

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

ALBERT BEST, VIVIAN BEST, SHARON DAY,
JULIAN HOWARD, DEBORAH AUSTIN,
CHERYL CRIST, HEIDI RICE, MICHAEL A. VALLILLO,
MARIA VALLILLO AND MARTHA SZOSTAK

Plaintiffs

Case No. 08-96952-CZ

v

Hon. Nanci J. Grant

PARK WEST GALLERIES, INC.,
a Michigan corporation,

Defendant/Counter-Plaintiff/Third Party Plaintiff

v.

ALBERT BEST, SHARON DAY,
JULIAN HOWARD, DEBORAH AUSTIN,
CHERYL CRIST, MICHAEL A. VALLILLO,
MARIA VALLILLO AND MARTHA
SZOSTAK

Plaintiffs/Counter-Defendants.

and

FINE ART REGISTRY, an Internet site
based out of Arizona, THERESA FRANKS,
an Arizona resident, and FRANK HUNTER,
a New York resident,

Third-Party Defendants.

**COUNTERCLAIM, THIRD
PARTY COMPLAINT AND JURY
DEMAND**

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**COUNTERCLAIM, THIRD-PARTY COMPLAINT
AND RELIANCE ON JURY DEMAND**

Plaintiff and Counter-Defendant Park West Galleries, Inc., (“Park West”) through its counsel, Young & Susser, P.C., states as follows for its Counterclaim and Third Party Complaint:

PARTIES

1. Park West is a Michigan corporation, authorized and doing business in Oakland County, Michigan.

2. Fine Art Registry (“FAR”) is an entity operating through an internet web site which offers products for sale and purports to provide an avenue for artists to “register” their art via a “tagging system” for works of art and also purports to offer a means of establishing provenance and ownership of pieces of art.

3. Theresa Franks (“Franks”) is a resident of Arizona, and is the founder and CEO of FAR.

4. Since at least September 2007, FAR and Franks have published numerous false and defamatory statements about Park West which were disseminated throughout the United States including Southfield, Michigan. FAR and Franks have attempted to destroy Park West’s goodwill and reputation by use of false and defamatory statements, and have also interfered with existing contractual relationships between Park West and its customers and further interfered with Park West’s prospective business opportunities.

5. Frank J. Hunter (“Hunter”) is a resident of New York, and is the director of the Salvador Dali Archives in New York City.

6. Since at least mid-2008, Hunter has made numerous false and defamatory statements about Park West, which were disseminated throughout the United States, including Southfield, Michigan. Hunter has attempted to destroy Park West’s goodwill and reputation by

use of false and defamatory statements and has also interfered with existing contractual relationships between Park West and its customers and further interfered with Park West's prospective business opportunities.

7. Albert Best ("Best") is resident of Farmington Hills, Michigan.

8. Sharon Day ("Day") and Julian Howard ("Howard") are residents of the United Kingdom.

9. Deborah Austin ("Austin") is a resident of Lomita, California.

10. Cheryl Crist ("Crist") is a resident of Long Beach, California.

11. Michael and Maria Vallillo ("the Vallillos") are residents of Parsippany, New Jersey.

12. Martha Szostak ("Szostak") is a resident of Bargersville, Indiana.

13. Since mid-2008, Best, Day, Howard, Austin, the Vallillos and Szostak have made false and defamatory statements about Park West which were disseminated throughout the United States, including Southfield, Michigan. Best, Howard, Day, Austin, Crist, the Vallillos and Szostak have attempted to destroy Park West's goodwill and reputation by use of false and defamatory statements and/or have interfered with existing contractual relationships between Park West and its other customers and further interfered with Park West's prospective business opportunities.

JURISDICTION AND VENUE

14. The Counter and Third-Party Defendants are subject to personal jurisdiction in this Court. This court has jurisdiction pursuant to M.C.L.A. 600.705 and M.C.L.A. 600.715. Venue is otherwise proper in this Court.

15. Pursuant to MCLA 600.705: "the existence of any of the following relationships between an individual or his agent and the state shall constitute a sufficient basis of jurisdiction

to enable a court of record of this state to exercise limited personal jurisdiction over the individual and to enable the court to render personal judgments against the individual or his representative arising out of an act which creates any of the following relationships: (1) The transaction of any business within the state. (2) The doing or causing an act to be done, or consequences to occur, in the state resulting in an action for tort.”

