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 9 ROBBINS RESEARCH INTERNATIONAL, INC.

**FILED**  
 LOS ANGELES SUPERIOR COURT

APR 23 2008

JOHN A. CLARKE, CLERK  
 BY D.M. SWAIN, DEPUTY

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

ROBBINS RESEARCH  
 INTERNATIONAL, INC., a corporation,

Plaintiff,

vs.

STEPHEN PIERCE, an individual,  
 STEPHEN PIERCE INTERNATIONAL  
 INC., a corporation; IMPULSIVE PROFITS,  
 INC., a corporation; and DOES 1 through  
 50, Inclusive,

Defendants.

CASE NO. BC389606

COMPLAINT FOR:

1. VIOLATION OF CALIFORNIA CIVIL CODE § 3344;
2. MISAPPROPRIATION OF COMMON LAW RIGHT OF PUBLICITY;
3. UNFAIR COMPETITION [CAL. BUS. & PROFS. CODE §17200];
4. FALSE DESIGNATION OF ORIGIN [VIOLATION OF THE LANHAM ACT, 15 U.S.C. § 1125(a)];
5. PRELIMINARY AND PERMANENT INJUNCTION

[JURY TRIAL DEMANDED]

Plaintiff ROBBINS RESEARCH INTERNATIONAL, INC. (hereinafter "RRI" and/or "Plaintiff") alleges as follows:

**THE NATURE OF THIS ACTION**

1. This action is necessitated by defendant Stephen Pierce's ("Pierce") intentional fraudulent advertising and blatant misappropriation of world renowned motivational speaker and author Anthony Robbins' celebrity name and persona for his own economic advantage to promote and advertise his business ventures. Without authorization, defendants have knowingly deceived

ORIGINAL

CLERK/CLERK-BC389606 LK/DEFH  
 RECEIPT # 3-CH1221236  
 DATE PAID: 4/23/08 09:20:34 PM  
 PAYMENT: \$425.00  
 RECEIVED:  
 CHECK: 80.00  
 CASH:  
 CHANGE  
 CARD:

1 the public and falsely advertised and promoted their services, products and business ventures,  
2 alleging that they are purportedly authorized by, affiliated with or in some manner endorsed by  
3 Anthony Robbins and RRI.

4 2. Notwithstanding several written notices to Pierce that defendants are not authorized  
5 to use Mr. Robbins' name or endorsement in any fashion, nor promote themselves as being  
6 endorsed by or affiliated with RRI, Pierce, individually and through his companies, Stephen Pierce  
7 International Inc., and Impulsive Profits, Inc., have continued in their fraudulent scheme,  
8 misappropriation and unfair business practices for purposes of advertising and selling, or soliciting  
9 purchases of, their products, merchandise, goods and/or services.

10 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

11 **The Parties**

12 3. Plaintiff Robbins Research International, Inc. (hereinafter "RRI" and/or "Plaintiff")  
13 is, and at all times relevant hereto was, a corporation organized and existing by virtue of the laws  
14 of the State of Nevada, with its principal place of business in the State of California, and doing  
15 business in the County of Los Angeles, State of California. Anthony Robbins (sometimes referred  
16 to herein as "Robbins"), a resident of the State of California, is a world-renowned and highly  
17 popular peak performance and self fulfillment speaker, lecturer and author. RRI, by assignment  
18 or other agreement, owns, controls and/or manages the commercial use of the name and brand  
19 "Anthony Robbins", and that of Mr. Robbins' corresponding right of publicity in and to his name,  
20 likeness and persona.

21 4. Plaintiff is informed and believes and based thereon alleges that Defendant  
22 STEPHEN PIERCE (sometimes referred to herein as "Pierce") is, and at all times relevant hereto  
23 was, an individual residing in the State of Michigan, and doing business in the County of Los  
24 Angeles, State of California.

25 5. Plaintiff is informed and believes and based thereon alleges that Defendant  
26 STEPHEN PIERCE INTERNATIONAL INC (sometimes referred to herein as "SPII") is, and at  
27 all times relevant hereto was, a corporation organized and existing by virtue of the laws of the  
28 State of Texas, with its principal place of business in the State of Michigan, and doing business

1 in the County of Los Angeles, State of California. Plaintiff is informed and believes and based  
2 thereon alleges that Defendant Pierce is an owner, director and/or principal of SPII.

3 6. Plaintiff is informed and believes and based thereon alleges that Defendant  
4 IMPULSIVE PROFITS, INC., d/b/a "Stephen Live" andr "StephenLive.com" and  
5 "OptimizationSeries.com" (sometimes collectively referred to herein as "IPI") is, and at all times  
6 relevant hereto was, a corporation organized and existing by virtue of the laws of the State of  
7 Michigan, with its principal place of business in the State of Michigan, and doing business in the  
8 County of Los Angeles, State of California. Plaintiff is informed and believes and based thereon  
9 alleges that Defendant Pierce is an owner, director and/or principal of IPI. Pierce, SPII and IPI  
10 shall sometimes collectively hereinafter be referred to as the "Pierce Defendants" and/or  
11 "Defendants").

