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U.S. DISTRICT COURT  
DISTRICT OF COLORADO

2006 DEC 20 PM 12:23

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

GREGORY C. LANGHAM  
CLERK

Civil Action No. 06-cv-01733-EWN-CBS

BY \_\_\_\_\_ DEP. CLK

MICHAEL L. ZINNA,  
  
Plaintiff,

v.

ROBERT COOK and  
COLORADOWACKOEXPOSED.COM and  
DOES 1-20,

Defendants.

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**FIRST AMENDED COMPLAINT**

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Plaintiff MICHAEL L. ZINNA, *pro se*, (hereinafter referred to as "Plaintiff ZINNA")

respectfully alleges for his Complaint as follows:

**INTRODUCTION**

1. This is an action for damages against DEFENDANTS ROBERT COOK, COLORADOWACKOEXPOSED.COM, and DOES 1-20 (hereinafter referred to as "Defendants") for intercepting, disclosing, or intentionally using Plaintiff ZINNA's wire, oral, or electronic communications. Plaintiff ZINNA alleges that Defendants violated his rights under 18 U.S.C. 2520(a) by posting on the website known as ColoradoWackoExposed.com, the specific contents of emails Plaintiff ZINNA transmitted to and received from his friends and business

associates, including the addresses and contact information, and personal information of the senders and the recipients. Defendants also stalked, harassed, conducted improper surveillance, and posted contents of oral communications between Plaintiff ZINNA and friends and associates. Defendants have proximately caused the deprivation of Plaintiff ZINNA's privacy and destroyed his livelihood.

### **JURISDICTION AND VENUE**

2. Jurisdiction is conferred on this Court under 28 U.S.C. §§ 1331 and 2201. Jurisdiction supporting Plaintiff ZINNA's claim for fees and litigation costs is conferred by 18 U.S.C. § 2520.

3. Venue is proper in the District of Colorado under 28 U.S.C. § 1391(b). A substantial part of the events alleged herein occurred within the State of Colorado. Upon information and belief, the illegal wiretaps or other illegal interceptions of wire, oral, or electronic communications were intercepted, disclosed, or intentionally used within the District of Colorado.

### **PARTIES**

4. At all pertinent times mentioned herein, Plaintiff ZINNA was a citizen of the United States of America and a resident of Denver, Colorado.

5. At all pertinent times mentioned herein, COLORADOWACKOEXPOSED.COM was a website operating within the United States of America and globally available on the internet.

6. Upon information and belief, the other currently unidentified participants in the actions recited in this Complaint are now identified as DOES 1-20 for purposes of this Complaint.

### **FACTUAL BACKGROUND**

7. During the day of June 14, 2006, Plaintiff ZINNA contacted by email his friends and business associates.

8. During the day of June 14, 2006, witnesses identified a man sitting in a vehicle outside the home of Plaintiff Zinna, operating various electronic equipment, during the period Plaintiff Zinna was transmitting and receiving emails at his home.

9. On the night of June 14, 2006, the email senders' addresses, email recipients' addresses, and specific contents of the e-mails Plaintiff ZINNA transmitted and received to and from his friends and business associates were posted on COLORADOWACKOEXPOSED.COM.

10. Readers of COLORADOWACKOEXPOSED.COM were then encouraged to remit money to COLORADOWACKOEXPOSED.COM for the services rendered by way of intercepting, disclosing, or intentionally using Plaintiff ZINNA's e-mails and other wire and oral communications.

11. COLORADOWACKOEXPOSED.COM, by its operator or operators, also published information about fictional interactions between Plaintiff ZINNA and some of his friends and business associates purportedly observed by the operator or operators of COLORADOWACKOEXPOSED.COM.

12. Plaintiff ZINNA incurred emotional trauma, pain and suffering, loss of reputation, loss of business income and opportunity, public humiliation, as well as other expenses as a proximate result of the Defendants' actions.

13. Because of the actions of the Defendants, Plaintiff ZINNA now communicates less frequently with friends or business associates by wire, oral, or electronic means and a number of his business associates have declined to do business with him, and thus Plaintiff ZINNA has suffered the loss of his livelihood.

**CLAIM FOR RELIEF**

(18 U.S.C. § 2520(a) Violation – Illegally Intercepting, Disclosing,  
or Intentionally Using Wire, Oral, or Electronic Communication)

14. Plaintiff ZINNA incorporates by this reference, Paragraphs 1-13 of this Complaint as if those allegations were set out explicitly herein.

15. Plaintiff ZINNA brings the cause of action under 18 U.S.C. § 2520(a).

16. Upon information and belief, the Defendants at times during the period between June 14, 2006 and the present date did violate the rights of Plaintiff ZINNA herein by intercepting, disclosing, or intentionally using wire, and/or electronic communication between Plaintiff ZINNA and other known persons, in violation of 18 U.S.C. § 2520(a). Upon information and belief, such interceptions, disclosures, or intentional uses occurred in Denver, Colorado, and other locations.

17. An intent to harm Plaintiff ZINNA motivated the Defendants' above-described actions.

18. As a direct result of the Defendants' unlawful actions, as described above, Plaintiff ZINNA suffered actual economic and emotional injuries in an amount to be proven at trial.

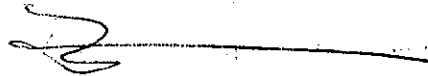
WHEREFORE, Plaintiff ZINNA respectfully requests that this Court enter judgment in his favor and against the Defendants, and grant under 18 U.S.C. § 2520(a):

(a) Appropriate preliminary and other equitable or declaratory relief;

- (b) Compensatory and consequential damages, including damages for emotional distress, loss of reputation, humiliation, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;
- (c) All economic losses on the claim allowed by law;
- (d) Punitive damages on the claim allowed by law and in an amount to be determined at trial;
- (e) The fees and other litigation costs, including expert witness fees, on the claim allowed by law;
- (f) Pre- and post-judgment interest at the lawful rate; and
- (g) Any further relief that this Court deems just and proper, and any other relief as allowed by law.

PLAINTIFF REQUESTS A TRIAL TO A JURY ON ALL ISSUES SO TRIABLE.

Dated this 20th day of December, 2006.



s/ Michael L. Zinna  
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