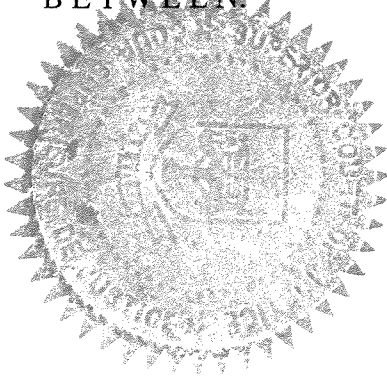


CV-12-00454115-0000

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:



TRIFECTA CREATIONS INC.

Plaintiff

- and -

JENNIFER LYNN REDHEART

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. **IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES**, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$1,000.00 for costs, within the time for serving and filing your Statement of Defence, you may move to have this proceeding dismissed by the Court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400.00 for costs and have the costs assessed by the Court.

Date: 22nd May 2012.

Issued by ----- *A. Vasilunas*

Address of Court Office:
393 University Avenue
Toronto, Ontario M5G 1E6

TO: Jennifer Lynn Redheart
16017 SE 258th Street
Covington, Washington
USA 98042

CLAIM

1. The Plaintiff claims:

- (a) \$10,000,000 in damages;
- (b) an accounting of all the monies received by the Defendant directly or indirectly through the Defendant's use of the Plaintiff's property or assets;
- (c) payment to the Plaintiff of all monies received by the Defendant directly or indirectly through the Defendant's use of the Plaintiff's property or assets
- (d) aggravated, exemplary and punitive damages in the amount of \$2,000,000;
- (e) declaration that the Defendant holds all personal property or any other asset taken by her from the Plaintiff as a constructive trustee for the benefit of the Plaintiff;
- (f) the return to the Plaintiff of all personal property or any other assets taken by the Defendant from the Plaintiff;
- (g) an interim, interlocutory and permanent injunction restraining the Defendant from using any of the personal property or other assets taken by her from the Plaintiff;
- (h) prejudgment and postjudgment interest pursuant to the Courts of Justice Act, R.O.S. 1990, c. C.43, as amended;
- (i) the Plaintiff's costs in this matter on a full indemnity scale;
- (j) such further and other relief as this Honourable Court may permit.

2. The Plaintiff is a corporation incorporated pursuant to the Laws of the Province of Ontario, having its head office in Toronto, Ontario and carrying on business as an owner and operator of various internet websites providing entertainment services for the public.
3. The Defendant, is a former employee and minority shareholder of the Plaintiff and resides in Covington, Washington State, one of the United States of America.
4. The Plaintiff owns and operates various internet websites using the domain names: onhercam.tv, onhercam.com and onhercamnetwork.com. , camwithcarmen.xxx, camwithsweetvic.com, luxxxie.com, camwithvicky.com, webgirlforum.com, xoeve.com, camarellacams.com, veronicasvice.com, SweetVic.com, TheAriDee.com, FemmeEden.com, ElouisePlease.com, Luxxxie.com, LitaLenee.com, viorotica.com, gotgisele.com. and camwithcarmen.com. The websites using these domain names provide entertainment services to the public.
5. The above websites contain images and other content in which copyright subsists in Canada and the Plaintiff owns copyright. The Plaintiff's rights in the said content are deemed to be infringed by any person who, among other things, reproduces that content or any substantial part thereof or authorizes any such acts without a license from the Plaintiff.
6. The Defendant was until recently an employee of the Plaintiff and remains a 25 percent shareholder of the Plaintiff
7. The domain names referred to above are maintained by the registrar Godaddy.com.