12 7. Plaintiff is informed and believes and based thereon alleges that the Pierce  
13 Defendants, and each of them, were the agents, employees, partners, joint-venturers, co-  
14 conspirators, owners, principals, and employers of the remaining Defendants, and each of them,  
15 and are, and at all times herein mentioned were, acting within the course and scope of that agency,  
16 partnership, employment, conspiracy, ownership, or joint venture. Plaintiff is further informed  
17 and believes and based thereon alleges that the acts and conduct herein alleged of each such Pierce  
18 Defendant were known to, authorized by, and/or ratified by the other Pierce Defendants, and each  
19 of them.

20 8. Plaintiff is informed and believes and based thereon alleges that SPII and IPI and  
21 Does 1 through 50, inclusive, were and are completely owned, controlled, dominated, used,  
22 managed and operated by and on behalf of Pierce and intermingled their assets and identities to  
23 such an extent that SPII and IPI and Does 1 through 50, inclusive, are the alter ego of Pierce, and  
24 are one and the same. Plaintiff further alleges on the basis of information and belief that SPII and  
25 IPI intermingled their assets and identities to such an extent that they are alter egos of one another,  
26 and/or that SPII and IPI are mere shells by which Pierce and his entities conducts business, or visa  
27 versa. Plaintiff is informed and believes and based thereon alleges that at all times mentioned  
28 herein there existed a unity of interest and ownership between Pierce, SPII, IPI and Does 1-5,

1 inclusive, such that the individuality and separateness between them has ceased and that SPII, IPI  
2 and Does 1-5 were and are the alter egos of Pierce, in that, among other things: (a) Pierce  
3 controls, dominates, manages and operates SPII, IPI and Does 1-5 as his alter egos; (b) there has  
4 been a failure to comply with or observe the formalities of corporate formation and/or operation;  
5 (c) SPII, IPI and Does 1-5 were and are so inadequately capitalized as to not be able to carry out  
6 their intended business and to pay their debts and obligations as they fell due; and (d) that the  
7 individuality of SPII, IPI and Does 1-5 is a total sham and fiction, that the adherence to the  
8 function of the separate existence of each of those entities would promote injustice and sanction  
9 fraud upon Plaintiff, and should be disregarded.

10 9. Plaintiff is informed and believes and based thereon alleges pursuant to Code of  
11 Civil Procedure §474, that the fictitiously-named Defendants sued herein as Does 1 through 50,  
12 inclusive, and each of them, were in some manner responsible or legally liable for the actions,  
13 events, transactions and circumstances alleged herein. The true names and capacities of such  
14 fictitiously-named Defendants, whether individual, corporate, associate or otherwise, are presently  
15 unknown to Plaintiff and Plaintiff will seek leave of Court to amend this Complaint to assert the  
16 true names and capacities of such fictitiously-named Defendants when the same have been  
17 ascertained. For convenience, each reference to a named Pierce Defendant herein shall also refer  
18 to the Doe Defendants, and each of them.

19 **Background Facts**

20 10. RRI, guided by its Chairman, Anthony Robbins, is a world renowned leader in peak  
21 performance strategies dedicated to creating personal fulfillment, success, and extraordinary  
22 quality of life for individuals and organizations throughout the world. As the recognized leader  
23 in peak performance and self-development training, RRI creates and simplifies the tools and  
24 resources that transform customers' lives. In association with its strategies, products and services,  
25 RRI owns, controls and manages the mark and brand "Anthony Robbins" and "Tony Robbins,"  
26 and that of the corresponding right of publicity in and to Mr. Robbins' name, likeness and  
27 persona. In addition, RRI, owns, controls and manages the various seminars featuring Robbins,  
28 including without limitation the hugely popular "Unleash The Power Within" and "Wealth

1 "Mastery" seminars which are conducted throughout the world.

2 11. Robbins is a highly popular, talented, acclaimed and sought after motivational  
3 speaker, lecturer and author. Through his hard work and talents, Robbins has established a world-  
4 wide following and interest in his teachings, methodologies and seminars. He has presented his  
5 seminars to top world leaders and political figures, world business leaders, celebrities and millions  
6 of others both personally and through his videotaped and televised seminars. Robbins' services  
7 are widely sought throughout the world. In addition, Robbins has appeared on and been featured  
8 in numerous television programs, talk shows, business panels, meetings with world leaders, and  
9 his photograph has appeared in and on covers of popular magazines world-wide. Due to Robbins'  
10 widely recognized name and persona, his name, image, voice and likeness are uniquely identifiable  
11 throughout the United States and the world and have acquired secondary meaning and affiliation  
12 with Robbins, RRI and their services and products, including their seminars, videotapes,  
13 pamphlets, books and related materials.

14 12. In 1998, RRI filed a trademark registration application for Robbins' name,  
15 "ANTHONY ROBBINS", with the United States Patent and Trademark Office. In 2000 the  
16 United States Patent and Trademark Office issued a trademark/trade name registration to RRI for  
17 the name "ANTHONY ROBBINS", Registration No. 2305962. RRI, by assignment from and/or  
18 other agreement with Robbins, markets and sells in interstate commerce, throughout the world,  
19 various products and services in connection with Robbins' peak performance and self development  
20 seminars, teachings and methodologies. Such products include, without limitation, seminars,  
21 books, pamphlets, videotapes, audiotapes and compact discs.

