

Case No. S235968

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

DAWN HASSELL, *et al.*
Plaintiffs and Respondents,

vs.

AVA BIRD,
Defendant,

YELP, INC.,
Appellant.

SUPREME COURT
FILED

NOV 21 2016

Jorge Navarrete Clerk

Deputy

After a Decision by the Court of Appeal
First Appellate District, Division Four, Case No. A143233
Superior Court of the County of San Francisco
Case No. CGC-13-530525, The Honorable Ernest H. Goldsmith

**YELP INC.'S REQUEST FOR JUDICIAL NOTICE;
DECLARATION OF ROCHELLE L. WILCOX WITH EXHIBITS A-G**

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE *thomasburke@dwt.com* (SB# 141930)
*ROCHELLE L. WILCOX *rochellewilcox@dwt.com* (SB# 197790)
505 Montgomery Street, Suite 800, San Francisco, CA 94111-6533
Tel.: (415) 276-6500 Fax: (415) 276-6599

YELP INC.
AARON SCHUR *aschur@yelp.com* (SB# 229566)
140 New Montgomery Street, San Francisco, California 94105
Tel: (415) 908-3801

Attorneys for Non-Party Appellant YELP INC.

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Tel.: (415) 276-6500 Fax: (415) 276-6599

YELP INC.
AARON SCHUR *aschur@yelp.com* (SB# 229566)
140 New Montgomery Street, San Francisco, California 94105
Tel: (415) 908-3801

Attorneys for Non-Party Appellant YELP INC.

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I. SUMMARY OF ARGUMENT

Pursuant to Evidence Code §§ 452(d) and (h) and § 459, Petitioner Yelp Inc. (“Yelp”) respectfully requests that the Court take judicial notice of the court records and Internet news articles that are submitted with this Request for Judicial Notice as **Exhibits A through G** to the Declaration of Rochelle L. Wilcox (“Wilcox Decl.”). As Yelp establishes below, this Court is authorized to take judicial notice of these court records and articles, and it should do so because they are relevant to a key issue in this appeal—the potential for abuse by defamation plaintiffs searching for ways to alter online content, if the Court approves entry of an injunction against a website publisher such as Yelp without advance notice.¹

II. THE COURT SHOULD TAKE JUDICIAL NOTICE OF THE ATTACHED COURT RECORDS AND ARTICLES

A. Court Records Are Properly The Subject Of Judicial Notice

California Evidence Code § 459(a) provides in part that “[t]he reviewing court *shall* take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under Section 451 or 453. The reviewing court may take judicial notice of any matter specified in Section 452.” California Evidence Code § 452(d) authorizes a court to take judicial notice of “[r]ecords of

¹ This Court may take judicial notice of the documents submitted with this Request, although no similar request was made to the lower courts. *Taliaferro v. County of Contra Costa* (1960) 182 Cal.App.2d 587, 592; *Hogen v. Valley Hospital* (1983) 147 Cal.App.3d 119, 125 (citing *Holmes v. City of Oakland* (1968) 260 Cal.App.2d 378, 384).

(1) any court of this state or (2) any court of record of the United States or of any state of the United States.” California Evidence Code § 453, in turn, provides that “[t]he trial court shall take judicial notice of any matter specified in Section 452 if a party requests it and: (a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and (b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter.”

Under Section 452(d), California courts regularly take judicial notice of the existence of court records (although they may not judicially notice the truth of the matters contained in those records). *E.g.*, *Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1561-1562; *County of San Diego v. Sierra* (1990) 217 Cal.App.3d 126, 128 n.2; *Magnolia Square Homeowners Ass’n v. Safeco Ins. Co. of America* (1990) 221 Cal.App.3d 1049, 1056-57; *Artucovich v. Arizmendiz* (1967) 256 Cal.App.2d 130, 133-34; *Goldstein v. Hoffman* (1963) 213 Cal.App.2d 803, 814. Thus, this Court may take judicial notice of the existence of each document in a court file, including **Exhibits A through C**, as requested here. *Day v. Sharp* (1975) 50 Cal.App.3d 904.

Yelp asks the Court to take judicial notice of the following court records, attached as **Exhibits A through C**, which reflect ways in which the court system may be manipulated by defamation plaintiffs eager to obtain

orders directing websites to alter online content:

Exhibit A: “Motion to Intervene; Motion to Strike Judgment and Answer to Defendant Mathew Chan’s Motion to Vacate Consent Judgment/Order,” filed September 21, 2016, in the matter of *Mitul R. Patel v. Mathew Chan*, Circuit Court for Baltimore City, Baltimore, Maryland, Case No. 24-C-16-003573 (“*Patel v. Chan*”), including the supporting Affidavit of Mitul R. Patel and all Exhibits filed in support thereof and the Proposed Order.

Exhibit B: “Defendant’s Motion to Vacate Consent Judgment/Order,” filed September 6, 2016, in *Patel v. Chan*, including the supporting Affidavit of Matthew Chan and all Exhibits filed in support thereof and the Proposed Order.

Exhibit C: “Complaint for: (1) Unlawful, Unfair and Fraudulent Business Practices under California Business and Professions Code § 17200; (2) Civil Conspiracy; and (3) Abuse of Process,” filed October 21, 2016, in the matter of *Consumer Opinion LLC v. ZCS, Inc., et al.*, United States District Court for the Northern District of California, San Francisco Division, Case No. 4:16-cv-06105-KAW.

As Yelp’s Opening Brief discusses, businesses hoping to hide critical reviews from the public have been searching for ways to do that, notwithstanding Section 230’s protection for website publishers such as Yelp. O.B., Section V.C. These court records provide examples of a few

of the ways in which disgruntled businesses may attempt to manipulate the judicial system in efforts to obtain court orders requiring website publishers to remove critical comments about those businesses, evidencing the potential for abuse if the court of appeal's Opinion is affirmed here.

B. News Articles And Internet Web Pages And Postings Are Properly The Subject Of Judicial Notice

Section 452(h) of the Evidence Code authorizes this Court to take judicial notice of “[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

Under this Section, courts regularly take judicial notice of published materials, such as the existence and content of newspaper articles, under Section 452(h). *See, e.g., Seelig v. Infinity Broadcasting Broad. Corp.* (2002) 97 Cal.App.4th 798, 807 n.5 (taking judicial notice of news articles discussing the reality television show “Who Wants to Marry a Multi-Millionaire?”; judicial notice intended to establish that the program was a matter of widespread public interest); *McKelvey v. Boeing N. Am., Inc.* (1999) 74 Cal.App.4th 151, 162 (taking judicial notice of newspaper articles and transcripts of radio and television broadcasts “to show the extent of the widespread publicity” of an incident to demonstrate that plaintiff had notice before statute of limitations expired); *Hofmann Co. v. E.I. Du Pont de Nemours & Co.* (1988) 202 Cal.App.3d 390, 395 n.3 (trial

court took judicial notice of newspaper article in which allegedly defamatory statements appeared); *Weingarten v. Block* (1980) 102 Cal.App.3d 129, 137 (trial court took judicial notice of series of articles containing allegedly defamatory statements). In each case, the existence of the documents was found to be capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Likewise, Section 452(h) permits the Court to take judicial notice of posts found from Internet web sites. *See, e.g., Ampex Corp. v. Cargle* (2005) 128 Cal.App.4th 1569, 1573 n.2 (taking judicial notice of the fact that respondent maintains a web site and of “various computer printouts from [respondent’s] web site and [a] Yahoo! Message board”); *Gentry v. Ebay, Inc.* (2002) 99 Cal.App.4th 816, 821 n.1 (taking judicial notice of “the manner in which eBay describes its operations from its web site”); *see also Pollstar v. Gigmania Ltd.* (E.D. Cal. 2000) 170 F.Supp.2d 974, 978 (taking judicial notice of printout from plaintiff’s web site); *Cairns v. Franklin Mint Co.* (C.D. Cal. 2000) 107 F.Supp.2d 1212, 1216 (taking judicial notice of pages from Warhol Museum’s web site). Like news articles, the existence of Internet web sites and the posts contained on them is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

For these reasons, Yelp respectfully requests this Court to take judicial notice of the following Internet news articles and other information

obtained from various Internet web sites, which are attached as **Exhibits D** through **G**:

Exhibit D: Tim Cushing, “Bogus defamation lawsuit with fake defendant results in negative reviews of dentist being taken down,” *TechDirt*, Aug. 24, 2016, available at <https://www.techdirt.com/articles/20160823/15435735321/bogus-defamation-lawsuit-with-fake-defendant-results-negative-reviews-dentist-being-taken-down.shtml>.

Exhibit E: Eugene Volokh & Paul Alan Levy, “Dozens of suspicious court cases with missing defendants aim at getting web pages taken down or deindexed,” *Washington Post*, Oct. 10, 2016, available at https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/10/10/dozens-of-suspicious-court-cases-with-missing-defendants-aim-at-getting-web-pages-taken-down-or-deindexed/?utm_term=.2a456e6301f1.

Exhibit F: Tim Cushing, “Reputation management company linked to bogus libel lawsuits now hyping its anti-cyberbullying skills,” *TechDirt*, Oct. 18, 2016, available at <https://www.techdirt.com/articles/20161015/12113435805/reputation-management-company-linked-to-bogus-libel-lawsuits-now-hyping-anti-cyberbullying-skills.shtml>.

Exhibit G: Kristen V. Brown, “The brilliant but completely

unethical scheme reputation management companies are using to censor the internet,” *Fusion*, Oct. 28, 2016, available at <http://fusion.net/story/362902/fake-lawsuits-google-censor/>.

These articles discuss the many ways in which reputation management companies and similar businesses are attempting to obtain court orders to encourage website publishers to remove critical reviews and statements from their websites. The Court need not accept the truth of the claims in these articles, because they are not presented to establish the underlying facts. Instead, they are presented to offer cautionary examples of the ways in which the appellate court’s Opinion may give rise to abuse if it is affirmed—a proper subject of judicial notice.

III. CONCLUSION

As addressed above, the documents submitted with this Request for Judicial Notice establish important facts for this Court’s consideration. Therefore, for the foregoing reasons, Yelp respectfully requests that the Court take judicial notice of the court records and articles attached to this Request as **Exhibits A through G**.

Dated: November 17, 2016

DAVIS WRIGHT TREMAINE LLP

Thomas R. Burke

Rochelle L. Wilcox

By: 

Rochelle L. Wilcox

Attorneys for Non-Party Appellant
YELP INC.

DECLARATION OF ROCHELLE L. WILCOX

I, Rochelle L. Wilcox, declare:

1. I am an attorney admitted to practice before all the courts of the State of California and before this Court. I am a partner in the law firm Davis Wright Tremaine LLP (“DWT”) and I am one of the attorneys for Petitioner Yelp Inc. (“Yelp”). I have personal knowledge of the following facts and, if called upon to testify, I could and would competently testify to these facts.

2. Attached as **Exhibit A** is a true and correct copy of a “Motion to Intervene; Motion to Strike Judgment and Answer to Defendant Mathew Chan’s Motion to Vacate Consent Judgment/Order,” filed September 21, 2016, in the matter of *Mitul R. Patel v. Mathew Chan*, Circuit Court for Baltimore City, Baltimore, Maryland, Case No. 24-C-16-003573 (“*Patel v. Chan*”), including the supporting Affidavit of Mitul R. Patel and all Exhibits filed in support thereof and the Proposed Order. One of DWT’s librarians obtained these documents from the court file in *Patel v. Chan* at my request.

3. Attached as **Exhibit B** is a true and correct copy of “Defendant’s Motion to Vacate Consent Judgment/Order,” filed September 6, 2016, in *Patel v. Chan*, including the supporting Affidavit of Matthew Chan and all Exhibits filed in support thereof and the Proposed Order. One of DWT’s librarians obtained these documents from the court file in *Patel*

v. *Chan* at my request.

4. Attached as **Exhibit C** is a true and correct copy of the “Complaint for: (1) Unlawful, Unfair and Fraudulent Business Practices under California Business and Professions Code § 17200; (2) Civil Conspiracy; and (3) Abuse of Process,” filed October 21, 2016, in the matter of *Consumer Opinion LLC v. ZCS, Inc., et al.*, United States District Court for the Northern District of California, San Francisco Division, Case No. 4:16-cv-06105-KAW. One of DWT’s librarians obtained these documents from the court file in this case at my request.

5. Attached as **Exhibit D** is a true and correct copy of Tim Cushing, “Bogus defamation lawsuit with fake defendant results in negative reviews of dentist being taken down,” *TechDirt*, Aug. 24, 2016, available at <https://www.techdirt.com/articles/20160823/15435735321/bogus-defamation-lawsuit-with-fake-defendant-results-negative-reviews-dentist-being-taken-down.shtml>. My assistant Ellen Duncan printed this document from the Internet at my request on November 2, 2016.

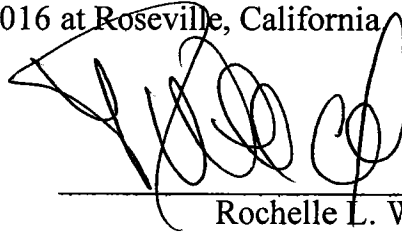
6. Attached as **Exhibit E** is a true and correct copy of Eugene Volokh & Paul Alan Levy, “Dozens of suspicious court cases with missing defendants aim at getting web pages taken down or deindexed,” *Washington Post*, Oct. 10, 2016, available at <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/10/10/dozens-of-suspicious-court-cases-with-missing->

defendants-aim-at-getting-web-pages-taken-down-or-deindexed/?utm_term=.2a456e6301f1. My assistant Ellen Duncan printed this document from the Internet at my request on November 1, 2016.

7. Attached as **Exhibit F** is a true and correct copy of Tim Cushing, “Reputation management company linked to bogus libel lawsuits now hyping its anti-cyberbullying skills, *TechDirt*, Oct. 18, 2016, available at <https://www.techdirt.com/articles/20161015/12113435805/reputation-management-company-linked-to-bogus-libel-lawsuits-now-hyping-anti-cyberbullying-skills.shtml>. My assistant Ellen Duncan printed this document from the Internet at my request on November 1, 2016.

8. Attached as **Exhibit G** is a true and correct copy of Kristen V. Brown, “The brilliant but completely unethical scheme reputation management companies are using to censor the internet,” *Fusion*, Oct. 28, 2016, available at <http://fusion.net/story/362902/fake-lawsuits-google-censor/>. My assistant Ellen Duncan printed this document from the Internet at my request on November 17, 2016.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was signed on November 17, 2016 at Roseville, California



A handwritten signature in black ink, appearing to read 'Rochelle L. Wilcox', is written over a horizontal line. The signature is stylized and cursive.

Rochelle L. Wilcox

[PROPOSED] ORDER

This Court, having considered the Request For Judicial Notice of Petitioner Yelp Inc., and good cause having been shown therefore,

IT IS ORDERED that the Court takes judicial notice of the following documents:

Exhibit A: “Motion to Intervene; Motion to Strike Judgment and Answer to Defendant Mathew Chan’s Motion to Vacate Consent Judgment/Order,” filed September 21, 2016, in the matter of *Mitul R. Patel v. Mathew Chan*, Circuit Court for Baltimore City, Baltimore, Maryland, Case No. 24-C-16-003573 (“*Patel v. Chan*”), including the supporting Affidavit of Mitul R. Patel and all Exhibits filed in support thereof and the Proposed Order.

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Exhibit C: “Complaint for: (1) Unlawful, Unfair and Fraudulent Business Practices under California Business and Professions Code § 17200; (2) Civil Conspiracy; and (3) Abuse of Process,” filed October 21, 2016, in the matter of *Consumer Opinion LLC v. ZCS, Inc., et al.*, United States District Court for the Northern District of California, San Francisco

Division, Case No. 4:16-cv-06105-KAW.

Exhibit D: Tim Cushing, “Bogus defamation lawsuit with fake defendant results in negative reviews of dentist being taken down,” *TechDirt*, Aug. 24, 2016, available at <https://www.techdirt.com/articles/20160823/15435735321/bogus-defamation-lawsuit-with-fake-defendant-results-negative-reviews-dentist-being-taken-down.shtml>.

Exhibit E: Eugene Volokh & Paul Alan Levy, “Dozens of suspicious court cases with missing defendants aim at getting web pages taken down or deindexed,” *Washington Post*, Oct. 10, 2016, available at https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/10/10/dozens-of-suspicious-court-cases-with-missing-defendants-aim-at-getting-web-pages-taken-down-or-deindexed/?utm_term=.2a456e6301f1.

Exhibit F: Tim Cushing, “Reputation management company linked to bogus libel lawsuits now hyping its anti-cyberbullying skills,” *TechDirt*, Oct. 18, 2016, available at <https://www.techdirt.com/articles/20161015/12113435805/reputation-management-company-linked-to-bogus-libel-lawsuits-now-hyping-anti-cyberbullying-skills.shtml>.

Exhibit G: Kristen V. Brown, “The brilliant but completely unethical scheme reputation management companies are using to censor the

internet,” *Fusion*, Oct. 28, 2016, available at

<http://fusion.net/story/362902/fake-lawsuits-google-censor/>.

Dated: _____

By: _____
Honorable Tani Gorre Cantil-Sakauye
Chief Justice of the State of California

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 24-C-16-003573

* * * * *

**MOTION TO INTERVENE, MOTION TO STRIKE JUDGMENT and
ANSWER TO DEFENDANT MATHEW CHAN'S MOTION TO VACATE**

CONSENT JUDGMENT/ORDER

Intervenor MITUL R. PATEL, by and through his attorneys, James G. Maggio, Esquire, and Steven D. Shemenski, Esquire, hereby files this Motion to Intervene, Motion to Strike Judgment, and Answer to Defendant's Motion to Vacate Consent Judgment/Order and in support thereof avers:

Case No. 24-C-16-003573
APPEARANCE
TOTAL
RECEIVED
CASHIER
12/11/24

1. The matter *sub judice* purports to be an action filed *pro se* for a Consent Judgment acknowledging a defamation of character and charging the alleged Defendant with removing postings on internet sites the Defendant allegedly made against Plaintiff or causing the website providers to remove said postings.

