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6

**FILED**  
MAR 15 2010  
Superior Court of California  
County of Tuolumne  
BY Donna Benz  
Clerk

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF TUOLUMNE

10 JOSEPH D. VENTIMIGLIA,  
11 Plaintiff,

Case No. *@V55495*

12  
13 v.

**COMPLAINT FOR DAMAGES FOR:**

14  
15 ODD FELLOWS SIERRA HOMEOWNERS  
ASSOCIATION, a business organization  
16 form unknown; ODD FELLOWS SIERRA  
RECREATION ASSOCIATION, INC., and  
17 DOES 1 through 20, inclusive,

- (1) VIOLATION OF PENAL CODE § 290.46, ET SEQ.;
- (2) NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

18 Defendants.

Demand Exceeds \$25,000  
Jury Trial Demanded

19  
20  
21 COMES NOW Plaintiff JOSEPH D. VENTIMIGLIA (hereinafter referred to as "Mr.  
22 Ventimiglia" or "Plaintiff") complains and alleges as follows:

23 **PRELIMINARY ALLEGATIONS**

24 1. This is a civil action brought by Mr. Ventimiglia against ODD FELLOWS SIERRA  
25 HOMEOWNERS ASSOCIATION, a business organization form unknown; ODD FELLOWS  
26 SIERRA RECREATION ASSOCIATION, INC.; and other responsible parties which names are  
27 unknown at this time (collectively referred to as "Defendants.")

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**FACTUAL ALLEGATIONS**

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2           12.    On or about November 2007, Mr. Ventimiglia began living in a cabin on a  
3 subdivision owned and operated by Defendants. Mr. Ventimiglia lived there without incident for  
4 over sixteen months.

5           13.    While living at Defendants' subdivision, Mr. Ventimiglia provided services in the  
6 form of odd jobs to other residents of the subdivision as well as surrounding cities. He developed  
7 a substantial customer base.

8           14.    Plaintiff is informed and believes, and based thereon alleges that on or about April  
9 of 2009, Defendants became aware that Mr. Ventimiglia's picture and/or information was on the  
10 Megan's Law Website.

11           15.    Plaintiff is informed and believes, and based thereon alleges that between April of  
12 2009 and December of 2009, Defendants made prohibited use of the information from the Megan's  
13 Law Website concerning Mr. Ventimiglia, by using the information for purposes relating to  
14 employment, benefits, privileges, or services provided by any business. Defendants use of the  
15 Megan's Law Website information is a "use of information disclosed pursuant to this section for  
16 purposes other than those provided by paragraph (1) or in violation of paragraph (2)" making  
17 Defendants liable for damages per Penal Code § 290.46(1)(4).

18           16.    Plaintiff is informed and believes, and based thereon alleges the following: the Board  
19 of Directors of Defendants, using information from the Megan's Law Website, disseminated such  
20 information to the residents of Defendants' subdivision and the residents of the neighboring cities  
21 in order to preclude Mr. Ventimiglia from working for anybody there or in the surrounding areas,  
22 voted to stop Mr. Ventimiglia from being employed by the Defendants, voted to have Mr.  
23 Ventimiglia's name removed from advertising on Defendants website and pressured Plaintiff's  
24 landlord to evict Mr. Ventimiglia.

25           17.    California law specifically prohibits using the information published on the Megan's  
26 Law Website "for purposes other than those provided by paragraph (1) or in violation of paragraph  
27 (2)" of Penal Code § 290.46(1).

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1 18. At all times relevant to this action, Defendants were aware of their obligations under  
2 Megan's Law and California's Penal Code.

3 19. Defendants knew or should have known their actions, including but not limited to the  
4 use of information regarding Mr. Ventimiglia contained on the Megan's Law Website for purposes  
5 related to benefits, privileges, or services provided by any business establishment, were illegal and  
6 in blatant disregard of Penal Code §§ 290.4 and 290.46.

7 20. As a result of the events described herein, Mr. Ventimiglia has suffered considerable  
8 damages, including but not limited to loss of income, loss of benefits, significant emotional and  
9 physical suffering, as well as pain for the affront to his dignity as a human being.

10 21. Defendants acted willfully and in reckless disregard of the law by making prohibited  
11 use of Megan's Law Website information concerning Mr. Ventimiglia, clearly violating the  
12 California Penal Code. Such conduct entitles Mr. Ventimiglia to recover compensatory, exemplary  
13 and punitive damages.

