

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Sam Sloan,

Plaintiff,

-against-

Hoainhan "Paul" Truong, Zsuzsanna "Susan" Polgar, Joel Channing, William Goichberg, The United States Chess Federation, Bill Hall, Herbert Rodney Vaughn, Gregory Alexander, Frank Niro, Grant Perks, William Brock, Randall Hough, Randy Bauer, Jim Berry, Texas Tech University and United States of America,

Defendants

MOTION FOR A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY AND A
PERMANENT INJUNCTION

Samuel H. Sloan, being duly sworn, deposes and says:

1. This is an action brought to overturn the election results of the election for the Executive Board of the United States Chess Federation. In this election, Susan Polgar, Paul Truong, Randy Bauer and Jim Berry were elected and Don Schultz and Sam Sloan were voted out of office along with Beatriz Marinello who did not run for re-election because she was having a kidney transplant operation at the time of the election. The new board took office on August 4, 2007. No prior application has been made for the relief requested herein in this or any other court.

2. Last week, Brian Mottershead, a volunteer website administrator who has been building a new website for the USCF, was able to prove conclusively that a person impersonating Plaintiff and who had posted three thousand obscene messages on the Chess Poltics Internet newsgroup was in fact Polgar and Truong. The proof that Polgar and Truong were in the form of IP addresses. This previously unknown person posting as Plaintiff Sam Sloan had long been known as the "Fake Sam Sloan". During the election campaign, the Fake Sam Sloan had posted three thousand obscene messages to the Internet newsgroups rec.games.chess.politics and rec.games.chess.misc . These were the most obscene messages imaginable, so obscene that I am even reluctant to type them here.

3. Here are a few of the relatively less objectionable ones:

"If you pay me \$5,000 I will let my wife Kayo suck your dick."

"I will convert that Bulldyke Marinello with my 4 ¼ inch power tool"

"Jackass Lafferty is a dickhead"

4. Obviously, if these sort of postings had been made by the Real me, I would deserve to lose the election. However, Mottershead assisted by Hal Bogner, a former managing director of ICC, the Internet Chess Club, proved that all of these three thousand postings were made by Susan Polgar and Paul Truong. Polgar and Truong are a married couple living together and using the same computer so it is impossible to determine which of them posted this or if both of them did.

5. The way that Mottershead was able to prove that they made all these postings was that he made a small programming change to the main.uschess.org/forums. The change was that any time anybody logged into the forums, their IP address would become visible. The IP address is a series of numbers telling computers as they communicate with each other where they are. As soon as Mottershead made this change, he could see that Polgar and Truong had logged into the USCF Forums and were simultaneously posting as the Fake Sam Sloan and the Fake Ray Gordon from the same computer.

6. Further evidence that all of the above postings were by Polgar and Truong is that as Truong and Polgar have moved around from place to place, the IP address of the Fake Sam Sloan has moved with them. When they went to Hungary, the Fake Sam Sloan stopped posting until they returned. When they recently got jobs as faculty members of Texas Tech University in Lubbock, Texas, the Fake Sam Sloan also started posting from the university computers at Texas Tech University. Then, when last week they went to Mexico City for the World Chess Championship, the Fake Sam Sloan also started posting from Mexico City. Just as criminals are often caught by a simple slip-up and mistake, Polgar and Truong were finally caught and positively identified by website administrator Brian Mottershead when they logged in and posted as the Fake Sam Sloan, the Fake Ray Gordon and then themselves under their real names from the same computer first at Texas Tech University and later at Mexico City. From Mexico City, they posted from NNTP-Posting-Host: 201.134.236.150 on September 25, 2007, and from the same computer logged into the USCF Forums.

7. This proof is so conclusive that Polgar and Truong have not even denied it. However, they have started that they are going to sue Mottershead, Bogner and Lafferty for invasion of their privacy. In addition, they and their supporters have protested to the board about the methods used by Mottershead to uncover the identity of the Fake Sam Sloan. Correspondence between board members are known as "BINFOS" which means "Board Information" and are available after a time delay to USCF members only at <http://secure.uschess.org/binfo>

8. Here is a letter by Paul Truong to the board dated September 26, 2007:

Before we vote on this matter, I ask the board to first review a very serious matter regarding the USCF forums. Without consulting the board, programmer(s) of the USCF forums decided to enable a feature to publicly display the IPs of all members of the USCF forums. Once again, our right to privacy has been compromised. This will put all of our members at risk because of hackers. This will also create serious potential problems for the USCF. This is not the first time programmer(s) of the USCF forums have made important decisions that can negatively effect the entire federation without consulting the board. I strongly believe that this matter has to be resolved before other issues of the forum can proceed. I cannot vote on this matter until this problem is fixed. Best regards, PT

9. Here is one BINFO dated September 28, 2007 that just became available this morning:

Bill Hall and the EB:

Consider this an official request for the following sets of documents which are corporate documents and as a USCF member in good standing, entitled to review them:

1. Written letter of authorization from the ED and EB authorizing Brian Mottershead to publicly post Internet Protocol (IP) addresses of USCF members placing postings on the USCF Issues Forums.

