

**WORLD INTELLECTUAL PROPERTY ORGANIZATION
ARBITRATION AND MEDIATION CENTER**

Case No. D2017-1547

DELAIRE COUNTRY CLUB, INC.

(Complainant)

-v-

**PERFECT PRIVACY, LLC, and
MANFRED BRECKER,**

(Respondents).

Disputed Domain Name(s):

www.delairegovernance.com

RESPONSE

I. Introduction

On August 17, 2017, the Respondent, Manfred Brecker (the “Respondent”), received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the “Center”) by email informing the Respondent that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the “Policy”), approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”). The Center set September 6, 2017 as the last day for submission of a Response by Respondent.

II. Respondent’s Contact Details
(Rules, Paragraphs 5(c)(ii) and (iii))

The Respondent’s contact details are:

Name: Manfred Brecker
Address: 4430 Live Oak Blvd., Delray Beach, Florida 33445
Telephone: 561.495.1468
Facsimile: n/a
Email: mb3217@aol.com

The Respondent's authorized representative in this administrative proceeding is:

Name: Stephen J. Padula, Esq.
Address: 3837 NW Boca Raton Blvd., Suite 200, Boca Raton, Florida 33431
Telephone: 561.544.8900
Facsimile: 561.544.8999
Email: sjp@pbl-law.com
lh@pbl-law.com
jsw@pbl-law.com

The Respondent's preferred method of communications directed to the Respondent in this administrative proceeding is:

Electronic-only material

Method: Email
Address: sjp@pbl-law.com
Contact: Stephen J. Padula, Esquire

Material including hardcopy (where applicable)

Method: Fax
Address: 561.544.8999
Contact: Stephen J. Padula, Esquire

III. Response to Statements and Allegations Made in Complaint
(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 5(c)(i))

The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Administrative Panel to deny the remedies requested by the Complainant.

a. Background Facts

Respondent is a resident member of the Complainant, a residential mandatory membership country club, since 2004. *See* Complainant's Annex 4 which is a portion of the disputed website, and Resp. Annex 1, Respondent's Affidavit. *See also* Complainant's website, Delaire.org, which provides details about Complainant from Complainant's perspective. Resp. Annex 2. What that means for Respondent is that he is forced to be a member of the Complainant's country club by virtue of the fact that he resides in the community. Respondent and Complainant have a history of disputes between them, dating back to a lawsuit that was filed by Respondent against Complainant in February of 2015, whereby Respondent was disputing, amongst other things, the legitimacy of Complainant's voting procedures. *See* Resp. Annex 3 (lawsuit filed by Respondent). In addition to the lawsuit, the Respondent has been the subject of numerous grievance complaints since the time he filed the aforementioned lawsuit, and has complained that the Complainant is treating him unfairly in connection therewith.

Respondent registered the domain name delairegovernance.com (the “Domain Name” or the “Website”) for purposes of voicing his displeasure with Complainant and certain board members as it relates to, amongst other things: (1) the flawed voting procedure; (2) mandatory membership requirements; and (3) the Complainant and its board members’ misrepresentations to its members. *See* Resp. Annex 4 which is a composite of representative screen shots from the Website. The Website is not intended on being anything other than informative, and as a means to allow other members an opportunity to analyze certain core issues surrounding Complainant. Resp. Annex 1. As discussed in more detail below, the Website is not commercial in nature. At its core, the Website is intended to inform members of the truth of certain aspects of Complainant so that real and positive change can occur within Complainant. Resp. Annex 1. Thus, the primary purpose behind Respondent’s development of the Website, however, has always stayed the same; that is, to help spark positive change at Complainant’s country club. Complainant’s Annex 4; Resp. Annex 1.

Respondent has used the Website as a means to draw viewer’s attention to what he perceives as a decrease in sales of homes within Complainant. Resp. Annex 5; Complainant’s Annex 8 and 9. The goal of which, and as consistent with Respondent’s overall purpose in creating the Website, is to draw attention to the fact that changes should be made within Complainant’s community to help create better home sales and better overall change within the community. Resp. Annex 1. Complainant, however, believes that Respondent had the intent, in creating the Website, to cause a negative effect on Complainant’s home sales. In fact, on June 23, 2017, Complainant’s President initiated a grievance charge against Respondent as a result of the Website. Resp. Annex 6. The grievance charge alleged that Respondent, by virtue of his Website, was intentionally causing harm to Complainant. *Id.* Ultimately, the Complainant decided to suspend Respondent for one year because of the Website. Resp. Annex 7.

