

Alex Kaminskiy
28006 Fallbrook Drive
Hayward, CA 94542
510-512-2992

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CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

John Does,

DEFENDANT,

Vs.

Kimberlite Corporation,
A California Corporation

PLAINTIFF

Case No. CV 08-2147 THE

Document Name:

**ANSWER AND COUNTERCLAIM
FOR DAMAGES AND INJUNCTIVE RELIEF
FOR VIOLATION OF CABLE COMMUNICATION
& TELECOMMUNICATION ACTS FOR
OBTAINING PERSONAL IDENTIFICATION
INFORMATION WITHOUT COURT ORDER,
FOR VIOLATION OF FORTEENTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
REGARDIN PRIVACY RIGHTS
JURY TRIAL DEMANDED**

THE PARTIES

1. Defendant, John Does, or IP address holder: 71.135.177.158, or Alex Kaminskiy, private citizen.
2. Plaintiff, Kimberlite Corporation, a California Corporation, or Thomas Patterson CEO of Kimberlite Corporation – dealer of Sonitrol security systems.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. & 1331. This Court has supplemented jurisdiction pursuant to 28 U.S.C. & 1367
4. This Court has personal jurisdiction over plaintiff by virtue of their business activities in this jurisdiction.
5. Venue is proper in this Court pursuant to 28 U.S.C. & 1391

NATURE OF THE ACTION

6. Alex Kaminskiy, owns 71.135.177.158 IP account with AT&T for personal use and enjoyment as a private citizen.
7. On Thursday, June 5, 2008 Alex Kaminskiy's wife, Tatyana Kaminskiy, an employee of Kimberlite Corporation was subjected to an interrogation under duress by lawyer Scott Lawson (Bar No. 174671) and Ben (last name unknown), acting on behave and under direct order from Thomas Patterson. Tatyana was denied a proper legal counselor while being questioned. In the interrogation Scott had presented to Tatyana Alex Kaminskiy's e-mail log- in name (akaminskiy@aol.com), full name (Alex Kaminskiy), home address (28006 Fallbrook Drive, Hayward, CA 94542) and demanded from her to identify him. The log-in name, full name and address are known only to AT&T and Alex Kaminskiy. Alex Kaminskiy has not given consent to release his personal identification information to a third party. On May 7, 2008 Alex Kaminskiy filed a motion pleading with this Court to intervene and defend his privacy from the unwarranted intrusion. From the interrogation it has become obvious that the lawyers directed by Thomas Patterson have obtained his personal identification information without a court order. The unequivocal evidence of the interrogation will be presented in Court; therefore violating Cable Communication and Telecommunication Acts further more undermining Alex Kaminskiy's, private citizen, Constitutional Right under Fourteenth Amendment to the United States Constitution against unsanctioned invasion of privacy by corporations and individuals.
8. In the answer to the complaint, filed by Kimberlite Corporation, on April 24, 2008, in paragraphs 8-9, allegations that Alex Kaminskiy was using his IP address 71.135. 177.158 to break in are false. The mere fact of his IP address presence on Kimberlite's server is not a proof of an intrusion or break-in
9. In the answer to the complaint, filed by Kimberlite Corporation, on April 24, 2008, in paragraphs 10-14, allegations that Alex Kaminskiy had intentions to interfere and cause harm are false. I never had and I do not have any intentions and desire to cause harm to Kimberlite.
10. In the answer to the complaint, filed by Kimberlite Corporation, on April 24, 2008, in paragraphs 15-18, allegations for Breach of the Computer Fraud and Abuse Act are false.

FIRST CAUSE OF ACTION

**For violation of privacy rights under Cable Communication and Telecommunication Acts
(By Alex Kaminskiy Against All Defendants)**

11. Alex Kaminskiy hereby realleges and incorporates by reference paragraphs 6 -8 above, as though fully set forth at length.
12. By these acts the plaintiffs intended to frame up, bring false charges and cause harm to Alex Kaminskiy

13. Defendant, Alex Kaminskiy is entitled to a preliminary and permanent injunction prohibiting plaintiffs from ever obtaining and using my personal information

SECOND CAUSE OF ACTION

For violation of Fourteenth Amendment of Constitution of the United States regarding privacy right

14. Alex Kaminskiy, realleges and incorporates by reference paragraphs 6-11 above, as though fully set forth at length.
15. By theirs actions, plaintiffs interrogated Tatyana Kaminskiy under duress, without giving her opportunity to seek legal counsel, in order to obtain Alex Kmainkiy's personal indentification information.
16. As a result of plaintiff's wrongful conduct, Alex Kaminskiy's right of protection against unsanctioned invasion of privacy by the corporations and individuals under Constitution of the United States has been undermined.

PRAYER FOR RELIEF

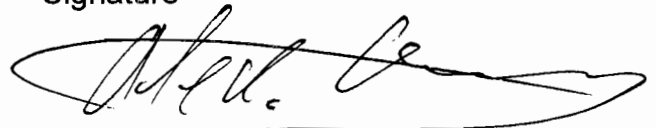
WHEREFORE Alex Kaminskiy respectfully requests the following relief:

1. That preliminary and permanent injunctions be entered prohibiting plaintiffs from ever obtaining my personal information.
2. Compensatory damages in the amount set fourth at trial;
3. Attorney's fees and cost;
4. Punitive damages; and
5. Such other as the Court may deem proper.

DATED: May 7, 2008

Alex Kaminskiy

Signature

A handwritten signature in black ink, appearing to read 'Alex Kaminskiy', written over a horizontal line.