16. Pursuant to M.C.L.A. 600.715: “the existence of any of the following relationships between a corporation or its agent and the state shall constitute a sufficient basis of jurisdiction to enable the courts of record of this state to exercise limited personal jurisdiction over such corporation and to enable such courts to render personal judgments against such corporation arising out of the act or acts which create any of the following relationships: (1) The transaction of any business within the state. (2) The doing or causing any act to be done, or consequences to occur, in the state resulting in an action for tort.”

17. FAR and Franks operate an internet web site through which art buyers, including those in Michigan, are encouraged to register their purchases, and artists, including those in Michigan, and are encouraged to register their artwork. Clients pay an annual \$9.95 membership fee plus \$2.25 each for numbered tags which are sent to the art owners and artists to be affixed to their artwork. The website operated by FAR and Franks also offers goods for sale to the general public, including residents of Michigan, such as art, books, CD’s and other products.

18. As recently as April 2008, FAR and Franks accepted membership registrations from both artists and collectors in Michigan. The registrants paid the registration fees for one year memberships and FAR and Franks sent to them the FAR newsletter.

19. As recently as October, 2008, FAR and Franks have sold products to Michigan residents and shipped such products to residents of Michigan.

20. The actions of FAR and Franks constitute the transaction of business within the

state of Michigan for purposes of personal jurisdiction. Such actions also establish that FAR and Franks have minimum contacts with the state of Michigan such that the maintenance of this suit does not offend traditional notions of fair play and substantial justice.

21. Hunter operates an internet website, thedaliarchives.com, through which individuals, including those in Michigan, may purchase authentication services from Hunter to be paid for by individuals in Michigan and sent to them by Hunter.

22. The actions of Hunter constitute the transaction of business within the state of Michigan for purposes of personal jurisdiction. Such actions also establish that Hunter has minimum contacts with the state of Michigan such that the maintenance of this suit does not offend traditional notions of fair play and substantial justice.

23. The false and defamatory statements and tortious interference by all Defendants were made and done with the full knowledge of Defendants of the effects such statements would have on the business reputation of Michigan-based Park West.

24. The amount in controversy in this matter exceeds the sum of \$25,000, exclusive of interest and costs, and this Court has subject matter jurisdiction.

GENERAL ALLEGATIONS

25. Park West, the Southfield, Michigan-based fine arts dealer, is the largest independently owned art gallery in the world, with some 1.2 million clients. Park West's 63,000 square foot headquarters houses twenty three exhibit halls devoted to a wide range of artists. Park West maintains close relationships with some of the world's most popular artists of the past and present as well as art experts and scholars.

26. Park West is engaged in the promotion, display, and sale of artwork and operates an art gallery in Southfield, Michigan. Although located in Southfield, Michigan, Park West's art is sold throughout the world. Additionally, Park West maintains a website at which interested

persons and customers can visit and look at artwork from their computer screens. Park West also has a significant presence in the “at-sea” art auction market, with a presence aboard over eighty ships from eight cruise lines.

27. Park West’s success can be credited in large part to the integrity and professionalism that have been a part of the business since its gallery first opened in 1969. Park West employees log millions of miles in international and domestic travel to review the most important art shows and museum exhibits. Park West also relies on recognized scholars to document and review its collections.

28. FAR bills itself as an on-line art gallery and a “world-wide repository and historical record of art and valuable collectibles.” It invites art buyers to register their purchases and artists to register their artwork. Clients pay an annual \$9.95 membership fee plus \$2.25 each for numbered tags (minimum 10) which, once affixed to their artwork, “. . . helps establish authenticity . . . helps prevent fraud and theft . . . [and serves as] a means of establishing provenance and ownership of art pieces . . .”.

29. FAR offers a basic on-line application to register works of art through its website and claims that “50, 100 or 500 years from now the provenance of a work of art can be verified on the FAR website and its history traced.” FAR never examines the actual artwork and offers no guarantees that its website will even exist “50, 100 or 500 years” from today. Nor does FAR’s registration come with the backing of anyone with artistic credentials. The FAR website has been in existence less than two years. FAR has neither a gallery nor a store front but only a P.O. Box. FAR CEO Franks possesses no experience or authority to appraise or authenticate artwork.

