

**SUMMONS
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT: (Aviso a Acusado)

LUBOMYR PRYTULAK; and DOES
1 to 100, inclusive.

**YOU ARE BEING SUED BY PLAINTIFF:
(A Ud. le está demandando)**

GARY KURTZ

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: *(El nombre y dirección de la corte es)*

L.A.S.C. - Central
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER: *(Número del Caso)*

BC292852

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
Gary Kurtz, Esq., LAW OFFICE OF GARY KURTZ, APLC (818)884-8400
20335 Ventura Blvd., Suite 200, Woodland Hills, CA 91364

DATE: **MAR 26 2003**
(Fecha)

JOHN A. CLARKE, CLERK

Clerk by

C. L. Coleman

*Deputy
(Delegado)*

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other:

☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (individual)

4. ☐ by personal delivery on *(date)*:



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

FOR COURT USE ONLY

Gary Kurtz, Esq. SBN 128295

LAW OFFICE OF GARY KURTZ, APLC

20335 Ventura Blvd., Suite 200

Woodland Hills, CA 91364

TELEPHONE NO.: 818-884-8400 FAX NO.: 818-884-8404

ATTORNEY FOR (Name):

ORIGINAL FILED

MAR 26 2003

LOS ANGELES
SUPERIOR COURT

INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:

L.A.S.C. - Central

CASE NAME:

GARY KURTZ vs. LUBOMYR PRYTULAK

CASE NUMBER:

BC 292852

ASSIGNED JUDGE:

CIVIL CASE COVER SHEET

☐ Limited ☒ Unlimited

Complex Case Designation

☐ Counter ☐ JoinderFiled with first appearance by defendant
(Cal. Rules of Court, rule 1811)

Please complete all five (5) items below.

1. Check one box below for the case type that best describes this case:

Auto Tort

☐ Auto (22)Other PI/PD/WD (Personal Injury/Property
Damage/Wrongful Death) Tort☐ Asbestos (04)☐ Product liability (24)☐ Medical malpractice (45)☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)☐ Civil rights (e.g., discrimination,
false arrest) (08)☒ Defamation (e.g., slander, libel) (13)☐ Fraud (16)☐ Intellectual property (19)☐ Professional negligence (e.g., legal
malpractice) (25)☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)☐ Collections (e.g., money owed,
open book accounts) (09)☐ Insurance coverage (18)☐ Other contract (37)

Real Property

☐ Eminent domain/inverse
condemnation (14)☐ Wrongful eviction (33)☐ Other real property (e.g., quiet
title) (26)

Unlawful Detainer

☐ Commercial (31)☐ Residential (32)☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)☐ Petition re: arbitration award (11)☐ Writ of mandate (02)☐ Other judicial review (39)Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 1800-1812)☐ Antitrust/Trade regulation (03)☐ Construction defect (10)☐ Claims involving mass tort (40)☐ Securities litigation (28)☐ Toxic tort/Environmental (30)☐ Insurance coverage claims arising from the
above listed provisionally complex case
types (41)

Enforcement of Judgment

☐ Enforcement of judgment (e.g., sister state,
foreign, out-of-county abstracts) (20)

Miscellaneous Civil Complaint

☐ RICO (27)☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)☐ Other petition (not specified above) (43)2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:a. ☐ Large number of separately represented partiesd. ☐ Large number of witnessesb. ☐ Extensive motion practice raising difficult or novel
issues that will be time-consuming to resolvee. ☐ Coordination and related actions pending in one or more courts
in other counties, states or countries, or in a federal courtc. ☐ Substantial amount of documentary evidencef. ☐ Substantial post-disposition judicial disposition

3. Type of remedies sought (check all that apply):

a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): 3

5. This case ☐ is ☒ is not a class action suit.

Date: 3/28/03

GARY KURTZ

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 982.2.)
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

**NOTICE OF CASE ASSIGNMENT
LOS ANGELES SUPERIOR COURT**

BC292852

CASE NUMBER _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this form.