2. Intervenor is the alleged Plaintiff in this matter.

3. Intervenor did not file said action in this Honorable Court.

a. Intervenor maintains a dental practice at 2627 Peachtree Parkway, #400, Suwanee, Georgia 30024. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraphs 2 and 7, which is attached hereto and incorporated herein by reference.

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 24-C-16-003573

* * * * *

MOTION TO INTERVENE, MOTION TO STRIKE JUDGMENT and
ANSWER TO DEFENDANT MATHEW CHAN'S MOTION TO VACATE

CONSENT JUDGMENT/ORDER

Intervenor MITUL R. PATEL, by and through his attorneys, James G. Maggio, Esquire, and Steven D. Shemenski, Esquire, hereby files this Motion to Intervene, Motion to Strike Judgment, and Answer to Defendant's Motion to Vacate Consent Judgment/Order and in support thereof avers:

James G. Maggio, Esquire
APPEAR FEE
TOTAL
RECEIVED
CASHIER: KAY GREGORY
07/21/16 10:26AM

1. The matter *sub judice* purports to be an action filed *pro se* for a Consent Judgment acknowledging a defamation of character and charging the alleged Defendant with removing postings on internet sites the Defendant allegedly made against Plaintiff or causing the website providers to remove said postings.

2. Intervenor is the alleged Plaintiff in this matter.

3. Intervenor did not file said action in this Honorable Court.

a. Intervenor maintains a dental practice at 2627 Peachtree Parkway, #400, Suwanee, Georgia 30024. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraphs 2 and 7, which is attached hereto and incorporated herein by reference.

b. A search of the United States Postal Service Website indicates that no mailing address exists for 276 Peachtree Parkway, Suwanee, Georgia 30024, the address listed for Plaintiff on the original Complaint. See Exhibit 2, USPS.com which is attached hereto and incorporated herein by reference.

c. Intervenor has no connection with the real property and any improvements thereon that may be located at 276 Peachtree Parkway, Suwanee, Georgia 30024, the address indicated for Plaintiff MITUL R. PATEL on the original Complaint.

d. Intervenor did not file the matter *sub judice*. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraph 4, which is attached hereto and incorporated herein by reference.

e. Intervenor has previously engaged the services of an entity doing business as SEO Profile Defense Network, LLC., to provide "online reputation management services" for Intervenor's dental practice. See Exhibit 3, Correspondence from Counsel to Intervenor to SEO Profile Defense Network, LLC., which is attached hereto and incorporated herein by reference.

f. In so retaining the services of SEO Profile Defense Network, LLC., Intervenor did not authorize the filing of any lawsuit by said entity on his behalf. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraphs 4, 5 and 6, which is attached hereto and incorporated herein by reference.

4. Intervenor did not file, nor cause to have filed, the matter *sub judice*, and he is not presently a party to this action.

5. Defendant MATHEW CHAN¹ did post reviews on internet websites regarding his experience with Intervenor at Intervenor's Dental practice.

6. As a result of the issuance of the "Consent Order" in the matter *sub judice*, Intervenor has been caused to suffer negative publicity via internet news blogs as a result of the attempt by the party purporting to be Plaintiff MITUL R. PATEL's attempts to have negative reviews of Intervenor's Dental practice removed from internet review websites. See Defendant MATHEW CHAN's Motion to Vacate Consent Judgment, Exhibits S, T, U, and V.

7. Intervenor has the right to Intervene in this matter as Intervenor is the person who allegedly filed this action (but did not) and the Intervenor would be the sole person who has the authority to file such a lawsuit seeking the relief requested. Maryland Rule 2-214(a).

8. As Intervenor did not file this lawsuit that on its face is attempting to legally enforce an agreement on his behalf, though he is not the party who filed the lawsuit, Intervenor has the right to ask this Honorable Court to allow him to intervene in this matter and act on his behalf to rectify the wrongful filing of this lawsuit.

9. Upon Intervenor's Motion to Intervene being granted, Intervenor should be designated as a Plaintiff by this Honorable Court. Maryland Rule 2-214(c).

10. Upon this Honorable Court allowing Intervenor to intervene as Plaintiff in this matter, Intervenor/designated Plaintiff respectfully requests that this Honorable Court Vacate the Consent Judgment, and Dismiss this matter without prejudice.

¹ Intervenor MITUL R. PATEL acknowledges that the proper spelling of the name of the person alleged to be the Defendant in this matter is "MATTHEW CHAN", however for the purpose of clarity in the record will refer to Defendant as "MATHEW CHAN" as the name was stated in the original filing in this Honorable Court.

a. Intervenor/designated Plaintiff admits that jurisdiction of this matter would more properly be considered under the legal system of the State of Georgia, or the Federal District Court located in Georgia.

b. To the best of Intervenor/designated Plaintiff's information and belief, Defendant MATHEW CHAN did not and has not consented to a Judgment to be entered admitted defamation and/or authorizing the removal of his postings on review websites.

c. Intervenor/designated Plaintiff, who would be an interested party in any action for defamation if it exists against Defendant MATHEW CHAN, did not file nor authorize any person or entity to file on his behalf the legal action *sub judice*.

d. As Intervenor/designated Plaintiff did not file nor authorize the filing of this lawsuit, and as Defendant MATHEW CHAN and Intervenor/designated Plaintiff did not enter into an agreement resulting in the alleged Consent Judgment/Order, it is proper for this Honorable Court to Vacate the Consent Judgment/Order.

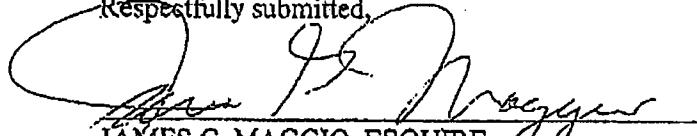
e. Dismissal of this matter without prejudice is proper as Intervenor/designated Plaintiff should not have any potential legal remedy he may have against Defendant MATHEW CHAN be prejudiced by a legal filing he did not make nor authorize to be made on his behalf.

11. Intervenor/designated Plaintiff, having reviewed and considered Defendant MATHEW CHAN's Motion to Vacate Consent Judgment/Order admits the allegations therein and believes that it is in the best interests of justice to Grant Defendant's Motion and Vacate the Consent Judgment/Order.

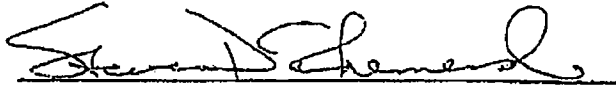
WHEREFORE, Intervenor/designated Plaintiff MITUL R. PATEL respectfully requests that this Honorable Court Grant his Motion to Intervene, Grant his Motion to Vacate the Consent

Judgment/Order and dismiss this matter without prejudice, and Grant Defendant's Motion to Vacate Consent Judgment/Order, and Grant such other and further relief as this Honorable Court deems appropriate.

Respectfully submitted,



JAMES G. MAGGIO, ESQUIRE
THE LAW OFFICE OF JAMES G. MAGGIO
802 Ingleside Avenue
Catonsville, Maryland 21228
410-262-6938
Facsimile 410-788-4467
Jamesgmaggio@yahoo.com



STEVEN D. SHEMENSKI, ESQUIRE
THE LAW OFFICE OF STEVEN D. SHEMENSKI
802 Ingleside Avenue
Catonsville, Maryland 21228
443-341-0458
Facsimile 410-788-4467
Shemenskilaw@gmail.com
Attorneys for Intervenor MITUL R. PATEL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September, 2016, a copy of the foregoing Motion was mailed, first class postage prepaid to:

Matthew Chan
P.O. Box 6865
Columbus, Georgia 31917


STEVEN D. SHEMENSKI, ESQUIRE

EXHIBIT 1: AFFIDAVIT OF MITUL R. PATEL

4.

It has come to my attention that a Complaint dated February 8, 2016 [Case No. 24-C-16003573] was filed against the Defendant, Mathew Chan. [See Exhibit "A"]. Although my name is signed to the Complaint, the signature is a forgery. My original signature can be readily seen and compared in this notarized Affidavit. At no time did I authorize the filing of this Complaint, and I would have never authorized the filing of this Complaint, nor did I have knowledge that the Complaint [Case No. 24-C-16003573] was even filed until this was brought to my attention in August, 2016.

5.

In addition, a Consent Motion for Injunction and Final Judgment was filed with the Court on June 15, 2016, bearing the signature of myself and of the purported Defendant, Mathew Chan. [See Exhibit "B"]. I never signed the Consent Motion, nor did I have any knowledge whatsoever regarding the filing of the Consent Motion. My name was forged on the Consent Motion, and I never authorized the filing or signing of the Consent Motion. Furthermore, I never discussed the contents of the Consent Motion with the purported Defendant, Mathew Chan.

6.

At no time did I ever authorize any individual or entity to file a Complaint, Consent Motion or Order [See Exhibit "C"] on my behalf or take any action whatsoever in the Maryland Circuit Court, Baltimore City, nor did I ever authorize any individual or entity to sign my name to any Court pleadings or other such documents.

7.

My address as listed on the Complaint and Consent Motion is incorrect. My correct

mailing address is 2627 Peachtree Parkway, Suite 440, Suwanee, Georgia 30024.

8.

The facts surrounding this matter are as follows: The Defendant, Matthew Chan, visited my dental practice once in June, 2014 and subsequently posted a negative review about his experience on several websites. In February, 2016, I contracted with SEO Profile Defenders Network, LLC to provide online reputation management services. At no time did I authorize the filing of any lawsuit, nor did I have any knowledge that a lawsuit had been filed on my behalf.

Further, the Affiant sayeth not.

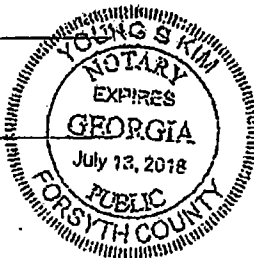


MITUL R. PATEL
GAL 052765131

Sworn to and subscribed before me
this 19th day of Sep, 2016.

NOTARY PUBLIC

My Commission Expires:
3651 PEACHTREE PARKWAY STE. E
SUWANEE, GEORGIA 30024



MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-CJ-003573

COMPLAINT

For his claims for relief against Defendant, Plaintiff Mitul R. Patel ("Plaintiff") alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff maintains a primary residence in Gwinnett County, Georgia.
2. Defendant Mathew Chan ("Defendant") maintains a primary residence located in Baltimore County, Maryland.
3. Defendant's actions, upon which the allegations in this Complaint are based, were performed in this judicial district.
4. Therefore, upon information and belief, Jurisdiction and venue are proper

in this Court.

**COUNTY
DEFAMATION**

EXHIBIT "A"

5. On 10/01/2015, Defendant posted false and defamatory statements on the internet at the following web address's: <http://www.healthgrades.com/dentist/dr-mitul-patel-3kvwk> , <https://www.ratemyda.com/doctor-ratings/2637317/Dr-MITUL%3BR.-PATEL-SUWANEE-GA.html> , <http://www.kudzu.com/via/DrMitulPatelDDS-30366893> , <http://www.velp.com/biz/family-and-cosmetic-dental-care-suwanee-2> , <https://www.doctor-oogle.com/584293-suwanee-dentist-dr-mitul-patel> , <https://www.doctor-oogle.com/584293-suwanee-dentist-dr-mitul-patel>. (the "Defamation").

6. The Defamation was made by Defendant about and concerning Plaintiff.

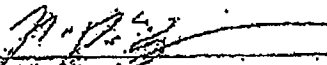
7. Without privilege, Defendant communicated the Defamation to third parties through the Internet to world at large, without limitation.

8. The Defamation made by Defendant impeaches the honesty, integrity and reputation of Plaintiff by implying that Plaintiff is involved in a fraudulent scheme.

9. The Defamation is and would be highly offensive to a reasonable person.

10. The Defamation is and will continue to cause harm to Plaintiff's reputation unless it is restrained and enjoined.

Dated, so respectfully, this 8 day of February, 2016 .



Mital B. Patel
276 Peachtree Pkwy.
Suwanee, GA 3002

Pro Per Plaintiff

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C16003573

PAID MAR 15 2024
CIVIL OFFICE

Case: 24-CV-003573
CV Filing No: 15
es

CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT

RIF-New Case \$80.00
Appear Fee \$30.00
\$20.00
TOTAL \$130.00

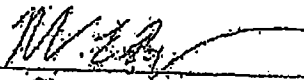
Receipt #20160014827
Date 03/15/24 12:19PM

The parties respectfully request that the Court enter the proposed order submitted herewith. Although the parties have settled this matter, Defendant is unable to remove the defamatory statements he posted about Plaintiff on Reverb.com cause of the website's policies. As result, the only way to suppress the defamation is to submit a court order to Google and the other web sites.

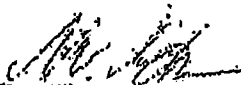
Therefore, the Parties respectfully request that the Court enter the proposed Order submitted herewith and grant such other and further relief as the Court finds reasonable and necessary.

EXHIBIT "B"

APPROVED AS TO
FORM AND CONTENT



Mathew Chan
400 E. Pratt St.
Baltimore, MD 21202
Pro Per Defendant



Mitul R. Patel
276 Peachtree Pkwy.
Suwanee, GA 30024
Pro Per Plaintiff

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24C-16-003573

ORDER GRANTING CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT

The parties having filed a Consent Motion for Injunction and Final Judgment, and therefore, good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court finds that Defendant Mathew Chan ("Defendant") posted false and defamatory statements about Plaintiff Mitul R. Patel ("Plaintiff") on the following webpage(s): <http://www.healthgrades.com/dentist/dr-mitul-patel-3kvwh> , <https://www.ratemds.com/doctor-ratings/2637312/Dr-MITUL-%2BR-PATEL-SUWANEE-GA.html> , <http://www.kudzu.com/m/DrMitul-Patel-30366895> , <http://www.yelp.com/biz/family-and-cosmetic-dental-care-services-2> , <https://www.doctor-oz.com/58493-suwanee-dentist-dr>

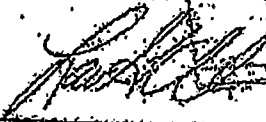
EXHIBIT "C"

mitul-patel, <https://www.doctor-oogle.com/584293-suvancee-dentist-di->
mitul-patel, (the "Defamation").

2. The Defamation is not otherwise protected by the First Amendment.
3. Defendant shall remove the Defamation.
4. If the Defendant cannot remove the Defamation from the Internet, the Plaintiff shall submit this Order to Healthgrades.com, RateMDs.com, kudzu.com, Yelp.com, doctor-oogle.com, or any other Internet search engine so that the comment can be removed from their web page pursuant to their existing policies concerning de-indexing of defamatory material.
5. Upon entry of this Order, this matter shall be closed.

22nd day of July, 2016th
DATED this 8th day of February, 2016.

TRUE COPY
TEST



LAVINIA G. ALEXANDER, CLERK



EXHIBIT 2: USPS.COM

[English](#)

[Customer Service](#)

[USPS Mobile](#)

[Register / Sign In](#)



Look Up a ZIP Code™

[Still Have a Question?](#)
[Browse our Help](#)

[ZIP Code™ By Address](#)

[Cities by ZIP Code™](#)

You entered:

[Look up another ZIP Code™](#)
[Edit and Search Again](#)

276 PEACHTREE PARKWAY
SUWANEE GA

Unfortunately, this address wasn't found.
Please double-check it and try again.

HELPFUL LINKS

- [Contact Us](#)
- [Site Index](#)
- [FAQs](#)

ON ABOUT.USPS.COM

- [About USPS Home](#)
- [Newsroom](#)
- [USPS Service Updates](#)
- [Forms & Publications](#)
- [Government Services](#)
- [Careers](#)

OTHER USPS SITES

- [Business Customer Gateway](#)
- [Postal Inspectors](#)
- [Inspector General](#)
- [Postal Explorer](#)
- [National Postal Museum](#)
- [Resources for Developers](#)

LEGAL INFORMATION

- [Privacy Policy](#)
- [Terms of Use](#)
- [FOIA](#)
- [No FEAR Act EEO Data](#)

EXHIBIT 3: CORRESPONDENCE TO
SEO PROFILE DEFENSE NETWORK, LLC.

OBERMAN LAW FIRM

147 Lee Byrd Road
Walton Place
Loganville, Georgia 30052
A Professional Corporation

www.obermanlaw.com

Stuart J. Oberman
Lauren A. Mansour (GA & SC)

Telephone (770) 554-1400
Facsimile (770) 554-3534

Of Counsel
James A. Hinkle (GA, DC & VA)

September 13, 2016

VIA UPS OVERNIGHT MAIL AND EMAIL [INFO@PROFILEDEFENDERS.COM]

SEO Profile Defense Network LLC
12 Se 10th Avenue, Suite 1
Fort Lauderdale, Florida 33301

RE: My Client: Dr. Mitul Patel

Dear Sir or Madam:

This letter is to advise you that I have been retained to represent Mitul Patel, DDS. Please direct all communication regarding Dr. Patel to my attention and not to Dr. Patel directly.

As you know, my client entered into a Reputation Management Client Agreement with SEO Profile Defense Network LLC on February 3, 2016, wherein your firm agreed to provide online reputation management services to Dr. Patel. It has come to my attention that your firm filed a legal action in Baltimore City, Maryland against a "Mathew Chan" and apparently forged Dr. Patel's signature to a Complaint and Consent Motion [in addition to forging Mathew Chan's signature], which resulted in the production of a Court Order. [See Attached].

This clearly fraudulent activity has severely damaged Dr. Patel's name and professional reputation.

Please contact my office within five (5) days of the date of this letter so that we may discuss a resolution to this matter. If I do not receive a response by Monday, September 19, 2016, I will advise my client to pursue all available legal remedies.

