

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

**EAPPRAISEIT, LLC,
a Delaware limited liability company,**

Plaintiff,

v.

CASE NO.: 05-2007-CA-027976

**PAMELA CROWLEY,
individually,**

Defendant.

NOTICE OF EMERGENCY HEARING
(1 HOUR RESERVED)

PLEASE TAKE NOTICE that on the Thursday, June 28, 2007, at 2:15 p.m., or as soon thereafter as counsel can be heard, the undersigned will bring up for Hearing before the Honorable John D. Moxley, Jr., one of the Judges of the above-styled Court, in Courtroom 218, in the Titusville Courthouse, 506 S. Palm Avenue, Titusville, FL 32796-3592:

Plaintiff's Verified Motion for Injunctive Relief

Plaintiff's witnesses are permitted to appear telephonically to participate in this hearing by calling telephone number (321) 264-6759.

PLEASE BE GOVERNED ACCORDINGLY.

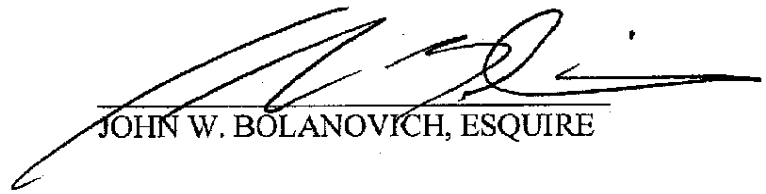


JOHN W. BOLANOVICH
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Attorneys for Plaintiff

ADA NOTIFICATION: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE COURT ADMINISTRATOR, BREVARD COUNTY, MOORE JUSTICE CENTER, 2825 JUDGE FRAN JAMIESON WAY, VIERA, FLORIDA 32940, TELEPHONE: 321-633-2171; WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE; IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1 (800) 955-8771.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Defendant, Pamela Crowley, via Federal Express Overnight Delivery, to 1647 Sawgrass Dr., SW, Palm Bay, Florida 32908, this 22nd day of June, 2007.



JOHN W. BOLANOVICH, ESQUIRE

cc: Via Facsimile: Judicial Assistant

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Defendant.

_____ /

VERIFIED MOTION FOR INJUNCTIVE RELIEF

The Plaintiff, eAppraiseIT, LLC ("Plaintiff"), a Delaware limited liability company, by and through its undersigned counsel, hereby moves this Court for a temporary injunction against Defendant Pamela Crowley, individually ("Defendant"). In support thereof, Plaintiff states:

1. This is an action for defamation *per se* and tortuous interferences with advantageous business relations seeking injunctive relief and damages arising from the Defendant's publication of a website containing false, injurious, and defamatory statements about Plaintiff's business practices.

2. Plaintiff is an appraisal management company. More specifically, Plaintiff is a leading provider of innovative, comprehensive, and high-quality collateral valuation products and programs to the mortgage lending servicing industry. Plaintiff has established goodwill and a positive and trustworthy reputation with various appraisers, clients, and potential clients regarding its nationwide appraisal services. This goodwill

and reputation are significant assets for Plaintiff as they help separate it from other appraisal management companies in a highly competitive marketplace.

3. Defendant is the registered owner of the domain name "mortgagefraudwatchlist.org".

4. Defendant is a moderator of a posting board within the domain name "AppraisersForum.com".

5. Defendant has published a website on the World Wide Web portion of the Internet at the URL "Mortgagefraudwatchlist.org" ("Website # 1").

6. Defendant published statements on the World Wide Web portion of the Internet at the URL "AppraisersForum.com" ("Website # 2") (collectively "Websites").

7. Through the publication of these Websites, Defendant began a campaign of disparaging Plaintiff and injuring Plaintiff's reputation and goodwill in the appraisal management industry.

8. These Websites contains false and malicious statements made by Defendant attributing conduct and characteristics to Plaintiff that are contrary to customary and lawful appraisal management business practices.

9. Defendant's false and malicious statements contained on Website # 2 include, without limitation, that (a) "I have many stories coming in from appraisers all over the nation regarding EappraiseIT demanding they do what is unethical at the least" and (b) "LSI, eAppraiseIT, AppraisalPort, and many others ARE: unlocking your appraisal reports, 'converting' them to something else, delivering them completely unlocked, doing whatever they want with and to the data along the way. At this point I very strongly suggest that ALL appraisers should IMMEDIATELY STOP SENDING

ANYTHING IN TO ANY OF THESE AMCs!!!!!! The evidence I already have that is being delivered to various Federal and State law enforcement and regulators, and others, with much more coming in regularly, would make your eyes pop out of your heads.”

10. Defendant’s false and malicious statements contained on Website # 2 include, without limitation, that (a) “[o]ne of the best examples of the power and results of what I’ve been doing is what happened with *eAppraiseIT* pressuring an appraiser to raise the value and finding out that they DO unlock each and every appraisal delivered through them!. Without the contacts I’ve been able to collect, I don’t know that anything could have happened” and (b) “Please know that *eAppraiseIT* opens your appraisals to make additions to it. Knowing that, how is your signature secured anymore?”

