

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
THE HONORABLE JUDGE R. BROOKE JACKSON**

Civil Action No. 11-CV-02022

CORY ROTH,  
PLAINTIFF

V.

EASYSTREETSPORTS.COM,  
THERX.COM aka THERXFORUM.COM,  
MARTY JANSEN,  
MR. ALEX POWERS,  
WILHEIM DOE (FAMILY NAME UNKNOWN),

DEFENDANTS

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**JOINT STATUS REPORT**

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In accordance with the Order dated September 29<sup>th</sup> 2011, by the Honorable Judge R. Brooke Jackson, the Plaintiff does submit this Joint Status Report, without the input of the Defendants or their Counsel. As of this date, no Defendants have not responded to attempts at communication, nor has Counsel for them been identified.

**A) Identification of Counsel**

Plaintiff's Counsel : Warren R. Markowitz, Esq  
The Law Office of Warren R. Markowitz, Esq  
7260 W. Azure Drive, Suite 140-100  
Las Vegas NV 89130  
Office: 702.518.1377  
[Warren@WarrenMarkowitzEsq.com](mailto:Warren@WarrenMarkowitzEsq.com)

Defendant's Counsel: None identified.

**B) Nature of the Case Proceedings to Date**

Plaintiff asserts the following claims in his complaint including a summary of the facts and

legal issues::

**Breach of Contract:** Plaintiff entered into several contracts, each a continuation of the prior with Defendant Easystreetsports.com. After fulfilling his obligations under the contract, Plaintiff demanded payment from Defendant EasyStreet. Defendant refused to make good on his obligation and accused Plaintiff of altering the terms of the agreement. Defendant maintains control and authority over the money owed Plaintiff to this day.

**Fraud:** Defendant EasyStreetSports.com made a material misrepresentation to the Plaintiff as to Defendant's dispute resolution process. This assertion was false. Actions by Defendant EasyStreet was in contradiction to the representation for the purpose of defrauding the Plaintiff of the funds rightfully due him.

**Tortious Interference with Contract:** Defendants TheRx.com, TheRxforum.com, Jansen, Powers and Wilhiem collectively the "RX Defendants" did willfully inject themselves into the contractual relationship between Defendant EasyStreetSports.com and Plaintiff Roth. Through a series of deliberate actions, The RX Defendants, did interfere with and influence the EasyStreet Defendant into withholding payment to Plaintiff Roth. Defendant EasyStreet was to later publicly acknowledge that the decision to withhold payment to Plaintiff Roth was based on the determination of the RX Defendants.

**Defamation:** EasyStreetSports.com and TheRXForum did make false statements and comments regarding Mr. Roth through the use of Internet Bulletin Boards. The statements made by the Defendants were not qualified or privileged, the statements were known to be false at the time of making, and the statements were made to besmirch and harm the reputation and position of Plaintiff Roth.

**Conversion:** Collectively, the Defendants, retained the property owned by Plaintiff Roth with the full knowledge that the funds belonged to him.

There are no cross claims or counterclaims known to the Plaintiff at this time.

Jurisdiction has not been challenged by Defendants. Plaintiff asserts that Diversity Jurisdiction is proper due to the citizenship of the defendants as foreign nationals and corporations and the Plaintiff as a Citizen of the United States and resident of the state of Florida.

**C) Proceedings to Date:**

- a) Plaintiff's Counsel made several attempts to contact and speak with the Defendants.

Plaintiff's Counsel used e-mail and the telephone in attempts to discuss the matter prior to the filing of this action. Defendants have ignored these attempts and have thus far refused to respond to the Complaint.

- b) There have been no substantive rulings by the court, or discovery rulings.
  