	ASSIGNED JUDGE	DEPT	ROOM
	Hon. Helen I. Bendix	18	308
	Hon. Elihu M. Berle	42	416
	Hon. Gregory Alarcon	36	410
	Hon. Soussan Bruguera	71	729
	Hon. Susan Bryant-Deason	52	510
	Hon. Alan Buckner	14	300
	Hon. James C. Chalfant	13	630
	Hon. Lawrence W. Crispo	58	516
	Hon. J. Stephen Czuleger	50	508
	Hon. Ralph W. Dau	57	517
	Hon. James R. Dunn	26	316
	Hon. Judith C. Chirlin	89	532
	Hon. Emilie Elias	3	224
	Hon. Irving Feffer	51	511
	Hon. Edward A. Ferns	69	621
	Hon. Madeleine Flier	37	413
	Hon. Kenneth R. Freeman	64	601
	Hon. Haley J. Fromholz	20	310
	Hon. Richard Fruin	15	307
	Hon. Ray L. Hart	10	631
	Hon. Robert L. Hess	24	314
	Hon. William Highberger	32	406
	Hon. Ernest Hiroshige	54	512
	Hon. Marilyn L. Hoffman	78	730
	Hon. Elizabeth A. Grimes	30	400
	Hon. Richard C. Hubbell	62	600

	ASSIGNED JUDGE	DEPT	ROOM
	Hon. Morris B. Jones	48	506
	Hon. Owen Lee Kwong	49	509
	Hon. Marvin Lager	38	412
	Hon. Malcolm H. Mackey	55	514
	Hon. Jon M. Mayeda	72	731
	Hon. David L. Minning	61	632
	Hon. Charles W McCoy	308	CCW-1408
	Hon. Aurelio Munoz	47	507
	Hon. Mary Ann Murphy	25	317
	Hon. Rodney E. Nelson	46	500
	Hon. Paul Gutman	34	408
	Hon. Gregory O'Brien	21	313
	Hon. S. James Otero	68	617
	Hon. Victor H. Person	39	415
	Hon. Mel Recana	45	632
	Hon. Andria K. Richey	31	407
	Hon. Frances Rothschild	28	318
	Hon. Jane Johnson	56	514
	Hon. John P. Shook	53	513
	Hon. Ronald M. Sohigian	41	417
	Hon. Fumiko Wasserman	16	306
	Hon. Thomas L. Willhite Jr.	23	315
	Hon. Alexander Williams III	35	411
	Hon. David A. Workman	40	414
	Hon. George Wu	33	409
	OTHER		

Given to Plaintiff of record on _____

John A. Clarke, Executive Officer/Clerk

_____, DEPUTY
CLERK

015 8 7 89A

Superior Court of California, County of Los Angeles, Central District
NOTICE OF CASE ASSIGNMENT

The following critical provisions of the Chapter 7 Rules as applicable in the Central District are summarized for your assistance.

APPLICATION

The Chapter 7 Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within **15** days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned I/C Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days prior to the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions and special jury instructions and special jury verdicts; so that such matters may be heard and resolved at this conference. At least 5 days prior to this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter 7 Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter 7 Rules. Such sanctions may be on a party or if appropriate on counsel for such party.

This is not a complete delineation of the Chapter 7 Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

***Class Actions**

All class actions are initially assigned to Judge Charles W. McCoy in Department 308 of the Central Civil West courthouse (600 S. Commonwealth St., Los Angeles 90005). This assignment is for pretrial purposes and for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court 1800 et seq. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

1 Gary Kurtz, Esq., State Bar No. 128295

2 **LAW OFFICE OF GARY KURTZ**

3 A Professional Law Corporation

4 20335 Ventura Boulevard

5 Suite 200

6 Woodland Hills, California 91436

7 Telephone: (818) 884-8400

8 Telefax: (818) 884-8404

9 Attorney in pro per

ORIGINAL FILED

MAR 26 2003

**LOS ANGELES
SUPERIOR COURT**

10 **IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

11 **IN THE COUNTY OF LOS ANGELES**

12 GARY KURTZ,

13 Plaintiffs,

14 vs.

15 LUBOMYR PRYTULAK; and
16 DOES 1 to 100, inclusive,

17 Defendants.

) Case No.:

8C292852

)
) COMPLAINT FOR DAMAGES AND
) INJUNCTIVE RELIEF FOR:

-) 1. Defamation;
) 2. False light invasion of
) privacy; and
) 3. Injunction.
)
)
)

18
19 For his complaint for damages plaintiff alleges as follows:

20
21 1. Plaintiff Gary Kurtz ("Plaintiff" or "Kurtz") is and was
22 at all material time a competent adult. Plaintiff is also a
23 licensed attorney, who is licensed and qualified to practice law in
24 the states of California, Illinois and Missouri.

25 2. Defendant Lubomyr Prytulak ("Defendant") is an individual
26 who resides in Canada but who publishes defamatory communications
27 calculated to reach audiences and cause damages to Plaintiff in
28 California and other states.

