible for mediation.

DNJ-Med-001(08/01)

908 740-7052
7182

UNITED STATES DISTRICT COURT

District of NEW JERSEY

DIRECTV, Inc., a California corporation

Plaintiff,

SUMMONS IN A CIVIL CASE

v.

JOHN BONILLA, STEVE BOOKSTABER,
MICHAEL CIGNARELLA, ART CZECOWICZ,
DENNIS DOMERSTAD, AARON GRAVES,
JEFFREY JACOBS, TRAYVON JONES,
JAMES SPINOSA and LINWOOD WELCH,

CASE NUMBER: 03w 2384
(SAG)

Defendants.

TO: Michael Cignarella
19 Grissing Ct
Cedar Grove, NJ 07009

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Marc Wolin
CARPENTER BENNETT & MORRISSEY
Three Gateway Center
100 Mulberry Street
Newark, NJ 07102-4079
(973) 565-2199

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK **WILLIAM T. WALSH** DATE 5-27-03

(By) DEPUTY CLERK *Michael DeGua*

CIVIL COVER SHEET

This JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings 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 THE REVERSE OF THE FORM).

I (a) PLAINTIFFS

DIRECTV, INC.

DEFENDANTS

John Bonilla, Steve Bookstaber, Michael Cignarella, Art Czecowicz, Dennis Domerstad, Aaron Graves, Jeffrey Jacobs, Trayvon Jones, James Spinosa, and Linwood Welch

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: Foreign/California
(Except in Plaintiff Cases)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: UNION
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

CARPENTER, BENNETT & MORRISSEY
100 MULBERRY STREET
GATEWAY THREE
NEWARK, NEW JERSEY 07102
(973) 622-7711

ATTORNEYS (IF KNOWN)

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 P 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)

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 (Excl. 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	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 PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 851 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 730 Labor/Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<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"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <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)) 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"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<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	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

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
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Cause of action for piracy of satellite television transmissions: violations of 47 U.S.C. § 605 and 18 U.S.C. §§ 2510-2521.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE: May 2, 2003

SIGNATURE OF ATTORNEY OF RECORD:

UNITED STATES DISTRICT COURT
FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Thu May 22 14:14:53 2003

UNITED STATES DISTRICT COURT

NEWARK

Receipt No. 200 315866
Cashier ccarlisl

Check Number: 9077

DD Code Div No
4650 2

Sub Acct	Type	Tender	Amount
1:006900	N	2	60.00
2:510000	N	2	90.00

Total Amount \$ 150.00

DIRECTV V. BONILLA, BOOKSTABER, ET AL

YARMUTH, WILSDON, ESQ.

n

RETURN OF SERVICE

DATE _____
 Service of the Summons and complaint was made by me⁽¹⁾
 NAME OF SERVER (PRINT) _____ TITLE _____

Check one box below to indicate appropriate method of service

- Served personally upon the third-party defendant. Place where served: _____
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person with whom the summons and complaint were left: _____
- Returned unexecuted: _____
- Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____

 Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

①

Marc E. Wolin, Esq. (MW5938)
CARPENTER, BENNETT & MORRISSEY
Three Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-7711
Attorneys for Plaintiff,
DIRECTV, Inc.

ORIGINAL FILED
S-22-05
WILLIAM F. WALSH, CLERK

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DIRECTV, Inc., a California corporation,

Plaintiff,

v.

JOHN BONILLA, STEVE BOOKSTABER,
MICHAEL CIGNARELLA, ART
CZECOWICZ, DENNIS DOMERSTAD,
AARON GRAVES, JEFFREY JACOBS,
TRAYVON JONES, JAMES SPINOSA and
LINWOOD WELCH,

Defendants.

Civil Action No. *OScv 2384*

**COMPLAINT FOR (JAG)
COMPENSATORY, STATUTORY
AND OTHER DAMAGES, AND FOR
INJUNCTIVE RELIEF**

Plaintiff DIRECTV, Inc., through its attorneys, alleges as follows:

INTRODUCTION

1. Plaintiff DIRECTV is the nation's leading direct broadcast satellite system, delivering over 225 channels of television and other programming to more than 10 million homes and businesses in the United States. DIRECTV's television programming currently includes major cable networks, studio movies and special events programming, as well as a variety of sports and other special interests programming. DIRECTV, a California company, has invested more than \$1.25 billion to develop its direct broadcast satellite system.