2. Written letter of authorization from the ED and EB authoring Brian Mottershead to perform 'forensic analysis' to determine 'identity' of anonymous posters on non-USCF operated Internet-based discussion forums.

3. Description of responsibilities for Brian Mottershead in his role as Interim System Administrator for the USCF.

4. Copy of the contract between the USCF and Hal Bogner for services being rendered by Mr. Bogner to the USCF.

10. The proof that Polgar and Truong have been impersonating Sam Sloan and Ray Gordon was posted to the Internet newsgroup rec.games.chess.politics and elsewhere on September 26, 2007. Here is the proof:

by Brian Mottershead on Wed Sep 26, 2007 6:02 am #71050

I am going now to give a general characterization of the information that is the main.uschess.org logs. Later today, I hope I will receive permission to post the actual lines from the logs for the inspection of concerned USCF members.

I already presented two posts that were made on the rec.games.chess.politics newsgroup, both posted by the "Fake Ray Gordon". One of these had the IP address 75.111.194.9, a Suddenlink cable IP address from Texas. This post is one of six that were made by FRG on September 19. The other post was one made from 201.134.236.150 yesterday. This is an IP address in Mexico City.

Now, this web site keeps both regular web logs and a log that is maintained by the joomla-bridge for this forum. The regular web logs record the date/time, IP address, the request, including query string, and the user agent string that was sent by the browser for every hit on the web server. The joomla-bridge log keeps all of this information, plus it gives the Joomla user id, and the Joomla and phpbb3 usernames of the user for each hit on the forums.

Starting on September 16, a particular user was logged in on the forums and made numerous requests on the forum software with the IP address 75.111.194.9. This continued until September 20. During this time, with one short exception every hit by this user, at least when logged in under his account, was from this IP address. The exception was a short visit to the forums when the person accessed the forums from an IP address associated with university in Texas. After the short interruption he went back to 75.111.194.9. It was during this period that all the posts in the forum with a poster IP of 75.111.194.9 occurred. September 19, which is when the 6 FRG posts from 75.111.194.9

were made in the newsgroup, fell toward the end of this period.

Later, on September 20, the person stopped using 75.111.194.9, and appeared briefly with another IP, from a cell phone company. Then, still later on September 20, the person started using 201.134.236.150, which is an IP address in Mexico City. Though the person had stopped posting in the forums by then, he still needed to be logged into the forums in order to read the USCF Issues forum and to check PM's. All those accesses, of which there were many, were from 201.134.236.150. The usage of 201.134.236.150 continued through last night throughout the night. It looks like the person was up all night monitoring this forum. During the night, he was apparently also busy deleting large numbers of FRG and FSS posts from the usenet groups. It was this Mexico City IP, 201.134.236.150, which was used to post the second of the two posts I presented last night, the one that referred to me and Bogner as "crooks" and speculated as to whether we were stealing credit card numbers from USCF members.

So, not only do the IP addresses on posts in the forums tie these two IP addresses associated with FRG to the forum member, but the logs show that a specific forum member was using these two IP addresses essentially continuously on this forum, with the exception of the short visit from the university.

There is also evidence from the User Agent strings. User agent strings are information sent by web browsers to servers to describe themselves, so that the servers know what kind of browser it is, and can generate the appropriate HTML. Different browsers occasionally require different HTML code. Essentially all of the thousands of posts made during the last several months by FRG and FSS have had the same user agent string as the September 19 Usenet post that I posted. This was:

Mozilla/4.0 (compatible; MSIE 7.0; AOL 9.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; Media Center PC 5.0; .NET CLR 3.0.04506; InfoPath.2),gzip(gfe),gzip(gfe)

This is a quite specific user agent string, and in the logs for the forums, there have been only two users with this user agent string since the Joomla-bridge logs started to be kept on September 14. One of those two users accessed the forums rarely in the period, and by looking at timestamps, it is possible to eliminate that person as a possibility, even without considering IP addresses. The other user with this user agent string was the same person who was coming into this forum from 75.111.194.9 and who posted here under that IP. I repeat that this is the IP from which FRG made 6 posts to the Usenet groups on September 19.