14 **FIRST CAUSE OF ACTION**

15 **Violation of Penal Code §§ 290.4 and 290.46 et seq.**

16 [Against all Defendants]

17 22. Mr. Ventimiglia incorporates paragraphs 1 through 21, inclusive, as though set forth  
18 and alleged herein in their entirety.

19 23. The events described herein constitute a violation of Penal Code sections 290.4 and  
20 290.46, et seq., to wit Defendants made prohibited use of information from the Megan's Law  
21 Website concerning Mr. Ventimiglia.

22 24. Defendants' prohibited use included, but is not limited to, Mr. Ventimiglia housing,  
23 employment, the benefits, privileges, or services provided by Defendants, as well as the harassment  
24 and humiliation of Mr. Ventimiglia in the community.

25 25. Defendants shall compensate all the damages they have caused, including but not  
26 limited to general damages, special damages, civil penalty, exemplary damages, and attorneys fees  
27 per statute. Damages sought pursuant to this cause of action are in addition to relief sought for the  
28 following cause(s) of action.

1 **SECOND CAUSE OF ACTION**

2 **Negligent Interference With Prospective Economic Advantage**

3 [Against all Defendants]

4 26. Mr. Ventimiglia incorporates paragraphs 1 through 25, inclusive, as though set  
5 forth and alleged herein in their entirety.

6 27. Mr. Ventimiglia claims that Defendants intentionally and/or negligently interfered  
7 with economic relationships between Mr. Ventimiglia and his customer base consisting of  
8 Defendants, residents of Defendants' subdivision and the surrounding areas, that probably would  
9 have resulted in an economic benefit to Mr. Ventimiglia.

10 28. Mr. Ventimiglia and Defendants, several residents of Defendants' subdivision and  
11 residents of neighboring cities were in an economic relationships that probably would have  
12 resulted in an economic benefit to Mr. Ventimiglia.

13 29. Mr. Ventimiglia is informed and believes and based thereon alleges that  
14 Defendants knew of the relationships between Mr. Ventimiglia and Defendants, residents of  
15 Defendants' subdivision and residents of neighboring cities.

16 30. Defendants intended to disrupt these relationships or should have known the  
17 relationships would be disrupted through their above-described acts.

18 31. Defendants engaged in wrongful conduct through prohibited use of Megan's Law  
19 Website information concerning Mr. Ventimiglia in violation of Penal Code § 290.46.

20 32. Defendants have a statutory duty to not make prohibited use of Megan's Law  
21 Website pursuant to Penal Code § 290.46.

22 33. The relationships between Mr. Ventimiglia and the Defendants, the residents of  
23 Defendants' subdivision and residents of neighboring cities were disrupted.

24 34. Defendants' wrongful conduct was a substantial factor causing and/or the  
25 proximate cause of Plaintiff's damages.

26 35. Mr. Ventimiglia was harmed in excess of \$25,000 as a result of the disputed  
27 relationships.

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1 PRAYER

2 WHEREFORE, Plaintiff JOSEPH D. VENTIMIGLIA demands a jury trial and prays for  
3 judgment as follows:

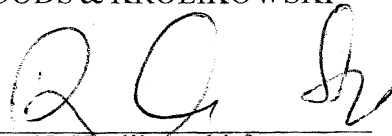
4 ON THE FIRST CAUSE OF ACTION:

- 5 1. General damages in excess of \$25,000;
- 6 2. Three times general damages per statute;
- 7 3. Special damages in excess of \$25,000;
- 8 4. Economic damages in excess of \$25,000;
- 9 5. Consequential damages in excess of \$25,000;
- 10 6. Exemplary damages per statute in excess of \$25,000;
- 11 7. Civil penalty of \$25,000;
- 12 8. Interest on the sum of damages awarded;
- 13 9. Reasonable attorneys fees per statute;
- 14 10. Costs incurred; and
- 15 11. Any and all other relief deemed appropriate by the trier of fact.

16 ON THE SECOND CAUSE OF ACTION:

- 17 1. General damages in excess of \$25,000;
- 18 2. Special damages in excess of \$25,000;
- 19 3. Economic damages in excess of \$25,000;
- 20 4. Consequential damages in excess of \$25,000;
- 21 5. Interest on the sum of damages awarded;
- 22 6. Costs incurred; and
- 23 7. Any and all other relief deemed appropriate by the trier of fact.

24 WOODS & KROLIKOWSKI

25 

26 Adam J. Krolkowski for  
27 Plaintiff JOSEPH D. VENTIMIGLIA

28 Dated: March 10, 2010