

ENDORSED
FILED
San Francisco County Superior Court
SEP 14 2007
GORDON PARKER, Clerk
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Deputy Clerk

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OVERSTOCK.COM, INC., KEITH CARPENTER,
8 OLIVIER CHENG, MARY HELBURN,
ELIZABETH FOSTER, HUGH D. BARRON,
9 DAVID TRENT and MARK MONTAG

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

12
13 OVERSTOCK.COM, INC., a Delaware
14 corporation; KEITH CARPENTER, an
individual; OLIVIER CHENG, an
15 individual; MARY HELBURN, an
individual; ELIZABETH FOSTER, an
16 individual; HUGH D. BARRON, an
individual; DAVID TRENT, an individual,
17 and MARK MONTAG, an individual,

18 Plaintiffs,

19 v.

20 MORGAN STANLEY & CO.,
INCORPORATED, THE GOLDMAN
21 SACHS GROUP, INC., BEAR STEARNS
SECURITIES CORP., BANC OF
22 AMERICA SECURITIES LLC, THE
BANK OF NEW YORK, CITIGROUP,
23 INC., CREDIT SUISSE (USA) INC.,
DEUTSCHE BANK SECURITIES, INC.,
24 MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., LEHMAN BROTHERS
25 INC., UBS SECURITIES LLC, and DOES
2 through 100,

26 Defendants.
27
28

Case No. CGC-07-460147

FIRST AMENDED COMPLAINT FOR:

- (1) CONVERSION
- (2) TRESPASS TO CHATTELS
- (3) VIOLATIONS OF CALIFORNIA
CORPORATIONS CODE SECTIONS
25400, *et seq.*
- (4) UNFAIR BUSINESS PRACTICES (CAL.
BUS. & PROF. CODE SECTIONS 17200, *et
seq.* AND SECTIONS 17500, *et seq.*)

Complaint filed: February 2, 2007