

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

Index No.: 10-004579

-----X
LINDSAY LOHAN,

Plaintiff designates Nassau County
as the place of trial.

The basis of venue is Plaintiff's residence.

Plaintiff,

- against -

SUMMONS

E*TRADE SECURITIES LLC,
E*TRADE BANK
JOE JOHN, 1 THROUGH X,

Plaintiff's Address:



Defendants.

-----X

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated) March 8, 2010
) Queens, New York

Yours,

STEPHANIE G. OVADIA, ESQ.
Attorney for Plaintiff
101-70 Lefferts Boulevard
Richmond Hill, NY 11419
Telephone: (718)850-1952

ANAND AHUJA, ESQ.
Attorney for Plaintiff
101-70 Lefferts Boulevard
Richmond Hill, NY 11419
Telephone: (718)850-1952

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MAR 08 2010

NASSAU COUNTY
COUNTY CLERK'S OFFICE

Defendants' Addresses:
E*TRADE SECURITIES LLC,



E*TRADE SECURITIES LLC,



E*TRADE BANK



E*TRADE BANK



Secretary New York Department of State



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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LINDSAY LOHAN,

Plaintiff,

Index No.: 10-004579

- against -

VERIFIED COMPLAINT

E*TRADE SECURITIES LLC,
E*TRADE BANK
JOE JOHN, 1 THROUGH X,

Defendants

-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

Plaintiff, LINDSAY LOHAN, by her attorneys, STEPHANIE OVADIA, ESQ., and ANAND AHUJA, ESQ., hereby complaining of the defendants herein, respectfully alleges, upon information and belief, as follows:

FOR A FIRST CAUSE OF ACTION

1. Plaintiff LINDSAY LOHAN is a resident of the State of New York, County of Nassau, residing at [REDACTED]

2. That at all the times mentioned herein, and for many years prior thereto the plaintiff was and still is a professional actor of good repute and standing in the Screen Actors Guild.

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NASSAU COUNTY
COUNTY CLERK'S OFFICE

3. That at all the times hereinafter mentioned the defendant, E*TRADE SECURITIES LLC., was and is a corporation organized under the laws of the State of Delaware, and maintains principal office in New York, New York.

4. That at all the times hereinafter mentioned the defendant, E*TRADE SECURITIES LLC., was and is a corporation registered as Foreign Limited Liability Company in the State of New York.

5. That at all the times hereinafter mentioned the defendant, E*TRADE SECURITIES LLC., was and now is engaged in the business of Securities products and services and Banking products and services.

6. That Securities products and services are offered by E*TRADE SECURITIES LLC.

7. That Banking products and services are offered by E*TRADE BANK, a Federal savings bank.

8. E*TRADE SECURITIES LLC and E*TRADE BANK are separate but affiliated companies.

9. That at all times herein mentioned, defendant, E*TRADE SECURITIES LLC., was non-domiciliary of the State of New York. However, defendant did incorporate and register itself as a Foreign Limited Liability Company with the New York Department of State, in the State of New York, to subject itself to the jurisdiction of the courts of the State of New York.

10. That at all times herein mentioned, defendant, E*TRADE SECURITIES LLC., was non-domiciliary of the State of New York. However, defendant did maintain an

office and physical presence, and was actually engaged in conduct of business in New York, New York to subject itself to the jurisdiction of the courts of the State of New York.

11. That at all times herein mentioned, defendant, E*TRADE SECURITIES LLC, was non-domiciliary of the State of New York. However, defendant did transact sufficient of its business within the State of New York, and derived substantial revenue in the state of New York, to subject itself to the jurisdiction of the courts in the State of New York.

12. That at all times herein mentioned, defendant, E*TRADE SECURITIES LLC., was non-domiciliary of the State of New York. However, defendant by virtue of its website, advertisements, internet, and media, solicited business, on an on going and continuing basis within the State of New York, and drived substantial revenue in the State of New York, to subject itself to the jurisdiction of the courts of State of New York.

13. That at all times herein mentioned, defendant, E*TRADE BANK, was non-domiciliary of the State of New York. However, defendant did incorporate and register itself as a Foreign Limited Liability Company with the New York Department of State in the State of New York, to subject itself to the jurisdiction of the courts of the State of New York.