30. In 2007, FAR and Franks approached Park West, and attempted to sell its tagging system to Park West. At \$2.25 per tag, a sale to Park West, which sells thousands of works of art each year, would have resulted in substantial economic benefit to FAR and Franks.

Recognizing the serious deficiencies in the FAR “tagging system,” Park West declined.

31. Notwithstanding FAR and Franks’ efforts to bill themselves as an on-line gallery and registration vehicle for artists and collectors, it is evident that since Park West declined to purchase their tagging system, their primary focus is and has been a smear campaign against Park West. A cursory look at the first page of their web-site makes that clear. (A copy of the front page as it appeared on January 16, 2009 is attached as **Exhibit 1**) The first nine articles (out of only 16) identified as “Hot Art News” on the page, are about Park West. Not only are they about Park West, even the brief description provided on web site’s opening page presents the articles in a false and defamatory way. They are clearly intended to defame Park West, and mislead the readers of the web-site. For example, the first article listed is entitled “Criminal Investigation: The Dali Albaretto Collection”. (Park West Gallery is the only art gallery in the United States to offer art from the Albaretto Dali collection). What the defamatory tag line does not tell you is that this is a translation of an article from more than 4 years ago, describing an investigation that was dismissed for lack of evidence. Similarly, the third entry, listed as “The Detroit News - Park West Gallery’s Forged Art Lawsuit” is actually from a news broadcast entitled “Suit **Claims** Sale of Forged Art” (emphasis added). Again, the sixth entry, listed as Park West Gallery Victim, Vallillo Case Study (\$100,000+ fraud) is an article about the claims of the Vallillos. The Vallillo’s Complaint was filed less than one month before the “article” was posted. There has been no finding of fraud – nor any that the Vallillos were “victims”. These are just several examples of the daily defamation launched by FAR and Franks, and joined by the other Defendants.

32. Beginning as early as May 2007, FAR and Franks began a campaign of publishing defamatory statements regarding Park West that has continued to this day. During that period, FAR and Franks have published countless “articles” defaming Park West on the FAR website and

elsewhere, and have also produced a number of defamatory videos, which may be played through the FAR website and elsewhere, and which FAR and Franks also offer for sale to the general public. FAR and Franks have engaged “authors” to assist in their smear campaign against Park West, and have set up a “FAR Forum” to encourage discussion and repetition of the defamatory statements.

33. Beginning in 2008, FAR and Franks successfully convinced others to join in their smear campaign against Park West. From that point on, Defendants conspired together to either publish defamatory statements about Park West on the FAR website and elsewhere, repeatedly contact Park West threatening to “go public” with their “stories” and/or actively seek out other customers of Park West and repeat their defamatory statements to them. Defendants have told customers of Park West that artwork they had purchased from Park West was not authentic and urged and otherwise caused such customers to develop ill will, contempt, and distrust of Park West, to demand a refund of their purchase price for such art, and to have no further dealings with Park West.

34. In March 2008, Best published on the website www.planetfeedback.com, false and defamatory statements about Park West. These false and defamatory postings included the following: (1) “This involves Marc Chagall art fraud”; (2) “I have discovered that two paintings sold to me as Marc Chagall lithographs by Park West Gallery [] are not lithographs, but magazine paintings; (3) I discovered that Park West had committed “fraud”. [A copy of the posting is attached hereto as **Exhibit 2**]

35. On May 28, 2008, Best sent a letter to an attorney for Park West stating as follows:

“This will confirm your telephone call of May 19 last on behalf of you client, Park West Gallery, advising that it rejects my written offer of May 16 to its director, Morris Shapiro, to resolve my claim for the lost value of the paintings at issue **and forego claims for fraud by your client of behalf of myself and in a class action for others who may have been similarly damaged** in all of Park West’s

operations. (emphasis added) [A copy of the letter is attached hereto as **Exhibit 3**]

36. On April 24, 2007, Szostak published on a web site set up by her at <http://avoidparkwestgallery.blogspot.com>, false and defamatory statements about Park West. These false and defamatory postings included the following: (1) “They [Park West] were lying”; (2) “I received a threatening call from Park West”; (3) It turns out the pieces I purchased from Park West are virtually worthless”; (4) “Their [Park West] practices include . . . “claiming artworks are one of a kind originals when in fact they’re mass-produced giclees. . .” [A copy of the posting is attached hereto as **Exhibit 4**]

37. In this same posting, Szostak threatened legal action and encouraged other Park West customers to contact her and join her smear campaign:

“I plan to publicized this company’s predatory tactics as much as possible and would be happy to hear from anyone else who has been victimized by Park West Gallery or who has participated in any of the class action suits against them.”