Sincerely,

Stuart J. Oberman

SJO/lam

OBERMAN LAW FIRM

147 Lee Byrd Road
Walton Place
Loganville, Georgia 30052
A Professional Corporation

www.obermanlaw.com

Stuart J. Oberman
Lauren A. Mansour (GA & SC)

Telephone (770) 554-1400
Facsimile (770) 554-3534

Of Counsel

James A. Hinkle (GA, DC & VA)

September 15, 2016

VIA U.S. MAIL AND EMAIL [RICH@PROFILEDEFENDERS.COM]

Mr. Richard Ruddle
SEO Profile Defenders Network LLC
12 SE 10th Avenue, Suite 1
Port Lauderdale, Florida 33301

RE: My Client: Dr. Mitul Patel

Dear Mr. Ruddle:

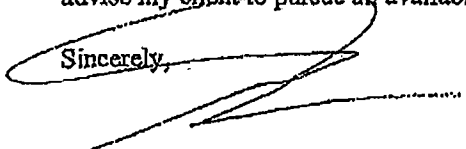
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Please contact my office within five (5) days of the date of this letter so that we may discuss a resolution to this matter. If I do not receive a response by Monday, September 19, 2016, I will advise my client to pursue all available legal remedies.

Sincerely,


Stuart J. Oberman

SJO/lam

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 24-C-16-003573

* * * * *

ORDER

This matter having come before this Honorable Court by way of Intervenor MITUL R. PATEL's Motion to Intervene, Motion to Vacate Consent Judgment/Order and Answer to Defendant's Motion to Vacate Judgment/Order, as well as Defendant's Motion to Vacate Consent Judgment/Order, it is this _____ day of _____, 2016, hereby

ORDERED that Intervenor MITUL R. PATEL's Motion to Intervene be and is GRANTED; and it is further

ORDERED that Intervenor MITUL R. PATEL be designated as Intervenor Plaintiff; and it is further

ORDERED that Intervenor/Plaintiff MITUL R. PATEL's Motion to Vacate the Consent Judgment/Order be and hereby is GRANTED; and it is further

ORDERED that Defendant MATHEW CHAN's Motion to Vacate Judgment/Order be and hereby is GRANTED; and it is further

ORDERED that the Consent Order Granting Consent Motion for Injunction and Final Judgment entered by this Honorable Court on September 7, 2016, be and hereby is VACATED; and it is further

ORDERED that this matter be and hereby is DISMISSED WITHOUT PREJUDIC

JUDGE
CIRCUIT COURT FOR BALTIMORE CITY

Clerk:

Please mail copies of this Order to:

James G. Maggio, Esquire
802 Ingleside Avenue
Catonsville, Maryland 21228
Attorney for Intervenor/Plaintiff Mitul R. Patel

Matthew Chan
P.O. Box
P.O. Box 6865
Columbus, Georgia 31917

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL.

Plaintiff

v.

MATHEW CHAN

Defendant.

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CIVIL ACTION FILE

Case #: 24-C-16-003573

2024 SEP -6 PM 2:49
CIVIL DIVISION
CIRCUIT COURT
BALTIMORE MD

DEFENDANT'S MOTION TO VACATE CONSENT JUDGMENT/ORDER

Comes now, Defendant, Matthew Chan, sued herein as "Mathew Chan," and makes a special appearance in this Court and requests and declares the following:

1. The Affidavit of Matthew Chan has been presented to this Court to establish the facts of this case (Exhibit A).
2. Based on those facts, it is abundantly clear that someone purporting to be Plaintiff has committed a tremendous fraud in and upon this Court.
3. Purported Plaintiff, Mitul R. Patel, is a professionally-licensed dentist based in Suwanee, Georgia (Exhibits N & O). Defendant met with him only once on June 23, 2014 (Exhibit B).
4. Because of his negative consumer experience with purported Plaintiff, Defendant wrote and posted consumer reviews about purported Plaintiff and his business practices (Exhibits E, M, & Q). Those consumer reviews also reported disciplinary actions taken against him by the Georgia Board of Dentistry in 2008 (Exhibits G).

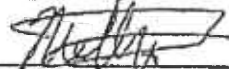
5. Unbeknownst to Defendant, an unknown party developed and executed an illegal consumer review removal and expungement scheme to take advantage of a policy loophole on various websites that permit unfavorable consumer reviews to be removed. It requires the presentation of a valid court judgment/order proclaiming targeted content and material is "defamatory" or "defamation".
6. And that is exactly what purported Plaintiff easily accomplished in this Court. The purported Plaintiff simultaneously filed a bare-bone Complaint and Motion for Consent Judgment on June 15, 2016 with Defendant's purported consent and forged signature. It was then a simple matter for the Court, in good faith, to approve and issue a consent judgment/order which it did on July 22, 2016. Defendant was not made aware of the consent judgment/order until August 10, 2016, when Defendant was contacted by Yelp.com informing him of their intent to remove his consumer review about purported Plaintiff (Exhibit C).
7. Defendant is therefore moving within thirty (30) days of being made aware of the order in accordance with Maryland Rules 2-611 and 2-613.
8. To wit, Defendant was never served or informed about this case at any time. He could not be informed by this Court because purported Plaintiff provided a false contact information to the Court.
9. The signature purportedly made by Defendant is a forgery. As such, the Consent Motion is a fraudulent pleading.
10. Defendant has no contact with the State of Maryland; does not reside in the State; does no business in the State; and has no significant contacts within the State that would subject him to the personal jurisdiction of the court.

11. But more important than the lack of personal jurisdiction over Defendant is that Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of Perjury as defined in Md. Ann. Code § 9-101: Specifically, § 9-101(a)(3) "*A person may not willfully and falsely make an oath or affirmation as to a material fact: in an affidavit made to induce a court or officer to pass an account or claim.*"
12. Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of Identity Fraud as defined in Md. Ann. Code § 8-301: Specifically, § 8-301(c)(2)(i) "*A person may not knowingly and willfully assume the identity of another with fraudulent intent to get a benefit, credit, good, service, or another thing of value...*"
13. Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of "Making False Entries in Public Records" as defined in Md. Ann. Code § 8-606:
 - A. Specifically, § 8-606(b)(1) *A person may not or may not attempt to willfully make a false entry in a public record.*
 - B. Specifically, § 8-606(b)(2) *A person may not or may not attempt to... willfully alter, deface, destroy, remove, or CONCEAL a public record. (Emphasis added)*
14. Based upon the foregoing reasons, **Defendant hereby moves for the following:**
 - A. Vacate the "Order Granting Consent Motion for Injunction & Final Judgment". A proposed order accompanies this motion.
 - B. Report this matter to any investigative agency or authority this Court deems appropriate for further investigation.
 - C. And for such other and further relief as the court deems just and proper under these unusual circumstances.

In conclusion, based on the facts that have been brought to light, the Court should not allow purported Plaintiff's illicitly-obtained consent judgment/order to stand. Defendant moves the Court to vacate the "Order Granting Consent Motion For Injunction & Final Judgment". Because Defendant has good faith belief that someone purporting to be Plaintiff has committed criminal actions of Perjury, Identity Theft, and Making False Entries in Public Records, Defendant moves for the Court to refer this matter to investigative agencies or authorities for a more thorough investigation. Finally, Defendant moves the Court to issue any other remedies the Court deems appropriate and necessary.

This 2nd day of September, 2016.

Respectfully submitted,



Matthew Chan, PRO SE
P.O. Box 6865
COLUMBUS, GA 31917
Phone: (762) 359-0425
Email: matt30060@gmail.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

- DEFENDANT'S MOTION TO VACATE CONSENT JUDGMENT/ORDER
- PROPOSED ORDER TO VACATE CONSENT JUDGMENT/ORDER
- INDEX OF DEFENDANT'S EXHIBITS
- AFFIDAVIT OF MATTHEW CHAN (EXHIBIT A)
- EXHIBITS (A through V)

by filing the same through U.S. Postal Service First Class Mail to the following parties:

Mitul R. Patel
c/o M & T Synergy P.C.
2627 Peachtree Pkwy #440
Suwanee, GA 30024

This 2nd day of September, 2016.

Respectfully Submitted,



Matthew Chan, PRO SE
P.O. Box 6865
Columbus, GA 31917
Phone: (762) 359-0425
Email: matt30060@gmail.com

CIVIL DIVISION

2016 SEP - 6 PM 2:49

U.S. DISTRICT COURT
BALTIMORE, MD

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant.

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CIVIL ACTION FILE

Case #: 24-C-16-003573

ORDER ON MOTION TO VACATE CONSENT JUDGMENT/ORDER

The above-entitled Court, having heard a Defendant's Motion to Vacate Consent Judgment/Order entered on September 2, 2016:

HEREBY ORDERS that the Defendant's Motion to Vacate Consent Judgment/Order is GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Judgment and Order rendered against Defendant on July 22, 2016 is VACATED.

So ORDERED this _____ day of _____, 2016.

By: _____
Judge

Index of Defendant's Exhibits

Mitul R. Patel v. Mathew Chan (Case #: 24-C-16-003573)

- A. Affidavit of Mathew Chan (August 2016)
- B. Appointment email with Mitul R. Patel Dental Office (June 23, 2014)
- C. Email from Yelp (August 10, 2016)
- D. Email attachment of "Order for Consent Judgement " sent by Yelp (August 10, 2016)
- E. Mathew Chan Yelp review of Mitul R. Patel (December 5, 2015)
- F. Mathew Chan Response to Yelp (August 11, 2016)
- G. Georgia Board of Dentistry Consent Order Against Mitul R. Patel (March 25, 2008) - - - -
- H. Georgia Secretary of State - Probation Termination Letter (May 13, 2010)
- I. Text of Mathew Chan's Complaint to Georgia Board of Dentistry (2014)
- J. Georgia Dept. of Health Complaint Confirmation Letter (September 3, 2014)
- K. Circuit Court of Maryland Online Docket: Mitul R. Patel vs. Mathew Chan
- L. 8-page FAX from Clerk's Office of Baltimore City Circuit Court: All documents from Mitul R. Patel v. Mathew Chan case (August 11, 2016)
- M. Mathew Chan's RateMDs.com review (August 9, 2014)
- N. Mitul Patel Georgia Dentistry License Information with Links to Disciplinary documents
- O. Forsyth County (GA) Trade Name Application for "Family & Cosmetic Dental Care" (May 5, 2006)
- P. Screenshots of websites: MyJohnsCreekDentist.com & SleepBetterNorthGeorgia.com
- Q. Restored Kudzu review (December 4, 2015)
- R. Real estate listing of "400 E. Pratt Street - Inner Harbor Center"
- S. Public Citizen consumer blog articles
- T. Washington Post - Volokh Conspiracy legal blog articles
- U. Techdirt legal/technology blog article
- V. Simple Justice legal blog article

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL

Plaintiff,

v.

MATHEW CHAN

Defendant.

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CIVIL ACTION FILE

Case #: 24-C-16-003573

AFFIDAVIT OF MATTHEW CHAN

STATE OF GEORGIA

COUNTY OF MUSCOGEE

I declare the following is true and correct under penalty of perjury.

1. My name is Matthew Chan. I am over the age of twenty-one (21) years old, suffer from no legal or mental disabilities, and am fully competent to make this Affidavit.
2. I primarily reside in Columbus, Georgia in Muscogee County and have done so for many years. I work as a property manager and landlord in the area. Additionally, I operate and manage my own websites and online discussion forums. I occasionally report news and write reviews & commentaries. I am also an author and publisher of business books and audio programs.
3. I am the Defendant in this case. I currently represent myself in this Court and making a special appearance in this very unusual matter. I come forward in good faith to clear my name in this Court, to report a potential crime and fraud against myself and this Court,

EXHIBIT A

- and to report an illegal scheme which misuses and abuses this Court's legitimate name and authority to remove legitimate consumer reviews from consumer review websites.
4. I have never resided anywhere in Maryland. I have not visited or set foot in Maryland for nearly 20 years. I have conducted no business or actions in the State of Maryland.
 5. Purported Plaintiff is the dentist I personally met with in a dental office located at 2627 Peachtree Pkwy, Suite #440 in Suwanee, Georgia on June 23, 2014 [Emphasis added] (Exhibit B). This dental business is formally known as M & T Synergy P.C. dba "Family & Cosmetic Dental Care" (Exhibit O). Purported Plaintiff's known websites for this address and location are: MyJohnsCreekDentist.com and SleepBetterNorthGeorgia.com (Exhibit P). He also has several social media accounts associated with those businesses and websites.
 6. I have never been informed or ever served by purported Plaintiff in this case. I have received no notifications of any kind about this case from this Court. I did not know the existence of this case until August 10, 2016 when I was informed by Yelp.com of their intention to remove a consumer review I wrote about purported Plaintiff and his dental practice (Exhibit C).
 7. Yelp's email included an attachment of a document titled "Order Granting Consent Judgment for Injunction & Final Judgment" from this Court (Exhibit D). That document was associated with the impending removal of a consumer review I wrote on Yelp regarding my experience and opinion of purported Plaintiff and his business practices (Exhibit E).
 8. Later that night, I emailed Yelp my response (Exhibit F) with the following attachments: "Consent Order to the Georgia Board of Dentistry" (Exhibit G), "Georgia Board of

- Dentistry's Probation Termination Letter" (Exhibit H), the text of my 2014 complaint to the Georgia Board of Dentistry about Plaintiff (Exhibit I), and Georgia Board of Dentistry complaint confirmation letter (Exhibit J) to substantiate my consumer review.
9. That same night I found the online case docket (Exhibit K). I noticed critical errors in both Plaintiff's and Defendant's contact addresses. The Clerk's Office of Baltimore City Circuit Court was closed so I could not call them at that time.
 10. On the afternoon of August 12, 2016, I called the Clerk's Office and sought to obtain additional information and documents on this case that bore my misspelled name as Defendant. I spoke to two clerks. I explained my situation that I was a Georgia resident who had never heard or seen this case before, never been served, never signed anything, and have not been in Maryland for nearly 20 years. I requested a copy of all documents filed in the Clerk's Office relating to this case. The clerk subsequently transmitted to me an eight (8) page FAX (Exhibit L). In a follow-up phone call, I commented there seemed to be so few pages and asked if there were any Case Information Sheet, Exhibits, or Certificate of Service. I was told there were none and that I had every page.
 11. I immediately recognized obvious errors. First, the signature purported to be my signature is not my signature. It is a forgery. My original signature can be readily seen and compared in this notarized affidavit. Second, the "400 E. Pratt St" contact address purported to be my contact address is NOT correct whatsoever. "400 E. Pratt St" is not a residential address and refers to the Inner Harbor Center commercial building in Baltimore (Exhibit R). Proper mailing addresses of this location generally include Suite numbers. Third, my first name is misspelled "Mathew". The correct spelling of my first name is "Matthew". And finally, purported Plaintiff's contact address is incorrect.

Purported Plaintiff's correct address is the one I physically visited on June 23, 2014 (Exhibits N & O).

12. Of the six (6) hyperlinks to consumer reviews purported Plaintiff states that I wrote, I recognize three (3) of them as mine: the ones posted on Yelp.com (Exhibit E), RateMDs.com (Exhibit M), and one recently restored by Kudzu.com (Exhibit Q). There are no longer any of my reviews on Healthgrades.com or Doctor-oogle.com that I recognize as ones I wrote. It is likely I posted a similar consumer review on Healthgrades.com but purported Plaintiff did not provide any exhibits or evidence of that consumer review to evaluate. Regarding doctor-oogle.com, that website appears to "scrape" content from other consumer review websites. If any of my consumer reviews ever appeared on doctor-oogle.com, they were likely "scraped" off another consumer review website.
13. This entire case is premised upon the simultaneous filing of two bare-bone documents by purported Plaintiff on June 15, 2016: a Complaint (with no context, background information, or identifying information) and a "Consent Motion for Injunction & Final Judgment" purportedly with the Defendant's signature. The filing is for the sole and clear purpose of removal and expungement of legitimate consumer reviews I made of purported Plaintiff and his business practices bypassing any evidentiary hearing or trial.
14. The "Consent Judgment/Order" signed July 22, 2016 by this Court has been used by Plaintiff to attack my reputation and ability to participate and write legitimate consumer reviews on consumer review websites, specifically about the purported Plaintiff and his business practices. In the relatively short time the "consent judgment/order" has been in

existence, two of my consumer review accounts were attacked and my consumer reviews removed. Fortunately, one review was subsequently restored by Kudzu.com (Exhibit Q).

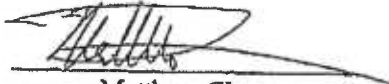
15. This "consent judgment/order" damages my reputation with a purported "consent" of characterizing my consumer reviews as "defamatory" and "Defamation". I have never been found or ruled by any Court at any time to have written defamation of any kind.

16. To allow this kind of abuse of court process to occur without some consequence may encourage others to engage in the process and could stymie the use of online reviews by the community at large. This case and the circumstances surrounding this case has become noteworthy and been reported thus far by Public Citizen (Exhibit S), Washington Post's legal blog, Volokh Conspiracy (Exhibit T), Techdirt legal/technology blog (Exhibit U), and Simple Justice legal blog (Exhibit V) due to the potential implications of the scheme that was perpetrated upon me and the court. .

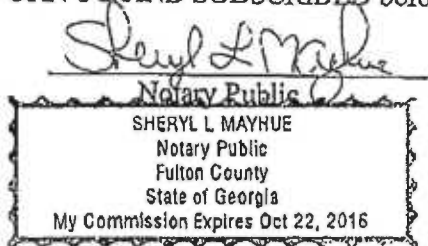
17. It is therefore respectfully requested that the Court grant the motion to vacate the judgment and dismiss the action. It is also requested that the Court make a referral of this matter to the appropriate agencies to investigate who perpetrated the fraud.

WHEREFORE it is respectfully requested the motion be granted in its entirety along with such other and further relief as the Court deems just and proper.

This 1st day of September, 2016.


Matthew Chan

SWORN TO AND SUBSCRIBED before me this 1st day of September, 2016.



