

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROCA LABS, INC.,

Plaintiff,

MOTION FOR LEAVE OF COURT
TO FILE AFFIDAVIT IN SUPPORT
OF MOTION FOR ENTRY OF A
TEMPORARY INJUNCTION

Vs.

Case No: 8:14-cv-2096-T-33EAJ

CONSUMER OPINION CORP. and
OPINION CORP. d/b/a
PISSDCONSUMER.COM

Defendants.

**MOTION FOR LEAVE OF COURT TO FILE AFFIDAVIT IN SUPPORT OF MOTION
FOR ENTRY OF A TEMPORARY INJUNCTION**

COMES NOW, the Plaintiff, ROCA LABS, INC., who through undersigned counsel, files this Motion for Leave of Court to File Affidavit in Support of Motion for Entry of a Temporary Injunction, and in support thereof states as follows:

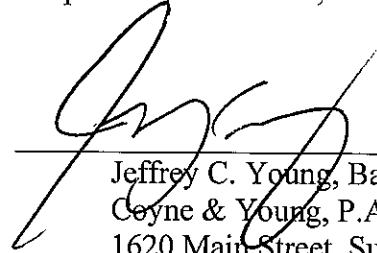
1. ROCA LABS, Inc., originally filed this action in the Circuit Court of the Twelfth Judicial Circuit in Sarasota County as *Roca Labs, Inc. v. Consumer Opinion Corp. and Opinion Corp. d/b/a Pissedconsumer.com*, 2014 CA 4769 CA on August 15, 2014.
2. In addition to the original Complaint, ROCA LABS, Inc. filed Plaintiff's Verified Motion for Entry of a Temporary Injunction and Supporting Memorandum of Law on August 20, 2014.

3. Defendants, CONSUMER OPINION CORP. and OPINION CORP. D/B/A PISSEDCONSUMER.COM, filed to remove this action from the Circuit Court on or about August 27, 2014.
4. This Court scheduled Plaintiff's Verified Motion for Entry of a Temporary Injunction for hearing on October 8, 2014.
5. Plaintiff seeks leave of this Court to have the attached affidavit filed in support of their motion in lieu of amending the motion or further delaying the proceedings.
6. Defendants are in no way prejudiced by the Plaintiff being permitted to file this affidavit.

WHEREFORE, Plaintiff, ROCA LABS, INC., requests that this Court grant leave to file the attached affidavit in support of the Plaintiff's Verified Motion for Entry of a Temporary Injunction.

Date: September 29, 2014

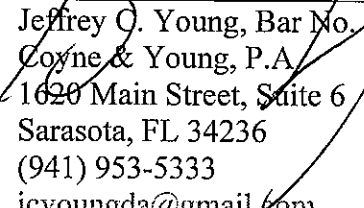
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey C. Young', is written over a horizontal line.

Jeffrey C. Young, Bar No.
Ceyne & Young, P.A.
1620 Main Street, Suite 6
Sarasota, FL 34236
(941) 953-5333
jcyoungda@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed with the Clerk of Court using CM/ECF, which will transmit the motion to all counsel of record including Marc Randazza, ecf@randazza.com, Randazza Legal Group, 3625 S. Town Center Drive, Las Vegas, Nevada 89135 this 29th day of September, 2014.



Jeffrey C. Young, Bar No.
Coyne & Young, P.A.
1620 Main Street, Suite 6
Sarasota, FL 34236
(941) 953-5333
jcyoungda@gmail.com

AFFIDAVIT DON JURAVIN

STATE OF FLORIDA)
)
COUNTY OF SARASOTA)

BEFORE ME, the undersigned authority, personally appeared Don Juravin, upon being duly sworn, deposes and states:

1. I am over the age of 18 and have personal knowledge of all matters contained in this affidavit.
2. I am a resident of Sarasota, FL.
3. I am the Vice President and Director of Marketing for Roca Labs, Inc. I started working for Roca Labs in 2009.
4. Roca Labs developed, produced and markets an all-natural weight loss product (the "Formula") that is design for individuals who need to lose a significant amount of weight (fifty or more pounds). It was developed as a safe and cost effective alternative to gastric bypass surgery.
5. Roca Labs first developed and marketed its Formula in 2009. Since introducing the Formula has safely been used by tens of thousands of individuals.
6. I am not aware of any verified medical issue due to the use of the Formula and Roca Labs has never received one negative letter or complaint from any medical professional about the Formula or its use by any individual.
7. Roca Labs has suffered irreparable harm from the false, defamatory and misleading posts placed on pissedconsumer.com.
8. Roca Labs has suffered irreparable harm from the false, defamatory and misleading Tweets made by Opinion Corp. using the Twitter name PissedConsumer.
9. The postings and Tweets present with false, defamatory and misleading information

about Roca Labs by Opinion Corp. (pissedconsumer.com).