Next, you will note that the user agent string is different on the Usenet post by FRG yesterday from Mexico City. This was: Mozilla/4.0 (compatible; MSIE 7.0; AOL 9.0; Windows NT 6.0; SLCC1; .NET CLR 2.0.50727; Media Center PC 5.0; .NET CLR 3.0.04506; Tablet PC 2.0),gzip(gfe),gzip(gfe)

This second string is similar to the first, but it is a Tablet PC 2.0. Apparently, FRG took his laptop with him from Texas to Mexico City, not his desktop system. Significantly, when the forum user who had been posting and visiting under 75.111.194.9 suddenly appeared on the forum with the same Mexico City IP as FRG used, he also had the same Tablet PC 2.0 user agent string as well. Every hit on this forum from Mexico City has had that user agent string, the same one as appeared on the FRG post yesterday.

So both the IP addresses and the user agent strings used by the particular person on this forum match those used by FRG for the September 19 and September 26 posts, and one of the user agent strings matches the one that FRG, FSS, etc have been recording on Usenet for many months.

11. Note that in the letter above, Mottershead does not specifically state that Polgar and Truong are the perpetrators of these crimes. This is because Mottershead wants to avoid being sued. However, it is common knowledge in the chess community that Polgar and Truong recently moved from Forest Hills, Queens, New York to Texas Tech University in Lubbock Texas and last week were in Mexico City for the World Chess Championship and this information is also on their websites, so everyone will realize that Mottershead is referring to Polgar and Truong.

12. These Internet postings by Polgar and Truong constitute violations of 47 USC §223(h)(1) by sending over the Internet thousands of obscene messages likely to be read by children while disguising their identities by impersonating Plaintiff and other well known chess personalities. The USCF has 86,000 members and the average age of those members is ten years old. Thus, these obscene messages by Polgar and Truong are likely to be read by children.

13. Because these three thousand obscene Internet postings took place in the context of a USCF election and because the perpetrators were in fact elected and the plaintiff was defeated, it is obvious that the defendants are guilty of election fraud. Accordingly, Plaintiff is demanding an order setting aside the July 2007 USCF election on the grounds of election fraud and other irregularities; an order reinstating the three board members who lost their seats in the recent election, who were Sam Sloan, Don Schultz and Beatriz Marinello, until a new election is held; an order providing that a new election be held at the earliest practicable date, to be supervised by the Department of Justice, an order barring Paul Truong and Susan Polgar from running for election in the United States Chess Federation, and an order removing Joel Channing and Bill Goichberg from the Executive Board of Directors of the United States Chess Federation and barring them from running for election again.

14. Plaintiff has informed former Board members Don Schultz and Beatriz Marinello that he will be making this application for a temporary restraining order and a preliminary injunction which, if granted, will reinstate them as members of the Board of Directors of the United States Chess Federation until a new election is held and both Schultz and Marinello have agreed to serve on this temporary board. Note that Beatriz Marinello did not run for re-election because she had a kidney transplant operation on July 17, 2007, but since then the operation has been a complete success and Marinello is back in action as the website manager of the US Chess Trust and is teaching chess classes in New York City Public School in Harlem.

15. The USCF has already retained counsel to represent them in this lawsuit. Their attorney is Michael Matsler, Rider, Weiner & Frankel, PC, 655 New Britain Road, Newburgh NY 12553, tel. 845-562-9100, FAX 845-562-9126. I am prepared to contact Mr. Matsler to inform him of this application if requested to do so by this court. I understand that Mr. Matsler has already been consulted by the board on this matter and thus is familiar with the situation.

16. I also have the email addresses of all of the defendants with the exception of Frank Niro who disappeared in 2003 after running off with the money but is known to be in the area of Seattle, Washington and I am prepared to notify all the defendants of this suit by email.

17. A temporary restraining order is required because since it has been proved that Polgar and Truong are the Fake Sam Sloan the USCF has gone on lockdown. Truong stayed up all night the night of September 26, 2007 deleting all of his Fake Sam Sloan and Fake Ray Gordon posting from the Google newsgroups. Through the wonders of the Internet, Mottershead was able to observe Truong staying up all night deleting his postings. However, the three thousand postings survive on Forte Agent and on Giganews.com .