38. In August, 2008, FAR and Franks published on their website, a false and defamatory video entitled “Fine Art Registry Investigates Salvador Dali Fakes” prepared by FAR, Franks and Hunter. This video was displayed on the FAR website, and is also available for purchase through the FAR website [The cover page and press release advertising the video are attached hereto as **Exhibit 5**] The false and defamatory press release describing the video provides as follows:

“Global Fine Art Registry, LLC, announces the release of a 48-minute documentary video about Salvador Dali Fakes. The video include interviews with a leading German art crime detective, Ernst Schoeller, work renowned experts on Dali original works, Robert and Nicholas Descharmes and international Dali graphics authority, **Frank Hunter**, Director of the Salvador Dali Archives, Ltd. **They examined two prints sold by Park West Gallery** for thousands and tens of thousands of dollars at cruise ship art auctions **and determine that they are fakes.**” (emphasis added)

39. In this video and its advertisements FAR, Franks and Hunter make false and

defamatory statements about Park West including the following: (1) the Salvador Dali artwork sold to by Park West to Austin is fake; (2) the Salvador Dali artwork sold to by Park West to other customers is fake; (3) Park West's documents supporting the authenticity of the artwork sold to Austin and others are "forged"; (4) Park West's photographs provided in support of the authenticity of the artwork sold to Austin and others are "doctored"; and (5) that "world-renowned experts on the work of Salvador Dali have "determine[d] unequivocally that [Park West's] prints are fakes".

40. In August 2008, FAR and Franks published on the FAR website, false and defamatory statements about Park West by Austin. These postings, made under the name "aquadeb" included the following false and defamatory statements; (1) "the pieces sold by PW are not authentic"; (2) "thanks to the Fine Art Registry" . . . "I've discovered that [the Dali piece I purchased from Park West] is NOT AUTHENTIC and was misrepresented"; and (3) [The Dali piece I purchased from Park West] is proven to NOT be AUTHENTIC and is considered FRAUDULENT ART". [A copy of the posting is attached hereto as **Exhibit 6**]

41. In this same posting, Austin encouraged other Park West customers to contact her and join her smear campaign:

"So all of you who read my reply please now is the time to speak up and complain and be PRO ACTIVE. If you do your investigation you will discover as I have that the artwork that is so "valuable" is nothing more than "poster" art that you can buy at a cheap art sale." "Please respond and help FAR because w/o them we have no recourse and something needs to be done immediately. It's like they say about people dying of cancer, etc every day . . . somebody's getting "taken" by PW and not for "chump change."

42. On December 19, 2008, FAR and Franks published on their website, a video entitled "The Great Park West Salvador Dali Half Million Dollar Print Swindle" prepared by FAR, Franks, Hunter, Day and Howard. The video is identified as follows on the FAR website:

"The video which was shot by the Fine Art Registry . . . has been edited and

produced in two versions and published on the Fine Art Registry website and the SalvadorDaliFakes.com website and distributed on many social networking and web video sites.” “Still to be produced is a full-length video with the full examination, 1 ½ hours long. This is planned to be made available on DVD along with supporting documents, correspondence and so on, at the FAR Web Store.”

This video was displayed on the FAR website, and is also available for purchase through the FAR website. This video was also written up as an article bearing the same title. [The article is attached hereto as **Exhibit 7**] In this video and the article FAR, Franks, Hunter, Day and Howard make false and defamatory statements about Park West including the following: (1) the artwork Day and Howard purchased from Park West was a fake; (2) Park West created false and fictitious invoices, auction and bidder numbers for Day and Howard; (3) Park West lied in the Certificates of Authenticity, Appraisal and descriptions provided to Day and Howard; and (4) the signatures of Salvador Dali on the artwork Day and Howard purchased from Park West were forged.