8. On or about April 20, 2012 the defendant unlawfully and without authority transferred the aforesaid domain names to herself and the Defendant has been operating the websites using these domain names and collecting and using the revenue from the operation of these domain names since that time.
9. On or about April 20, 2012 the defendant unlawfully and without authority or licence misappropriated the Plaintiff's intellectual property rights in the content of the aforesaid websites by reproducing said content or a substantial part of same, or authorizing the reproduction of said content, or a substantial part of same. The Defendant is now using said content in her own websites or websites owned by her companies.
10. The Defendant has infringed the Plaintiff's rights in the content contrary to the *Copyright Act*, by reproducing the content, or a substantial part of it, as outlined above, or authorizing others to do so, without authority.
11. The full extent of the infringement by the Defendant is not yet known by the Plaintiff but the Plaintiff claims in respect to any such use and infringement.
12. The Plaintiff has been damaged by the Defendant's actions and the Defendant has unlawfully profited through the use of the Plaintiff's content websites and domain names.
13. The Plaintiff states and the fact is that the Defendant has converted the said domain

names to her own use and has wrongly deprived the Plaintiff thereof and by reason of this the Plaintiff has suffered significant loss and damage. Particulars of such loss and damages will be provided prior to trial.

14. Further to the forgoing by reason of the Defendant's wrongful taking of the above referenced domain names, the Plaintiff has been wrongfully deprived of its personal property and has been prevented from carrying on its business and therefore deprived of the profits which it would otherwise have made and therefore has suffered loss and damage. Particulars of the said loss and damage will be provided prior to trial.
15. The Plaintiff further states and the fact is that the Defendant has induced various employees and contractors of the Plaintiff to leave the employ of the Plaintiff or to breach their contract with the Plaintiff, as the case may be, and to enter into contractual relationships with the Defendant or her companies and that by so doing the Defendant has induced said employees and contractors to breach their contracts with the Plaintiff and has unlawfully and tortiously interfered in the Plaintiff's economic interest.
16. The Plaintiff further states and the fact is that the Defendant has taken and is holding other property of the Plaintiff including but not limited to computer equipment and information contained on the said computer which information includes but is not limited to: customer information; billing information; financial information etc. The Plaintiff is not at this time fully aware of all the information taken by the Defendant and the full extent of the Defendant's actions and breaches are not yet known to the Plaintiff but the

Plaintiff claims and respect to all such actions and breaches.

17. The Plaintiff further states and the fact is that the Defendant has been falsely and maliciously writing, publishing and broadcasting statements alleging that the Plaintiff and its officers are engaged in theft, fraud and other unlawful acts.
18. By reason of the publication of the said words, the Plaintiff has been greatly injured in its credit and reputation and has been brought into scandal, odium and contempt.
19. The Plaintiff is serving this pleading outside of Ontario pursuant to the provisions of Rule 17 of the Rules of Civil Procedure made under the Courts of the Justice Act R.R.O. 1990 Regulation 194. In particular the Plaintiff's claims relate to personal property in Ontario, a contract made in Ontario, a tort committed in Ontario and damages sustained in Ontario and the Plaintiff seeks an injunction ordering the Defendant to do or refrain from doing something in Ontario affecting personal property in Ontario.
20. The actions of the Defendant has been malicious, vindictive and highhanded and demonstrate a complete disregard for the rights and interests of the Plaintiff and as such warrant an award of aggravated, exemplary and punitive damages.
20. The Plaintiff proposes that this action be tried at Toronto.

- 22ND - m
Date: May ~~47~~, 2012

ZALDIN AND FINE LLP

Barristers and Solicitors

Suite 900

60 Yonge Street

Toronto, Ontario

M5E 1H5

Stephen R. Jackson

Law Society No.: 21708P

Tel. No. 416-868-1431

Fax No. 416-868-6381

Lawyers for the Plaintiff

CV-12-0045415-0000

TRIFECTA CREATIONS INC.
Plaintiff

vs.

JENNIFER LYNN REDHEART
Defendant
Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at Toronto

STATEMENT OF CLAIM

ZALDIN AND FINE LLP
Barristers and Solicitors
Suite 900
60 Yonge Street
Toronto, Ontario
M5E 1H5

Stephen R. Jackson
Tel. No. 416-868-1431
Fax No. 416-868-6381
Law Society Number 21708P
Solicitors for the Plaintiff