1 3. The true names and capacities, whether individual,
2 corporate, associate or otherwise, of defendants herein named as
3 Does 1 through 100, inclusive, are unknown to Plaintiff, who,
4 therefore, sues said defendants by such fictitious names.
5 Plaintiff will seek to amend this complaint to state the true names
6 and capacities of these Doe defendants when they have been
7 ascertained. At the time of the wrongful acts described in this
8 complaint, all named defendants and Does 1 through 100,
9 participated in some or all of the acts herein alleged, whether as
10 principal, agent, alter ego, employer, employee, or representative
11 of some or all of the other defendants, acting within the course
12 and scope of said agency and employment.

13 4. Plaintiff is informed and believes and thereon alleges
14 that each of the defendants sued herein as a Doe is responsible in
15 some manner for the events and happenings referred to herein,
16 thereby legally causing the injuries and damages as herein alleged.

17
18 **First Cause of Action**

19 *Defamation*

20 [By Plaintiff Against Defendants]

21
22 5. Plaintiff realleges the allegations set forth in
23 paragraphs 1 through 4, above, and incorporates them by this
24 reference.

25 ///

26 ///

27 ///

1 6. Defendants currently post a page on World Wide Web that
2 includes information about Plaintiff Gary Kurtz. The web page
3 reprints letters and other submissions that defendants send to
4 California. The web page has changes from time to time. These
5 pages make statements and allegations about Kurtz, including
6 without limitation, the following:

7 a. Kurtz told "a bald-faced lie to the LA Superior
8 Court in a lawsuit in 1998", and Kurtz repeated the lie in another
9 lawsuit in 2002. [See Exhibit "1", which is a true and correct
10 copy of the web page posting of a July 22, 2002 letter.]

11 b. Kurtz has engaged in conduct worthy of a criminal
12 contempt conviction and disbarment. [See Exhibit "1", which is a
13 true and correct copy of the web page posting of a July 22, 2002
14 letter.]

15 c. Kurtz is uninformed of the legal issues relating to
16 motions to quash and vacate defaults. [See Exhibit "2", which is a
17 true and correct copy of the web page posting of a November 13,
18 2002 letter.]

19 d. Kurtz engineered the Superior Court judicial
20 assignment system to have a case assigned to Judge James R. Dunn,
21 who defendant contends is the one judge in the United States who
22 would tolerate an "exceptionally frivolous and vexatious suit."
23 [See Exhibit "2", which is a true and correct copy of the web page
24 posting of a November 13, 2002 letter.]

25 e. Kurtz filed a sham and "lawless" lawsuit. [See
26 Exhibit "2", which is a true and correct copy of the web page
27 posting of a November 13, 2002 letter; See Exhibit "3", which is a

1 true and correct copy of the web page posting of a November 21,
2 2002 pleading.]

3 f. Kurtz has engaged in conduct that would give him a
4 reputation with "the perception of slovenliness. [See Exhibit "3",
5 which is a true and correct copy of the web page posting of a
6 November 21, 2002 pleading.]

7 g. Kurtz's legal work is reckless, desperate and
8 impotent. [See Exhibit "3", which is a true and correct copy of
9 the web page posting of a November 21, 2002 pleading.]

10 h. Kurtz presented "specious arguments" and practiced
11 "fraud on the Court." [See Exhibit "3", which is a true and
12 correct copy of the web page posting of a November 21, 2002
13 pleading.]

14 i. Kurtz has a "feeble respect for evidence and for
15 truth." [See Exhibit "3", which is a true and correct copy of the
16 web page posting of a November 21, 2002 pleading.]

17 j. Kurtz conspired to his client Steven Rambam and
18 Superior Court Judge James R. Dunn to "wield the weapon of
19 vexation", to engage in a "massive spoilation of documents" and
20 engage in "crimes and chicaneries." [See Exhibit "4", which is a
21 true and correct copy of the web page posting of a December 2, 2002
22 letter.]

23 k. Kurtz conspired to his client Steven Rambam and
24 Superior Court Judge James R. Dunn to doctor the trial record.
25 [See Exhibit "5", which is a true and correct copy of the web page
26 posting of a December 4, 2002 letter.]

27 ///

28 ///

1 7. Statements contained on the web page are false and
2 defamatory, and they are malicious because at the time that they
3 published the web page, defendants should have known or had actual
4 knowledge of the false nature of the publication.

