

1st Amended
SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Harrison D. Gevirtz, Steven Gevirtz aka Steve Gevirtz, Valerie Gevirtz aka Valerie Comte and Valerie Adler, Andrew Kryvanis, aka Codeuber (Doe 1), Paul Trout aka Paul Tizzel (Doe 2) and Does 3 to 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
BLUE CHINA GROUP, LTD, a Hong Kong Corporation

SUM-100

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

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles County Superior Court

FEB 15 2007

John A. Clarke, Executive Officer/Clerk
By *[Signature]* Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, 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 want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
LASC - 9425 Penfield Ave., Chatsworth, CA 91311

CASE NUMBER:
(Número del Caso): PC040032

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, SBN 128295 - Law Office of Gary Kurtz, A PLC, 20335 Ventura Boulevard, Suite 200, Woodland Hills, CA - Telephone: 818-884-8400, Telefax: 818-884-8404

DATE:
(Fecha)

FEB 15 2007

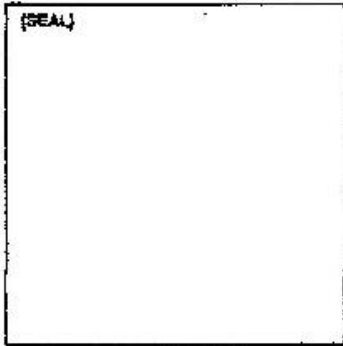
JOHN A. CLARKE

Clerk, by _____, Deputy
(Secretario) (Adjunto)

A. PALACIOS

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons. (POS-010)).



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 416.60 (minor)
 - CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 - CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 - other (specify):
- 4. by personal delivery on (date):

SUMMONS

1 Gary Kurtz, SBN 128295
 2 Law Office of Gary Kurtz
 3 A Professional Law Corporation
 4 20335 Ventura Boulevard
 5 Suite 200
 6 Woodland Hills, California 91364

7 Telephone: 818-884-8400
 8 Telefax: 818-884-8404

9 Attorneys for Plaintiff
 10 Blue China Group, Ltd.

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **FOR THE COUNTY OF LOS ANGELES**

13 BLUE CHINA GROUP, LTD, a Hong
 14 Kong Corporation,

15 Plaintiff,

16 vs.

17 HARRISON D. GEVIRTZ, STEVEN
 18 GEVIRTZ aka STEVE GEVIRTZ,
 19 VALERIE GEVIRTZ aka VALERIE
 COMTE and VALERIE ADLER,

) Case No.: PC040032

)
) FIRST AMENDED COMPLAINT FOR
) DAMAGES AND EQUITABLE RELIEF
) FOR:

1. Misappropriation of Trade Secrets;
2. Unfair Business Practices;
3. Conversion;
4. Violation of the Computer Fraud Act;
5. Negligent Supervision;

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 Los Angeles County Superior Court

FEB 15 2007

John A. Clarke, Executive Officer/Clerk

By A. PALACIOS, Deputy

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ANDREW KRYVANIS, aka)
CODEUBER (Doe 1), PAUL TROUT)
aka PAUL TIZZEL (Doe 2) AND)
DOES 3 to 50, inclusive,)
)
Defendants.)
_____)

- 6. Breach of Contract and Breach of Covenant of Good Faith and Fair Dealing; and
- 7. Unfair Competition.

JURY TRIAL DEMANDED

For its complaint for damages and equitable relief, Plaintiff Blue China Group, Ltd. alleges the following:

First Amended Complaint for Damages and Equitable Relief
Blue China Group, Ltd. V. Gevirtz, et al.

1 1. Plaintiff Blue China Group, Ltd. ("Blue China" or "Plaintiff") is and at all
2 relevant times has been a corporate entity organized and existing under the laws of Hong
3 Kong, which operates by and through Internet marketing but has no other presence in
4 California or the United States of America.
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6 2. Defendant Harrison D. Gevirtz ("Harrison") is a 14 year old individual who
7 resides in the county of Santa Barbara, State of California.
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9 3. Defendant Steven Gevirtz, also known as Steve Gevirtz ("Steven") is an
10 individual who resides in the county of Santa Barbara, State of California. Steven is the
11 father of Harrison.
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13 4. Defendant Valerie Gevirtz, also known as Valerie Comte or Valerie Adler
14 ("Valerie") is an individual who resides in the county of Santa Barbara, State of California.
15 Valerie is the mother of Harrison.