Despite Respondent’s clear intentions with his Website, Complainant has initiated this Complaint in what seems to be nothing more than Complainant’s continued harassment of Respondent in its continued effort to silence Respondent.

b. Whether the domain name is identical or confusingly similar to a service mark in which the Complainant has rights
(Policy, Paragraph 4(a)(i))

Under paragraph 4(a)(i) of the Policy, as a threshold matter, the Complainant must first establish that it “has rights” in a trademark or service mark. It is well-established under the Policy that a Complainant may demonstrate such rights by putting forward evidence of unregistered or common law rights in a mark. In doing so, as set forth in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (hereinafter “WIPO Overview 3.0”) under heading 1.3, “[t]o establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that the mark has become a distinctive identifier which consumers associate with the complainant’s goods and/or services.”

Complainant has failed to meet this threshold requirement as Complainant is unable to demonstrate that “Delaire” is a distinctive identifier associated with the Complainant. For starters, the Complainant has never registered or applied for its mark. While a lack of an application for a

mark is not dispositive of this issue, panels have held in the past that the lack of an application of a mark suggests that the complainant lacks confidence that the mark is a sufficiently distinctive identifier of its business. *See Sweep v. Berry*, WIPO Case No. D2012-0651, (May 23, 2012). More to the point, there are many businesses that use the name “Delaire” as their business names or to describe themselves. The following are examples: (1) Delaire - air conditioning company; (2) Delaire USA – fiber optic company; (3) Delaire Graff – Restaurant; (4) Delaire – music website; (5) Delaire Graff Lodges and Spa; (6) Delaire – dental practice; (7) Delaire Park; (8) Delaire – city in California; (9) Delaire – city in Delaware; and (10) Delaire – public fruit park. *See Resp. Annex 8* (printout from search engines searching the word “Delaire”). In such instances, panels have determined that the complainant has failed to demonstrate that the disputed mark is a distinctive identifier associated with the Complainant. *Sweep v. Berry*, WIPO Case No. D2012-0651, (May 23, 2012). Put simply, many other companies/entities are using the “Delaire” mark in many different ways; thus, it is not distinctive to Complainant and not confusingly similar. *See Petroleum Heat and Power Co., Inc. v. Hamze*, FA 1507001627797 (Nat. Arb. Forum July 27, 2015).

The case of *Winchester Properties, LLC v. DefaultData.com*, FA 0104000097114 (June 22, 2001) is instructive on this point. In *Winchester*, the complainant, a country club, disputed that the respondent had the right to use the domain name *Winchestercc.com*. The panel noted that merely because the word “Winchester” is similar to complainant’s service mark, the word “Winchester” is not exclusively associated with complainant as the respondent was able to show that the word “Winchester” alone is used by entities other than the complainant. Relying on the same, the *Winchester* panel determined that “*winchestercc.com*” was not identical or confusingly similar to complainant’s mark. The same can be said here; that is, the word “Delaire” is not distinctive to, or exclusively associated with, the Complainant.

Complainant also fails to meet this threshold requirement because Complainant merely provides evidence that the Complainant is known by the name “Delaire.” It is well established, however, that the Policy does not protect trade names or company names when that is the extent of their use. *See Sealite Pty Limited v. Carmanah Technologies, Inc.*, WIPO Case No. D2003-0277, (June 11, 2003) (holding that the complainant failed to show anything other than the fact that it is known by that name).