2. DIRECTV encrypts – electronically scrambles – its satellite transmissions to provide security for and prevent unauthorized viewing of its satellite television

programming. DIRECTV offers its television programming to residential and business customers on a subscription and pay-per-view basis only. Each customer is required to obtain a DIRECTV Access Card and other system hardware (including a small satellite dish) and create an account with DIRECTV. Upon activation of the Access Card by DIRECTV, the customer can receive and view in a decrypted format (*i.e.*, unscrambled) those channels to which the customer has subscribed or otherwise made arrangement to purchase from DIRECTV.

3. On or about May 25, 2001, DIRECTV executed several writs of seizure with the assistance of local law enforcement, upon a mail shipping facility used by several major sources of pirate technologies including Vector Technologies, DSS-Stuff, DSSPro, DSS-Hangout, Whiteviper Technologies, Meadco, PC Ease, Intertek Technologies, Shutt, Inc., Canadian Security and Technology, J. Neill, and ISO7816 devices. During and subsequent to the raids, DIRECTV came into possession of a substantial body of sales records, shipping records, email communications, credit card receipts, and other records. Those records evidence defendants' purchases of illegally modified DIRECTV Access Cards and other devices ("Pirate Access Devices"). In reliance upon those records and other information, and upon information and belief, DIRECTV sets forth the allegations and this complaint.

4. Each defendant is a resident of this District. DIRECTV alleges that defendants have purchased and used Pirate Access Devices that are designed to permit viewing of DIRECTV's television programming without authorization by or payment to DIRECTV.

5. Defendants' actions violate the Federal Communications Act of 1934, as amended, 47 U.S.C. § 605; and the Electronic Communications Privacy Act ("Federal Wiretap Laws"), 18 U.S.C. §§ 2510-2521. DIRECTV brings this action to restrain these illegal activities against it.

PARTIES

6. Plaintiff DIRECTV, Inc. is a corporation duly incorporated under the laws of the State of California. DIRECTV has significant interests in maintaining and securing the integrity of its satellite transmissions of television programming, and in prohibiting the unauthorized reception and use of the same.

7. Defendant John Bonilla is a resident of Elizabeth, New Jersey. Upon information and belief, beginning in or about October 2000, defendant Bonilla purchased one or more Pirate Access Devices from J. Neill. Defendant Bonilla placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

908-527-8531

(a) On or about October 5, 2000, defendant Bonilla purchased a Pirate Access Device, consisting of a printed circuit board device called an "Unlooper," from J. Neill. The device was shipped to defendant Bonilla at his address in Elizabeth, New Jersey.

8. Defendant Steve Bookstaber is a resident of Perrineville, New Jersey. Upon information and belief, beginning in or about January 2001, defendant Bookstaber purchased two or more Pirate Access Devices from DSS-Stuff. Defendant Bookstaber placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about January 4, 2001, defendant Bookstaber purchased two Pirate Access Devices, consisting of a printed circuit board device called an "Unlooper" and a programmer specifically designed to illegally modify DIRECTV Access Cards, from DSS-Stuff. The devices were shipped to defendant Bookstaber at his address in Perrineville, New Jersey.

9. Defendant Michael Cignarella is a resident of Cedar Grove, New Jersey. Upon information and belief, beginning in or about December 2000, defendant Cignarella purchased one or more Pirate Access Devices from J. Neill. Defendant Cignarella placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about December 8, 2000, defendant Cignarella purchased a Pirate Access Device, consisting of a printed circuit board device called an "Unlooper," from J. Neill. The device was shipped to defendant Cignarella at his address in Cedar Grove, New Jersey.

10. Defendant Art Czecowicz is a resident of Morganville, New Jersey. Upon information and belief, beginning in or about July 2000, defendant Czecowicz purchased one or more Pirate Access Devices from Shutt, Inc. Defendant Czecowicz placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about July 13, 2000, defendant Czecowicz purchased a Pirate Access Device, consisting of a printed circuit board device called an "Unlooper," from Shutt, Inc. The device was shipped to defendant Czecowicz at his address in Morganville, New Jersey.