22 13. Robbins has established an exceedingly valuable reputation and goodwill among the  
23 consuming public as a result of his activities described above. Based on Robbins' huge popularity,  
24 his name, image, voice and likeness have gained worldwide recognition among the public.  
25 Accordingly, Robbins and RRI have a substantial investment in the drawing power and  
26 commercial value of Robbins' name, reputation and image. The commercial value of Robbins'  
27 identity can be diminished by an unauthorized use of his name, image and persona.

28 ///

1           14. RRI carefully limits and vigorously protects and defends the good will and value  
2 of Robbins' name, reputation and image. Robbins rarely appears in advertising for products or  
3 company brands other than those of his own companies. RRI exercises careful consideration prior  
4 to permitting commercial uses of Robbins' name, image and likeness for any purpose in order to  
5 ensure that he is associated with products, entertainment, services and/or companies in which he  
6 personally believes, to ensure that the value of his persona is not diminished either by association  
7 with products, services and/or companies which he does not personally desire to support, and/or  
8 by over-saturation of his image. RRI exercises careful consideration as to any uses of Robbins'  
9 name and likeness to maximize the commercial value in his identity, and to limit the potential  
10 harmful consequences to that commercial value caused by improper and inappropriate use of his  
11 image.

12           15. RRI's services and products, as referenced herein, includes wealth and success  
13 building seminars/conventions, including the Anthony Robbins' Wealth Mastery Seminar ("Wealth  
14 Mastery Seminar"). The Wealth Mastery Seminar includes individual seminars/presentations from  
15 Robbins and from RRI success coaches, as well as a number of different one-off special topic  
16 seminar sessions. RRI, directly or through a licensee, hires a number of guest speakers to provide  
17 special topic coaching session seminars. Wealth Mastery Seminar guest speakers do not have the  
18 right or authority to, and are prohibited from, using or selling any content from a Wealth Mastery  
19 Seminar. Likewise, any persons hired as a guest speaker do not have or in any manner acquire  
20 the right or authority to thereafter use or exploit Robbins' name, reputation and image in  
21 promotion or endorsement of their own products and/or services, nor are they authorized to use  
22 their participation in the Wealth Mastery Seminar to promote or advertise their separate goods or  
23 services nor to advertise or promote an affiliation with or endorsement by Robbins or RRI.

24           16. Plaintiff is informed and believes and based thereon alleges that the Pierce  
25 Defendants are engaged in the business of marketing "wealth coach" or "success coach" services  
26 and materials in, primarily, the realm of starting and marketing Internet based businesses. In or  
27 about June 2007, Pierce was employed through a RRI affiliated Wealth Mastery Seminar licensee  
28 in Australia, Empowernet, to render limited services as one of many guest speakers at a Wealth



1 Mastery Seminar in Australia. Pierce's presentation involved a short demonstration of how to start  
2 an online based business, which included use of a working example demonstration website created  
3 specifically for the event in association with his employment (collectively, the "online  
4 presentation").

5 **The Misappropriation**

6 17. Without authorization, and unbeknownst to RRI, Pierce secretly videotape and/or  
7 audiotape recorded his presentation at the Wealth Mastery Seminar. Subsequent to Pierce's  
8 limited guest speaking appearance at the Wealth Mastery Seminar, the Pierce Defendants sought  
9 to defraud and undercut RRI by the unauthorized sale of copies of Pierce's presentation at the  
10 Wealth Mastery Seminar. To that end, the Pierce Defendants began marketing and selling  
11 recorded copies of both his online presentation from the Wealth Mastery Seminar and that of other  
12 presentations. The Pierce Defendants began to advertise and sell the online presentations directly  
13 on their own independent websites, including, but not limited to, on the websites operated at  
14 "stephenlive.com" and "stephenpierceatwealthmastery.com" and "OptimizationSeries.com" (the  
15 "Pierce Defendant Websites" and/or "Website(s)"). The Pierce Defendant Websites are  
16 interactive commercial websites which advertise to and sell products and services to consumers  
17 and Internet users located in Los Angeles, California.

18 18. In addition, the Pierce Defendant Websites have used and have prominently featured  
19 Robbins' name and photograph, without RRI's or Robbins' consent. The Pierce Defendants  
20 utilized Robbins' name and photograph specifically to promote and advertise Pierce's services and  
21 to market the Defendants' business ventures and products, including the unauthorized sale of video  
22 segments from the Wealth Mastery Seminar. On one or more occasions the Pierce Defendants  
23 prominently featured Robbins' name and photograph on the top banner of the first page of one of  
24 the Pierce Defendant Websites. They also made numerous references to Robbins and the Wealth  
25 Mastery Seminar throughout the Website. For example, a banner advertisement that prominently  
26 appeared on the Pierce Defendants' Websites offered "A Free 30-Min. Coaching Session With  
27 a Tony Robbins/Empowerment Wealth Coach." The Pierce Defendant Websites also offered  
28 a "one-on-one phone coaching appointment with an Anthony Robbins Success Coach." The

1 prominent use of Robbins' photograph and repeated references to his name and the Wealth  
2 Mastery Seminar causes, or is intended to cause, consumer confusion as to Robbins' nonexistent  
3 endorsement of and purported affiliation with the Pierce Defendants, their Website, companies and  
4 products.