16 5 Defendant Andrew Kryvanis, aka Codeuber ("Codeuber" or "Kryvanis"),
17 who was formerly designated as Doe 1, is an individual who resides in the State of New
18 York but who has had business contact related to the allegations in the instant action with a
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20 person or persons in the State of California.

21 6. Defendant Paul Trout, aka Tizzel ("Trout"), who was formerly designated as
22 Doe 2, is an individual who resides in the State of Oklahoma but who has had business
23 contact related to the allegations in the instant action with a person or persons in the State
24 of California.
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First Amended Complaint for Damages and Equitable Relief
Bluc China Group, Ltd. V. Gevirtz, et al.

1 8. The true names and capacities, whether individual, corporate, associate or
2 otherwise, of defendants herein named as Does 3 through 50, inclusive, are unknown to
3 Plaintiff, which, therefore, sues said Defendants by such fictitious names. Plaintiff will
4 seek to amend this complaint to state the true names and capacities of these Doe defendants
5 when they have been ascertained. At the time of the wrongful acts described in this cross-
6 complaint, the named defendants and Does 1 through 50, participated in some or all of the
7 acts herein alleged, whether as principal, agent, alter ego, employer, employee, successor or
8 representative of some or all of the other Defendants, acting within the course and scope of
9 said agency and employment.
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12 9. Venue lies in the County of Los Angeles because that is the county where
13 Harrison anticipates receiving the payment upon which this action is based. The last act to
14 confirm Harrison's plot, misdeeds, and in particular his extortion will take place in Los
15 Angeles County.
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17 10. Plaintiff is the owner of all of the rights to computer software known as
18 "MyChanger", which is a multi-utility application for online blog communities.
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MyChanger allows persons to manage multiple accounts at once, permitting users to send bulletins, send comments, send friend requests, and change profile settings.

11. One of the additional features of MyChanger, which adds value to Plaintiff, is that it has a data mining function. This function operates to collect data from users of the software, encrypts that data, and transmits that valuable information to Plaintiff. This function is disclosed to purchasers and prospective purchasers of the MyChanger software

1 who accept the data mining function by accepting Plaintiff's "click wrap" license
2 agreement.

3
4 12. Plaintiff developed the MyChanger software with independent contractor
5 assistance. Said independent contractor was paid valuable consideration for his work and
6 executed a confidentiality agreement. Plaintiff purchased all rights to the software, as well
7 as an existing customer base, a website, and any other related items in existence.
8 Thereafter, all items were moved to Hong Kong, where the "source code" has remained
9 unpublished, secure and outside of the United States.
10

11 13. The MyChanger software is secure and protected from unauthorized
12 reproduction by the maintenance of a secure and coded "source code". A source code is the
13 original code that was written by a computer programmer. Source codes can be written in a
14 number of high level programming languages like C++, VB, Delphi, and others. In order
15 for a computer to understand the source code, it must be compiled into an executable
16 binary. The essentially translates the source code from a high level languages like VB or
17 C++ into machine language which is easily understood by a computer. Once the source
18
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20 code is compiled into an executable binary it can no longer easily be read by humans, and
21 needs to be interpreted by a computer in order to be understood. The source code is needed
22 to reproduce versions for competitive resale, alter or modify the MyChanger software.

23 14. Plaintiff takes all reasonable efforts to protect the confidentiality and secrecy
24 of the MyChanger software by maintaining the source code on its secure computer servers.
25 Access to the computer server is password protected and as secure as existing technology
26 will allow.
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First Amended Complaint for Damages and Equitable Relief

Blue China Group, Ltd. V. Gevirtz, et al.