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13 OVERSTOCK.COM, INC., KEITH CARPENTER,
14 OLIVER CHENG, MARY HELBERN,
15 ELIZABETH FOSTER, BRUCE D. BARBON,
16 DAVID TRINT and MARK MONTAL

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF SAN FRANCISCO

19 OVERSTOCK.COM, INC., a Delaware
20 corporation, KEITH CARPENTER, an
21 individual, OLIVER CHENG, an
22 individual, MARY HELBERN, an
23 individual, ELIZABETH FOSTER, an
24 individual, BRUCE D. BARBON, an
25 individual, DAVID TRINT, an individual,
26 and MARK MONTAL, an individual,

27 Plaintiffs,

28 v.

29 MORGAN STANLEY & CO.
30 INCORPORATED, THE GOLDMAN
31 SACHS GROUP, INC., BEAR STEARNS
32 SECURITIES CORP., BANC OF
33 AMERICA SECURITIES LLC, THE
34 BANK OF NEW YORK CITY GROUP,
35 INC., CREDIT SUISSE (USA) INC.,
36 DISTRICT BANK SECURITIES, INC.,
37 MERRILL LYNCH PIERCE, FENNER &
38 SMITH, INC., LEHMAN BROTHERS
39 INC., UBS SECURITIES LLC, and DOES
40 1 through 100,

41 Defendants.

Case No. CCC-07-400147

42 FIRST AMENDED COMPLAINT FOR:

- 43 (1) CONVERSION
- 44 (2) TRESPASS TO CHATTELS
- 45 (3) VIOLATIONS OF CALIFORNIA
46 CORPORATIONS CODE SECTIONS
47 2940, et seq.
- 48 (4) UNFAIR BUSINESS PRACTICES (CAL.
49 BUS. & PROF. CODE SECTIONS 17200, et
50 seq. AND SECTIONS 17900, et seq.)

51 Complaint filed: February 2, 2007