5 19. The Pierce Defendants go so far as to blatantly interfere with the sale of RRI's own  
6 services and authorized products in a scheme of intentional fraudulent advertising and blatant  
7 misappropriation of Robbins' celebrity name and persona for their own economic advantage. The  
8 following statements, among many others, prominently appeared on the Pierce Defendant  
9 Websites:

10 "The people attending the event where [he] spoke and this video was  
11 captured paid \$8000 to attend, but you can have access to that video  
12 without spending \$8000."

13 ...

14 "Now you can have access to a Tony Robbins coach. ... Consultation  
15 with an Anthony Robbins Success Coach"

16 ...

17 "How could this be? Such an incredible value and training and video  
18 presentation from the Wealth Mastery Seminar, all for such a low  
19 investment?"

20 20. In furtherance of the intentional commercial misappropriation of Robbins' name and  
21 likeness, the Pierce Defendants made and displayed the following false statements, among others,  
22 on the Pierce Defendant Websites:

23 "To make this new opportunity work for you, Stephen had to get  
24 permission from Anthony Robbins Companies in order to record his  
25 speaking sessions at Wealth Mastery and make them available to you.  
26 This is actually a really big deal because this is one of the first times  
27 ever that one of the speakers from Wealth Mastery is being allowed to  
28 record their sessions and make them available for public sale. ..."



1 The afore listed statements and representations are false and fraudulent. The Pierce Defendants  
2 were not granted permission from Robbins nor RRI to record the Wealth Mastery Seminar, and  
3 they were not granted license or permission to make copies of any portion of the Wealth Mastery  
4 Seminar available for public sale. Likewise, the Pierce Defendants have never been authorized  
5 to advertise or promote any purported coaching session with a "Tony Robbins/Empowerment  
6 Wealth Coach" or an "Anthony Robbins Success Coach."

7 21. In their own clear admissions against interest, the Pierce Defendants have also made  
8 the following statements about their fraudulent scheme:

9 "Stephen was speaking at the Wealth Mastery Leadership bonus day ...  
10 And Stephen's wife, Alicia, used her small pocket camera and recorded  
11 almost 50 minutes of rare leadership training from Stephen's  
12 presentation. ... this truly is bootlegged video ..."

13 22. The Pierce Defendants have no right or authority to license, exploit, reproduce or  
14 sell any portion of RRI's seminars, nor do they have the right or authority to use Robbins' name,  
15 image or likeness for any commercial purpose. The Pierce Defendants have engaged in a scheme  
16 of intentional fraudulent advertising and blatant misappropriation of Robbins' celebrity name and  
17 persona for their own economic advantage. The Pierce Defendants have been advised on  
18 numerous occasions, both in writing and orally, that they do not have the right or authority to use  
19 Robbins' name, image or likeness for any commercial purpose, nor do they have the right or  
20 license to license, exploit, reproduce or sell any portion of any RRI's seminars.

21 23. The Pierce Defendants have likewise engaged in a scheme to market, promote and  
22 sell goods and services in interstate commerce pertaining to, based on or affiliated with RRI  
23 and/or Robbins' seminars, teachings and methodologies and/or which otherwise directly compete  
24 with the goods and services offered to the public by RRI. The Pierce Defendants are promoting  
25 and advertising their competing goods and services on the Pierce Defendants Website in a manner  
26 that implies and suggests that Robbins is affiliated with, has authorized or endorses the Pierce  
27 Defendants, the Pierce Defendants Website and the information, products and/or services offered  
28 at and through the Pierce Defendants Website - all of which RRI and Robbins are not affiliated

1 with, and does not authorize or endorse.

2 24. By these actions, the Pierce Defendants have knowingly and fraudulently, and  
3 without any right, title or authorization, used Robbins' name, image and likeness for the  
4 commercial purpose of falsely advertising, selling and promoting their business, products and  
5 services without Robbins' and/or RRI's consent.

6 25. The Pierce Defendants advertise, promote and market their Websites and the goods  
7 and services offered thereon by associating them with Robbins' name and the mark ANTHONY  
8 ROBBINS in order to make it appear to potential customers that the Pierce Defendants are lawfully  
9 endorsed by or affiliated with Robbins and RRI. The Pierce Defendants' use of Robbins' name  
10 and mark ANTHONY ROBBINS is likely causing confusion among the consuming public, who  
11 are being led to believe that Robbins is affiliated with the Pierce Defendants and/or has authorized  
12 or endorsed the Pierce Defendants, the contents contained on the Pierce Defendants Website,  
13 including the promotion and sale of Pierce Defendants' competing products and services thereon.