43. On January 6, 2009, FAR and Franks published on the FAR website, an article, containing false and defamatory statements about Park West by FAR, Franks and the Vallillos, entitled “All Sales Are Final – Thank You and Have A Good Day”. [The January 6, 2009 article is attached hereto as **Exhibit 8**]. The article begins with a false and defamatory forward including the following statements: (1) “This was Park West Gallery’s response to a request for a refund of over \$100,000 spent by [the Vallillos] on art bought from Park West [] which they later found to be fraudulently misrepresented, heavily overpriced and in some cases inauthentic;” and (2) “(Another in a series of many case studies of reported fraudulent misrepresentation and deceptive trade practices at art auctions conducted at sea on cruise ships, and Park West’s refusal to stand behind the art it sells”. The article continues with false and defamatory statements by FAR, Franks, and the Vallillos such as the following: (1) “As for the Dali’s, we are not only talking overpricing, but also fakes;” and (2) “You [Park West] are selling what may or may not be an

original print (worth a couple hundred bucks if its genuine) with a FORGED signature on it.”

44. On October 29, 2008, the Vallillos sent a letter to Park West. In that letter the Vallillos threatened legal action and announced to Park West their intent to publicize their defamatory statements to encourage other Park West customers to join the smear campaign:

“I am not going away without a fight, your company has ripped me off for over \$100,000 and I am letting everyone know about it. To date I have contacted RCI, The Crown & Anchor Society, both of which I have placed formal complaints with. The Fine Art Registry is willing to publish my story on their web site; I have placed a formal complaint with the Federal Trade Commission (3084-0047). This is just the beginning, by the end of the week if you do not agree to refund my money, I will file complaints with the New Jersey Attorney Generals office as well as the Michigan AG’s office. I have also begun to accumulate the names and numbers of local and national media groups that will be interested in this story.” [A copy of this letter is attached as **Exhibit 9**].

45. On October 29, 2008, Crist called Park West’s customer service department. During that call, Crist threatened to take her complaints to the “vast California media” and also threatened to name the Park West employee with whom she was speaking in her complaint.

46. Hunter has been publishing providing false and defamatory statements that Salvador Dali artwork sold by Park West is not genuine and providing such statements to others to publish for over a year.

47. In addition to making false and defamatory statements to members of the media, Hunter has actively sought out customers of Park West and repeated his defamatory statements to them. Hunter has on many occasions told customers of Park West that Salvador Dali artwork they had purchased from Park West was not authentic and urged and otherwise caused such customers to develop ill will, contempt, and distrust of Park West, to demand a refund of their purchase price for such art, and to have no further dealings with Park West.

48. In an article published by FAR and Franks on the FAR website titled “Fake Prints,” Hunter makes the following false and defamatory statement about Dali prints sold by Park

West: “What is fake about these prints is the numbering and signature.” (A copy of the article is attached hereto as **Exhibit 10**).

49. In an open letter from Hunter, also published on the FAR website, Hunter defames Park West by calling their actions “slanderous, libelous rantings” and “more than outrageous – it’s criminal”. (A copy of the letter is attached hereto as **Exhibit 11**).

50. Finally, in a posting dated May 8, 2008, on the FAR Forum, Hunter announced his intention to join the Park West smear campaign as follows:

“[T]he Salvador Dali Archives (now in its 50th year), now joins with Teri Franks, David Phillips and the vast and growing vanguard of art experts, enthusiasts and former PWG [Park West] clients, in the pursuit of truth, ethics and moral responsibility.” (A copy of the posting is attached hereto as **Exhibit 12**).

51. Defendants have conspired together to continue to publish verbal and written statements through the FAR website, and elsewhere, falsely accusing Park West of, inter alia, defrauding its customers and selling fake art by artists including Salvador Dali, and encouraging customers of Park West to cease doing business with them. These written and verbal statements have otherwise caused such customers to develop ill will, contempt, and distrust of Park West, to demand a refund of their purchase price for such art and to have no further dealings with Park West.

52. Defendants have also conspired together to interfere with existing contractual relationships between Park West and its other customers and further interfere with Park West’s prospective business opportunities.