10. This false, defamatory and misleading information discourages customers from buying the Formula and discourages customers who purchased the Formula from continuing with it. This is irreparable harm to Roca Labs.
11. Once posts and Tweets are made they become viral on the Internet. Each day that passes the harm continues to grow as the virus of false, misleading and defamatory information spreads.
12. Opinion Corp. is the developer and host of the virus. Opinion Corp. has created and optimized the functionality of pissedconsumer.com to spread the virus of false, defamatory and misleading information for its own financial gain.
13. Opinion Corp. makes Tweets to further spread the virus.
14. One only needs to search Google to see proof of this virus and how it has spread across the Internet. Despite tens of thousands of customers and countless positive reviews, pissedconsumer.com is in the top of Google searches. It presents its results as Complaints.
15. Pissedconsumer.com only has a "Submit Complaint" button on its website and does not have any home page mechanism for positive reviews (*See Exhibit A attached*).
16. Pissedconsumer.com does not have a "neutral" submission form, but only a form for submitting complaints.
17. There is only one button that is involved in registering a post and that is "Submit Complaint" (*See Exhibit B attached*).
18. Pissedconsumer.com only has the option to search for "complaints" and does not have the

option to search for positive reviews (*See Exhibit A*).

19. Opinion Corp. and its website pissedconsumer.com have caused irreparable harm to Roca Labs by engineering complaints and creating false, malicious and defamatory information about Roca Labs.
20. Opinion Corp. is not “agnostic” and blocks positive reviews and comments from pissedconsumer.com.
21. On September 22, 2014 I purchased a promoted review on pissedconsumer.com for a monthly fee of \$5.99 (*See Exhibit C attached*).
22. I placed an approved statement by television celebrity Alfonso Riberio who is currently a contestant on Dancing with the Stars about Roca Labs (*See Exhibit D attached*).
23. On September 22, 2014 I received a notice from Pissedconsumer.com that my review was canceled (*See Exhibit E attached*). I received no explanation of why it was canceled.
24. My post complied with all Terms and Conditions of pissedconsumer.com, but was blocked because pissedconsumer.com will not allow positive information to come forward.
25. Despite its representations, Opinion Corp. and pissedconsumer.com do not want consumers to have the ability to make informed decisions, but merely want to provide false, misleading and defamatory information about Roca Labs.
26. Postings made on Twitter about the Roca Labs by Opinion Corp are not third party posts, but are posts made by Pissed Consumer.
27. According to Twitter’s Terms and Conditions, the Tweets that are made by

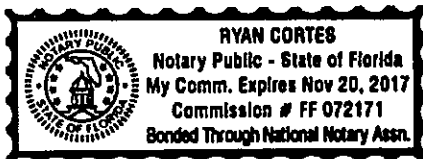
26. Postings made on Twitter about the Roca Labs by Opinion Corp are not third party posts, but are posts made by Pissed Consumer.


27. According to Twitter's Terms and Conditions, the Tweets that are made by PissedConsumer (@PissedConsumer Twitter ID) are the content and responsibility of the poster which is Opinion Corp.

28. When making a Tweet about Roca Labs, Opinion Corp. added the term @RocaLabs. This term was designed to enhance search functionality and distribution on Twitter.

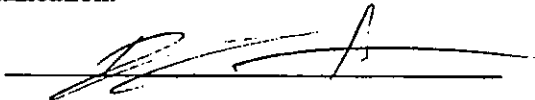
29. I have read all reviews posted on pissedconsumer.com and not one review contained the term @RocaLabs.

FURTHER AFFIANT SAYETH NAUGHT.




Don Juravin

Sworn To and subscribed before me on this 25th day of September, 2014, by Don Juravin, who is personally known to me or who has produced FLDL as identification.



NOTARY PUBLIC, State of Florida

My Commission Expires Nov 20, 2017

EXHIBIT A

www.pissedconsumer.com


Complaints Categories For Business **Submit Complaint** Login | Signup

VIEW ARREST RECORDS ONLINE See Anyone's Public Records Instantly. Enter ANY Name and Search.

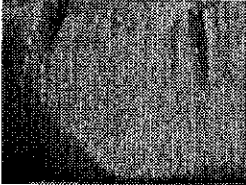
Consumer complaints and reviews about products and services

Did you get scammed?

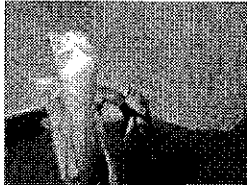
Featured Reviews



"So had to take a last minute trip to Philadelphia. Arrived at 12:15 this morning and couldn't get any discount rate prior to arriving. Had to book a car for..."



"Got a new Ventura sofa mid July and within two weeks it started matting and looking terrible. Sears has not picked it up or refunded the product even after..."



"Ordered a simple calla lilies composition for my wedding in Arlington VA. The flowers delivered were rotten and the vase was broken! Imagine my surprise when I call the service..."