----- Forwarded Message -----

Subject:RE: Regarding your appointment today
Date:Mon, 23 Jun 2014 09:29:38 -0400
From:Dr Patel <myjohnscreekdentist@comcast.net>
To:* Matthew Chan *! <matt30060@gmail.com>

Thank you Matthew, we appreciate your flexibility. I believe 11 will work perfectly. If you want to get here 5-10 mins early to fill out paperwork that would be wonderful! Thank you again!

Lauren

From: * Matthew Chan * [mailto:matt30060@gmail.com]

Sent: Monday, June 23, 2014 8:49 AM

To: Dr Patel

Subject: RE: Regarding your appointment today

I can be there earlier if you need me to and there is a slot for me.

Sorry for the abbreviations & brevity. Sent from my Nexus 4 phone.

On Jun 23, 2014 8:46 AM, "Dr Patel" <myjohnscreekdentist@comcast.net> wrote:

>
> Awesome! Thank you Matthew! We will see you at 11!

>
> Lauren

> **From:** * Matthew Chan * [mailto:matt30060@gmail.com]

> **Sent:** Monday, June 23, 2014 8:41 AM

> **To:** Dr Patel

> **Subject:** Re: Regarding your appointment today

>
> Yes, I can be there at 11am. See you then.

> On Jun 23, 2014 7:42 AM, "Dr Patel" <myjohnscreekdentist@comcast.net> wrote:

>>
>> Hey Matthew,

>> I hope you are having a good Monday! I know you wanted a reminder of your appointment today, so here that is... also I know your appointment is at 11:30am today, however Dr. Patel was wondering if there was any way you could come in at 11:00am instead. Please let me know if that will work for you by either giving me a call at the office (770-888-3384) or sending me an email reply. Thank you and see you later!

>> Lauren

>> Family & Cosmetic Dental Care

>> 2627 Peachtree Pkwy Ste 440

>> Suwanee, GA 30024

>> 770-888-3384

EXHIBIT B

Subject: Message from Yelp HQ [4835994]
From: Yelp HQ <feedback@yelp.com>
Date: 8/10/2016 6:34 PM
To: matt30060@gmail.com

AUG 10, 2016 03:34PM PDT

Hi Matthew,

We've received a notice of a judgement that stated that your Yelp review of Family & Cosmetic Dental Care is defamatory. For your reference, a copy of the judgement is attached.

Please let us know by August 26 if an appeal is pending, otherwise we will remove the review.

Regards,
Beatrice
Yelp Support
San Francisco, California

Yelp Official Blog | <https://www.yelpblog.com>
Yelp Support Center | <http://www.yelp-support.com>
Yelp for Business Owners | <https://biz.yelp.com>

For your reference this is Case #: 4835994

[[a0807b6b0ab9ba56e1e0d83246be41f2ea2073e9-764137793]]

—Attachments:—

Family__Cosmetic_Dental_Care.pdf

518 KB

EXHIBIT C

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C-16-003573

ORDER GRANTING CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT

The parties having filed a Consent Motion for Injunction and Final Judgment, and therefore, good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I. The Court finds that Defendant Mathew Chan ("Defendant") posted false and defamatory statements about Plaintiff Mitul R. Patel ("Plaintiff") on the following webpage(s): <http://www.healthgrades.com/dentist/dr-mitul-patel-3kvwh>, <https://www.ratetids.com/doctor-ratings/2637312/Dr-MITUL-%2BR-PATEL-SUWANEE-GA.html>, <http://www.kudzu.com/m/DrMitul-PatelDDS-30366893>, <http://www.yelp.com/biz/family-and-cosmetic-dental-care-savannee-2>, <https://www.doctor-oogle.com/584293-suwanee-dentist-dr->

EXHIBIT D

mitul-patel , https://www.doctor-oogle.com/584293-suwanee-dentist-dr-
mitul-patel (the "Defamation").

2. The Defamation is not otherwise protected by the First Amendment;
3. Defendant shall remove the Defamation.
4. If the Defendant cannot remove the Defamation from the Internet, the Plaintiff shall submit this Order to Healthgrades.com, RateMDs.com, kudzu.com, Yelp.com, doctor-oogle.com, or any other Internet search engine so that the comment can be removed from their web page pursuant to their existing policies concerning de-indexing of defamatory material.
5. Upon entry of this Order, this matter shall be closed.

22nd day of July, 2016
DATED this 8th day of February, 2016.

Judge Philip Sean Jackson
Judge's Signature appears on the
original document.

PHILIP S. JACKSON, Judge

TRUE COPY
TEST



LAVINIA M. ALEXANDER ACTING CLERK



Find tacos, cheap dinner, Max's Near San Francisco, CA
Home About Me Write a Review Find Friends Messages Talk Events



Family & Cosmetic Dental Care

EXHIBIT E

2 reviews Details

Cosmetic Dentists, General Dentistry, Orthodontists Edit

2627 Peachtree Pkwy Ste 440
Suwanee, GA 30024
Get Directions
(770) 888-3384
Message the business
myjohnscreekdental.com



See all 24

Recommended Reviews

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. Learn more

Search within the reviews Sort by Yelp Sort Language English (2)

Matthew C.
Columbus, GA
7 friends
5 reviews

12/4/2015

Please note that this review is based on my personal experience from May 2014 and I am only now posting this review on Yelp.

Mitul Patel actively advertises through home mailers his introductory "\$99 exam, X-Ray, & cleaning" program. His home flyer advertising program is very persistent and ongoing. We have been getting them for what seems like months. One would think he would have all the business he could handle using this \$99 introductory program. It sounds great on paper. Unfortunately, I know why he advertises so much. It is to keep a steady stream of prospects coming into his office.

He and his "office manager" (which they don't disclose as his wife) actively screen their prospects to find out if you have any negative propensities towards dentists. They have a paranoid streak about them regarding this. Patel is upbeat and cheerful at first meeting and does his best to put you in a similar state. However, if you don't respond in kind, he becomes suspicious and insulted by it. In my case, I told him that a couple of dental hygienists over the years had told me some inside trade "secrets" that some hygienists are pressured to upsell additional product and services for commissions as well as some practices shutting down necessitating me to find a new dentist.

Upselling is part of most businesses, so that in itself is not a crime. However, Mitul Patel is like a cobra waiting to strike. He wants to prime and groom you for the inevitable upsell and if you are a bit cautious like I am who prefers to develop a relationship before agreeing to all parts of

Hours

Mon	7:30 am - 5:00 pm
Tue	7:30 am - 5:00 pm
Wed	7:30 am - 5:00 pm
Thu	7:30 am - 5:00 pm
Fri	Closed
Sat	Closed
Sun	Closed

Edit business info

More business info

By Appointment Only Yes
Accepts Insurance Yes

Arvindkumar S.
First to review

Other Cosmetic Dentists nearby

People also viewed

- Johns Creek Dental Associates**
10 reviews
Dr. Chen will be my dentist as long as I live here.
- Jones Bridge Dental Care**
28 reviews
Not until I searched out Dr. Leo 18 years ago.
- Stone and Elliott, DDS PC**
8 reviews

Browse nearby

Restaurants EXHIBIT E

expensive dental procedures, he won't like it.

For me, I wanted the \$99 cleaning to see how it went and then go from there. I won't let anyone badger me into additional services until I get to know the dental practice first. Patel reveals his true colors by stating that "I am not a good fit" for his practice. Why am I not a good fit? Because I am not jumping for joy in getting my teeth cleaned? Because I am not prepared to spend hundreds of dollars in additional services without first establishing a relationship? Because I am not immediately subservient and obedient to his "superior" presence? How hard would it have been to have a hygienist come to my chair and clean my teeth first, then go from there? I've had it done many times without any drama. And it doesn't require the presence of the dentist, only the hygienist.

But the gotcha is that you won't be "rewarded" with the \$99 cleaning unless Patel gets the sense you are open and agreeable to his "advice" (sales pitch) for more work. I didn't know anything about him until I started reading some online complaints about him. I also discovered on the Georgia Board of Dentistry where he was found engaging in unprofessional conduct in 2008. He was put on probation until 2010.

Four years later, he now appears to engage in "bait and switch" tactics not to mention unseemly customer screening tactics. In any case, after he said "I wasn't a good fit", I knew he wanted me to leave. And I left peacefully without any drama simply stunned at the experience. Under normal circumstances, I would normally just let it go but something bugged me about the incident which lead me to checking his professional background.

No need to take my word for it, just go to the Georgia Board of Dentistry website and look him up. You will find a legal reprimand. At 35, Patel is a young dentist who still needs to mature and grow up. His need to feed his ego and status is going to hurt him unless he reins it in. His ambition and desperation to generate sales comes through loud and clear to those who have been around the block. He has a nice staff and facilities. Too bad he is too immature and tarnishes the experience.

Engaging in \$99 introductory programs is fine as long as he sees it through. Otherwise, I won't be the only person accusing him of "bait and switch" tactics. For a dental practice that has supposedly been around for years, he sure does do a lot of aggressive advertising and upselling. I don't recommend him at all. Very untrustworthy.

Ultimately, because he jerked me around and wasted my time, I felt that the Georgia Board of Dentistry needed to know how he operated so I filed a complaint against him regarding his unethical "bait and switch" tactics and his sneaky upselling tactics.

Nightlife

Shopping

Show all

2x



Arvindkumar S.
Tigard, OR
0 friends
3 reviews

7/14/2014

First to Review

Very bad service and Very poor Medical advise..!!
They are a RIP OFF...!!
All their advise is towards making more money.. definitely seek a second opinion before you go with their advise.

Just horrible..!!

Subject:Re: Message from Yelp HQ [4835994]
Date:Thu, 11 Aug 2016 00:36:49 -0400
From:Matthew Chan <matt30060@gmail.com>
To:Yelp HQ <feedback@yelp.com>
CC:Oscar Michelen <oscarmichelen@gmail.com>, Oscar Michelen <OMichelen@cuomollic.com>

Beatrice,

Thank you for your email although it caught me off-guard. Your attachment of the court order surprises me. This is supposedly a Maryland Court "judgment" against me, a resident of Columbus, GA. And the dentist is based in Suwanee, GA. I was never served by anyone or informed of any court hearing, certainly not any court in Maryland.

I question whether any Maryland court has any legal authority over any matter where both parties are in Georgia. As you know probably know working for Yelp, there have been increasing numbers of parties using questionable lawsuits to stifle legitimate consumer opinions and complaints which are protected by the First Amendment. To say someone legally committed defamation requires meeting a relatively high bar of standards. Negative comments in themselves are not defamatory especially if they are truthful. This is clearly one of these. The interesting thing is that because I was a prospective patient of the dentist in question, he has my contact information. He knows I am not at all based in Maryland but in Columbus, Georgia. But it appears to me that he did not intend for me to ever see any lawsuit or court document, he simply wanted my consumer complaint (which I fully stand by) about him and his business practices to be taken down without my knowing which is why the court order was sent directly to Yelp.

Fortunately, you have contacted me and made me aware to this questionable legal proceeding and court order in my name. You work for Yelp and I am not overly invested in that legitimate review I wrote on Yelp. I understand Yelp has the power to take it down for any reason without my approval. But my reviews are of interest to both the Columbus and North Atlanta communities. It is to warn and inform other others of my own bad consumer experience. I did my part by submitting an honest review. The dentist is trying to illegitimately scrub away negative comments about him and his dental practice. It appears he has partially succeeded. Mine happens to be the most detailed and better articulated ones compared to others.

Attached you will find from the Georgia Department of Community Health, the dentist's prior disciplinary record. This is not a fiction and the dentist appears to be taking unconventional measures to stifle that public information. I have attached documents that show he was placed on professional probation for 2 years, fined \$1,000, and 4 hours of continuing education in Risk Management, and 8 hours of continuing education the areas of Crown & Bridge. Further, the dentist consented to this professional discipline hence the term Consent Order. Truthful statements and opinions are NOT defamation.

<https://gadch.mylicense.com/verification/Details.aspx?result=b671b610-21c0-4431-ace2-b383143f373b>

I myself filed a complaint against him for unethical business practices with the Georgia Board of Dentistry. I have the text of my complaint I made via an online form and an attached a letter of acknowledgement.

Because of your notice, I have gone back to look over the dentist's various consumer reviews and it appears he has several other negative reviews and complaints about him with similar themes of overselling, overcharging, and excessive recommendation of dental services. It appears others share my opinion of this

EXHIBIT F

dentist and his business practices. It seems he has been successful in having my legitimate reviews removed from Kudzu and Healthgrades thus far because I was unaware of it. The people who are most harmed are the people who will not be able to consider my informed opinion, not me. I did my part by taking the time to share my opinions and story on a third-party review website. Although I am not a big Yelper, I think you will see in my account, I have written very fair and reasoned reviews both positive and negative ones.

<https://www.ratemds.com/doctor-ratings/2637312/Dr-MITUL+R.-PATEL-SUWANEE-GA.html>

<http://www.kudzu.com/m/DrMitul-PatelDDS-30366893>

<https://www.healthgrades.com/dentist/dr-mitul-patel-3kvwh>

You should pass my reply on to your legal counsel and let them take a look at the information I have put together. I have attached a link to the case.

<http://casesearch.courts.state.md.us/casesearch/inquiryDetail.jis?caseId=24C16003573&loc=69&detailLoc=CC>

Notice that the "defendant Mathew (sic) Chan" lists a Baltimore address of: 400 Pratt St. Baltimore, MD. I have not been to or have any presence in Maryland for 20 years. A Google Street view listing shows the address to be an office building with many business tenants, not any personal address in Columbus, GA where I reside.

I will be contacting the Maryland court to look into this matter and I will be filing a letter and a motion in this case. That court has no bearing or jurisdiction on Georgia parties. It appears there was a lack of proper service which is how he was able to get this far. I will also be bringing this to the attention to the Georgia Board of Dentistry. The dentist has abused and defrauded the Maryland court system.

I don't have any malice towards Yelp but I believe Yelp should not allow a dangerous precedent to occur. As more litigation occurs and used to scrub legitimate negative reviews, you will find more and more people who will be unwilling to be honest and forthcoming in writing reviews.

Already, I was contacted by the litigious Prestigious Pets to take down my commentaries about their case which I wrote about a couple months ago:

<http://defiantly.net/infamous-prestigious-pets-sends-takedown-notice-to-defiantly-net/>

This dentist incident is yet one more issue I have dealt with relating to writing on or about Yelp. I will be contacting the Maryland court for more information about this "court order".

I will also provide an update if you wish on the status of this case.

Matthew

EXHIBIT F

BEFORE THE GEORGIA BOARD OF DENTISTRY
STATE OF GEORGIA

PROFESSIONAL LICENSING BOARDS

MAR 25 2008

DOCKET NUMBER
2008-0566

IN THE MATTER OF:)

MITUL RAJESH PATEL, D.D.S.)

Georgia License # DN013153)

Respondent.)

DOCKET NO.

CONSENT ORDER

By agreement of the Georgia State Board of Dentistry (hereinafter referred to as "Board"), and Mitul Rajesh Patel, D.D.S. (hereinafter referred to as "Respondent"), the following disposition of this matter is entered pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-13, as amended. In conjunction therewith, the Board hereby enters its Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT

1.

Respondent is licensed to practice dentistry in the state of Georgia, and was so licensed at all times relevant to the matters stated herein.

2.

From September 19, 2005 until on or about November 8, 2005, Respondent treated Patient W.C. (hereinafter referred to as "Patient"). The treatment provided by Respondent initially included a buildup and placement of a temporary crown on tooth #10. Subsequently, after Patient's temporary crown fell off, Respondent performed root canal therapy and placed a crown on tooth #10.

EXHIBIT G

3.

Respondent's treatment of Patient fell below the minimum standards of acceptable and prevailing dental practices in the following manner:

- (a) There is an open margin on tooth #10; and
- (b) The post fill and placement on tooth #10 is inadequate.

4.

The Board has the right to discipline Respondent's license in accordance with O.C.G.A. § 43-11-47(a)(6) which states in part that "... the board shall have the authority to ... discipline a dentist licensed under this chapter ... upon a finding by a majority of the entire board that the licensee ... has: (6) Engaged in any unprofessional ... conduct ...; unprofessional conduct shall also include any departure from, or failure to conform to, the minimal reasonable standards of acceptable and prevailing dental practice."

5.

For the purpose of entering into this Consent Order, the Respondent does not contest the above allegations. Respondent understands that by so doing, he is agreeing that the Board may enter an Order based upon allegations without the necessity of receiving any evidence in support thereof.

CONCLUSIONS OF LAW

Respondent's conduct constitutes sufficient grounds for the imposition of sanctions upon Respondent's license to practice dentistry in the State of Georgia under O.C.G.A. Title 43, Chapter 11 and § 43-1-19.

ORDER

The Board, having considered the particular facts and circumstances of this case, hereby orders, and Respondent hereby agrees, that this matter shall be disposed of as follows:

1.

Respondent's license shall be placed on probation for a period of two (2) years effective upon the date this order is docketed until discharged in accordance with paragraph two of this Consent Order. The terms and conditions of probation are as follows:

- (a) Within thirty (30) days of the effective date of this Consent Order, Respondent shall provide the Board with a proposed plan of four (4) hours of continuing education course work to be taken in the area of Risk Management and eight (8) hours of continuing education course work to be taken in the area of Crown and Bridge. Upon written confirmation of the Board's approval of the proposed programs, Respondent shall attend the courses and shall provide adequate documentation to the Board of such attendance within thirty (30) days of successful completion of said coursework within the approved time frame. These additional hours of coursework shall be successfully completed within one (1) year of the effective date of this Consent Order and *shall be in addition to the continuing education requirements mandated by law pursuant to O.C.G.A. § 43-11-46.1(a)*. Failure to complete said continuing education requirements within the time stated in this paragraph shall be

deemed a violation of this Order and may subject Respondent's license to further discipline.

- (b) Respondent shall pay a fine of one thousand dollars (\$1,000.00) payable by certified check or money order to the Board within ninety (90) days of the effective date of this Order. Such fine shall be sent to the Georgia Board of Dentistry, 237 Coliseum Drive, Macon, Georgia 31217-3835.