14. That at all times herein mentioned, defendant, E*TRADE BANK, was non-domiciliary of the State of New York. However, defendant did maintain an office and physical presence, and was actually engaged in conduct of business in the State of New York, to subject itself to the jurisdiction of the courts of the State of New York.

15. That at all times herein mentioned, defendant, E*TRADE BANK, was non-domiciliary of the State of New York. However, defendant did transact sufficient of its business within the State of New York, and derived substantial revenue in the state of New York, to subject itself to the jurisdiction of the courts in the State of New York.

16. Upon information and belief, at all times herein mentioned, defendant, E*TRADE BANK, was non-domiciliary of the State of New York. However, defendant by virtue of its website, advertisements, internet, and media, solicited business, on an on going and continuing basis within the State of New York, and derived substantial revenue in the State of New York, to subject itself to the jurisdiction of the courts of State of New York.

17. Defendants JOE JOHN 1 through X are individuals, partnerships or corporations, whose existence plaintiff asserts on information and belief but whose exact identity she has been unable to discover. JOE JOHN 1 through X are engaged in preparation, publication and wide- spread telecasting within this state and elsewhere of some advertisements "The E*TRADE Baby is back" (www.etrade.com/tv) and "E-Trade Baby Girlfriend" etc., (the "ADVERTISEMENTS") of defendants E*TRADE SECURITIES LLC, and E*TRADE BANK.

18. That on February 07, 2010, and during the Super-Bowl game, defendants, themselves, and through their agents, and others, have knowingly, caused the preparation, publication and wide- spread telecasting within this state and elsewhere of some advertisements, "The E*TRADE Baby is back" (www.etrade.com/tv), and "E-Trade Baby Girlfriend" etc., (the "ADVERTISEMENTS") for their products and services, that includes plaintiff's name, characterization, and personality in these advertisements.

19. That "ADVERTISEMENTS" have appeared and were telecasted on various TV channels at the time of Super-Bowl game on February 07, 2010, and are currently appearing on the internet, blogs, and You tube etc.

20. That in February 2010, and during the Vancouver 2010 Winter Olympics, defendants, themselves, and through their agents, and others, have knowingly, caused the

preparation, publication and wide- spread telecasting within this state and elsewhere of some advertisements, "The E*TRADE Baby is back" (www.etrade.com/ty), and "E-Trade Baby Girlfriend" etc., (the "ADVERTISEMENTS") for their products and services, that includes plaintiff's name, characterization, and personality in these advertisements.

21. That "ADVERTISEMENTS" have appeared and were telecasted on various TV channels during the Vancouver 2010 Winter Olympics, in February 2010, and are currently appearing on the internet, blogs, and You tube etc.

22. That appearance of plaintiff's name and characterization in "ADVERTISEMENTS" causes the plaintiff to be identified in connection with defendants' product and services.

23. The plaintiff has not given her consent to, or in any way authorized the use of her name and characterization in the "ADVERTISEMENTS".

24. The defendants took the plaintiff's name and characterization, and used in "ADVERTISEMENTS" without plaintiff's consent and authorization.

25. Defendants JOE JOHN 1 though X, have knowingly participated, aided, and conspired with defendants, E*TRADE SECURITIES LLC, and E*TRADE BANK, to violate plaintiff's right of privacy.

26. The use by defendants of plaintiff's name, characterization, and personality for advertising purposes, and for purposes of trade and commercial benefits, was without the consent, written or oral, of plaintiff or anyone authorized by her to give such consent, was entirely unauthorized, and constitutes a violation of Section 50 of the Civil Rights Law of the State of New York.

27. All or substantial portions of the preparation, publication, and distribution of the "ADVERTISEMENTS" advertisement occurred within this state.

28. Defendants have acted knowingly, willfully and in bad faith.

29. Defendants, and their agents, have committed tortuous acts within the State of New York, which and are causing injury to plaintiff.

30. The other defendants have knowingly participated, aided, and conspired with defendants, E*TRADE SECURITIES LLC and E*TRADE BANK, to violate plaintiff's right of privacy.