14 26. The Pierce Defendants' use of Robbins' name and the sale of goods and services  
15 at and through the Pierce Defendants Website, further cause confusion by, among other things,  
16 leading Internet users to the Pierce Defendants Website when such users enter the words  
17 "ANTHONY ROBBINS" on an Internet search engine. The Pierce Defendants' use of Plaintiff's  
18 trade name and mark causes confusion because the goods and services offered by Pierce  
19 Defendants on the Pierce Defendants Website directly compete with goods and services offered  
20 by Plaintiff on and through its authorized Internet websites and other channels of commerce.  
21 Specifically, Defendants' goods and services are similar in nature to goods and services offered  
22 by Plaintiff and, indeed, Pierce Defendants' goods and services are purportedly based on or are  
23 bootleg copies of a portion of RRI's Wealth Mastery Seminar. Therefore, Internet users looking  
24 for websites in connection with Plaintiff and goods and services offered by it, are instead lead to  
25 the Defendants' Website, which uses Plaintiffs name and image to market and sell Defendants'  
26 similar and competing products and services in California as though endorsed by or affiliated with  
27 Plaintiff.

28 ///

1           27.     Notwithstanding several warnings, the Pierce Defendants have continued in their  
2 misappropriation of Robbins' name and photograph and unfair business practices for purposes of  
3 advertising and selling, or soliciting purchases of, their products, merchandise, goods and  
4 services. Pierce has knowingly deceived the public and falsely advertised and promoted the Pierce  
5 Defendants' services, products and business ventures purportedly being authorized by, affiliated  
6 with or in some manner sponsored by Robbins and RRI.

7                               **FIRST CAUSE OF ACTION**

8                               **(Violation Of California Civil Code §3344)**

9                               **Against All Defendants**

10           28.     Plaintiff repeats, realleges, adopts and incorporates each and every allegation  
11 contained in Paragraphs 1 through 27, inclusive, as though fully set forth herein.

12           29.     At all times relevant hereto, RRI had, and still has, the exclusive assigned right  
13 from Robbins to authorize and license the use of Robbins' name, photograph, image and likeness  
14 for commercial purposes. RRI never consented to the use of Robbins' name, image or likeness  
15 for any purpose or in any manner by any of the Pierce Defendants, and specifically never  
16 consented to the use of Robbins' name, image or likeness to promote the Pierce Defendants, nor  
17 to endorse, promote, advertise, sponsor or recommend in any manner their business ventures or  
18 any other products or services of the Pierce Defendants.

19           30.     RRI is informed and believes and based thereon alleges that the Pierce Defendants,  
20 and each of them, intentionally and/or knowingly and fraudulently caused Robbins' name,  
21 photograph, image and likeness to be utilized in connection with the promotion or advertising of  
22 their business ventures, products and/or services.

23           31.     RRI is informed and believes and based thereon alleges that the manner in which  
24 use of Robbins' name, photograph, image and likeness were depicted to the public was grossly  
25 misleading and deceptive in that it appears that RRI agreed to permit the use of Robbins' name,  
26 photograph, image and likeness in the manner herein alleged, or promotes and/or endorses the  
27 products and/or the Pierce Defendants in the manner described when, in fact, RRI and Robbins  
28 do not and did not consent to any of the foregoing.

1           32. Robbins has developed and cultivated his image and persona to create his celebrity  
2 and recognition, and RRI has developed and cultivated the name recognition and value of the  
3 Anthony Robbins brand and services, and the Pierce Defendants, and each of them, have, without  
4 any right, title or authorization, misappropriated RRI's valuable publicity rights and the success  
5 and popularity of Robbins by illegally using his name, photograph, image and likeness for the  
6 aforesaid commercial purpose.

7           33. The conduct of the Pierce Defendants, and each of them, as alleged hereinabove,  
8 constitutes a violation of California Civil Code §3344 due to the knowing and unauthorized use  
9 by the Pierce Defendants, and each of them, of Robbins' name, photograph, image and likeness  
10 for commercial purposes. Robbins' name, photograph, image and likeness have substantial  
11 commercial value. RRI rarely agrees to license the use of Robbins' name, photograph, image or  
12 likeness for commercial purposes (separate from in conjunction with its own products), and never  
13 would authorize use of the Robbins' name, photo and mark in connection with competing services  
14 and products.

15           34. As a direct and proximate result of the aforesaid wrongful acts of the Pierce  
16 Defendants, and each of them, RRI has been damaged in an amount that is not yet fully  
17 ascertainable, but which is believed to be in excess of the jurisdictional minimum of this Court.  
18 When RRI has ascertained the full amount of damages, it will seek leave of Court to amend this  
19 Complaint accordingly.

20           35. As a direct and proximate result of the aforesaid wrongful acts of the Pierce  
21 Defendants, and each of them, RRI has incurred and will continue to incur substantial attorney  
22 fees and costs. RRI is entitled to an award of his attorney fees and costs incurred in connection  
23 with this litigation pursuant to Section 3344 of the California Civil Code.

24           36. By reason of the aforesaid wrongful acts of the Pierce Defendants, and each of  
25 them, in addition to the relief sought hereinabove, RRI is entitled to an accounting of all gross  
26 revenues and profits received, directly and indirectly, by the Pierce Defendants, and each of them,  
27 as a result of the unauthorized use of Robbins' name, photograph, image and likeness, including  
28 from the sale of any of Pierce Defendants' services and products, and to an award of all such

1 sums. By reason of the Pierce Defendants', and each of their, wrongful acts as alleged  
2 hereinabove, the Pierce Defendants, and each of them, are involuntary trustees holding all such  
3 sums in their possession under a constructive trust for the benefit of RRI with a duty to transfer  
4 the same to RRI forthwith.