Failure to pay said fine pursuant to the terms of this paragraph shall be deemed a violation of this Order and may subject Respondent's license to further discipline.

- (c) In the event Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, Respondent shall notify the Board in writing of the dates of departure and return. Period of residency or practice outside of Georgia will not apply to the reduction of Respondent's probationary period unless authorized by the Board. Respondent shall advise the Board of any change in his residence and/or office address within ten (10) days.

- (d) If Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of dentistry, the Rules and Regulations of the Georgia Board Dentistry, or the terms of this Consent Order and probation, Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative

Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

2.

Within sixty (60) days from the scheduled date of termination of probation, Respondent may petition for termination of probation by certifying under oath before a notary public that Respondent has complied with all conditions of probation. Respondent acknowledges that to ensure that the Board terminates the probationary status of Respondent's license; Respondent must petition the Board for such termination. That is, Respondent's failure to petition the Board for termination of the probationary status of Respondent's license may result in the probationary status continuing indefinitely. The Board shall be authorized to review and evaluate the practice of Respondent prior to lifting the probationary status of Respondent's license. At such time, the Board shall be authorized to restore all rights and privileges incident to the license of Respondent, unless it extends, maintains, or imposes such restrictions or conditions as the Board deems appropriate, based upon the information presented to it pursuant to this Consent Order or otherwise available to the Board. The Board shall notify Respondent of its intent to extend, maintain or impose such restrictions or conditions beyond the designated probationary period, and Respondent may respond to such notification in writing or request an appearance before the Board or its representative as in a non-contested case. This Consent Order shall remain in effect pending a final determination by the Board and notification that the probationary period has terminated.

3.

In addition to and in conjunction with any other provision contained herein, this

Consent Order and the dissemination thereof shall serve as a public board order.

4.

Approval of this Consent Order by the Board shall in no way be construed as condoning Respondent's conduct, and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

5.

Respondent acknowledges that he has read this Consent Order and understands its contents. Respondent understands that he has a right to a hearing in this matter and freely, knowingly and voluntarily waives that right by signing this Consent Order. Respondent understands that this Consent Order will not become effective until accepted by the Georgia Board of Dentistry and docketed by the Division Director of the Professional Licensing Boards. Respondent further understands and agrees that a representative of the Legal Services Section of the Professional Licensing Boards Division may be present during the presentation of the Consent Order and that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order. Respondent understands that this Consent Order, once accepted and docketed, shall constitute a public record, which may be disseminated as a disciplinary action by the Board. If this Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the right of the Board to adjudicate this matter. Respondent hereby consents to the terms and sanctions contained herein.

SIGNATURES ON FOLLOWING PAGE

Approved by the Board this 21st day of March, 2008.

GEORGIA BOARD OF DENTISTRY

BY: Clyde H. Andrews, DDS *with expressed permission of Administrator*
CLYDE H. ANDREWS, D.D.S.
Board President

Board Seal:

ATTEST: R.D. Vaughn
RANDALL D. VAUGHN
Division Director
Professional Licensing Boards Division

CONSENTED TO: Mitul Rajesh Patel
MITUL RAJESH PATEL, D.D.S.
Respondent

As to Mitul Rajesh Patel, D.D.S.:

Sworn to and subscribed before me
this 21st day of March, 2008.

Douglas W. Starr
NOTARY PUBLIC
DOUGLAS W. STARR
Notary Public, Dokaah County, Georgia
My commission expires on Aug 16, 2009

Prepared by:
Julie A. Fisher
Senior Staff Attorney
Office of the Secretary of State
Professional Licensing Boards Division
237 Coliseum Station
Macon, Georgia 31217-3853
478-207-1395



The Office of Secretary of State

Brian Kemp
SECRETARY OF STATE



May 11, 2010

Douglas W. Smith
Carlock, Copeland & Stair, LLP
PO Box 56887
Atlanta, GA 30343-0887

Re: Mitul R. Patel, DDS, Georgia license #DN013153
Termination of Probation - Consent Order 2008-0566

Dear Mr. Smith:

At the May 7, 2010 meeting of the Georgia Board of Dentistry, the board voted to terminate probation from your client, Dr. Mitul Patel's Public Consent Order Docket 2008-0566.

This docketed letter will serve as official notification of that action.

If you have any questions, please do not hesitate to contact our office at (478) 207-2440.

Sincerely,

Anita O. Martin, Executive Director
Georgia Board of Dentistry

Cc: Mitul Patel, DDS

EXHIBIT H

Text of complaint sent to GA Board of Dentistry regarding Mitush R. Patel

In May 2014, I responded to a colorful mailed advertisement piece for a "\$99 exam, x-rays, and cleaning". Mr. Patel's practice sends these advertisements on a fairly regular basis to Johns Creek neighborhoods to find new prospects and customers for his business. His website is: myjohnscreekdentist.com so it is self-evident that targets Johns Creek citizens and neighborhoods in his advertising campaign. I found him through a mailed advertisement to my friend's home address in Johns Creek.

Through his receptionist, I made an appointment for the afternoon of June 3, 2014. When I came in, I electronically signed a series of electronic documents. After a short wait, I was brought back into a dentist booth/cubicle by his "office manager". They do not disclose that his "office manager", is in fact, Mr. Patel's wife. I only found this out later in my research into his business history, background, and practice. I independently investigated his business history, background, and practice because of the very strange and unusual experience I had on June 3, 2014.

I was subjected to a relatively extensive personal interview into my past dentist experience and oral history. I explained that I was there at his office because I wanted to create a new dentist relationship. I could not find a steady dentist in Columbus, GA to accommodate me because it was very difficult to be scheduled in as most of the established dentists were booked months out.

There was a great deal of interest in my prior negative experiences with dentists and dental hygienists. I communicated I had recurring comments over the years from prior dentists and hygienists to brush and floss better. I said this in an upbeat fashion to make light of myself that I knew I wasn't always diligent. I communicated that I had some unusual experiences with prior dentist practices closing up, occasionally long wait times, as well as dental hygienists who move on to new dentist practices but solicit my business into the new practice. Those dental hygienists shared stories with me the reasons why they left prior dentists and how they disliked some of the hidden practice of dentists pressuring hygienists to work for commissions and overselling, high-priced mouthwashes and add-on services. Essentially, those dental hygienists preferred to focus on caring for patients and cleaning teeth, not selling product and services to them for commission. I thought it was a story he might find interesting but he seemed bothered by it.

When I told Mr. Patel this story, there was no insinuation that his practice did such things. In fact, I complimented both his "office manager" and Mr. Patel that he had the nicest, most modern and best equipped office I had ever seen. I also complimented that I thought his receptionist was friendly, accommodating, and used both emails and phone calls to follow up with me.

Somehow during our conversation, I made an off-handed remark that I found one of his comments to being "funny" (humorous). I don't recall the specific topic but that remark apparently offended Mr. Patel. I can only surmise that he was offended because I was not overly compliant with him. Mr. Patel is a younger dentist (by my standards) and I wanted to listen and evaluate his professional experience.

To be fair, Mr. Patel was friendly in introducing himself to me. I was also friendly but felt a bit pressured for time as I wanted to get to the teeth cleaning. I found Mr. Patel a hard read and kept my answers relatively short in the interest of saving time.

He felt I was somehow withholding my comments. I explained to him that I was primarily at his office for the \$99 cleaning and that I was trying to save him time especially since his receptionist communicated to me (more than once) that he had a conference to go to later that afternoon. I only knew this because I was asked to change my appointment TWICE to earlier times to accommodate this. I was not offended by these requests by his receptionist. She was friendly and explained the change in the appointment times. In the interest of cultivating a friendly relationship with Mr. Patel's practice, I agreed to be flexible. To this day, I have no regrets of trying to be flexible in scheduling. It is something I would do for any business I have a friendly relationship with.

Towards the end of the interview, Mr. Patel clearly offended by my "funny" remark, relatively short answers, and bothered by my prior dental experiences, he stated that I might not be a "good fit" for his practice. I was confused by this statement. Out of frustration, I told him that I was trying to keep my answers short to save on time because I was told he had to leave later that afternoon. I also told him that I was there for the teeth cleaning and wanted to get started.

As with most patients, trust and rapport is developed over time with each visit. Apparently, Mr. Patel was trying very hard to get me to be open, jovial and accepting of his authority. I later surmised he was priming me for an upsell because I knew I was there for a teeth cleaning and nothing more that day. I think Mr. Patel sensed that I would not be agreeable to an upsell. For the record, I am not opposed to an upsell for additional services but there has to be trust and rapport built up. That trust and rapport is not going to be built in one 10-minute conversation as he might prefer.

Mr. Patel may not be aware of this but he cannot simply advertise his \$99 specials and simply not perform them because it is not financially convenient for his business. This is clearly "bait and switch" behavior. This is evidenced by his ongoing advertising campaign for new prospects and clients for "\$99 exam, x-rays, and cleanings".

There is no fine print that patients must be agreeable to an upsell or even his personality. I was not loud, rude, or disrespectful. I was mostly reserved and wanted a teeth cleaning. During prior teeth cleanings, after a short exam by a dentist, a dental hygienist performs most of the work and spends the most time with me as the patient. It is as simple as that.

As far as I am concerned, Mr. Patel uses his "\$99 special" to lure a steady stream of prospects into his office. He spends time with each patient to determine whether they are "suitable" for his practice. By suitable, he wants patients that will be agreeable to upsell services from the outset. If not, he terminates the relationship with a potential patient under the auspices of not "being a good fit". As far as I am concerned, Mr. Patel in his ongoing pursuit for new prospects, foolishly engages in "bait and switch" tactics. It is unprofessional, illegal, unethical, actionable, and even discriminatory.

Mr. Patel has once been put on probation for "unprofessional conduct" in 2008. Here it is in 2014 and Mr. Patel once again engages in the "unprofessional conduct" of "baiting and switching" or "baiting and screening" that I believe hurts the dental profession. It is my opinion that Mr. Patel be strongly advised of conducting such unethical and perhaps illegal business practices.

I am willing to personally appear and testify under oath of the statements I made within this written complaint. I am also willing to be interviewed and be on record for the written account I have provided. I look forward to receiving a formal response to this formal written complaint.

Ultimately, because he jerked me around and wasted my time, I felt that the Georgia Board of Dentistry needed to know how he operated so I filed a complaint against him regarding his unethical "bait and switch" tactics and his sneaky upselling tactics.



GEORGIA DEPARTMENT
OF COMMUNITY HEALTH

Nathan Deal, Governor

Clyde L. Reese III, Esq., Commissioner

2 Peachtree Street, NW | Atlanta, GA 30303-3159 | 404-658-4507 | www.dch.georgia.gov

September 3, 2014

Matthew Chan
PO Box 6865
Columbus, GA 31917
Email - matt30060@gmail.com

RE: Mitul Rajesh Patel

Dear Mr. Chan:

The Georgia Board of Dentistry is in receipt of your complaint against the above referenced dentist. The Board will review the information you have provided to determine if a violation of the laws regulating the practice of dentistry has been committed.

Because investigations differ in complexity, no definite time frame can be given as to when the investigative process will be completed. Please be aware that you may not be contacted before the Board reaches its decision; therefore, you must notify our office **in writing** if you have additional information you would like to provide. If you provide additional information, please be sure to provide your name and the name of the person against whom your complaint is filed.

Due to the confidentiality of the investigative process, our office does not provide updates or release information regarding a complaint to anyone. Please note that it can take up to eighteen months or longer for an investigation to be completed. **You will be notified once there is a final disposition of this matter.**

The Georgia Board of Dentistry's legal jurisdiction is limited to sanctions against a practitioner's license to practice. The Board also has the legal authority to review matters of unlicensed practice. **However, the Board does not have the legal authority to intervene in refund/billing/insurance/business practices or issues. You will need to seek private legal counsel concerning matters of these types.**

Enclosed for your review is information regarding the complaint and disciplinary process. If you should have any questions you may contact us at the address listed below.

Sincerely,

Georgia Board of Dentistry

Circuit Court of Maryland

[Go Back Now](#)

Case Information

Court System: **Circuit Court for Baltimore City - Civil System**
 Case Number: **24C16003573**
 Title: **Mitul R Patel Vs Mathew Chan**
 Case Type: **Other Tort** Filing Date: **06/15/2016**
 Case Status: **Closed/Inactive**
 Case Disposition: **Judgment/Verdict** Disposition Date: **07/22/2016**

Plaintiff/Petitioner Information

(Each Plaintiff/Petitioner is displayed below)

Party Type: **Plaintiff** Party No.: **1**
 Name: **Patel, Mitul R**
 Address: **276 Peachtree Pkwy**
 City: **Suwanee** State: **GA** Zip Code: **30024**

Defendant/Respondent Information

(Each Defendant/Respondent is displayed below)

Party Type: **Defendant** Party No.: **1**
 Name: **Chan, Mathew**
 Address: **400 E. Pratt St**
 City: **Baltimore** State: **MD** Zip Code: **21202**

Document Tracking

(Each Document listed. Documents are listed in Document No./Sequence No. order)

Doc No./Seq No.: **1/0**
 File Date: **06/15/2016** Entered Date: **06/16/2016** Decision:
 Party Type: **Plaintiff** Party No.: **1**
 Document Name: **Complaint**

Doc No./Seq No.: **2/0**
 File Date: **06/15/2016** Entered Date: **06/16/2016** Decision: **Granted**
 Party Type: **Plaintiff** Party No.: **1**
 Document Name: **Consent Motion for Injunction and final Judgment**

Doc No./Seq No.: **2/1**
 File Date: **07/26/2016** Entered Date: **07/26/2016** Decision:
 Document Name: **Order of Granting Consent Motion for Injunction and Final Judgment**

Doc No./Seq No.: **2/2**
 File Date: **07/26/2016** Entered Date: **07/26/2016** Decision:
 Document Name: **Copies Mailed**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.

EXHIBIT K

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C16003573

COMPLAINT

For his claims for relief against Defendant, Plaintiff Mitul R. Patel ("Plaintiff") alleges as follows:

PARTIES, JURISDICTION AND VENUE

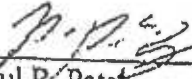
1. Plaintiff maintains a primary residence in Gwinnett County, Georgia.
2. Defendant Mathew Chan ("Defendant") maintains a primary residence located in Baltimore County, Maryland.
3. Defendant's actions, upon which the allegations in this Complaint are based, were performed in this judicial district.
4. Therefore, upon information and belief, jurisdiction and venue are proper in this Court.

COUNT I
DEFAMATION

EXHIBIT L

5. On 10/01/2015, Defendant posted false and defamatory statements on the internet at the following web address's: <http://www.healthgrades.com/dentist/dr-mitul-patel-3kywh> , <https://www.ratemds.com/doctor-ratings/2637312/Dr-MITUL%2BR.-PATEL-SUWANEE-GA.html> , <http://www.kudzu.com/m/DrMitul-PatelDDS-30366893> , <http://www.velp.com/biz/family-and-cosmetic-dental-care-suwanee-2> , <https://www.doctor-oogle.com/584293-suwanee-dentist-dr-mitul-patel> , <https://www.doctor-oogle.com/584293-suwanee-dentist-dr-mitul-patel>. (the "Defamation").
6. The Defamation was made by Defendant about and concerning Plaintiff.
7. Without privilege, Defendant communicated the Defamation to third parties through the Internet to world at large, without limitation.
8. The Defamation made by Defendant impeaches the honesty, integrity and reputation of Plaintiff by implying that Plaintiff is involved in a fraudulent scheme.
9. The Defamation is and would be highly offensive to a reasonable person.
10. The Defamation is and will continue to cause harm to Plaintiff's reputation unless it is restrained and enjoined.

Dated, so respectfully, this 8 day of February, 2016


Mitul R. Patel
276 Peachtree Pkwy.
Suwanee, GA 3002

Pro Per Plaintiff

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C16003573

CIVIL DIVISION
 JUN 15 11:15 AM '16

Case: 24-C16-003573
 CV Filed: 06/15/16
 RIF-New Case \$80.00
 Appear Fee \$30.00
 TOTAL \$20.00
 \$55.00
 \$185.00

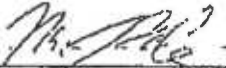
CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT

The parties respectfully request that the Court enter the proposed order submitted herewith. Although the parties have settled this matter, Defendant is unable to remove the defamatory statements he posted about Plaintiff on Redbubble.com cause of the website's policies. As result, the only way to suppress the defamation is to submit a court order to Google and the other web sites.

Receipt #201600014927
Case #24-C16-003573
06/15/16 12:19pm

Therefore, the Parties respectfully request that the Court enter the proposed Order submitted herewith and grant such other and further relief as the Court finds reasonable and necessary.

Dated, so respectfully, this 8 day of February, 2016

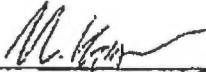


Mitul R. Patel

276 Peachtree Pkwy.

Suwanee, GA 30024

Pro Per Plaintiff



Mathew Chan

400 E. Pratt St.

Baltimore, MD 21202

Pro Per Defendant

MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C-16-003573

ORDER GRANTING CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT

The parties having filed a Consent Motion for Injunction and Final Judgment, and therefore, good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court finds that Defendant Mathew Chan ("Defendant") posted false and defamatory statements about Plaintiff Mitul R. Patel ("Plaintiff") on the following webpage(s): <http://www.healthgrades.com/dentist/dr-mitul-patel-3kywh> , <https://www.ratemds.com/doctor-ratings/2637312/Dr-MITUL%2BR.-PATEL-SUWANEE-GA.html> , <http://www.kudzu.com/m/DrMitul-PatelDDS-30366893> , <http://www.velp.com/biz/family-and-cosmetic-dental-care-suwanee-2> , <https://www.doctor-ooole.com/584293-suwanee-dentist-dr->

mitul-patel , https://www.doctor-oogle.com/584293-suwance-dentist-dr-mitul-patel (the "Defamation").

