

Zango Lawsuit Against Epic Cash Dismissed

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Judge calls legal ploy 'a clear case of forum-shopping that cannot be condoned'

SEATTLE - A Federal court in Seattle has dismissed Zango Inc.'s lawsuit against Epic Cash LLC.

Epic Cash's attorneys said the filing was an attempt to preempt its client's suit against Zango and the entities behind AdultFriendFinder.com, which is currently pending in California state court.

Judge Ricardo S. Martinez wrote, "This can only be viewed as a race to the courthouse in an effort to gain a more favorable forum. Zango concealed from Epic Cash the fact that the suit had been filed for more than five months, thereby stalling the filing of Epic Cash's complaint in California."

Zango argued it was exercising its right as a plaintiff to choose a forum, but the court disagreed.

"Zango's suit, whether characterized as defensive or reactive, constitutes a clear case of forum-shopping that cannot be condoned," Martinez wrote.

"The District Court saw this case for what it was: a blatant attempt to gain a hometown advantage," said Gary Jay Kaufman, Lead Trial Counsel at the Kaufman Law Group. "Zango deliberately concealed this action and then used it as an 'ace in the hole' to preempt Epic Cash's California claims and keep the litigation in its backyard."

Kaufman said Epic Cash now will proceed with its suit against [Zango](#) and [AdultFriendFinder](#), which claims unfair competition, conversion and unjust enrichment stemming from Zango's use of pop-up ads on the [Epic Cash website](#).

"Zango was drawing away traffic, without permission," Colin Hardacre, Associate Trial Counsel at Kaufman Law, told *AVN Online*. "It's 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."

The Epic Cash lawsuit against Zango and AdultFriendFinder was halted pending resolution of Zango's Washington state suit, and Epic Cash's counsel said that the case can now proceed in earnest.

"Our motion to dismiss has been pending since November...we are anxious to move forward." Hardacre told *AVN Online*. "Zango's lawsuit was nothing more than home-court litigation tactics. And the District Court absolutely agreed. This was a big win for Epic Cash."