11. Defendant Dennis Domerstad is a resident of Wayne, New Jersey. Upon information and belief, beginning in or about March 2001, defendant Domerstad purchased two or more Pirate Access Devices from ISO7816devices. Defendant Domerstad placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transactions:

(a) On or about March 22, 2001, defendant Domerstad purchased a Pirate Access Device, consisting of a printed circuit board device called a "Boot Loader Board," from ISO7816devices. The device was shipped to defendant Domerstad at his then address in Towaco, New Jersey;

(b) On or about March 25, 2001, defendant Domerstad purchased a Pirate Access Device, consisting of a printed circuit board device called a "Boot Loader Board," from ISO7816devices. The device was shipped to defendant Domerstad at his then address in Towaco, New Jersey.

12. Defendant Aaron Graves is a resident of Newark, New Jersey. Upon information and belief, beginning in or about January 2001, defendant Graves purchased one or more Pirate Access Devices from DSS-Stuff. Defendant Graves placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about January 22, 2001, defendant Graves purchased a Pirate Access Device, consisting of a printed circuit board device called an "Unlooper," from DSS-Stuff. The device was shipped to defendant Graves at his address in Newark, New Jersey.

13. Defendant Jeffrey Jacobs is a resident of Hoboken, New Jersey. Upon information and belief, beginning in or about August 2000, defendant Jacobs purchased two or more Pirate Access Devices from DSS-Stuff. Defendant Jacobs placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about August 21, 2000, defendant Jacobs purchased two Pirate Access Devices, consisting of a printed circuit board device called an "Unlooper" and a programmer specifically designed to illegally modify DIRECTV

Access Cards, from DSS-Stuff. The devices were shipped to defendant Jacobs at his address in Hoboken, New Jersey.

14. Defendant Trayvon Jones is a resident of South River, New Jersey. Upon information and belief, beginning in or about September 2000, defendant Jones purchased two or more Pirate Access Devices from DSS-Stuff. Defendant Jones placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about September 15, 2000, defendant Jones purchased two Pirate Access Devices, consisting of a printed circuit board device called an "Unlooper" and a programmer specifically designed to illegally modify DIRECTV Access Cards, from DSS-Stuff. The devices were shipped to defendant Jones at his address in South River, New Jersey.

15. Defendant James Spinosa is a resident of South Amboy, New Jersey. Upon information and belief, beginning in or about March 2001, defendant Spinosa purchased two or more Pirate Access Devices from Vector Technologies. Defendant Spinosa placed each order by using interstate or foreign wire facilities, and received his orders via the Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about March 29, 2001, defendant Spinosa purchased two Pirate Access Devices, consisting of two printed circuit board devices called "Unloopers," from Vector Technologies. The devices were shipped to defendant Spinosa at his then address in Staten Island, New York.

16. Defendant Linwood Welch is a resident of South Plainfield, New Jersey. Upon information and belief, beginning in or about August 2000, defendant Welch purchased one or more Pirate Access Devices from DSS-Stuff. Defendant Welch placed each order by using interstate or foreign wire facilities, and received his orders via the

Postal Service or commercial mail carriers. Specifically, these illegal purchases included the following transaction:

(a) On or about August 17, 2000, defendant Welch purchased a Pirate Access Device, consisting of a printed circuit board device called an "Unlooper," from DSS-Stuff. The device was shipped to defendant Welch at his address in South Plainfield, New Jersey.

JURISDICTION AND VENUE

17. This action arises under the Federal Communications Act of 1934, as amended, 47 U.S.C. § 605; and the Electronic Communications Privacy Act ("Federal Wiretap Laws"), 18 U.S.C. §§ 2510-2521.

18. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), 47 U.S.C. § 605(e)(3)(A) and 18 U.S.C. § 2520(a).

19. Each defendant is a resident of this district. Personal jurisdiction and venue are proper in this District pursuant to 28 U.S.C. § 1391(b).

FIRST CLAIM

UNAUTHORIZED RECEPTION OF SATELLITE SIGNALS

IN VIOLATION OF 47 U.S.C. § 605(a)

20. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 19 as if set forth fully herein.

21. Defendants have received and/or assisted others in receiving DIRECTV's satellite transmissions of television programming without authorization, in violation of 47 U.S.C. § 605(a).

22. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

23. Defendants knew or should have known that receiving and assisting third persons in receiving DIRECTV's satellite transmissions of television programming without authorization by or payment to DIRECTV was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 47 U.S.C. § 605(a).