5 37. RRI is informed and believes and based thereon alleges that the Pierce Defendants,  
6 and each of them, in doing the things herein alleged, acted willfully, maliciously, oppressively,  
7 and despicably, with fully knowledge of the adverse effect of their actions on RRI and with willful  
8 and deliberate disregard of the consequences to RRI. By reason thereof, RRI is entitled to recover  
9 punitive and exemplary damages from the Pierce Defendants in an amount to be determined at the  
10 time of trial.

11 **SECOND CAUSE OF ACTION**

12 **(Violation Of Right Of Publicity)**

13 **Against All Defendants**

14 38. Plaintiff repeats, realleges, adopts and incorporates each and every allegation  
15 contained in Paragraphs 1 through 27, and 29 through 34, inclusive, as though fully set forth  
16 herein.

17 39. Robbins is a highly popular, talented, acclaimed and sought after peak performance  
18 and self enhancement speaker, lecturer and author. Through his hard work and talents, Robbins  
19 has established a world-wide following and interest in his teachings, methodologies and seminars.  
20 He has presented his seminars to top world leaders and political figures, world business leaders,  
21 celebrities and millions of others both personally and through his videotaped and televised  
22 seminars. Robbins' services and his and RRI's associated products are widely sought throughout  
23 the world. In addition, Robbins has appeared on and been featured in numerous television  
24 programs, talk shows, business panels, meetings with world leaders, and his photograph has  
25 appeared in and on covers of popular magazines world-wide. The Robbins brand, including  
26 Robbins' name, image, likeness and persona have become, and are very valuable and were, and  
27 are, invested with substantial goodwill in the eyes of the public. Robbins has licensed his valuable  
28 right of publicity in his name, photograph and image to RRI.

1           40. Neither Robbins nor RRI have granted authority to use said rights, in whole or in  
2 part, to the Pierce Defendants for any purpose whatsoever. The wrongful acts of the Pierce  
3 Defendants, and each of them, as alleged hereinabove, constitute a violation and misappropriation  
4 of RRI's rights in the Robbins' right of publicity, in that the Pierce Defendants, and each of them,  
5 misappropriated Robbins' name, photograph, image and likeness and used them for a commercial  
6 purpose to sell, promote and advertise their business ventures, products and services.

7           41. As a direct and proximate result of the aforesaid wrongful acts of the Pierce  
8 Defendants, and each of them, RRI has been damaged in an amount that is not yet fully  
9 ascertainable, but which is believed to be in excess of the jurisdictional minimum of this Court.  
10 When RRI has ascertained the full amount of damages, it will seek leave of Court to amend this  
11 Complaint accordingly.

12           42. RRI is informed and believes and based thereon alleges that the Pierce Defendants,  
13 and each of them, in doing the things herein alleged, acted willfully, maliciously, oppressively,  
14 and despicably, and with full knowledge of the adverse effect of their actions on RRI and with  
15 willful and deliberate disregard of the consequences to RRI. By reason thereof, RRI is entitled  
16 to recover punitive and exemplary damages from the Pierce Defendants in an amount to be  
17 determined at the time of trial.

18                               **THIRD CAUSE OF ACTION**

19                               **(Unfair Competition)**

20                               **Against All Defendants**

21           43. Plaintiff repeats, realleges, adopts and incorporates each and every allegation  
22 contained in Paragraphs 1 through 27, 29 through 34, and 39 through 40, inclusive, as though  
23 fully set forth herein.

24           44. The wrongful exploitation of Robbins' name, image, photograph and likeness, and  
25 RRI's hand and mark "Anthony Robbins," as herein alleged, by the Pierce Defendants, and each  
26 of them, constitutes unfair competition, unfair business practices and false advertising in violation  
27 of, among other things, California Business and Professions Code §§ 17200 through 17204, 17500  
28 and 17535.



1           45. RRI alleges on the basis of information and belief that the conduct of the Pierce  
2 Defendants alleged herein is such that the Pierce Defendants falsely, unfairly, deceptively,  
3 unlawfully and/or misleading stated, suggested or implied that RRI endorsed, sponsored and  
4 promoted the Pierce Defendants and/or their business ventures, events, products and services and  
5 consented to the use of the name and marks, all in a manner likely to mislead the general public.  
6 RRI further alleges on the basis of information and belief that the use of Robbins' name,  
7 photograph, image and likeness, and the trademarks and tradenames, in this context unfairly,  
8 unlawfully and falsely misled, deceived, substantially confused and/or misinformed the general  
9 public. RRI further alleges on the basis of information and belief that at all material times, the  
10 Pierce Defendants and each of them knew that their conduct alleged herein would mislead,  
11 deceive, substantially confuse and/or misinform the general public, all for the Pierce Defendants'  
12 pecuniary gain.

13           46. RRI is informed and believes and thereon alleges that as a direct and proximate  
14 result of the conduct of the Pierce Defendants and each of them, the Pierce Defendants have  
15 earned profits in an amount which has yet to be ascertained, and which RRI is entitled to receive  
16 as a result of the conduct herein alleged.