Notwithstanding the foregoing, Complainant further fails to meet this requirement because the word “governance” differentiates the domain name. Even if Complainant has common law rights to “Delaire,” by Respondent adding “governance” to the Domain Name, it cannot be said that it is identical or confusingly similar to “Delaire.” Panels have held similarly where the respondent has added the word “sucks” (*see Prudential Ins. Co. of Am. V. QuickNet Commc’ns*, FA 146242 (Nat. Arb. Forum Mar. 27, 2003) and “truth” (*Office of Medical & Scientific Justice, Inc. v. DeShong*, FA1302001486064 (Nat. Arb. Forum May 6, 2013)) to the domain name to distinguish itself.

Based on the foregoing, Complainant has failed to satisfy Paragraph 4(a)(i) of the Policy as it has failed to sufficiently demonstrate its rights to “Delaire” as a service mark; thus, the Complainant cannot succeed.

c. Whether the Respondent has rights or legitimate interests in respect to the domain name
(Policy, Paragraphs 4(a)(ii), 4(c))

Pursuant to paragraph 4(c) of the Policy, Respondent may establish his rights or legitimate interests in the disputed Domain Name by showing that he “is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue.” Complainant, for obvious reasons, has offered nothing by way of evidence tending to show that Respondent used the domain name with the intent for commercial gain. To the extent Complainant suggests that Respondent’s use of the domain name is for commercial gain, the Complainant is wrong.

It is undisputed that Respondent is a shareholder of Complainant and is a resident in Complainant’s country club. Resp. Annex 1. It is further undisputed that the purpose of the website at issue here is to offer criticism of Complainant, certain board members, and the governance of the country club. Resp. Annex 1; Resp. Annex 4; Complainant’s Annex 6, 7, and 8. That, in it of itself, does not translate into the website being used for commercial gain. Despite the foregoing, Complainant attempts to convince the panel that Respondent’s use of the domain name is somehow for “commercial gain.” In doing so, the Complaint relies on WIPO Overview 3.0, at paragraph 2.5.3, and suggests that “‘commercial gain’ is interpreted in the broadest terms under the Policy....” That, however, is misleading as WIPO Overview 3.0, paragraph 2.5.3 does not state that “commercial gain” is to be interpreted in its broadest sense. Notably, WIPO Overview 3.0, paragraph 2.5.3 does suggest that commercial gain may include the respondent gaining or seeking reputation and/or bargaining advantage, but Complainant has not offered any evidence that Respondent is attempting to do so here. WIPO Overview 3.0, paragraph 2.5.3 also suggests that a respondent’s use of a complainant’s mark to redirect users to a competing site would not support a claim for rights or legitimate interests. Despite the same, no evidence exists that Respondent was doing so here.

Complainant is left with trying to make the argument that because Respondent’s intent in creating the website was out of concern of his own home decreasing in value, that somehow translates into commercial use. This argument defies logic because Respondent’s concerns over his *own* home value is the opposite of *commercial* gain. *See Covance, Inc. v. The Covance Campaign*, WIPO Case No. D2004-0206 (April 30, 2004) (even in a situation where the respondent was offering merchandise on his criticism website, there was no evidence that respondent was diverting complainant’s business to respondent; thus, no intent for commercial gain); *see also Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016) (finding that respondent was not seeking a commercial gain where the website was clearly a criticism website).

Complainant further suggests that Respondent is using the Website “to misleadingly divert consumers to four other country clubs in the Delray Beach area that directly compete with Delaire for members and other business.” For starters, this statement is not true. Complainant relies on Annex 8 and 9 in support of its argument here. As the Panel can clearly see therein, there is nothing on the Website which “diverts consumers to four other country clubs.” All Respondent has done is compare home sales between Complainant and other country clubs. Respondent has not

attempted to draw consumers to the other country clubs, and certainly has not done so in a misleading way. If the panel were to accept Complainant's position on this point as true, any reference on a website to a competitor would fit into this category. Additionally, paragraph 4(c) of the Policy provides that Respondent may establish his rights or legitimate interests in the disputed Domain Name by showing that he "is making a legitimate non-commercial or fair use of the domain name, *without intent for commercial gain misleadingly to divert consumers....*" Complainant has offered no evidence to suggest that Respondent's alleged diversion of consumers to other country clubs was done with the intent of Respondent's seeking commercial gain. The Bottom line here is that the Website is not misleading in any way, and does not divert consumers to other country clubs for purposes of Respondent's commercial gain.