5 8. In publishing the attached web page, defendants acted
6 intentionally and maliciously, with the actual intent to cause
7 injuries to Rambam and with a conscious disregard of Rambam's
8 feelings and well being.

9 9. As a further direct and proximate result of defendants'
10 conduct, Kurtz has suffered business and personal losses, including
11 being subjected to hatred, ridicule, scorn, embarrassment,
12 humiliation, and hurt feelings, and he has sustained emotional
13 trauma and distress, depression and anger.

14 10. Further, in doing the things alleged above, defendants
15 have been guilty of oppression, fraud and malice, so defendants'
16 conduct, constitutes malice and oppression sufficient to justify an
17 award of punitive damages. As a direct and proximate result of
18 defendants' conduct, as alleged above, Rambam has sustained
19 damages, and is entitled to punitive damages in an amount
20 exceeding the jurisdictional minimum of this Court.

21
22 **Second Cause of Action**

23 *False Light - Invasion Of Privacy*

24 [By Plaintiff Against Defendants]
25

26 11. Plaintiff realleges the allegations set forth in
27 paragraphs 1 through 10, above, and incorporates them by this
28 reference.

1 12. By publication of the attached web page, defendants made
2 public disclosures which placed Kurtz in a false light.

3 13. The information stated in the attached web page is false,
4 offensive and objectionable to plaintiff, and it would be offensive
5 and objectionable to any reasonable person.

6 14. Statements contained in the attached web page are
7 malicious in that defendants should have known or had actual
8 knowledge of the false nature of the publication.

9 15. In publishing the attached web page defendants acted
10 intentionally and maliciously, with the actual intent to cause
11 injuries to Rambam and with a conscious disregard of Kurtz's
12 feelings and well being.

13 16. As a further direct and proximate result of defendants'
14 conduct, Kurtz has suffered business and personal losses, including
15 being subjected to hatred, ridicule, scorn, embarrassment,
16 humiliation, and hurt feelings, and he has sustained emotional
17 trauma and distress, depression and anger.

18 17. Further, in doing the things alleged above, defendants
19 have been guilty of oppression, fraud and malice, so defendants'
20 conduct, constitutes malice and oppression sufficient to justify an
21 award of punitive damages. As a direct and proximate result of
22 defendants' conduct, as alleged above, Rambam has sustained
23 damages, and is entitled to punitive damages in an amount
24 exceeding the jurisdictional minimum of this Court.

25 ///

26 ///

27 ///

[By Plaintiff Against Defendants]

18. Plaintiff realleges the allegations set forth in paragraphs 1 through 17, above, and incorporates them by this reference.

19. By reason of the foregoing, defendant(s) have tortiously engaged in acts which authorize equitable remedies such as disgorgement and the issuance of an injunction to prevent the repetition of the tortious conduct, including without limitation, acts of known defamation, acts of know false light invasion of privacy and acts of unfair business practices within the meaning of the California common law and Business and Professions Code § 17200, et seq.

20. As a further direct and legal result of the acts and misconduct alleged above, defendant(s) have been unjustly enriched at plaintiff's expense, and plaintiff is entitled to an accounting of all sums and profits derived and received by defendant(s) from the publication of their web page and disgorgement thereof.

21. As a further direct and legal result of the acts and misconduct alleged above, plaintiff is entitled to an injunction preventing the continued publication of the information and materials described herein.

///

///

///

///

1 WHEREFORE, plaintiff prays for a judgment against all
2 defendants as follows:

3 1. For compensatory damages in an amount to be proven at
4 trial but exceeding the jurisdictional minimum of \$25,000.00;

5 2. For general damages in an amount to be proven at trial
6 but exceeding the jurisdictional minimum of \$25,000.00;

7 3. For punitive damages in an amount to be proven at trial;

8 4. For an accounting of all sums and profits derived and
9 received by defendant(s) from the publication of their web page and
10 disgorgement thereof;

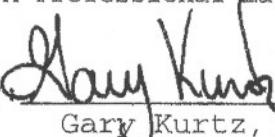
11 5. For an injunction preventing the continued publication of
12 the information and materials described herein.

13 6. For all costs allowed at law; and

14 7. For all further and additional damages as this Court
15 deems just and proper.

16
17 Dated: March 25, 2003

LAW OFFICE OF GARY KURTZ
A Professional Law Corp.

18
19 By: 
20 Gary Kurtz, Esq.
21 Attorneys in pro per.
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