17           47. As a direct and proximate result of the aforesaid wrongful acts of the Pierce  
18 Defendants, and each of them, RRI has been damaged in an amount that is not yet fully  
19 ascertainable, but which is believed to be in excess of the jurisdictional minimum of this Court.  
20 When RRI has ascertained the full amount of damages, it will seek leave of Court to amend this  
21 Complaint accordingly.

22           48. RRI is informed and believes and based thereon alleges that the Pierce Defendants,  
23 and each of them, in doing the things herein alleged, acted willfully, maliciously, oppressively,  
24 and despicably, with full knowledge of the adverse effect of their actions on RRI and with willful  
25 and deliberate disregard of the consequences to RRI. By reason thereof, RRI is entitled to recover  
26 punitive and exemplary damages from the Pierce Defendants in an amount to be determined at the  
27 time of trial.

28 ///

**FOURTH CAUSE OF ACTION**

**(For False Designation of Origin/False Impression  
of Association [15 U.S.C. § 1125(a)])**

**Against All Defendants**

49. Plaintiff repeats, realleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 27, 29 through 34, 39 through 40, and 44 through 47, inclusive, as though fully set forth herein.

50. In connection with the Pierce Defendants' Website, goods, and services, the Pierce Defendants have knowingly misappropriated, annexed and used the name, likeness and photograph of Robbins and the marks of RRI to falsely describe or represent that the Pierce Defendants' Website, business and goods and services are associated, approved, and/or connected with Robbins and/or RRI.

51. The Pierce Defendants' use of RRI's marks and Robbins' name, likeness, and photograph in connection with the Pierce Defendants Website and the promotion, marketing, advertising and selling of the Pierce Defendants' goods and/or services is a false designation of origin and false or misleading representation of fact which is likely to cause confusion, or to cause mistake, or to deceive as to an affiliation, connection, or association between RRI and/or Robbins and the Pierce Defendants, and is likely to cause confusion, mistake or deception as to the origin, sponsorship or approval of the Pierce Defendants' Website, goods and/or services by RRI and/or Robbins.

52. RRI is informed and believes, and on that basis alleges, that the Pierce Defendants intended to, and did, confuse and mislead the public, and did represent and create the false impression that the Pierce Defendants' Website, goods and/or services are endorsed by, authorized, originated, sponsored, approved, licensed or otherwise affiliated with RRI and/or Robbins.

53. In fact, there is no direct association nor a licensing relationship between RRI and/or Robbins, on the one hand, and any of the Pierce Defendants, on the other hand. RRI has not authorized, licensed or given permission to the Pierce Defendants to use its marks nor

1 Robbins' name, likeness or photograph in any commercial or other manner whatsoever.

2 54. Thus, the Pierce Defendants have created and will continue to create a false  
3 impression concerning an association between RRI and Robbins and the Pierce Defendants, a false  
4 designation of the origin of the Pierce Defendants' Websites, goods and/or services, and confusion  
5 as to a connection between the respective parties.

6 55. As a direct and proximate result of the aforementioned acts, RRI has sustained and  
7 will continue to sustain substantial injury to its business, reputation, fame and goodwill. The  
8 amount of RRI's damages cannot be ascertained at this time but is believed to be in excess of the  
9 jurisdictional minimum of this Court.

10 56. Pursuant to 15 U.S.C. §§ 1116(a), RRI is entitled to an order enjoining the Pierce  
11 Defendants' from using RRI's marks and Robbins' name, likeness and/or pictures on or in  
12 connection with the Pierce Defendants' Websites and/or the marketing, distribution, or sale of any  
13 of the Pierce Defendants' goods or services.

14 57. Pursuant to 15 U.S.C. § 1117(a), RRI is entitled to an order requiring the Pierce  
15 Defendants to account to RRI for any and all profits derived by the Pierce Defendants from their  
16 actions, and to an order awarding all damages sustained by RRI and caused by the Pierce  
17 Defendants' conduct. The Pierce Defendants' acts make this an exceptional case under 15 U.S.C.  
18 Section 1117(a) and RRI is entitled to recover its attorneys' fees and the costs of this action.

19 58. RRI is informed and believes and based thereon alleges that the Pierce Defendants',  
20 and each of their, conduct alleged herein was intentional and without foundation in law. Pursuant  
21 to 15 U.S.C. Section 1117(a), RRI is entitled to an award of treble damages against the Pierce  
22 Defendants, and each of them.

23 **FIFTH CAUSE OF ACTION**

24 **(For Injunctive Relief)**

25 **Against All Defendants**

26 59. Plaintiff repeats, realleges, adopts and incorporates each and every allegation  
27 contained in Paragraphs 1 through 27, 29 through 34, 39 through 40, 44 through 47, and 50  
28 through 56, inclusive, as though fully set forth herein.

1           60.     RRI is informed and believes and thereon alleges that as a result of the conduct of  
2 the Pierce Defendants described herein, RRI has and will suffer great and irreparable harm and  
3 damage. RRI is informed and believes and thereon alleges that as a result of the conduct of the  
4 Pierce Defendants described herein, RRI has sustained and will sustain actual damages that may  
5 be difficult to ascertain with certainty.