53. Defendants’ conduct is malicious and intended to harm Park West’s goodwill, business relationships and reputation.

54. As the direct, proximate and intended result of the foregoing, Park West has been damaged.

COUNT I
(DEFAMATION)

**(Against FAR, Franks, Hunter, Best, Day, Howard,
Austin, Michael and Maria Vallillo and Martha Szostak)**

55. Park West realleges and incorporates herein the allegations in paragraphs 1 – 54, above.

56. FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak made harmful, disparaging, defamatory and false statements about Park West which they knew or had reason to know would be published.

57. FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak knew that the statements were false, or published them with a high degree of awareness of their probable falsity and while entertaining serious doubts as to their truth.

58. FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak's statements were made negligently or with actual malice and they caused their false and defamatory statements regarding Park West to be published.

59. The statements made by FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak caused harm and injury to Park West. Such statements harmed Park West's reputation so as to lower Park West in the estimation of the art community and the community of the retail art consuming public. Such statements further harmed Park West's reputation by deterring third persons from associating with Park West. All of the statements were false and were published by the FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak with the express purpose of causing harm and damage to Park West.

60. The unapproved and unauthorized statements made by FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak were not privileged.

61. Park West has been damaged as a direct and proximate result of the defamation by FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak .

WHEREFORE, Park West demands judgment against FAR, Franks, Hunter, Best, Day, Howard, Austin, Michael and Maria Vallillo and Szostak for a permanent injunction against further defamatory statements, actual damages, punitive damages, and all other and further relief as may be appropriate.

COUNT II
(TORTIOUS INTERFERENCE)

(Against All Defendants)

62. Park West realleges and incorporates herein all of the allegations in paragraph 1-61, above.

63. Park West enjoys advantageous business relationships with its customers.

64. Defendants had knowledge of Park West's advantageous business and contractual relationships with its customers.

65. Defendants have initiated or interacted with many Park West customers with whom Park West enjoyed a business relationship and defendants deliberately and maliciously told such Park West customers, inter alia, that Park West had sold them fake or not authentic artwork.

66. Defendants' statements were false and were intended to harm and destroy the goodwill and business relationship between Park West and its customers.

67. As the direct and proximate result of defendants' interference with Park West's relationships with its customers, Park West has been damaged.

WHEREFORE, Park West demands judgment against defendants for a permanent injunction against further defamatory statements, actual damages, punitive damages, and all other and further relief as may be appropriate.

**COUNT III
(INTERFERENCE WITH PROSPECTIVE
BUSINESS ADVANTAGE)**

(Against All Defendants)

68. Park West realleges and incorporates herein the allegations in paragraph 1-67, above.

69. Park West enjoys advantageous business relationships with its customers.

70. Defendants have intentionally interfered with Park West's relationships with prospective customers, clients, and business associates and maliciously told the world at large and the art world in particular, that Park West, inter alia, sells them fake or not authentic artwork, and engages in fraudulent and untrustworthy activities.

71. Defendants' statements were false and were intended to harm and destroy the business relationship between Park West and its prospective customers, clients, and business associates.

72. As the direct and proximate result of defendants' interference with Park West's relationships with its prospective customers, clients, and business associates, Park West has been damaged.

WHEREFORE, Plaintiff demands judgment against defendants for a permanent injunction against further defamatory statements, actual damages, punitive damages, and all other and further relief as is available.

**COUNT IV
(CIVIL CONSPIRACY)**

(Against All Defendants)

73. Park West realleges and incorporates herein the allegations in paragraphs 1 - 72, above.

74. Defendants illegally, maliciously, and wrongfully conspired with one another with the intent to and for the illegal purpose of destroying Park West's goodwill and reputation by use of defamatory statements, interfering with existing contractual relationships between Park West and its customers and further interfering with Park West's prospective business opportunities.

75. Defendants, in combination, conspired to destroying Park West's goodwill and reputation by use of defamatory statements, interfere with existing contractual relationships between Park West and its customers and interfere with Park West's prospective business opportunities.

76. This conspiracy resulted in the unlawful and tortious activity of defamation, interference with prospective business advantage and tortious interference.

77. As a result of the conspiracy, and defendants' wrongful and tortuous act, Park West has been damaged.

WHEREFORE, Park West demands judgment against defendants for a permanent injunction against further defamatory statements, actual damages, punitive damages, and all other and further relief as may be appropriate.

YOUNG & SUSSER, P.C.

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