SECOND CLAIM

**UNAUTHORIZED INTERCEPTION OF ELECTRONIC COMMUNICATIONS
IN VIOLATION OF 18 U.S.C. § 2511(1)(a)**

24. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 23 as if set forth fully herein.

25. By using Pirate Access Devices to decrypt and view DIRECTV's satellite transmissions of television programming, defendants intentionally intercepted, endeavored to intercept, or procured other persons to intercept or endeavor to intercept, DIRECTV's satellite transmission of television programming, in violation of 18 U.S.C. § 2511(1)(a).

26. Defendant's violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

27. Defendants knew or should have known that such interception of DIRECTV's satellite transmissions of television programming was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 18 U.S.C. § 2511(1)(a).

THIRD CLAIM
POSSESSION OF PIRATE ACCESS DEVICES
IN VIOLATION OF 18 U.S.C. § 2512(1)(b)

28. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 27 as if set forth fully herein.

29. Defendants possessed and used Pirate Access Devices, knowing or having reason to know that the design of such devices render them primarily useful for the purpose of surreptitious interception of DIRECTV's satellite transmissions of television programming, and that such devices, or any components thereof, have been or will be sent through the mail or transported in interstate or foreign commerce, in violation of 18 U.S.C. § 2512(1)(b).

30. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

31. Defendants knew or should have known that possessing Pirate Access Devices was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 18 U.S.C. § 2512(1)(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff DIRECTV requests that this Court grant the following relief:

(1) Find the defendants' conduct in importing, possessing and using Pirate Access Devices violates 47 U.S.C. § 605(a), and 18 U.S.C. §§ 2511(1)(a) and 2512(1)(b), and further find that defendants' violations were willful, malicious or for a tortious or illegal purpose;

(2) In accordance with 47 U.S.C. § 605(e)(3)(B)(i), and 18 U.S.C. § 2520(b)(1), enjoin and restrain defendants, and persons controlled directly and indirectly by defendants, from importing, possessing, or using Pirate Access Devices, and further order defendants to surrender all Pirate Access Devices;

(3) In the event of a default, in accordance with 18 U.S.C. § 2520(c)(2)(B) and 18 U.S.C. § 2511, an award of statutory damages of \$10,000 for each violation of 18 U.S.C. § 2511(a)(2) alleged herein, and a further award of DIRECTV's reasonable attorneys' fees and costs in the amount of \$850;

(4) In the event of trial, an award of either (a) statutory damages in accordance with 47 U.S.C. § 605(e)(3)(C)(i)(II), and 18 U.S.C. § 2520(c)(2), or (b) compensatory and punitive damages in accordance with 47 U.S.C. § 605(e)(3)(C)(i)(I), and 18 U.S.C. § 2520(c)(2), and DIRECTV's reasonable attorneys' fees and costs in accordance with 47 U.S.C. § 605(e)(3)(B)(iii), and 18 U.S.C. § 2520(b)(3);

(5) For such additional relief as the Court deems just and equitable.

DATED this 21 day of May, 2003.

Respectfully submitted,

CARPENTER BENNETT & MORRISSEY

By: 

Marc Wolin
Three Gateway Center
100 Mulberry Street
Newark, NJ 07102-4079
(973) 565-2199

YARMUTH WILSDON CALFO PLLC

Gurjit S. Pandher
John Jamnback
PO Box 1110
Seattle, Washington 98111-1110
(206) 654-4125
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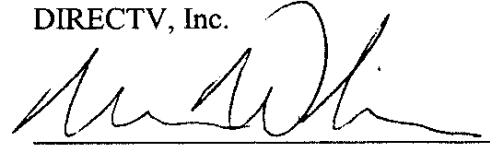
Attorneys for Plaintiff DIRECTV, Inc.

RULE 201.1 CERTIFICATION

Pursuant to *L.Civ.R.* 201.1, the undersigned counsel for the plaintiff hereby certifies that the amount in controversy, excluding interest, costs and punitive damages may not exceed \$150,000. However, plaintiff seeks injunctive relief in this matter.

CARPENTER, BENNETT & MORRISSEY
Attorneys for Plaintiff,
DIRECTV, Inc.

By:



MARC E. WOLIN, ESQ.
A Member of the Firm

DATED: May 21, 2003