The case of *Towers on the Park Condominium v. Adao*, WIPO Case No. D2012-1054 (July 12, 2012) is on point. In *Adao*, the respondent was a resident/member of the complainant's condominium association. The respondent created a website to address certain issues he had with the condominium association. The complainant complained that it had common law trademark rights to the disputed domain name (*towersonthepark.com*). The panel concluded, "without difficulty," that the respondent was making a legitimate noncommercial use of the domain name without the intent for commercial gain and without the intent to tarnish the alleged mark. As the panel noted, "[c]riticism is not itself tarnishment." See *Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016) (holding that "fair-use criticism, even if libelous, does not constitute tarnishment and is not prohibited by the Policy."); see also *Britannia Building Society v. Britannia Fraud Preventions*, WIPO Case No. D2001-0505 (July 6, 2001) (stating that the term "tarnishment" specifically "refers to such unseemly conduct as linking unrelated pornographic, violent or drug-related images or information to an otherwise wholesome mark."). The panel in *Adao* correctly concluded its decision as follows:

The Panel finds that Respondent's use of the Domain Name to offer (and field) comments about governance of the condominium vests him with a legitimate interest under Policy paragraph 4(c)(iii). This case looks much more like a case of very local political squabbles than a clear case of cybersquatting. The Policy was not intended to respond to circumstances such as this.

Other panels have held similarly when analyzing criticism websites. See *Covance, Inc. v. The Covance Campaign*, WIPO Case No. D2004-0206 (April 30, 2004) (holding that because the website was designed to criticize the complainant, the respondent was not commercially motivated); *Ryanair Limited v. Coulston*, WIPO Case No. D2006-1194 (Dec. 12, 2006) (respondent had legitimate interest in his criticism website); *Sermo, Inc. v. Catalyst MD, LLC*, WIPO Case No. D2008-0647 (July 2, 2008) (same); *Challenger Limited v. Butler*, WIPO Case No. D2014-0852 (July 21, 2014) (same); see also *RMO, Inc. v. Burbridge*, FA 96949 (Nat. Arb. Forum May 16, 2001) ("The use of domain names for non-commercial purposes is a recognized method of proving rights and legitimate interests on the part of such user even when the use may cause some disadvantage or harm to other parties."); *Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016).

Important here is that the Website is a criticism website; plain and simple. There is absolutely no evidence show that Respondent was commercially motivated in his use of the Website or that he used the Website with the intent for commercial gain or to misleadingly divert consumers. In fact, the Website looks nothing like Complainant's website and there is nothing on the Website leading a visitor to believe that the Website is in fact Complainant's website. Resp. Annex 2. Further still, there is no evidence (only Complainant's conclusory allegations) that the Website was intended to tarnish the purported Delaire trademark. *See Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016) (discussing what the term "tarnishment" means in this context); *see also Newell Operating Company v. Shalaby*, WIPO Case No. D2008-1805 (March 3, 2009) (same). Instead, and in line of the many of the foregoing cases, Respondent is merely exercising his First Amendment Right to criticize Complainant. *See, e.g., Bridgestone Firestone v. Myers*, WIPO Case No. D2000-0190 (July 6, 2000) (explaining why First Amendment rights are relevant to these proceedings); *see also Jams, LLC v. Flynn*, WIPO Case No. D2012-0293 (May 14, 2012) (same).

Based on the foregoing, Complainant has failed to satisfy Paragraph 4(a)(ii) of the Policy as Respondent has shown that he has rights or a legitimate interest in the use of the Domain Name.

d. Whether the domain name is being used in bad faith
(Policy, Paragraphs 4(a)(iii), 4(b))

Paragraph 4(b) of the Policy lists certain factors for the panel to consider in analyzing whether a respondent is using a domain name in bad faith. While it is well-established that the list is considered to be a non-exhaustive list, it is worth noting that the Complainant has not offered any evidence that any of these factors are prevalent here.