6           61.     RRI alleges on information and belief that it has no adequate remedy at law for the  
7 injuries which it has suffered and will continue to suffer in the future unless the wrongful conduct  
8 of the Pierce Defendants, and each of them, is restrained and enjoined, because it is and will be  
9 impossible for RRI to determine the precise amount of damage, and no amount of money can  
10 restore the potential harm to RRI caused by the Pierce Defendants, and each of them, as a result  
11 of the conduct alleged herein.

12           62.     RRI is informed and believes and thereon alleges that there is a serious risk that it  
13 will suffer irreparable harm absent the injunctive relief sought herein, in that the wrongs that have  
14 been and will in the future be performed by the Pierce Defendants, and each of them, are of a  
15 continuing character, and will expose RRI to a continuing injury. RRI is further informed and  
16 believes and thereon alleges that there is a serious risk that it will suffer irreparable harm absent  
17 the injunctive relief sought herein, in that the wrongs that have been and will in the future be done  
18 by the Pierce Defendants, and each of them, will give rise to a multiplicity of judicial proceedings  
19 absent the injunctive relief sought herein.

20           63.     Accordingly, RRI seeks the issuance of a preliminary injunction enjoining the Pierce  
21 Defendants, and each of them, and their agents and employees, from publishing, distributing,  
22 selling, and/or otherwise disseminating unauthorized copies of RRI property, including without  
23 limitation any segment or portion of Robbins' Wealth Mastery Seminar from making use of RRI  
24 property, and from making unauthorized use of Robbins' name, photograph and/or likeness in  
25 connection with the Pierce Defendants' products, services and/or Website for commercial  
26 purposes; and upon a final hearing seek an Order permanently enjoining Defendants, and each of  
27 them, and their agents and employees, from the same.

28     ///

1 WHEREFORE, Plaintiff RRI prays for judgment against the Pierce Defendants, and each  
2 of them, as follows:

3 **AS TO THE FIRST CAUSE OF ACTION:**

4 1. General and special damages against Defendants, and each of them, in an amount  
5 that is not yet fully ascertainable, but which is in excess of the jurisdictional minimum of this  
6 Court, in accordance with proof at trial, together with interest thereon at the legal rate;

7 2. For an award of the gross revenues received by the Defendants as a result of the  
8 unauthorized use of Plaintiff's name and photograph;

9 3. Exemplary and punitive damages in an amount according to proof at the time of  
10 trial; and

11 4. For an award of attorneys' fees;

12 **AS TO THE SECOND CAUSE OF ACTION:**

13 5. General and special damages against Defendants, and each of them, in an amount  
14 that is not yet fully ascertainable, but which is in excess of the jurisdictional minimum of this  
15 Court, in accordance with proof at trial, together with interest thereon at the legal rate;

16 6. Exemplary and punitive damages in an amount according to proof at the time of  
17 trial;

18 **AS TO THE THIRD CAUSE OF ACTION:**

19 7. General and special damages against Defendants, and each of them, in an amount  
20 that is not yet fully ascertainable, but which is in excess of the jurisdictional minimum of this  
21 Court, in accordance with proof at trial, together with interest thereon at the legal rate;

22 8. For disgorgement by the Defendants and each of them of any and all profits or other  
23 consideration obtained by or earned by the Defendants as a proximate result of their unfair business  
24 practices in violation of Business & Professions Code §§ 17200, et. seq.;

25 **AS TO THE FOURTH CAUSE OF ACTION:**

26 9. Treble damages in an amount equivalent to three (3) times Defendants' profits, or  
27 actual damages, whichever is greater, plus costs of suit, pursuant to 15 U.S.C. §1117(a);

28 10. For an order declaring that Defendants hold such profits in trust for Plaintiff;

1 11. For an order of preliminary and permanent injunctive relief, enjoining the use,  
2 copying, sale, advertising, display and distribution of any goods and services misappropriating  
3 Plaintiff's and Robbins' valuable publicity and property rights by Defendants;

4 12. For an award of attorneys' fees and costs;

5 **AS TO THE FIFTH CAUSE OF ACTION:**

6 13. For an order granting preliminary injunction relief enjoining the Defendants, and  
7 each of them, and their agents and employees, from publishing, distributing, selling, and/or  
8 otherwise disseminating unauthorized copies of RRI property including without limitation any  
9 segment or portion of Robbins' Wealth Mastery Seminar, from making use of RRI property, and  
10 from making unauthorized use of Robbins' name, photograph and/or likeness in connection with  
11 the Pierce Defendants' products, services and/or Website for commercial purposes; and, upon a  
12 final hearing, an order permanently enjoining Defendants, and each of them, and their agents and  
13 employees, from the same;

14 **AS TO ALL CAUSES OF ACTION:**

15 14. For all costs of suit incurred herein;

16 15. For attorney fees as may be provided by law; and

17 16. For such other and further relief as the Court may deem to be just and proper.

18  
19 Dated: April 23, 2008

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
BRIAN G. WOLF  
EVAN N. SPIEGEL

20  
21  
22 By: 

BRIAN G. WOLF  
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