31. By reason of the foregoing and pursuant to Section 51 of the Civil Rights Law of the State of New York, plaintiff demands that (a) an injunction enjoining defendants from any further unauthorized reproduction, publication, distribution, or other use or exploitation of the "ADVERTISEMENTS", and of any other advertisement containing plaintiff's name or characterization or personality, (b) an injunction directing defendants to recall, assemble, and turn over to plaintiff all copies of the "ADVERTISEMENTS", and of any other advertisement containing plaintiff's name or characterization or personality, including all prints, negatives, and other paraphernalia from which the "ADVERTISEMENTS" or any portion thereof, that includes a plaintiff's name or characterization or personality be produced; and the defendants are also jointly and severally liable to plaintiff for compensatory and exemplary damages.

FOR A SECOND CAUSE OF ACTION

The plaintiff repeats paragraphs 1 through 31.

32. That on February 07, 2010, and during the Super-Bowl game, defendants themselves, and through their agents, and others, have knowingly, caused the preparation, publication and wide-spread telecasting, within this state and elsewhere, of some advertisements, "The E*TRADE Baby is back" (www.etrade.com/tv), and "E-Trade Baby Girlfriend Super Bowl Commercial 2010" etc., (the "ADVERTISEMENTS"), for their products and services, that includes a likeness of plaintiff in the form of her name, characterization, and personality.

33. That "ADVERTISEMENTS" have appeared and were telecasted on various TV channels at the time of Super-Bowl game on February 07, 2010, and are currently appearing on the internet, blogs, and You tube etc.

34. That in February, 2010, and during the Vancouver 2010 Winter Olympics, defendants, themselves, and through their agents, and others, have knowingly, caused the preparation, publication and wide- spread telecasting within this state and elsewhere of some advertisements, "The E*TRADE Baby is back" (www.etrade.com/tv), and "E-Trade Baby Girlfriend" etc., (the "ADVERTISEMENTS") for their products and services, that includes a likeness of plaintiff in the form of her name, characterization, and personality.

35. That "ADVERTISEMENTS" have appeared and were telecasted on various TV channels during the Vancouver 2010 Winter Olympics, in February 2010, and are currently appearing on the internet, blogs, and You tube etc.

36. That appearance of plaintiff's look a-like name, characterization, and personality in the "ADVERTISEMENTS" causes the plaintiff to be identified in connection with defendants' product and services.

37. The plaintiff has not given her written consent to, or in any way authorized the use of her likeness in the "ADVERTISEMENTS".

38. The defendants took the name, characterization and personality sounding as plaintiff's name, characterization and personality and used them in the ADVERTISEMENTS".

39. All or substantial portions of the preparation, publication, and distribution of the "ADVERTISEMENTS" occurred within this state.

40. The defendants, by knowingly using a likeness of plaintiff's name, characterization, and personality for advertising purposes, and for purposes of trade and commercial benefits was without the consent, written or oral, of plaintiff or anyone authorized by her to give such consent, was entirely unauthorized, and constitutes a violation of plaintiff's right of privacy.

41. The other defendants have knowingly participated, aided, and conspired with defendants, E*TRADE SECURITIES LLC, and E*TRADE BANK to violate plaintiff's right of privacy.

42. By reason of the foregoing, the plaintiff is entitled to: (a) an injunction enjoining defendants from any further unauthorized reproduction, publication, distribution, or other use or exploitation of the "ADVERTISEMENTS", and of any other advertisement containing a likeness of plaintiff in manner; (b) an injunction directing defendants to recall, assemble, and turn over to plaintiff all copies of the "ADVERTISEMENTS", and of any other advertisement containing a likeness of plaintiff in any manner, and all prints, negatives and other paraphernalia, from which any advertisement or any portion thereof that includes a likeness of plaintiff, in any manner, can be produced. Defendants are also jointly and severally liable to plaintiff for compensatory and exemplary damages.

FOR A THIRD CAUSE OF ACTION

The plaintiff repeats paragraphs I through 42.

43. By participating in the unauthorized preparation, publication, and widespread distribution of the "ADVERTISEMENTS" that contains likeness of plaintiff's name, characterization, and personality, the defendants have consciously and deliberately disregarded and violated plaintiff's common law propriety right to exclusive control of the commercial use of her likeness, name, characterization, and personality. The defendants' violations of plaintiff's common law rights are ongoing, are causing and threaten to cause immediate and irreparable injury to the plaintiff, and cannot be adequately compensated for by monetary damages. The plaintiff has no adequate remedy at law.

