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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DMYTRO KOVALENKO, an individual,

Case No.:

Plaintiff,

vs.

**COMPLAINT FOR INJUNCTIVE RELIEF  
AND DAMAGES**

EPIK HOLDINGS, INC., a corporation, and  
ANONYMIZE, INC., a corporation,

**JURY TRIAL DEMANDED**

Defendants.

Plaintiff Dmytro Kovalenko (“Kovalenko” or “Plaintiff”), by and through his attorneys, for his Complaint against Defendants Epik Holdings, Inc. (“Epik”) and Anonymize, Inc. (“Anonymize”) (collectively, “Defendants”), alleges as follows:

**PRELIMINARY STATEMENT**

1. This case is about a scheme by Defendants to publish a defamatory and baseless news article about Kovalenko in order to create the opportunity to extort money from him in return for its removal. The article suggests that Kovalenko has engaged in unlawful activity, including paying off government officials, in connection with the shipment of coal into the Ukraine. The article is without basis in fact. Further, Defendants did not create the content for the article; instead, they copied it from another website without permission, and without determining whether it was in fact accurate. Their actions were designed to cause sufficient distress to Kovalenko that he would capitulate to their extortion

1 demand. Defendants have and continue to defame Kovalenko per se, both personally and  
2 professionally, and invade his privacy by portraying him in a false light.

3 2. Kovalenko seeks to secure injunctive relief and monetary damages from  
4 Defendants.

### 5 **PARTIES**

6 3. Kovalenko is a Ukrainian national who currently resides in Monaco.

7 2. Epik is a Washington corporation with its principal place of business in  
8 Sammamish, Washington.

9 3. Anonymize is a Washington corporation with its principal place of business in  
10 Sammamish, Washington.

### 11 **JURISDICTION AND VENUE**

12 4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(2).  
13 Diversity of citizenship exists because Kovalenko is a citizen of a foreign state; Defendants  
14 are Washington corporations; and the amount in controversy exceeds \$75,000.

15 5. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(1) and (2)  
16 because Defendants maintain their principal places of business in this judicial district and  
17 because the events giving rise to the claims occurred in this judicial district. On that basis,  
18 the Court also has personal jurisdiction over Defendants.

### 19 **BACKGROUND**

#### 20 **The parties' respective businesses.**

21 6. Kovalenko, a Ukrainian businessman, has engaged in the international trade of  
22 coal products for more than 20 years. He is the founder of Adelon AG (“Adelon”), a Swiss  
23 company that specializes in the international sale of coal products to a number of countries,  
24 including China, South Korea, Ukraine, and within the European Union. Kovalenko owns  
25 business entities in addition to Adelon, including but not limited to Polska Grupa Importowa  
26 Premium Sp. z o.o. He and his companies work exclusively with the legal framework, taking

1 into account all requirements of international law. Kovalenko has spent decades building a  
2 solid and unblemished personal and professional reputation. In connection with both his  
3 personal and professional dealings, he maintains bank accounts with major Swiss banks.  
4 Kovalenko is married and has two children.

5 7. Epik was founded in 2009 as a domain name asset management company.  
6 After acquiring and growing a domain registrar in 2011, it now operates as a domain name  
7 registrar and global hosting company with operations in the Americas, Europe, Africa, and  
8 Asia. Epik was founded by Robert Monster, who acted as the company's President and  
9 Chief Executive Officer until September 2022.

10 8. Upon information and belief, Anonymize allows websites to operate  
11 anonymously. The company advertises that by using its services, "you decide who knows  
12 what about you." Pursuant to Anonymize's Articles of Incorporation filed with the  
13 Washington Secretary of State, Robert Monster was one of its original incorporators.

14 9. Also pursuant to the business information available on the Washington  
15 Secretary of State website, Epik and Anonymize share the same primary office street address:  
16 3832 234th Avenue SE, Sammamish, WA 98075.

