

Judge Overrules Adult Friend Finder, Zango in EpicCash Case

Lawsuit will move forward

By Edward Duncan

04/06/2009

SANTA CLARA, Calif. -- EpicCash LLC has won its latest round in court against Zango Inc. and Adult FriendFinder.

Thursday, the judge in the case ruled AFF and Zango's arguments to halt

proceedings were without merit.

"AdultFriendFinder had filed a demurrer challenging the sufficiency of the Epic Cash complaint," attorney Colin Hardacre told AVN. "The judge overruled AFF's demurrer as to our first four causes of action -- which means they lost -- and sustained their demurrer as to our fifth cause of action, but granted us leave to amend."

ADVERTISEMENT

"In layman's terms, this means that the court found that our lawsuit has merit and that we may move forward against AFF and Zango," Hardacre added.

Zango previously attempted to sue EpicCash but that suit was dismissed in Federal court, as reported by ***AVN Online***.

EpicCash has accused Zango and AdultFriendFinder with unfair competition, conversion and unjust enrichment, all stemming from Zango's use of pop-up ads on the EpicCash website.

"Zango was drawing away traffic, without permission," Hardacre told *AVN Online* in late January. He called it "the equivalent of Burger King setting up shop in a McDonald's and saying, 'Buy a Whopper, forget about the Big Mac.'" What it comes down to is stealing website traffic."

"What all this means is that the litigation can move forward in earnest," said Kaufman Law's Gary Kaufman. "Zango and AdultFriendFinder have now both failed in their attempts to stall this litigation and delay the inevitable, which is EpicCash's recovery of the significant damages it has suffered from Zango and AFF's parasitic marketing scheme."

Zango and AFF were not available for comment.