2. The Defamation is not otherwise protected by the First Amendment.
3. Defendant shall remove the Defamation.
4. If the Defendant cannot remove the Defamation from the Internet, the Plaintiff shall submit this Order to Healthgrades.com, RateMDs.com, kudzu.com, Yelp.com, doctor-oogle.com; or any other Internet search engine so that the comment can be removed from their web page pursuant to their existing policies concerning de-indexing of defamatory material.
5. Upon entry of this Order, this matter shall be closed.

22nd day of July, 2016

DATED this ~~8~~ day of February, 2016.

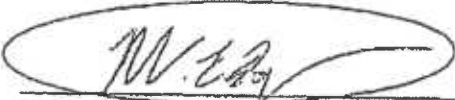
TRUE COPY
TEST

LAVENIA G. ALEXANDER, CLERK

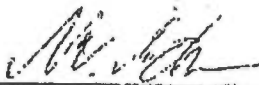


C16 - 3573

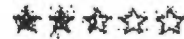
**APPROVED AS TO
FORM AND CONTENT**



Mathew Chan
400 E. Pratt St.
Baltimore, MD 21202
Pro Per Defendant



Mitul R. Patel
276 Peachtree Pkwy.
Suwanee, GA 30024
Pro Per Plaintiff



Mitul Patel actively advertises through home mailers his introductory "\$99 exam, X-Ray, & cleaning" program. His home flyer advertising program is very persistent and ongoing. We have been getting them for what seems like months. One would think he would have all the business he could handle using this \$99 introductory program. It sounds great on paper. Unfortunately, I know why he advertises so much. It is to keep a steady stream of prospects coming into his office. He and his office manager (which they don't disclose as his wife) actively screen their prospects to find out if you have any negative propensities towards dentists. They have a paranoid streak about them regarding this. Patel is upbeat and cheerful at first meeting and does his best to put you in a similar state. However, if you don't respond in kind, he becomes suspicious and insulted by it. In my case, I told him that a couple of dental hygienists over the years had told me some inside trade secrets (that some hygienists are pressured to upsell additional product and services for commissions as well as some practices shutting down necessitating me to find a new dentist).

Upselling is part of most businesses, so that in itself is not a crime. However, Patel is like a cobra waiting to strike. He wants to prime and groom you for the inevitable upsell and if you are a bit cautious like I am who prefers to develop a relationship before agreeing to all sorts of dental procedures, he won't like it. For me, I wanted the \$99 cleaning to see how it went and then go from there. I won't let anyone badger me into additional services until I get to know the dental practice first.

Patel reveals his true colors by stating that "I am not a good fit" for his practice. Why am I not a good fit? Because I am not jumping for joy in getting my teeth cleaned? Because I am not prepared to spend hundreds of dollars in additional services without first establishing a relationship? Because I am not immediately subservient and obedient to his "superior" presence? How hard would it have been to have a hygienist come to my chair and clean my teeth first, then go from there? I've had it done many times without any drama. And it doesn't require the presence of the dentist, only the hygienist.

But the gotcha is that you won't be "rewarded" with the \$99 cleaning unless Patel gets the sense you are open and agreeable to his "advice" (sales pitch) for more work. I didn't know anything about him until I started reading some online complaints about him. I also discovered on the Georgia Board of Dentistry where he was found engaging in unprofessional conduct in 2008. He was put on probation until 2010. Four years later, he now appears to engage in "bait and switch" tactics to mention unseemly screening tactics. In any case, after he said "I wasn't a good fit", I knew he wanted me to leave. And I left peacefully without any drama simply stunned at the experience. Under normal circumstances, I would normally just let it go but something bugged me about the incident which lead me to checking his professional background. No need to take my word for it, just go to the Georgia Board of Dentistry website and look him up. You will find a legal reprimand.

At 35, Patel is a young dentist who still needs to mature and grow up. His need to feed his ego and status is going to hurt him unless he reigns it in. His ambition and desperation to generate sales comes through loud and clear to those who have been around the block. He has a nice staff and facilities. Too bad he is too immature and tarnishes the experience. Engaging in \$99 introductory programs is fine as long as he sees it through. Otherwise, I won't be the only person accusing him of "bait and switch" tactics.

For a dental practice that has supposedly been around for years, he sure does do a lot of aggressive advertising and selling. I don't recommend him at all. Very untrustworthy.

Was this rating useful? 5

Submitted August 7, 2014

EXHIBIT M

Licensee Information

Name: Mitul Rajesh Patel

Owner:

Address: 2627 Peachtree Parkway
Suite 440
Suwanee GA 30024

Primary Source License Information

Profession: Dentistry

License No: DN013153

License Status: Active

License Type: Dentist

Obtained By Method: Application/Examination

License Subtype:

Issue Date: 7/8/2005

Expiration Date: 12/31/2017

Last Renewal Date: 11/4/2015

Discipline Information
- Public Board Orders -

If a public board order exists, it may be listed below.

Public Board Order means that there is a public document concerning the licensee.

The existence of a public Board order does not necessarily mean the licensee is currently under any type of disciplinary action.

Please understand that the absence of a scanned order linked to this record does not necessarily mean that no public actions exist.

2008_0566_DN013153_001

DN013153_3_COTERM

Associated Licenses

Relationship: Self
AutomaticPrerequisite Licensee: Patel, Mitul Rajesh
Prerequisite License: DNES000234

Association Date: Expiration Date:

You may close this window to return to your search results

Data current as of: August 12, 2016 18:56:3

This website is to be used as a primary source verification for licenses issued by the Boards of Dentistry and Pharmacy. Paper verifications are available for a fee. Please contact the Boards of Dentistry and Pharmacy at 404-651-8000.

EXHIBIT N

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

MAY 05 2006

Angela Daniels
CLERK SUPERIOR COURT

2006 - 028

**APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED
UNDER TRADE NAME, PARTNERSHIP OR OTHERS**

STATE OF GEORGIA

COUNTY OF FORSYTH

The undersigned does hereby certify that M & T SYNERGY, P.C.

conducting a business as FAMILY & COSMETIC DENTAL CARE in the City of SUWANEE

County of Forsyth in the State of Georgia, under the name of FAMILY & COSMETIC DENTAL CARE and that the nature of the business is DENTAL PRACTICE

and that the names and addresses of the persons, firms or partnerships owning and carrying on said trade or business are

M & T SYNERGY, P.C.
DBA FAMILY & COSMETIC DENTAL CARE
2627 PEACHTREE PARKWAY, SUITE 440
SUWANEE, GA 30024

Subscribed and sworn to before me

This 5 day May, 2006

Brandy Daniel

Notary Public



Mital Patel

Signature - Title

MITAL PATEL

Print Name

Address

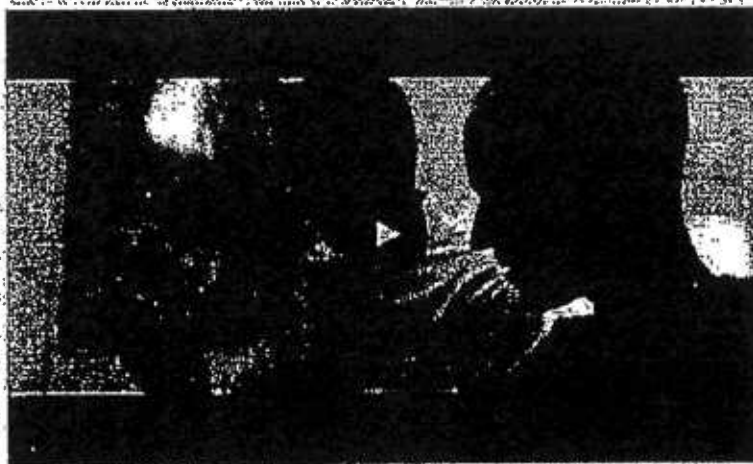
Phone Number

Note: The Act requires that this notice be published once a week for two weeks in the paper in which the Sheriff's Advertisements are printed. This paper is The Forsyth County News. Also, upon change of ownership, a new and amended registration be filed. (GA Laws 1981, p 872)

EXHIBIT O



Mitul Patel, DDS



Dr. Patel was born and raised in Ndola, Zambia until coming to the United States with his family and attending high school in Daytona Beach, Florida. He then went on to pursue his pre-doctorate studies at the University of Tulsa where he received his Bachelor of Science in Biological Studies and Chemistry. He then went on to attend New York University, College of Dentistry, one of the best in the country and is certified by both the Southeast Regional and Northern Regional Dental Boards.

To stay current with advances in dental treatments, Dr. Patel takes over 100 hours of continuing education courses each year since receiving his DDS degree.



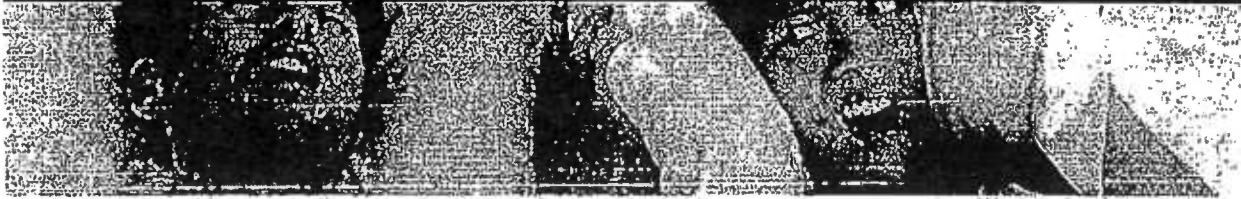
Office Hours

Monday 7:40am - 5:00pm
Tuesday 7:40am - 5:00pm
Wednesday 7:40am - 5:00pm
Thursday 7:40am - 5:00pm
Friday - Sunday Closed

Our Services

General Dental Care

- 3D Cone Beam Digital Imaging
- Dental Cleanings & Checkups
- Dentures
- Emergency Dental Care
- Endodontics
- Extractions
- Family Dentistry
- Oral Cancer Screening
- Fillings (white fillings)
- Periodontal Treatment
- Minimally Surgical Technique - Gum Rejuvenation
- LAMAP Laser Dentistry
- Restorative Dentistry CEREC
- TMJ
- Night Guards
- Protective Mouth Guards
- Sealants



Meet Dr. Mital Patel



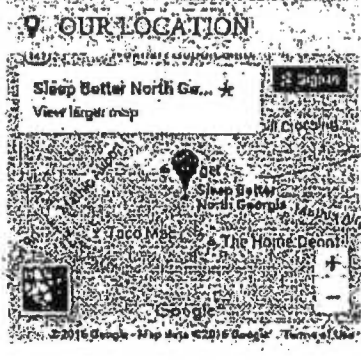
Dr. Patel was born and raised in Ndola, Zambia until coming to the United States with his family and attending high school in Daytona Beach, Florida. He then went on to pursue his pre-doctorate studies at the University of Tulsa where he received his Bachelor of Science in Biological Studies and Chemistry. He then went on to attend New York University, College of Dentistry, one of the best in the country and is certified by both the Southeast Regional and Northern Regional Dental Boards.

To stay current with advances in dental treatments, Dr. Patel takes

over 100 hours of continuing education courses each year since receiving his DDS degree.

OFFICE HOURS

Mon - Thu	7:40am - 5:00pm
Fri - Sun	Closed



FROM OUR BLOG

Kudzu

Explore

I am looking for a...

Suwanee, GA 30024

GO

Dentists & Dental Services

Dr. Mitul Patel, DDS

★★★★★ 1 Review

(770) 888-3384

myjohnscreekdentist.com

2627 Peachtree Parkway #440, Suwanee, GA 30024

MAP



WRITE A REVIEW

ADD TO MY FAVORITES

Reviews Business Info

REVIEWS



matt3006

Member since 12/24/2015

Reviews: 1

★★★★★

Has GA Dentist Board Complaint for Unprof. Conduct



Mitul Patel actively advertises through home mailers his introductory "\$99 exam, X-Ray, & cleaning" program. His home flyer advertising program is very persistent and ongoing. It sounds great on paper. Unfortunately, I know why he advertises so much. It is to keep a steady stream of unknowing prospects coming into his office. He and his "office manager" (which they don't disclose as his wife) actively screen their prospects to find out if you have any negative propensities towards dentists. They have a paranoid streak about them regarding this. Patel is like a cobra waiting to strike to upsell you. However, I am someone who prefers to develop a relationship before agreeing to all sorts of dental procedures. It seems to me he engages in "bait and switch" tactics. Because of my strange experience with him, I looked up his history with the GA Board of Dentistry. He was found engaging in unprofessional conduct in 2008. I can't say I was surprised. Go look it up yourself. He jerked me around, wasted my time, a bit sleazy, and has a serious chip on his shoulder. Very insecure, young dentist. Find someone more established and mature. I ended up filing a complaint against him for engaging in "bait & switch" with me. His staff and wife are nice but he is a bit snaky & aggressive about the upsell. Beware.

Posted: 12/04/2015 • Last edited: 8/05/2016 • Link to this review

WAS THIS REVIEW HELPFUL?

YES (1) NO (0)

EXHIBIT Q

400 E Pratt Street - Inner Harbor Center

Powered by SHOWCASE.COM

NE corner
Baltimore, MD 21202-3116 - CBD Baltimore Submarket

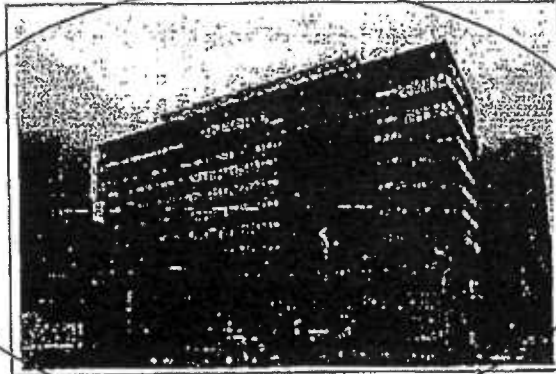
Property Type: Office
Sub Type:
Status: Existing
Year Built: 1982

Stories: 11
Typical Floor: 12,305 SF
Building Size: 183,768 SF

Smallest Space: 100 SF
Largest Space: 5,000 SF
Total Space Avail: 5,000 SF
Rent/SF/Yr: Negotiable

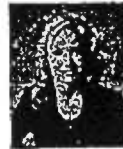
Parking: Surface spaces @ \$175.00/mo; 600
Covered spaces are available; Ratio
of 3/1,000 SF

Amenities: Balcony, Banking, Bus Line, On Site
Management, Property Manager on
Site



FOR LEASE CONTACTS

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Consumer Law & Policy Blog

Sponsored by Public Citizen Litigation Group

Friday, August 19, 2016

Georgia Dentist Mitul Patel Takes Phony Litigation Scheme to New Extremes Trying to Suppress Criticism

by Paul Alan Levy

At a time when the California Supreme Court is deciding whether to grant discretionary review of the decision of the California Court of Appeal in Hussell v. Bird, which held that Yelp could be required to comply with a default judgment holding that a posted review of a California lawyer was false and defamatory, along comes a situation that crystallizes concerns about judicial willingness to impose such orders on sites that host consumer content.

Matthew Chan, a resident of Columbus, Georgia, posted a series of reviews (for example, on Yelp) complaining that Mitul Patel, a dentist in Suwanee, Georgia, had induced Chan to visit his office by advertising an inexpensive dental cleaning deal. However, Chan reported that he was confronted with a hard pitch for additional, more expensive services, and Patel allegedly lost interest in providing the cleaning when Chan was not agreeable to buying additional services. I am in no position to say whether Chan's criticisms of Patel are fair or accurate, but Patel's sneaky response to the criticism, instead of just suing his detractor in the Georgia courts, tends to suggest that Chan might well have reason to complain.

Background

Over the past few years, businesses seeking to suppress customer criticisms on review sites such as Yelp have tried to devise a variety of ways to insulate themselves from fair commentary; this blog has covered such devices as non-disparagement clauses, copyright assignment agreements, TRO's obtained from compliant local judges against distant defendants, ex parte proceedings, and plain old SLAPP suits. In several cases, we have come to the aid of review sites asserting their section 230 immunity from liability or suit based on content posted their sites by consumers, even when the plaintiff has obtained a default judgment commanding removal of allegedly defamatory reviews. We have argued that hosting sites are often skeptical about whether such judgments reflect a sound neutral determination that the review was false, and properly consider the possibility that the judgement reflects no more than a consumer defendant's lack of resources for defending his or her criticism.

This spring Techdirt reported on a pair of California lawyers who developed a specialty of obtaining bogus judgments in a rural state court against postings on Pissed Consumer, not for the purpose of compelling that site to remove critical material (it flaunts its policy of not complying with orders directed to its users), but rather in the hope of persuading Google removed certain URL's from its search listings. The result of this report, I believe, was to make Google more cautious in responding to orders against reviews posted by the users of interactive web sites

The audacity of the recent litigation pursued pro se by Dr. Patel against Chan rivals the shenanigans reported by Techdirt, and the sad fact is that Patel was able to play on the credulity both of a judge and of some web site hosts to get some of the criticisms taken down, at least initially.

Mitul Patel's Response to Matthew Chan's Criticisms

In addition to posting his reviews of Mitul Patel on Yelp, Chan posted on RateMDs, kudzu.com and Healthgrades.com about his unsatisfactory experiences with Dr. Patel. Chan's is but one of a number of negative reviews directed at Patel on these various sites, but Patel apparently took particular umbrage at this one: he filed a pro se libel action claiming, in highly conclusory terms, that the reviews were false and defamatory. But instead of suing Chan in Georgia, Patel filed in the circuit court for the city of Baltimore, Maryland, a court that would ordinarily have no personal jurisdiction over a Georgia consumer sued for criticizing a Georgia dentist. Patel justified suing there by identifying "Mathew Chan" as the defendant - note that the spelling of the given name is slightly different - and alleging

EXHIBIT S

that this Mathew Chan "maintains a primary residence located in Baltimore, Maryland."