- c) The Plaintiff's Counsel, through the use of a disinterested third party, attempted personal service of the Defendants at the RXBash held at the RIO Hotel in Las Vegas NV on August 20<sup>th</sup> 2011. Defendants were not identified during the social mixer in which they were searched for. Due to the international nature of the Defendants, Plaintiff's Counsel mailed, First Class Registered US Mail to the Defendants in Costa Rica and British Columbia, Canada. Further action was taken by forwarding the Court required documents, via email, and by posting the information on Defendant's business Facebook pages and on other legal websites, i.e. JDSupra.com.

**D) Final Trial Preparation Conference and Trial.**

No Final Trial Preparation Conference has been conducted.

No Trial Date has been set, no determination as to the length or type of trial has been made.

**E) Settlement**

No Settlement discussions have taken place and none are expected.

Plaintiff's Counsel does not expect the Defendant's to respond to the complaint, in either an answer or a challenge of jurisdiction, and therefore Plaintiff's Counsel is likely to move for a default judgment in favor of the Plaintiff.

**F) Other Matters.**

Plaintiff asserts that the service of the Defendants, not in the United States and not easily reached via traditional means, has been in compliance with the Federal Rules of Civil Procedure, FRCP Rule 4(f), as interpreted by Counsel. The actions taken to serve the Defendants were designed to provide notice and information relating to the pending action.

It is the intent of the Plaintiff to seek a default judgment if the Defendant's do not respond by

the 15<sup>th</sup> of October 2011.

There are no other matters that Plaintiff's Counsel believes should be brought to the attention of the Court at this time.

RESPECTFULLY SUBMITTED this 10th day of October, 2011

By: /s/ Warren R. Markowitz, Esq  
THE LAW OFFICE OF WARREN R. MARKOWITZ, ESQ  
Warren R. Markowitz, Esq  
7260 W. Azure Drive, Suite 140-100  
Las Vegas, NV 89130  
Office: 702-518-1377  
E-Mail: [Warren@WarrenMarkowitzEsq.com](mailto:Warren@WarrenMarkowitzEsq.com)  
Attorney for Plaintiff Cory Roth

## CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of October 2011, I electronically filed with foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following email addresses:

THE LAW OFFICE OF WARREN R. MARKOWITZ, ESQ  
Warren R. Markowitz, Esq  
7260 W. Azure Drive, Suite 140-100  
Las Vegas, NV 89130  
Office: 702-518-1377  
E-Mail: [Warren@WarrenMarkowitzEsq.com](mailto:Warren@WarrenMarkowitzEsq.com)  
Attorney for Plaintiff Cory Roth,

and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner (mail, hand-delivery, etc) indicated by the non-participants name:

### Via First Class Postage Paid and Electronic Mail

<b>EASYSTREETSPORTS.COM,</b> <a href="mailto:cs@easystreetsports.com">cs@easystreetsports.com</a> Fabricio Ruiz, Cosei SRL San Jose San Jose, San Jose 1289-1011 Costa Rica Via Email and First Class Postage	<b>THERX.COM aka THERXFORUM.COM,</b> <a href="mailto:rig@irigua.com">rig@irigua.com</a> The RX Forum/TheRX.com 10500 Sceptre Crescent Richmond, British Columbia V7E 2A7 Canada Via Email and First Class Postage
<b>Alex Powers</b> <a href="mailto:powers@easystreetsports.com">powers@easystreetsports.com</a> Mr. Alex Powers/ EasyStreetSports.com Fabricio Ruiz, Cosei SRL San Jose San Jose, San Jose 1289-1011 Costa Rica Via Email and First Class Postage	<b>Marty Jensen</b> <a href="mailto:MJ@MartyJensen.com">MJ@MartyJensen.com</a> The RX Forum/TheRX.com 10500 Sceptre Crescent Richmond, British Columbia V7E 2A7 Canada Via Email and First Class Postage
	<b>WILHEIM DOE (FAMILY NAME UNKNOWN)</b> <a href="mailto:wilheim@therx.com">wilheim@therx.com</a> The RX Forum/TheRX.com 10500 Sceptre Crescent Richmond, British Columbia V7E 2A7 Canada Via Email and First Class Postage