Complainant raises three reasons to support its position that bad faith exists: (1) "the domain name was chosen primarily for the purpose of disrupting the business of a competitor;" (2) "the domain name was intentionally chosen to attract, for commercial gain, internet users to the website, by creating a likelihood of confusion with the Delaire website and service mark, and by affiliating the Domain Name with the Delaire website and service mark in the internet search engines;" and (3) "the Respondent chose the Domain Name with the intent to abuse Complainant and otherwise engage in behavior detrimental to the Delaire mark." As set forth herein, the evidence does not support Complainant's position on any of these three purported reasons.

As to the claim that the Domain Name being chosen for purposes of disrupting the business of a competitor, the same is simply not true. Respondent and Complainant's are not competitors. As discussed herein, Respondent is a member of Complainant's country club, and a shareholder. As stated by the panel in *Sutherland Institute v. Continuative, LLC*, WIPO Case No. D2009-0693 (July 10, 2009), it would take an "exercise of mental gymnastics" to reach the conclusion that Complainant and Respondent are competitors. Towards that end, it cannot be said that the Domain Name was chosen for the purpose of disrupting the business of a *competitor*. Complainant relies on the case of *Mission KwaSizabantu v. Rost*, D2000-0279 (June 7, 2000) in support of its attempt to suggest that Complainant and Respondent are competitors. The *Rost* case is factually distinguishable from the underlying case for a number of reasons, including but not limited to the fact that in *Rost*, the primary concern of the panel in finding bad faith was that the respondent was

precluding the complainant from registering a domain name “in the most popular Registry where persons can be most expected to go at first instance to try and find a relevant website.” That is just not the case here as Complainant has its own website (Resp. Annex 2), and Respondent is not barring visitors to go to Complainant’s website in any meaningful way. It is also worth noting that the *Rost* decision was decided in 2000, well before WIPO Overview 3.0 was enacted. Notably, WIPO Overview 3.0, heading 3.1.3, expressly provides that a competitor “may include prior customers or business partners of the complainant, it would not encompass legitimate noncommercial criticism.” This is precisely what the Website is being used for by Respondent.

As to the claim that the website was chosen for purposes of commercial gain, again, the same is simply not true. As discussed in more detail above, there is nothing commercial about the website. The website is a purely intended to criticize. Respondent does not profit from the Website, he does not advertise on the Website, he does not solicit customers for purposes of making a profit, and he is not seeking to gain some type of advantage. See *Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016) (finding that website was not operated for a commercial purpose). Any suggestion of the same is conclusory and unsupported by evidence. The Complainant points to the fact that Respondent is using the website as a means to try and change the voting procedure at the country club. This can hardly be considered “commercial gain.” More notably, the Complainant has not offered any evidence to suggest that the Website somehow gives Respondent an increase in bargaining power or leverage. The reason Complainant fails to produce such evidence is because none exists as the Website is nothing more than a median for Respondent to try and implement positive change at the community where he resides.

Finally, the argument raised by Complainant that the Website contains false or misleading statements, or tarnishes Complainant’s purported service mark, is unpersuasive. As set forth in *Titan Enterprises (Qid) Ply Ltd v. Dale Cross*, WIPO Case No. D2015-2062 (Jan. 13, 2016), “the correctness of such assertions is not a matter that is determinable by the Panel,” as “[t]he Policy is designed to deal with clear cases of cybersquatting,” and “[t]o the extent that the Complainant wishes to raise issues with the veracity of the statements that are present on the Respondent’s Website, such matters are best decided in the courts.”

There is no dispute that Respondent has registered the Website for the purpose of criticizing the Complainant. However, he has done so using the Complainant’s name fairly, as an identifier of the Complainant. There has been no evidence presented that Respondent has attempted to pass itself off as the Complainant or misleadingly divert users of the Complainant. Further, there is no evidence that Respondent has attempted to sell the Domain Name for a profit, engaged in a pattern of conduct depriving others of the ability to obtain domain names corresponding to their trademarks, is not a competitor of Complainant seeking to disrupt the Complainant’s business, and is not using the Domain Name to divert users for commercial gain. See *Societe des Produits Nestle S.A. v. Pro Fiducia Treuhand AG*, WIPO Case No. D2001-0916 (Oct. 12, 2001) (holding that where none of the foregoing exists, bad faith cannot be shown); *Unangst v. Rancer*, FA130700158788 (Nat. Arb. Forum, Aug. 28, 2013). Towards that end, and based on the foregoing, Complainant has failed to satisfy Paragraph 4(a)(iii) of the Policy as it has failed to sufficiently demonstrate that the Domain Name is being used in bad faith.