17 **Kovalenko is defamed and portrayed in a false light by publication of an article**  
18 **containing false statements about him.**

19 10. On or around January 29, 2022, the website [www.warsawpoint.com](http://www.warsawpoint.com) published  
20 an article titled, "*Alexander Kurpetko From Rinat Akhmetov Circle Uses Trafigura Trader to*  
21 *Cover Counterfeit Coal Trade*" ("Article"). While the main focus of the Article alleges that  
22 Alexander Kurpetko, a coal trader involved in supplying coal to Ukraine with business ties to  
23 Rinat Akhmetov, a Ukrainian businessman and the country's richest oligarch, engaged in  
24 unlawful coal trading and received related kickbacks, the Article also discusses Kovalenko.  
25 Specifically, it suggests that Kovalenko, an alleged partner of Kurpetko (maintaining three  
26 companies with him) has been involved in illegal schemes to ship coal into Ukraine out of

1 the Donetsk People’s Republic (a disputed entity created by Russia-backed separatists in  
2 eastern Ukraine now annexed by Russia) with the assistance of corrupt Russian and  
3 Ukrainian officials, thereby causing Ukrainians to overpay for coal.

4 11. Specific excerpts from the Article include the following:

- 5 • “This company, like a number of other Ukrainian and foreign  
6 companies, is part of the orbit of Dmitry [sic] Kovalenko, a native  
7 of Donbass, who, with the help of corrupt Russian and Ukrainian  
8 officials, supplies coal to Ukraine under the ‘interrupted transit’  
9 scheme[.]”
- 10 • “Recall that the more firms involved in the supply chain, the more  
11 expensive the final product costs the customer in the end. The final  
12 product in our case is electricity, for the production of which coal is  
13 used. But various schemers, such as Dmitry [sic] Kovalenko and  
14 Alexander Kurpetko, pass this coal through the chain of their firms,  
15 each of which winds up its margin. This margin eventually settles in  
16 the pockets of the authors of the scheme, but ordinary Ukrainians have  
17 to pay this money. Which continue to overpay for coal and electricity.  
18 At the same time, the coal that travels under this scheme is mined by  
19 the ‘DNR.’ Knowing Dmitry [sic] Kovalenko’s connections in Russia  
20 and Ukraine, in law enforcement agencies, he could organize this  
21 scheme. And in Ukraine, no one will check it.”

22 Kovalenko learned of the Article’s existence in late January 2022.

23 12. This was not the first time the Article had made the rounds online. It was  
24 previously published by a website called [368.media](https://368.media) in January 2022. After Kovalenko’s  
25 international legal counsel (“International Counsel”) lodged a complaint with the editor and  
26 journalists of that website and demanded deletion of the offensive material, the Article was  
removed because the editor and journalists agreed the contents of the Article were false. The  
Article also previously appeared on a website called [www.weeklynewsreview.com](https://www.weeklynewsreview.com). After  
International Counsel unsuccessfully demanded removal from that website, a court in  
Limassol, a city in Cyprus, issued an Interim Order (“Order”) in June 2022 directing the  
defendant to delete the Article from its website, which it has since done.

1        **When Kovalenko’s International Counsel engage in efforts to remove the defamatory**  
2        **Article from [www.warsawpoint.com](http://www.warsawpoint.com), they are met with attempted extortion.**

3            13.        Given the unfounded and defamatory allegations in the article, on January 29,  
4        2022, Kovalenko’s International Counsel sent an email to the [www.warsawpoint.com](http://www.warsawpoint.com)  
5        website via the contact email address available on its website, demanding immediate removal  
6        of the defamatory article. Kovalenko’s International Counsel also included in their email that  
7        the Article was authored by journalists from the website [368.media](http://368.media), and that it appeared that  
8        [www.warsawpoint.com](http://www.warsawpoint.com)’s journalists had translated the article into English and posted it on  
9        the website without taking any steps to verify the information in the Article. In other words,  
10       not only was this sloppy journalism, but [www.warsawpoint.com](http://www.warsawpoint.com) appears to have had no right  
11       to republish this article, and it was not its own original content; thus, it had no claim to free  
12       speech, given it was not the words of any of [www.warsawpoint.com](http://www.warsawpoint.com)’s own journalists or  
13       editor.

14           14.        Kovalenko’s International Counsel received a response from the  
15        [www.warsawpoint.com](http://www.warsawpoint.com) website the following day, which read, “You should open and read it  
16        <https://safenote.co/r/6156bd3841354@29857290> , if you need our help[.]” Messages sent via  
17        the safe note online service allow the sender to “[e]ncrypt and send files and notes with a link  
18        that automatically destructs after being read.”<sup>1</sup>

19           15.        Kovalenko’s International Counsel clicked on the link to open the message  
20        and was shocked to read the following:

21                    Hi!  
22                    I suppose 0.1 BTC will be enough for the retraction  
23                    of this article, with or without replacing ono the one  
24                    you’ll like, at your choice. Please tell me when you’ll  
25                    be ready for the transaction, I’ll delete it. You’ll then  
26                    check and if everything is OK, make the transaction  
                         and we’ll finish the deal with ambiguous [sic]  
                         satisfaction.