11. Defendant made these false and malicious statements on the Website (a) knowing they were false or with a reckless disregard for the truth, (b) without reasonable grounds for Defendant to believe they were true, and/or (c) with intent to injure and defame Plaintiff.

12. These false and malicious statements were communicated to third parties *via* the world wide web.

13. Defendant’s false and malicious statements, when considered alone and without innuendo, have (a) negatively impacted Plaintiff’s trustworthiness and character, (b) caused Plaintiff to be subjected to distrust, ridicule, contempt, and disgrace, and (c) injured Plaintiff’s reputation and goodwill in the appraisal management industry and appraiser community, upon which Plaintiff relies for completion of its duties.

14. Plaintiff is informed, believes, and fears that these false and defamatory *per se* statements will continue to be published in databases used by the public and will

foreseeably be re-published by their recipients, all to the ongoing harm and injury to Plaintiffs' business, and professional reputation. Plaintiffs also seek redress in this action for all foreseeable re-publications.

15. Defendant's actions in publishing these defamatory statements to third parties displayed intentional misconduct and/or gross negligence in that either Defendant had actual knowledge of the wrongfulness of the conduct and the high probability that damage to Plaintiff would result and, despite that knowledge, intentionally pursued the course of conduct resulting in Plaintiff's injury and damages or Defendant's conduct was so reckless and wanting in care that it constitutes a conscious disregard or indifference to the rights of the Plaintiff.

16. Defendant is vicariously liable for the unlawful acts of its managerial agents as Defendant actively and knowingly participated in such conduct, its officers, directors, or managers knowingly condoned, ratified, or consented to such conduct, and/or Defendant engaged in conduct that constituted intentional misconduct and/or gross negligence contributing to Plaintiff's loss, damages, or injury suffered.

17. Plaintiff has thousands of advantageous business relationships with various companies, entities, and individuals wishing to purchase the products and services provided by Plaintiff as well as a vast appraiser network for fulfillment of its work.

18. Defendant knew of the existence of these advantageous business relationships and networks.

19. Defendant willfully, intentionally and maliciously interfered with those relationships and networks by publishing orally, and in writing, false and damaging

information about Plaintiff's business, and such publications and statements interfered with such business relationships.

20. Defendant, through her acts, has intentionally and unjustifiably interfered with Plaintiff's advantageous business relationships.

21. A substantial likelihood of success on the merits exists for Plaintiff.

22. There is a substantial threat that Plaintiff will suffer irreparable injury if an injunction is not granted.

23. The threatened injury to Plaintiff outweighs the threatened harm the injunction may cause to Defendant.

24. Granting a preliminary injunction will not be adverse to the public interest.

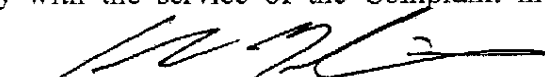
WHEREFORE, Plaintiff respectfully requests that this Court enter a temporary injunction against Defendant from further publication of defamatory statements on the Websites, award Plaintiff the costs incurred in bringing this action, and award it any further relief deemed to be appropriate by this Court.



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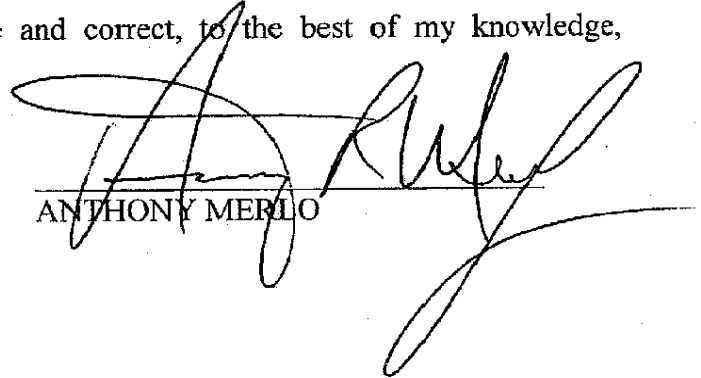
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Defendant contemporaneously with the service of the Complaint in this matter.


JOHN W. BOLANOVICH, ESQUIRE

VERIFICATION OF FACTS CONTAINED HEREIN


I, ANTHONY MERLO, President of First American eAppraisal, LLC, hereby affirm that I have read the allegations set forth in the foregoing Verified Motion for Injunctive Relief and that they are true and correct, to the best of my knowledge, information and belief.



ANTHONY MERLO

STATE OF CALIFORNIA
COUNTY OF San Diego

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared ANTHONY MERLO, who is personally known or who produced CA Drivers License as identification and who executed the foregoing instrument and who did take an oath, and acknowledged before me that he executed the same for the purposes therein expressed this 14th day of June, 2007.



NOTARY PUBLIC, STATE OF
Commission Number:
My Commission Expires:

