

COMMON PLEAS COURT

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IN THE COURT OF COMMON PLEAS  
MEDINA COUNTY, OHIO

FILED  
DAVID B. WADSWORTH  
MEDINA COUNTY  
CLERK OF COURTS

MED EXPRESS INC., )  
)  
Plaintiffs )  
)  
vs. )  
)  
DENNIS ROGAN, et al., )  
)  
Defendants )

CASE NO.

**13 CIV 0352**

JUDGE

**CHRISTOPHER J. COLLIER, JUDGE**

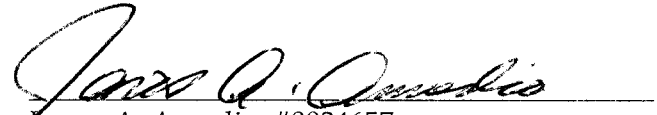
PLAINTIFF'S MOTION FOR  
TEMPORARY RESTRAINING ORDER

Plaintiff Med Express Inc. respectfully moves, pursuant to Ohio Civil Rule 65(A), for a temporary restraining order requiring Defendant Ebay, Inc. to remove certain neutral feedback, negative comments and dealer ratings concerning Plaintiff from its website, Ebay.com.

A Memorandum in support of this Motion and the Affidavit of Richard A. Radey are attached hereto and incorporated herein by reference.

Respectfully submitted,

BROWN, AMODIO & CHANDLER,  
A LEGAL PROFESSIONAL ASSOCIATION



James A. Amodio, #0024657  
109 West Liberty Street  
Medina, Ohio 44256  
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Attorney for Plaintiff Med Express Inc.

**MEMORANDUM**

Plaintiff Med Express Inc. brings this motion pursuant to Ohio Civil Rule 65(A) for a temporary injunction ordering the Defendant Ebay, Inc. to remove any comments, posts, and/or feedback related to transaction number 330660664519.

Plaintiff Med Express Inc. sells refurbished, repaired and rebuilt medical equipment on a website owned and operated by Defendant Ebay, Inc. Defendant Dennis Rogan ("Rogan") purchased a Pyrex 10 ml. Graduated Cylinder No. 3046-10 Double Pack in transaction number 330660664519 on the website Ebay.com.

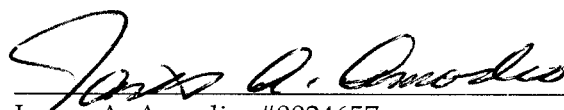
After Rogan sent payment for the item, one of the two cylinders was inadvertently broken during handling. Plaintiff refunded the full purchase price immediately. Rogan, after receiving the full refund, posted neutral feedback, negative comments and low dealer ratings regarding the transaction, slandering Plaintiff's good name and reputation.

As a result of these false and derogatory statements Plaintiff's lost income, revenue and customers which caused Plaintiff to incur damages and will cause Plaintiff to continue to incur damages in the future.

WHEREFORE, Plaintiff Med Express Inc. respectfully requests this Court to order Defendant Ebay, Inc. to remove any and all feedback, comments and ratings related to transaction number 330660664519 until such time as this matter is set for a full hearing or, in the alternative, until this case is resolved.

Respectfully submitted,

BROWN, AMODIO & CHANDLER,  
A LEGAL PROFESSIONAL ASSOCIATION



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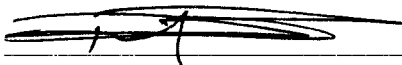
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E-mail: brownlaw@zoominternet.net  
Attorney for Plaintiff Med Express Inc.

STATE OF OHIO                    )  
   ) SS:                    AFFIDAVIT  
 COUNTY OF MEDINA            )

Richard A. Radey, being duly sworn according to law deposes and states as follows:

1. I am the President of Plaintiff Med Express Inc. in the within matter.
2. On or about December 8, 2012, Med Express Inc. sold a Pyrex 10 ml. Graduated Cylinder No. 3046-10 Double Pack to Defendant Dennis Rogan in Ebay transaction number 330660664519, using a website owned and operated by Ebay, Inc.
3. Despite receiving a prompt and full refund on the transaction, Defendant Dennis Rogan falsely posted false and slanderous statements on the website owned by Ebay, Inc., in the form of neutral feedback, negative comments and low dealer ratings in Ebay's Detailed Seller Ratings section.
4. As a result of these false and libelous statements, Plaintiff has suffered damages and will continue to suffer damages into the future unless said comments, feedback and ratings are removed from the website owned, operated and maintained by Defendant Ebay, Inc.


Further Affiant sayeth naught.

  
 Richard A. Radey

Sworn and subscribed in my presence this 25<sup>th</sup> day of March, 2013.



**TINA S. WINGFIELD**  
 Notary Public, State of Ohio  
 My Commission Expires 1/24/2016

  
 Notary Public

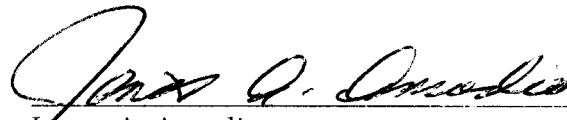
CERTIFICATE OF SERVICE

Plaintiff Med Express Inc. respectfully requests that the Medina County Clerk of Courts serve by certified mail a copy of Plaintiff's Motion for Temporary Restraining Order along with Plaintiff's Verified Complaint to Defendants at the following addresses:

Dennis Rogan  
122 Washington Street  
West Pittston, Pennsylvania 18643

Ebay, Inc.  
2145 Hamilton Avenue  
San Jose, California 95125

Also serve:  
c/o National Registered Agents, Inc..  
Statutory Agency  
1300 East Ninth Street  
Cleveland, Ohio 44114

  
\_\_\_\_\_  
James A. Amodio  
Attorney at Law