I tried to reach Patel to ask for his explanation of what and where he filed. I wanted to find out why he believed (if he really believed) that someone supposedly living in Baltimore, with a slightly different first name, was his former patient from Georgia? The fact that the both the online docket for the case, and the "consent motion for injunction and final judgment" bearing a signature for "Mathew Chan," list his address as 400 East Pratt St. in Baltimore implies to me that this is a case of deliberate fraud, because so far as I have been able to determine, 400 East Pratt Street is a downtown building that contains only offices, retail establishments and restaurants, but no residences. Patel never responded to my inquiries.

The judgment declares that reviews posted on five separate web sites are false and defamatory, and orders the "Defendant" to remove them. But at the same time, the judgment anticipates that the defendant might not remove the reviews; it directs Patel to submit the order to the five hosting web sites as well as to "any other Internet search engine" so that the comment can be removed "from their web page pursuant to their existing policies concerning the delisting of defamatory material." A state trial judge named Philip Senan Jackson duly signed the consent order.

How the Hosting Companies Responded

It was only at this point that the real Matthew Chan - the actual author of the negative reviews - learned of the proceedings, when Yelp notified him of the receipt of the court order and indicated that it would take his review down absent a persuasive response. But after Chan explained to Yelp how the order had been fraudulently procured, Yelp has decided to leave the review posted.

Yelp's response to receipt of the court order was more responsible than some of the other sites where Chan had posted his concerns. Both HealthGrades.com and Kudzu.com apparently received the order and removed the review without the courtesy of any notice to Chan. I have been in touch with representatives of both review sites. HealthGrades' response was somewhat contradictory: first I was told that the company had simply complied with the terms of the court's order, but then its representative claimed that the order was unrelated to the removal of Chan's review. Kudzu's representatives tell me that they are investigating the situation. (RateMDs never removed Chan's review; my effort to reach its new owners has not yet succeeded).

Under section 230, the hosts of consumer comment have every right to make their own policies about how to respond when there are judicial proceedings over their users reviews. If suit against the user is successful, they are entitled to leave the reviews posted; they can empower the users to decide whether the reviews remain online; or they can effect the removal unilaterally. But you would think that the responsible host would, at the very least, notify a user when it is considering whether to remove that user's review, and give the user a chance to respond. That neither HealthGrades nor Kudzu gave notice to Chan before taking down his review does not speak well of them. We can still hope that they reverse their knee-jerk removal decisions now they have been told about how that they were victimized by this sort of maneuvering, thus showing their commitment to the consumers whose reviews they solicit and to presenting a fair balance of reviews to all consumers.

Although I place most of the blame for this situation on Patel's apparent dishonesty, and on some review sites' pusillanimous response, it seems to me that Judge Jackson should have been more careful. To be sure, he was presented with what purported to be a consent order, signed by both sides. But because the order he was being asked to sign called for removal by third party hosting sites (although, strictly speaking, it does not order them to effect removal), he should have taken care to ensure that they had notice before he issued the order. And the identification of a downtown office building as the address of the Georgia consumer who was being sued for criticizing a Georgia dentist should have alerted him to inquire further.

Posted by [Paul Levy](#) on Friday, August 19, 2016 at 11:15 AM | [Permalink](#)

Comments



The signatures of Patel and "Chan" on the consent order look remarkably similar.

Posted by: [MrBill](#) | [Friday, August 19, 2016 at 12:07 PM](#)





Consumer Law & Policy Blog

Sponsored by Public Citizen Litigation Group

Tuesday, August 23, 2016

Georgia Dentist Mitul Patel Acknowledges That "Consent Order" Was a Fraud, but Claims He is the Real Victim

A few days ago I [wrote here](#) about a lawsuit and consent order that were filed in Baltimore, Maryland, determining that a series of criticisms posted against Georgia dentist Mitul Patel by Matthew Chan, one of his patients in Georgia, were false and defamatory, and commanding their removal from the web and from search engine listings.

Over the weekend I got a call from Patel's lawyer insisting on a retraction of that blog post; he followed up with a [demand letter](#). Patel's counsel, a lawyer whose [blog](#) suggests that he specializes in representing dentists, admits that the lawsuit was a fraudulent proceeding, while insisting that it was his client that is the main victim of the fraud, because Patel never authorized the lawsuit, had nothing to do with it, did not even know about the suit until I published my blog article, and yet has had his reputation affected by the fact that Patel's name is on the complaint as plaintiff. Patel's lawyer promises that his client intends to seek damages from the person or company that filed the proceeding, as well as pursuing the possibility that the filing was a crime.

Patel's lawyer demanded that I publish his [demand letter here](#), which I am happy to do, and I share the desire to identify the miscreant that filed this lawsuit. But I find some of Patel's claims of innocence to be suspect. [My response to Patel's demand letter](#) identifies multiple reasons to question the veracity of Patel's claim that he knew nothing about the lawsuit before I published [my article](#) on Friday. Most important, Yelp received emails from one of Patel's confirmed email addresses, seeking to take advantage of the existence of the consent order to get Chan's review taken down. Unless the email address was spoofed, this certainly suggests that even if Patel was not involved in obtaining the fraudulent order, he had no compunction about taking advantage of that order. I will be waiting to hear from Patel's counsel whether Patel disavows these emails and claims that his email address was spoofed.

[My letter](#) raises the possibility that perhaps Patel retained a reputation management outfit to perform SEO miracles on Patel's behalf, and that such a company might have perpetrated this fraud in pursuit of that assignment, while giving Patel deniability by not burdening him with knowledge of the sordid details. In a subsequent conversation, Patel's lawyer admitted to me that Patel [did](#) hire such a company, but he refused to identify it, saying that he needed to pursue further investigation about who it is that is responsible for the fraudulent Maryland filings.

Stay tuned.

Posted by [Paul Levy](#) on Tuesday, August 23, 2016 at 01:35 PM | [Permalink](#)

Comments



If he gave the SEO scum access to his email account, he could have no knowledge of the email, yet his account would not be spoofed.



Consumer Law & Policy Blog

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Thursday, August 25, 2016

Kudzu.com has restored review of Mitul Patel

When I [first posted](#) about the bogus court order compelling the removal of Matthew Chan's reviews of Mitul Patel from five web sites, I criticized Kudzu.com for removing the version of the review that was posted there without giving any notice to Chan, and called on that web site to reconsider its decision. I was informed last night that the company has reconsidered the removal, which it claims was for a terms of service violation which, in retrospect, the company has decided was not committed; hence the company has restored the review, which can now be seen [here](#).

Posted by [Paul Levy](#) on Thursday, August 25, 2016 at 08:34 AM | [Permalink](#)

Comments



I commend and thank Kudzu for the restoration of my review. I am impressed with their response as they did not have any obligation to do so. I also commend and thank Kudzu for restoring ANOTHER FOUR consumer reviews that I did not see two weeks ago. It would appear that my review of Mitul Patel was not the only one taken down and they reconsidered the takedown of those reviews also.

It appears that someone complained to Kudzu to take down the other four reviews that have now re-appeared. It would be interesting to know if a similar illicitly-obtained court order was used in those instances.

And by the looks of the language used in those restored reviews of Mitul Patel, there does seem to be a similar pattern of complaints emerging. I can see why someone might not have wanted online visitors to see or read them. They use plain language and certainly speak for themselves.

Matthew Chan

Posted by: [Matthew Chan](#) | Friday, August 26, 2016 at 02:42 AM

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The Washington Post

The Volokh Conspiracy | Opinion

A suspicious strategy in alleged online libel cases? [UPDATE: Ostensible plaintiff now says case was filed without his knowledge or permission]

By Eugene Volokh August 19

UPDATE: The ostensible plaintiff now says case was filed (and the \$185 filing fee paid) without his knowledge or permission; see [this post](#) was for more.

[Paul Alan Levy \(Public Citizen\)](#) has a post about a business trying to suppress consumer criticism in an unusual way:

Matthew Chan, a resident of Columbus, Georgia, posted a series of reviews (for example, on Yelp) complaining that Mitul Patel, a dentist in Suwanee, Georgia, had induced Chan to visit his office by advertising an inexpensive dental cleaning deal. However, Chan reported that he was confronted with a hard pitch for additional, more expensive services, and Patel allegedly lost interest in providing the cleaning when Chan was not agreeable to buying additional services. I am in no position to say whether Chan's criticisms of Patel are fair or accurate, but Patel's sneaky response to the criticism, instead of just suing his detractor in the Georgia courts, tends to suggest that Chan might well have reason to complain....

[I]nstead of suing Chan in Georgia, Patel filed in the circuit court for the city of Baltimore, Maryland, a court that would ordinarily have no personal jurisdiction over a Georgia consumer sued for criticizing a Georgia dentist. Patel justified suing there by identifying "Mathew Chan" as the defendant -- note that the spelling of the given name is slightly different -- and alleging that this Mathew Chan "maintains a primary residence located in Baltimore, Maryland."

Patel accompanied his complaint with a document asserting that he and Mathew Chan both settled the case, and agreed to a proposed consent order removing the documents, and Baltimore Judge Philip Senan Jackson signed the order.

Levy goes on:

I tried to reach Patel to ask for his explanation of what and where he filed. I wanted to find out why he believed (if he really believed) that someone supposedly living in Baltimore, with a slightly different first name, was his former patient from Georgia? ... Patel never responded to my inquiries.

EXHIBIT T

suspicious strategy in alleged online libel cases2 [UPDATE: Ostensible... <https://www.washingtonpost.com/news/vo/okh-conspiracy/wp/2016/08/1...>

The judgment declares that reviews posted on five separate web sites are false and derogatory, and orders the "Defendant" to remove them. But at the same time, the judgment anticipates that the defendant might not remove the reviews; it directs Patel to submit the order to the five hosting web sites as well as to "any other Internet search engine" so that the comment can be removed "from their web page pursuant to their existing policies concerning the delisting of defamatory material." ...

It was only at this point that the real Matthew Chan — the actual author of the negative reviews — learned of the proceedings, when Yelp notified him of the receipt of the court order and indicated that it would take his review down absent a persuasive response.

And it turned out that Matthew Chan had some experience with attempts to restrict speech online — he was the successful defendant in the *Chan v. Ellis* Georgia Supreme Court case, which I blogged about (and which I co-argued as counsel for amici). Chan wasn't going to take this lying down, so he tracked down the Baltimore court documents, and explained to Yelp that, though the posts were his, the court order wasn't issued against him.

To Yelp's credit, Yelp listened to Chan's explanation of what had happened, and left the review posted. Indeed, Patel's Yelp page has a prominent note on it from Yelp saying,

Consumer Alert: Questionable Legal Threats

This business may be trying to abuse the legal system in an effort to stifle free speech, including issuing questionable legal threats against reviewers. As a reminder, reviewers who share their experiences have a First Amendment right to express their opinions on Yelp.

Levy notes that HealthGrades.com and Kudzu.com apparently took down the review without even letting the real Chan know about it, and opines (paragraph breaks added):

Under [the federal statute 47 U.S.C. § 230], the hosts of consumer comment have every right to make their own policies about how to respond when there are judicial proceedings over their users reviews. If suit against the user is successful, they are entitled to leave the reviews posted; they can empower the users to decide whether the reviews remain online; or they can effect the removal unilaterally.

But you would think that the responsible host would, at the very least, notify a user when it is considering whether to remove that user's review, and give the user a chance to respond. That neither HealthGrades nor Kudzu gave notice to Chan before taking down his review does not speak well of them. We can still hope that they reverse their knee-jerk removal decisions now they have been told about how that they were victimized by this sort of maneuvering, thus showing their commitment to the consumers whose reviews they solicit and to presenting a fair balance of reviews to all consumers.

UPDATE: Michael Smith, who has helped me on many cases, writes:

As a free-speech enthusiast, I'm appalled.

As a Mike Smith however, I see potential for nearly unlimited business offering my services as a collusive Maryland defendant... ;)

The Washington Post

The Volokh Conspiracy | Opinion

Georgia dentist claims libel lawsuit was filed without his knowledge (though in his name)

By Eugene Volokh August 24

Last week, I blogged about a suspicious-looking strategy in an online libel case: Matthew Chan (a Georgia resident) posted on Yelp (and on some other sites) a negative review of Mitul Patel, a Suwanee, Ga., dentist. Chan next heard about the matter when Yelp forwarded to him a takedown request, which was accompanied by a Baltimore court order in a case titled "Mitul Patel v. Mathew Chan," with the "Mathew Chan" listed as a Baltimore resident (though the order required the takedown of posts that were written by Matthew Chan of Georgia). A libel lawsuit had been filed in Baltimore trial court, together with a purported agreement from Patel and the Baltimore Chan to have the case be settled with a takedown injunction — and without serving the Georgia Matthew Chan.

Now there's a new twist: Patel's lawyer, Stuart J. Oberman, is stating that "Dr. Patel had no knowledge whatsoever regarding the lawsuit that was filed in the Maryland Circuit Court" until the story about this was broken last week by Paul Alan Levy (Public Citizen). "Dr. Patel never signed the Complaint, and never authorized any individual or company to file the Complaint on his behalf.... Furthermore, Dr. Patel never signed the Consent Motion for Injunction and Final Judgment." Instead, he argues, someone "apparently forged Dr. Patel's signature to the Complaint and Consent Motion," "for some unknown reason." You can see Oberman's letter to Levy and Levy's response, as well as Levy's follow-up post on the matter.

Yet who would engage in such a forgery? It cost \$185 to file a complaint in Maryland trial court; someone had to have a motive to pay that. (I am told that the clerk's office said the fee was paid in cash.) Oberman said, in an e-mail responding to my query, that "Dr. Patel did hire a reputation management company, and we are in the process of determining whether they were involved in filing the Maryland lawsuit. Based upon our investigation, the owner of the reputation management company may have or previously had some connection with the Baltimore area." But Oberman declined to give the name of the company.

Also, Levy reports that Yelp informed him that the messages to Yelp had come from someone using an address that Patel had apparently used before. I asked Oberman about that but didn't get an answer.

Eugene Volokh teaches free speech law, religious freedom law, church-state relations law, a First Amendment Amicus Brief Clinic, and tort law, at UCLA School of Law, where he has also often taught copyright law, criminal law, and a seminar on firearms regulation policy. Follow @volokhc

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Bogus Defamation Lawsuit With Fake Defendant Results In Negative Reviews Of Dentist Being Taken Down

from the *yet-another-abuse-of-the-legal-system* dept

Earlier this year, complaint site Pissed Consumer noticed a disturbing new trend in the dark art of reputation management: unnamed rep management firms were using a couple of lawyers to run bogus defamation lawsuits through a local court to obtain court orders demanding the removal of "defamatory" reviews.

Free Speech
by Tim Cushing
Wed, Aug 24th 2016
10:39am

What was unusual wasn't the tactic itself. Plenty of bogus defamation lawsuits have been filed over negative reviews. It's that *these* lawsuits were resolved so quickly. Within a few weeks of the initial filing, the lawsuit would be over. Each lawsuit improbably skipped the discovery process necessary to uncover anonymous reviewers and proceeded straight to judgment with a (bogus) confessional statement from each "reviewer" handed in by the "defamed" entity's lawyer for the judge's approval. Once these were rubber stamped by inattentive judges, the lawyers served Google with court orders to delist the URLs.

Filed Under:
bogus lawsuits,
court orders,
dentist, georgia,
matthew chan,
mitul patel, philip
s. jackson,
reputation
management,
reviews
Companies:
yelp

To date, no one has uncovered the reputation management firm behind the bogus lawsuits. In each case, the companies purporting to be represented by these lawyers were shells -- some registered as businesses on the *same day* their lawsuits were filed.

It's one thing to do this sort of thing from behind the veil of quasi-anonymity afforded by the use of shell companies. It's quite another to file a bogus lawsuit with an apparently forged signature (of the supposed defamer) under your own name. But that's exactly what appears to have happened, as detailed in this post by Public Citizen's Paul Alan Levy.

Permalink.

In addition to posting his reviews of Mitul Patel on Yelp, [Matthew] Chan posted on RateMDs, kudzu.com and Healthgrades.com about his unsatisfactory experiences with Dr. Patel. Chan's is but one of a number of negative reviews directed at Patel on these various sites, but Patel apparently took particular umbrage at this one: he filed a pro se libel action claiming, in highly conclusory terms, that the reviews were false and defamatory.

It doesn't get much more conclusory than this filing [PDF], which runs only three pages -- with one page containing nothing more than a date and a signature. The complaint lists the URLs of Chan's reviews, says they're defamatory... and that's basically it. No part of the reviews are quoted as evidence of defamation. The filing simply declares every review defamatory and demands an injunction. But that's the kind of detail you can omit when you know you're *never* going to have to confront the accused in court.

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[[Instead of suing Chan in Georgia, Patel filed in the circuit court for the city of Baltimore, Maryland, a court that would ordinarily have no personal jurisdiction over a Georgia consumer sued for criticizing a Georgia dentist. Patel justified suing there by identifying "Mathew Chan" as the defendant - note that the spelling of the given name is slightly different - and alleging that this Mathew Chan "maintains a primary residence located in Baltimore, Maryland."

There's a problem with both the defendant named and the primary address. The name is misspelled, perhaps deliberately so. The address listed in the complaint is completely bogus.

The fact that the both the online docket for the case, and the "consent motion for injunction and final judgment" bearing a signature for "Mathew Chan," list his address as 400 East Pratt St. in Baltimore implies to me that this is a case of deliberate fraud, because so far as I have been able to determine, 400 East Pratt Street is a downtown building that contains only offices, retail establishments and restaurants, but no residences.

Despite these deficiencies, the lawsuit made it past a judge because it contained a supposed *mea culpa* from "Mathew Chan" of "400 East Pratt Street" admitting to the defamatory postings. This motion with the bogus signature and admission was approved by judge Philip S. Jackson, who also instructed "Mathew Chan" to issue notices to search engines to delist the URLs if removing the original reviews proved impossible.