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<sup>1</sup> <https://safenote.co/> (last visited October 27, 2022).

1 The reference to “BTC” refers to a digital currency called Bitcoin. On January 30, 2022, one  
2 Bitcoin was valued at approximately \$38,000; thus, 0.1 Bitcoin equated to approximately  
3 \$3,800.

4 16. The meaning was clear. The individual or individuals who sent this message  
5 were seeking to extort a payment from Kovalenko in exchange for deletion of the defamatory  
6 Article, the contents of which were not even their original work.

7 17. Upon information and belief, [www.warsawpoint.com](http://www.warsawpoint.com) is a domain name  
8 owned by Epik. Indeed, a search for [www.warsawpoint.com](http://www.warsawpoint.com) on a website called [who.is](http://who.is),  
9 which provides registrar information for domain names, identifies Epik as the registrar for  
10 that website.<sup>2</sup> Because [www.warsawpoint.com](http://www.warsawpoint.com) uses Anonymize’s services to protect the  
11 identity of the website’s owner, Kovalenko’s International Counsel was unable to identify the  
12 owner of that particular website. However, upon information and belief, Epik and  
13 Anonymize jointly operate [www.warsawpoint.com](http://www.warsawpoint.com), and therefore upon information and  
14 belief, posted the Article and demanded payment to remove it.

15 18. After reading the message and concluding, upon information and belief, that  
16 Epik and Anonymize were behind publication of the Article, on September 23, 2022,  
17 International Counsel sent an email to Epik via an email address located on the latter’s  
18 website ([abuse@epik.com](mailto:abuse@epik.com)), attaching a letter demanding immediate removal of the Article,  
19 and also apprising Epik of the Order International Counsel had previously obtained and  
20 which led to the Article being deleted from the [www.weeklynewsreview.com](http://www.weeklynewsreview.com) website (and  
21 including a copy of the Order). International Counsel also included a copy of the message  
22 demanding payment for removal of the Article, and apprised Epik that this act constituted  
23 unlawful blackmail. International Counsel sent the same letter and attachments to the email  
24 address it located for Anonymize.

25  
26 <sup>2</sup> This information is available at <https://who.is/whois/warsawpoint.com> (last visited  
October 27, 2022).



1 and office. With respect to the injury to Kovalenko's business, trade, profession, and office,  
2 the Article has defamed him both expressly and by implication, has caused harm to his  
3 reputation and the reputation of the businesses he founded and/or owns, and has required him  
4 to incur expenses to refute these false statements. Such damages amount to more than  
5 \$10 million.

6 25. As a proximate consequence of Defendants' publication of the Article,  
7 Kovalenko has suffered, and will continue to suffer, irreparable injury.

8 26. Defendants should be temporarily, preliminarily, and permanently enjoined  
9 from continuing to publish the Article on [www.warsawpoint.com](http://www.warsawpoint.com), and should be required to  
10 immediately delete it from that website.

11 **SECOND CLAIM FOR RELIEF**  
12 **INVASION OF PRIVACY (FALSE LIGHT)**  
13 **(All Defendants)**

14 27. Kovalenko incorporates paragraphs 1 through 26, above, as if fully  
15 incorporated herein.

16 28. The false statements contained in the published Article placed Kovalenko in a  
17 false light. Those statements suggest that in connection with his professional dealings,  
18 Kovalenko, in the past and currently, alone and with others, directly and through various  
19 companies, has been involved in schemes, criminal and improper conduct, illegal business  
20 practices, and corruption (specifically, bribing of public officials). These untrue statements  
21 imply that Kovalenko, and by extension, the companies he has founded and/or owns, are  
22 corrupt and have and continue to engage in criminal misconduct.

23 29. The false light created by these spurious and untrue statements in the Article  
24 would be offensive to a reasonable person because they falsely accuse Kovalenko of  
25 engaging in corruption and criminal misconduct.  
26





**DEMAND FOR JURY**

Plaintiff hereby demands a jury trial.

DATED this 4th day of November, 2022.

MARKOWITZ HERBOLD PC

By: s/ Jeffrey M. Edelson

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