e. Conclusion

As set forth in detail above, there are a myriad of reasons why this Complaint should be denied. To recap what was stated above, Respondent states as follows:

- The Domain Name is not identical or confusingly similar to a service mark in which Complainant has rights because: (1) Complainant does not have any common law rights to the “Delaire” service mark as “Delaire” is not a distinctive identifier associated with the Complainant; (2) Complainant has failed to show anything more than the fact that it is known by “Delaire;” and (3) even if Complainant does have common law rights to “Delaire,” the Respondent has differentiated by adding the word “governance” to the Domain Name.

- Respondent has rights or legitimate interests in respect to the Domain Name because: (1) the Website is nothing more than a criticism website, with no intent for commercial gain; (2) the Website does not misleadingly divert consumers with the intent for commercial gain; (3) Complainant and Respondent are not competitors; and (4) the Website is not intended to tarnish Complainant’s alleged service mark.

- The Domain Name is not being used in bad faith based on: (1) the Domain Name was not chosen to disrupt the business of a competitor; (2) the Domain Name was not intended to confuse internet users for purposes of commercial gain; and (3) Respondent did not create the Website with the intent to abuse Complainant.

This Panel, like many others, should adopt the statement made in *Howard Jarvis Taxpayers Association v. McCauley*, WIPO Case No. D2004-0014 (Apr. 22, 2004), that “[t]he Policy is designed to prevent abusive cybersquatting, but ... it cannot extend to insulating trademark holders from contrary and critical views when such views are legitimately expressed without an intention for commercial gain.

Based on the foregoing, the Complaint must be denied.

IV. Administrative Panel

(Rules, Paragraphs 5(c)(iv) and (c)(v) and Paragraph 6; Supplemental Rules, Paragraph 7)

The Respondent elects to have the dispute decided by a single-member Administrative Panel.

V. Communications

(Rules, paras. 2(b), 5(c)(vii); Supplemental Rules, Paragraphs 3, 7, 12)

A copy of this Response has been transmitted to the Complainant on September 6, 2017 in electronic form.

This Response is submitted to the Center in electronic form, including any annexes, in the appropriate format.

VI. Certification

(Rules, Paragraphs 5(c)(viii), Supplemental Rules, Paragraph 15)

The Respondent agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or ICANN for any act or omission in connection with the administrative proceeding.

The Respondent certifies that the information contained in this Response is to the best of the Respondent's knowledge is complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Dated this 6th day of September, 2017.

Respectfully submitted,

PADULA BENNARDO LEVINE, LLP
Attorneys for Respondent, Manfred Brecker
3837 NW Boca Raton Blvd., Suite 200
Boca Raton, Florida 33431
Telephone No. 561.544.8900
Facsimile No. 561.544.8999

By: /s/ Stephen J. Padula
STEPHEN J. PADULA
Florida Bar No. 182362
Email: SJP@PBL-Law.com
JOSHUA S. WIDLANSKY
Florida Bar No. 45197
Email: JSW@PBL-Law.com

VII. List of Annexes

Annex 1: Respondent's Affidavit

Annex 2: Printout from Delaire.org identifying Complainant's website.

Annex 3: Fourth Amended Complaint in Breckers v. Delaire, Case No. 2015 CA 1848

Annex 4: Composite of screen shots from delairegovernance.com website

Annex 5: Printout of "Manny's Corner" section of the delairegovernance.com website

Annex 6: The grievance complaint brought by Delaire's President Mr. Karpel against Mr. Brecker

Annex 7: Grievance Committee's recommendation to suspend Mr. Brecker in connection with the Karpel Grievance, and the Board's approval

Annex 8: Printout from search engine searches showing the lack of exclusivity of the use of "Delaire"