

## **Mammoth Re/Max Trademark lawsuit looms over agents' heads**

*Mammoth Re/Max Trademark lawsuit headed for federal court. All Cities Realty, Inc. began business in 1996 under the name All Cities Realty. During the past 10 years it has been serving Southern California and is now expanding with its NetAgent program to serve all California. Re/Max Beach Cities Realty decided to change its name. Their name of choice has allegedly infringed on the rights of another. All Cities Realty, Inc. has the federal trademark on its name and warned Re/Max many times. Re/Max would not cease and desist and the legal action was initiated on the franchise and then 1700 of its agents.*

Los Angeles, CA (PRWEB) (PRWEB) October 2, 2006 -- In State court today Superior Court Judge Victor H. Person stayed a State legal action against 1700 Re/Max agents. (case # BC355724)

In a previous release, it was explained that All Cities Realty, Inc., a California real estate brokerage, and the owner of the federal trademark ALL CITIES REALTY, in 2005, filed a Federal legal action against the corporation CF Real Estate Loans, Inc. who now does business as Re/Max All Cities Realty. This is the largest Re/Max franchise in California with their headquarters in Manhattan Beach, CA. The federal legal action (case# 8:05-cv-00615-AHS-MLG) is for alleged federal trademark infringement and other issues. This case will be litigated in Orange County, CA.

On July 19, 2006 All Cities Realty, Inc. filed a separate second lawsuit in State court against the corporation's associated agents and brokers (case # BC355724). In this second lawsuit each and every real estate agent and broker who has been affiliated with Re/Max All Cities Realty (CF Real Estate Loans, Inc.) since their "adoption" of the ALL CITIES REALTY trademark back in August 2002 was named. Each agent and associated broker, because they are independent contractors, have been sued for alleged violations of common law service mark infringement and statutory unfair competition as individual defendants in the State case.

Following the hearing Mr. Miner stated: "this boils down to a few months pause in the State action, and actually it is a major relief for us. In retrospect we are very happy Re/Max asked for the stay, we were wondering how the heck we were going to juggle both trials at the same time; now we can concentrate on the Federal trial first."

Eventually his State action will be heard and the 1700 current and past agents will go to court and the case will be litigated. The Judge today recommended it now go to complex litigation. Good news for All Cities Realty as they have just received their State Trademark too. According to records they have the fictitious business name, corporate name, State Trademark, Federal Trademark, and domain name all conforming and supporting the mark ALL CITIES REALTY.

Court records indicate that Re/Max is now an Intervenor in the State case; the agents are the "real defendants" for allegedly violating All Cities Realty's mark. Because of the pause that Re/Max asked for in the State lawsuit, the State case won't get started now until the Federal lawsuit is complete. The action against the 1700 agents has not been dismissed, just paused until the Federal action is complete. The Judge in the State action has set a status conference for the end of April 2007. All Cities Realty indicates it will proceed to the State litigation as soon as the Federal action has been completed.

A statement made to the Judge today by their own defense attorney was that if Re/Max is found guilty in federal court then they are all guilty in State court (referring to the agents). All Cities Realty's attorneys

warned that his statement would only apply to the agents who have agreed to allow Re/Max defend them, which is approximately 450 agents out of 1700. Most of the agents are holding back from Re/Max's free defense offer and claimed indemnification.

“This Re/Max franchise has shown us absolutely no indication of how it could possibly afford to indemnify these people, just a bold statement so far. We have seen no insurance policy, and no contract to the agents that spells out what exactly the claimed indemnification is. What the agents may not realize is that if we are victorious, and we expect to be because the law is on our side, and we have several influential experts who uniformly agree that a trademark violation has occurred, we will obtain a judgment and be collecting from the agents, not Re/Max. They can then collect from Re/Max using their indemnification contract. If Re/Max claims bankruptcy again, or for some reason does not pay, the agents will still need to pay. That is how indemnification works.

"Apparently this Re/Max is downplaying this situation to its Manhattan Beach real estate agents. What the agents may not fully realize is that there is an enormous lawsuit looming over their heads each and every day until this is completely resolved; and that may be years." stated, Mr. Miner.

According to All Cities Realty's attorneys, Mr. Sax and Mr. Nourmand, this Re/Max and its owners certainly have been in the public eye; starting with a conviction of federal loan fraud (A) (at least 9 agents including founder Robert Todd), (B) federal bankruptcy for Kelli Amundson the current CEO, and her father Robert "Bob" Todd, revocation of California broker's license (H-25579 LA, H-25803 LA) (C) (founder Robert "Bob" Todd), and the latest issue according to the California Secretary of State's website a (D) \$37,000,000 kickback scandal in 2005 under the name of Re/Max Beach Cities Realty. Two escrow officers from Beach Cities Escrow also plead guilty in the (A) loan fraud scandal. "It's no mystery why they decided to change their name said Mr. Miner -- unfortunately they allegedly chose ALL CITIES REALTY, our trademarked name." (see links and attachments for information on these issues listed above)

(A) Link to 9 agent Re/Max Beach Cities fraud article - Easyreader Newspaper:

<http://easyreader.hermosawave.net/news2000/0622/MBREMAXJ.asp>

(B) Link to Re/Max Beach Cities FBI, bankruptcy, revocation of license

[http://loremagazine.com/go/article\\_free.php?pageNum\\_rstMedia=5&totalRows\\_rstMedia=6&mp\\_id=19](http://loremagazine.com/go/article_free.php?pageNum_rstMedia=5&totalRows_rstMedia=6&mp_id=19)

(C) Link to Robert Todd revocation of real estate broker license DRE website

[http://www2.dre.ca.gov/PublicASP/ppinfo.asp?License\\_id=00235797](http://www2.dre.ca.gov/PublicASP/ppinfo.asp?License_id=00235797)

(D) Link to Re/Max Beach Cities kickback article from insurance commissioner website:

<http://www.insurance.ca.gov/0400-news/0100-press-releases/0080-2005/release069-05.cfm>

Mr. Miner also stated that: "Anyone who has been associated with Re/Max All Cities Realty or CF Real Estate Loans, Inc. may check our website at [www.allcitiesrealty.com](http://www.allcitiesrealty.com) and download a list of agents who have been sued, copies of the legal actions, and much more information."

All Cities Realty is still gathering information and the attorneys indicate they are more than happy to talk with some of the past agents or employees as long as they are not represented by legal counsel.

Interested parties may contact the law offices of Jeffrey F. Sax, and H. Joseph Nourmand in Los Angeles for additional information at 213-217-5480.

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