18. The USCF, after being advised by counsel that closing down the forums will be seen as a cover-up, has left the forums open but had ordered the moderators Herbert Rodney Vaughn and Tim Sawmiller, who are the only moderators left after several resigned complaining about pressure from the board to delete any comments unfavorable to board members and after the only really good moderator committed suicide, to either delete or pull for public viewing any reference to the impersonations by Truong and Polgar of the Fake Sam Sloan. On the first day that this situation became public, there were within a few hours more than 150 postings on this topic by a wide variety of USCF members. All of them were pulled or deleted by Vaughn. As soon as that happened, another hundred postings appeared on other topics within a matter of minutes.

19. The following "LOCKED" message was posted by Bill Hall on the USCF Forums on September 29, 2007:

by [nolan](#) on Sat Sep 29, 2007 7:50 pm #71818 Bill Hall has requested that this message be posted:

Dear Forum Users,

In light of recent events, I feel it is in the best interest of the USCF to call a moratorium to discussions regarding someone posting as other real individuals on other discussion forums.

This issue has potential legal liability ramifications from several directions, and I believe it to be my fiduciary responsibility at this time to place this topic on pause until more of the facts have been reviewed.

Moderators: Please remove all posts pertaining to this topic. Please place any posters that continue to violate this in the moderation queue (prior moderator approval required for post to be displayed). I authorize the moderators to utilize the moderation queue as needed until further notice.

I hope this issue can be addressed in an expeditious fashion. The posts that are removed will not be deleted and may return at a future date. Please help us in protecting the Federation and help to insure all parties to this matter are treated respectfully and fairly.

Bill Hall

20. The result is that dues-paying USCF Members are being denied access to their forums which are a membership benefit and are being prevented from knowing what is going on inside their federation and expressing their opinions about this subject and in the mean time USCF insiders are running around deleting all the evidence by removing postings. Thousands of these Internet postings have already been deleted or pulled. This situation calls for a TRO. In addition, Plaintiff maintains that the moderators

really have no right to delete postings by USCF members as long as basic rules of decorum are followed such as no obscenity. Plaintiff maintains that it is illegal to use the powers of the moderators to suppress dissent.

21. For example, in December 2006, at about the same time that Polgar and Truong announced that they were running for USCF election, rumors started circulating that they were married to each other. Each time they were asked this question they complained to the moderators and had the question deleted. Members also asked questions on the forums about the millions Truong had supposedly made, about the billion dollar Fortune 500 Companies Truong had supposedly rescued, about the four World Championships Polgar claims that she won and many other questions about the fantastic claims that Truong and Polgar kept making while running for election. Each time questions like this were asked, Polgar and Truong complained to the moderators and got the questions deleted.

22. Plaintiff claims that the USCF Executive Director acted improperly and possibly even illegally in having all these postings by USCF members deleted. Plaintiff requests that this court order that all such postings be reinstated so that the members can view them.

WHEREFORE, for all of the reasons set forth above, Plaintiff requests a temporary restraining order and a preliminary and permanent injunction, providing the following:

1. The USCF Moderators under the supervision of USCF Executive Director Bill Hall, shall immediately stop all deletions of postings by USCF Members to the USCF Forums. Attempts will be made to recover and restore all postings already deleted, removed or pulled and all recovered postings shall be made visible so that the members can see them.
2. All IP addresses of the postings shall be restored so that the members can see the evidence showing who actually made these postings.
3. All locked threads shall be unlocked and all postings removed from visibility shall be made visible to the members again.
4. The USCF election held in July 2007 is suspended or vacated and the results set aside. The former board members are reinstated on the board and the new board members are removed from the board until a hearing and final determination can be had.
5. Such other and further relief as may be deemed just and equitable.

Samuel H. Sloan
1664 Davidson Ave., Apt. 1B
Bronx NY 10453

(917) 507-7226
1-347-869-2465
samsloan@samsloan.com

STATE OF NEW YORK)
)
) ss:
COUNTY OF BRONX)

VERIFICATION

I, the undersigned, the petitioner named in the foregoing petition, being duly sworn, says:
I have read the foregoing petition subscribed by me and know the contents thereof and the same is true of my own knowledge, except as to those matters herein stated to be alleged upon information and belief and as to those matters I believe it to be true.

Samuel H. Sloan

On the 2nd Day of October, 2007 before me personally came Samuel H. Sloan to me known to be the person described herein and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he executed the same.

NOTARY PUBLIC