44. By reason of the foregoing, the plaintiff is entitled to: (a) an injunction enjoining defendants from any further reproduction, publication, distribution, or other use or exploitation of the "ADVERTISEMENTS" and of any other advertisement, containing a likeness of plaintiff, in any manner, (b) an injunction directing defendants to recall, assemble, and turn over to plaintiff all copies of the "ADVERTISEMENTS" and of any other advertisement containing a likeness of plaintiff in any manner, all prints, plates, negatives, and other photographic paraphernalia from which "ADVERTISEMENTS" or any portion thereof, that includes a likeness of the plaintiff, in any manner, be produced; and the defendants are also jointly and severally liable to plaintiff for compensatory and exemplary damages.

WHEREFORE, the plaintiff demands judgment against the defendants jointly and severally for:

1. A permanent injunction enjoining the defendants, and each of them, their respective officers, agents, servants, employees and attorneys, and all other persons in concert or participation with them, from reproduction publishing, distributing, or otherwise using or exploiting the "ADVERTISEMENTS" or any other advertisement containing a plaintiff's name or characterization.

2. An injunction directing defendants to recall, assemble, and turn over to plaintiff all copies of the "ADVERTISEMENTS" and of any other advertisement containing plaintiff's name or characterization, including all prints, negatives, and other paraphernalia from which advertisement or any portion thereof that includes a plaintiff's name or characterization be produced;

3. The defendants be preliminarily and permanently enjoined from reproduction publishing, distributing, or otherwise using or exploiting the "ADVERTISEMENTS" or any other advertisement containing a likeness of plaintiff.

4. The defendants be preliminarily and permanently directed forthwith to recall, assemble, and turn over to plaintiff all copies of the "ADVERTISEMENTS" and any other advertisement containing a likeness of plaintiff, and all prints, plates, negatives and other photographic paraphernalia from which any advertisement or any portion thereof which includes a likeness of plaintiff can be produced.

5. Requiring defendants to account to plaintiffs for all proceeds derived from their wrongful conduct.

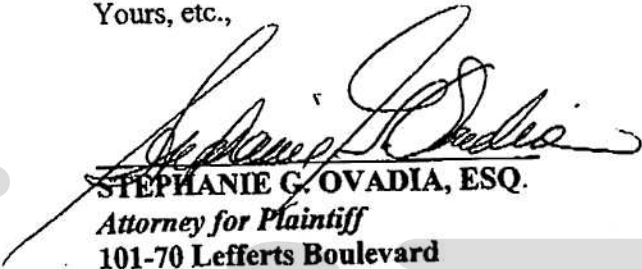
6. The plaintiff be awarded against all defendants, jointly and severally compensatory damages in an amount of \$ 50,000,000.00 (USA dollars Fifty Millions).

7. The plaintiff be awarded against all defendants, jointly and severally exemplary damages in an amount of \$ 50,000,000.00 (USA dollars Fifty Millions).

8. The plaintiff be awarded interest, the costs and disbursements, and attorneys' fee of this action, and such other and further relief, as the Court may seem just and proper.

Dated: March 8, 2010
Queens, New York

Yours, etc.,



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ANAND AHUJA, ESQ.

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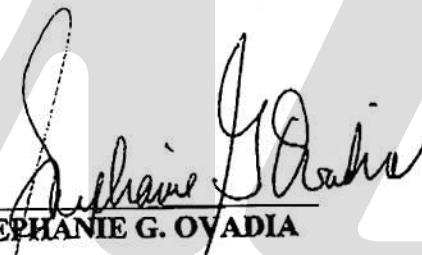
ATTORNEYS' VERIFICATION

The undersigned, attorneys duly admitted to practice in the Courts of this state, affirm the following under penalty of perjury:

That the undersigned are associated with the law offices of ANAND AHUJA, attorneys for plaintiff in the within action; that affiants have read the foregoing SUMMONS AND VERIFIED COMPLAINT and know the contents thereof; that the same is true to affiants' own knowledge, except as to the matters therein stated to be alleged on information and belief, and that those matters affiants believe to be true. Affiants further say that the reason this affirmation is made by affiants and not by plaintiff is that plaintiff is, currently, not in the County where affiants have office.

The grounds of affiants' belief as to all matters not stated upon affiants' knowledge are as follows: contents of our file.

Dated: Queens, New York
March 8th, 2010


STEPHANIE G. OVADIA


ANAND AHUJA