Remove Your Information

intenseinformation.com/RemoveInfo

Remove Online Information Fast!
#1 Online Information Removal

Most Complained About Companies

- 1 Walmart
- 2 Pizza Hut
- 3 FedEx
- 4 Jibco...

EXHIBIT B

www.pissedconsumer.com/post-complaint.html

Pissed Consumer Complaints Categories For Business [Help Center](#) [FAQ](#) [Contact Us](#) [Login](#) [Signup](#)

Submit Review

Regular free **Premium** \$5⁹⁹/month

All fields below are required.

Your issue in several words, this will be the review title

Required field

What exactly happened, at least 100 words

Company

Category

☐ **I have read and agree to the Pissed Consumer [Terms of Service](#)**

You will not be able to edit your review, however, we allow adding on to it. Don't create an account during the submission process.

Submit Complaint

Relevant documents and proves (optional)

Anything, that makes your story more credible. scans of receipts, screenshots, photos of goods, videos with personal appeal, etc.

Images or PDFs Record video Link to YouTube

EXHIBIT C

Subscription Receipt for Pissed Consumer Promoted Article FP

Hello Roca Labs Pharmaceuticals USA,

You have successfully signed up for a subscription to Pissed Consumer Promoted Article FP using PayPal. Your first subscription payment, for \$5.99 USD, has already been sent to Opinion Corp.

Subscription Details

Date of sign up: Sep 22, 2014
Subscription Name: Pissed Consumer Promoted Article FP
Subscription Number: S-3KD74890JB858553S
Item Number: pc-fp2-2008
Subscription Terms: \$5.99 USD for each month

Your subscription will automatically renew at the rates stated above unless you cancel prior to the end of the billing period.

If you have any questions or concerns about this subscription, please contact Opinion Corp.

Contact Information

Business Name: Opinion Corp
Contact Email: support@pissedconsumer.com
Contact Phone:

Notification Preferences

Your Email Notification Preferences are currently set so that you will not receive an email receipt each time a payment is sent for this subscription. If you would like to receive an email receipt each time payment is sent for this subscription, log in to your PayPal account and go to your Profile to update your settings.

Cancelling Your Subscription

If you would like to cancel this subscription, log in to your PayPal account and go to the "History" subtab of the "My Account" tab. Choose "Subscriptions" from the pull-down "Show" menu and press the "Submit" button. Choose this subscription, and click on its "Details" link. You will be taken to a Transaction Details page from which you may cancel your subscription. Cancelling your subscription will immediately stop all future scheduled payments for this subscription.

EXHIBIT D

[Home](#)
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[Contact](#)
[Privacy Policy](#)
[Terms of Service](#)
[Feedback](#)
[Help](#)
[Sign Up](#)
[Log In](#)

[Complaints](#)
[Categories](#)
[For Business](#)
[Submit Complaint](#)

If you live in California and have been threatened by Roca Labs, please contact us at [PissedConsumer](#).


Alfonso Ribeiro Amazed by Roca Labs

Examine this review

1 of 37 Roca Labs Reviews

2 users Tampa, Florida Entertainment

4 reviews ago review #107942 by anonymous



Alfonso Ribeiro reviews Roca Labs

Alfonso Ribeiro and Dancing With The Stars celebrities have reviewed the invention that can help you lose 100 pounds without surgery. He had met and reviewed 4 users who lost about 100 pound without a surgery:

- > Chris (Texas) has lost 98 lb
- > Richard (Oregon) has lost 105 lb
- > Roxie (Ohio) diabetic has lost 83 lb

Recently Discussed Reviews

Under and Under - Under & Under, a warning to all! 12 minutes ago

Billion and Trillions - Review 12 minutes ago

Alfonso is getting worse and worse 14 minutes ago

Philo Lay - Entice straight kids to gay sex 15 minutes ago

Rich Lay - Roca Labs not suitable...respond with soft voice 16 minutes ago

EXHIBIT E

From: service@paypal.com <service@paypal.com>
Date: Mon, Sep 22, 2014 at 8:20 PM
Subject: Your subscription to Pissed Consumer Promoted Article FP has been cancelled
To: don@juravin.com

Hello Roca Labs Pharmaceuticals USA,

Your subscription to Pissed Consumer Promoted Article FP has been cancelled by Opinion Corp.

You will not be billed for this subscription again.

Cancellation Details

Cancellation Date: Sep 22, 2014
Subscription Name: Pissed Consumer Promoted Article FP
Subscription Number: S-3KD74890JB858553S
Item Number: pc-fp2-2008

Contact Information

If you have any questions about this subscription, please contact Opinion Corp.

Business Name: Opinion Corp
Contact Email: support@pissedconsumer.com
Contact Phone:

Sincerely,
PayPal

PROTECT YOUR PASSWORD

NEVER give your password to anyone, including PayPal employees. Protect yourself against fraudulent websites by opening a new web browser (e.g. Internet Explorer or Firefox) and typing in the PayPal URL every time you log in to your account.