The real Matthew Chan -- who posted the reviews -- had never heard of the lawsuit until *after* the injunction had already been approved and served. Yelp notified him of the court order it had received. Chan, who still lives in Georgia as far as he can tell, informed Yelp of the situation and the review site decided to reinstate his review. Other sites, however, took the order at face value and removed the reviews. It appears Yelp was the only site to reach out to Chan when presented with the court order -- something that doesn't exactly bode well for users of other review sites. If sites protected by Section 230 are in this much of a hurry to remove content, they're really not the best venues for consumers' complaints.

Somewhat surprisingly, Levy received a response (of sorts) from Mitul Patel's lawyer. They claim this is the first they've heard of the lawsuit filed in Patel's name targeting negative reviews of Patel's dentistry. This wasn't delivered in a comment or statement, but rather in the form of a retraction demand [PDF]. The opening paragraphs are inadvertently hilarious.

This letter is to advise you that I have been retained to represent Mitul Patel, DDS, regarding the contents of your blog, dated Friday, August 19, 2016, entitled "Georgia Dentist Mitul Patel Takes Phony Litigation Scheme to New Extremes Trying to Suppress Criticism".

Based upon a review of your blog, which has unfortunately gone viral, please be advised that the contents of your blog are grossly inaccurate, factually incorrect, and were obviously written for no other purpose but to gain publicity for your blog, and to willfully damage the name and reputation of Dr. Patel.

First, there's the pain of being Streisanded, embodied in the phrase "has unfortunately gone viral." That's the sort of thing that happens when negative reviews are mysteriously injunctioned into the cornfield. Then there's the stupid accusation the Streisanded hurl at those who expose questionable -- and possibly fraudulent -- behavior: that it was motivated by a thirst for internet points. The first statement is merely sad. The second is mostly just tiresome.

The retraction demand goes on to claim that this is the first Mitul Patel has heard of the lawsuit (filed in his name) as well. While this would seem unlikely, Levy points out that a reputation management company could have created plausible deniability by filing a pro se lawsuit under Patel's name (its own kind of fraud) but without notifying him that this is how it poorly and illegally handles its reputation-scrubbing duties. Unfortunately for Patel, whoever was hired to do this has done further damage to the dentist's reputation while presumably charging him for making

things better.

Levy, of course, will not be retracting the post. His response to the demand letter points out that it's rather curious no disavowal was made until *after* the blog post "unfortunately went viral."

I was not persuaded, however, by your suggestion that I should "retract" the blog post or apologize for it. After all, you acknowledge that much of what I had to say on the blog was true. But I also have qualms about your assertion that, before my blog post was published, Patel had no knowledge of the lawsuit in Baltimore, for two reasons. First, in the course of investigating before I published my article, I obtained from Yelp copies of emails from Mitul Patel to Yelp, attaching the Baltimore court order and asking that Chan's Yelp comments be deleted. I attach the copies of these emails. Yelp has told me that Patel used [email address retracted], the same email address that [rest of sentence retracted]. Unless the email addresses were spoofed, those emails suggest that your client knew about the court order and was trying to take advantage of it.

Moreover, before I posted my article on the blog, I placed two telephone calls to Patel's dental clinic to try to speak with him about the lawsuit; I told his receptionist why I was calling. In addition, on Wednesday, August 17, I sent your client an email message mentioning his lawsuit against Chan and spelling out my concerns. Although he did not call me back and did not reply to the email, I trust he saw the messages before I published my article on Friday.

Levy goes on to point out that it seems strange someone or some company would pay a \$165 filing fee to file a bogus defamation lawsuit for Patel without ever informing him it was doing so. The only motivation possible would be a shady reputation management company engaging in shady tactics because Patel's paying it more than it's shelling out in filing fees. Levy has requested Patel provide him the name of anyone he's hired to do reputation cleanup work or perform SEO optimization on his behalf.

So, it's not just DMCA notices being abused to "protect" dishonest entities' reputations. It's also the legal system, where there's very little compelling lower level judges to spend a few minutes scrutinizing bare bones complaints (and injunction motions) handed to them by shady plaintiffs.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

Victim Blaming? So The Dentist Claims

The twists and turns of internet intrigue provide a never-ending source of amusement and bewilderment. When I received a DMCA takedown notice from Carl David Ceder, the Texas Dipshit, he denied knowing anything about it.

He has not yet explained how this DMCA notice was sent (though he insists he doesn't even know what it is).

Who stole Carl Ceder's name, email, shoes and license to use his pic? Heh. Who believes his bullshit is the real question.

But now, it appears to be an epidemic of people stealing other people's identities to take legal action in their name. From Paul Alan Levy at Public Citizen, the latest victim is dentist Mitul Patel, who got nabbed going after Matthew Chan for leaving a Yelp review that said he pulled a bait and switch on him:

Chan reported that he was confronted with a hard pitch for additional, more expensive services, and Patel allegedly lost interest in providing the cleaning when Chan was not agreeable to buying additional services. I am in no position to say whether Chan's criticisms of Patel are fair or accurate, but Patel's sneaky response to the criticism, instead of just suing his detractor in the Georgia courts, tends to suggest that Chan might well have reason to complain.

According to court docs, Patel sued Chan in Maryland, claiming that he resided there rather than Georgia, where both Patel and Chan reside, and then doubled down with a pretty remarkable filing, a consent motion purportedly signed by Chan with a Maryland address conceding defamation. Except it wasn't Chan.

Now, Paul has received a demand letter asserting that not only wasn't it Chan, but it wasn't Mitul Patel either:

Patel's counsel, a lawyer whose blog suggests that he specializes in representing dentists, admits that the lawsuit was a fraudulent proceeding, while insisting that it was his client that is the main victim of the fraud, because Patel never authorized the lawsuit, had nothing to do with it, did not even know about the suit until I published my blog article, and yet has had his reputation affected by the fact that Patel's name is on the complaint as plaintiff. Patel's lawyer promises that his client intends to seek damages from the person or company that filed the proceeding, as well as pursuing the possibility that the filing was a crime.

What sort of sick, twisted miscreant is running about the legal system filing lawsuits against Matthew Chan in the name of Mitul Patel over some unflattering online reviews?

EXHIBIT V

But I find some of Patel's claims of innocence to be suspect. My response to Patel's demand letter, identifies multiple reasons to question the veracity of Patel's claim that he knew nothing about the lawsuit before I published my article on Friday. Most important, Yelp received emails from one of Patel's confirmed email addresses, seeking to take advantage of the existence of the consent order to get Chan's review taken down. Unless the email address was spoofed, this certainly suggests that even if Patel was not involved in obtaining the fraudulent order, he had no compunction about taking advantage of that order. I will be waiting to hear from Patel's counsel whether Patel disavows these emails and claims that his email address was spoofed.

Is it possible that someone spoofed Patel's email? Well, sure. And there are space aliens living amongst us as I type. But it fails to address the big question, why the hell would anyone else give a damn about Patel's bad reviews?

Actually, there is a likely answer, but it doesn't help people like Patel or the Texas Dipshit to look any better.

My letter raises the possibility that perhaps Patel retained a reputation management outfit to perform SEO miracles on Patel's behalf, and that such a company might have perpetrated this fraud in pursuit of that assignment, while giving Patel deniability by not burdening him with knowledge of the sordid details. In a subsequent conversation, Patel's lawyer admitted to me that Patel did hire such a company, but he refused to identify it, saying that he needed to pursue further investigation about who it is that is responsible for the fraudulent Maryland filings.

So somebody who did something bad gets nailed for it on the internets and, listening to too much talk radio, believes the advertisements that some reputation management company can make reality disappear and create that fabulous internet persona that will make you filthy rich.

So they hire these highly-trained professionals, like Patrick Zarrell, to do their bidding, fix their internet reputation, which is much easier than not sucking in the first place, and give them free rein to do their voodoo.

Maybe they know in advance? Maybe they only learn afterward? Who knows. But they find out that these fixers are engaged in conduct determined to invoke the Streisand Effect and take their really bad, though hard-earned and well-deserved, internet reputations and turn them into a steaming pile of dog poop in perpetuity.

When that happens, they claim they had nothing to do with it. They're the victims! How dare you blame the victims. Seems totally legit. As if they aren't totally responsible for the fraud committed by the sleazeballs they hire to dig them out of the cesspool they created for themselves on the internet.

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This entry was posted in Uncategorized on August 24, 2016 [<http://blog.simplejustice.us/2016/08/24/victim-blaming-so-the-dentist-claims/>] by SHG.

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Marc J Randazza, CA Bar No. 269535
D. Gill Sperlein, CA Bar No. 172887
Alex J. Shepard, CA Bar No. 295058
RANDAZZA LEGAL GROUP, PLLC
4035 S. El Capitan Way
Las Vegas, NV 89147
Telephone: 702-420-2001
Facsimile: 305-437-7662
ecf@randazza.com

Attorney for Plaintiff,
Consumer Opinion Corp, LLC

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CONSUMER OPINION LLC, a Nevada
limited liability company,
Plaintiff,

v.

ZCS, Inc., a California corporation;
HAIR SOLUTIONS, INC., a California
corporation;
ATLANTIC COAST MEDIA, LLC, a New
Jersey limited liability company;
ADN, LLC, an entity of unknown origin;
DAN NEWLIN, an individual;
REPDEFENSE SOLUTIONS, INC.,
a California corporation;
REPUTATIONDEFENDER, a Delaware
corporation;
MAJESTIC VACATIONS, LLC, an entity of
unknown origin;
BLUEGREEN CORPORATION, a Florida
corporation;
A&D INTERNATIONAL, LLC, a California
limited liability company;
AGORA FINANCIAL, LLC, a Maryland
limited liability company;
COLLINS MATTOS, an individual;
JOHN RADONICH, an individual;
NICHOLAS MOREAN, an individual;
DEMOIN STROMAN III, an individual;
ANGELICA LEBRON, an individual;
TARRA MARTIN, an individual;
MARK W. LAPHAM, ESQ., an individual;
OWEN T. MASCOTT, ESQ., an individual;
and DOE CORPORATIONS,

Defendants.

Case No.

COMPLAINT FOR:

- 1) **UNLAWFUL, UNFAIR, AND FRAUDULENT BUSINESS PRACTICE UNDER CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200;**
- 2) **CIVIL CONSPIRACY; and**
- 3) **ABUSE OF PROCESS.**

DEMAND FOR JURY TRIAL

1 INTRODUCTION

2 1. This case involves a creative solution to a common frustration for
3 many businesses, who do not like negative reviews that are published about them
4 on the Internet. However, removing consumer reviews from the Internet is a
5 difficult process given that they are protected by the First Amendment.

6 2. Nevada Corporate Headquarters, has gone to great lengths to
7 attempt to suppress consumer reviews in the past. It has filed at least one SLAPP
8 suit in Nevada seeking injunctive relief to censor those negative reviews. In that
9 case, Nevada Corporate Headquarters suffered a resounding loss when they
10 were hit with an anti-SLAPP order. (See Referee's Findings of Fact, Nevada
11 Corporate Headquarters, Inc. v. Opinion Corp., Justice Court, Las Vegas
12 Township, Case No. 13-A-003332 (Jan. 22, 2014), attached hereto as Exhibit 1.)
13 They also lost at summary judgment in a SLAPP-back suit. That action resulted in
14 a significant judgment for attorney fees and costs. (See Order, Opinion Corp. v.
15 Nevada Corporate Headquarters, Inc., Eighth Judicial District Court for Clark
16 County, Nevada, Case No. A-14-698267-C (December 11, 2014), attached hereto
17 as Exhibit 2.)

18 3. Undaunted by these set-backs, Nevada Corporate Headquarters
19 has now conspired with other companies and individuals to create a scam
20 whereby they suppress negative reviews from the Internet, while evading any First
21 Amendment or due process considerations. This scam also allows them to avoid
22 the risk of another anti-SLAPP attorney fee award.

23 ...

24 ...

25 ...

26 _____
27 ¹ SLAPP is an acronym for Strategic Litigation Against Public Participation and
refers to lawsuits designed specifically to quell speech.

1 4. Several other businesses and professionals who have been the
2 subject of negative reviews online have also employed the same fraudulent
3 machinery as Nevada Corporate Headquarters, as a means of removing this
4 content while evading detection and liability.

5 5. The scam is not all that complicated. Google will remove search
6 engine results from its well-known search engine if it is provided with a court order
7 determining that the information is indeed defamatory.

8 6. However, when Nevada Corporate Headquarters sued consumer
9 review websites in the past, it was severely disappointed. (See Exhibits 1 & 2.)
10 Therefore, they needed to concoct a new censorship scam. So they used a
11 stooge plaintiff, ZCS Inc. ("ZCS"), to sue a stooge defendant, Collins Mattos
12 ("Mattos").

13 7. Defendant Doe Corporations, so called "reputation management
14 companies," conceived and organized the scam as an alternative way to
15 remove negative posts in lieu of undergoing an adversarial proceeding. Several
16 other businesses and professionals have contacted these "reputation
17 management companies," which have used similar schemes to remove negative
18 consumer reviews about them.

19 8. The other conspirators engaged attorneys Mark W. Lapham
20 ("Lapham") and Owen T. Mascott ("Mascott") to file sham lawsuits either by the
21 subjects of the negative reviews or by corporations that had no interest in the
22 allegedly defamatory statements, against a defendant who most certainly was
23 not the party that published the allegedly defamatory statements, and the parties
24 immediately stipulated to a judgment of injunctive relief, so the conspirators could
25 provide the order to Google and other search engines, thus achieving the goal
26 of deindexing all pages containing negative reviews.
27

1 9. At first blush, Defendants' scam appears rather brilliant but incredibly
2 unethical. Now that Plaintiff has uncovered and exposed Defendants' unlawfu
3 deeds, Consumer Opinion LLC respectfully requests that this Court discipline them
4 for those misdeeds.

5 **PARTIES**

6 10. Plaintiff Consumer Opinion LLC is a Nevada limited liability company
7 with its principal place of business in Nevada.

8 11. There are four categories of Defendants in this scheme:
9 (1) the entities that file and/or benefit from the suit (the "Filing Defendants");
10 (2) the attorneys who knowingly and unethically file and prosecute these
11 fraudulent lawsuits (the "Attorney Defendants"); (3) the "defendants" in these
12 fake lawsuits who falsely claim to be the authors of allegedly defamatory
13 statements (the "Stooge Defendants"); and (4) the "reputation management
14 companies" that devised and carried out these schemes (the "RMC
15 Defendants").

16 **The Filing Defendants**

17 12. Defendant ZCS, Inc. is a California business organized under the laws
18 of the State of California. In its complaint against Collins Mattos, ZCS, Inc. claimed
19 to be a California company. Records obtained from the California Secretary of
20 State website indicate that ZCS, Inc.'s business registration has been suspended
21 for failure to meet filing requirements of the California Franchise Tax Board.
22 ZCS, Inc. stood in place of Nevada Corporate Headquarters in the fake lawsuit
23 against Collins Mattos, most likely to avoid detection of the scheme.

24 13. Defendant Hair Solutions is a California business organized under the
25 laws of California, and is the plaintiff in the fraudulent lawsuit against Defendant
26 John Radonich. Hair Solutions stood in place of Defendant Atlantic Coast
27

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1 Media, LLC in the fake lawsuit against Defendant John Radonich, most likely to
2 avoid detection of the scheme.

3 14. Defendant Atlantic Coast Media, LLC is a New Jersey business and is
4 the owner of the registered trademark KERANIQUE and, on information and belief,
5 is the operator of the web site <keranique.com>, the actual subject of the review
6 at issue in the fake lawsuit against Defendant John Radonich.

7 15. Defendant ADN, LLC is an entity of unknown origin that claims to be
8 located in California. In its complaint against Nicholas Morean, ADN asserts that
9 it is a California business, but the California Secretary of State web site does not
10 contain any record of ADN. ADN stood in place of Defendant Dan Newlin, most
11 likely to avoid detection of the scheme.

12 16. Defendant Dan Newlin is an attorney residing and doing business in
13 Orlando, Florida, and is the beneficiary of the fake lawsuit against Defendant
14 Nicholas Morean.

15 17. Defendant RepDefense Solutions, Inc. is a California business and the
16 plaintiff in the fake lawsuit against Defendant Demoin Stroman III. RepDefense
17 stood in place of Defendant ReputationDefender, LLC, the actual subject of the
18 review at issue in that case, most likely to avoid detection of the scheme.

19 18. Defendant ReputationDefender is a Delaware business operating in
20 California, and is the entity benefited by the fake lawsuit against Demoin
21 Stroman III.

22 19. Defendant Majestic Vacations, LLC is an entity of unknown origin and
23 is the plaintiff in the fake lawsuit against Defendant Angelica Lebron. In the
24 complaint against Angelica Lebron, Majestic Vacations claims to be a California
25 entity, but the California Secretary of State web site does not display any record
26
27

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1 of such entity.² Majestic Vacations stood in place of Defendant Bluegreen
2 Corporation, the actual subject of the review at issue in that case, most likely to
3 avoid detection of the scheme.

4 20. Defendant Bluegreen Corporation is a Florida business and the owner
5 of Bluegreen Resorts, the subject of the review in question in the fake lawsuit
6 against Angelica Lebron.

7 21. Defendant A&D International, LLC is a defunct California business
8 and is the plaintiff in the fake lawsuit against Defendant Tarra Martin. A&D stood
9 in the place of Defendant Agora Financial, LLC, the actual subject of the review
10 at issue in that case, most likely to avoid detection of the scheme.

11 22. Defendant Agora Financial, LLC is a Maryland business and is the
12 actual subject of the review in question in the fake lawsuit against Defendant
13 Tarra Martin.

14 **The Stooge Defendants**

15 23. Plaintiff is informed and believes and based thereon alleges that
16 Defendant Collins Mattos is an individual who resides in Contra Costa County,
17 California.

18 24. Plaintiff is informed and believes and based thereon alleges that
19 Defendant John Radonich is an individual who resides in Contra Costa County,
20 California.

21 25. Plaintiff is informed and believes and based thereon alleges that
22 Defendant Nicholas Morean is an individual who resides in Contra Costa County,
23 California.

24
25 _____
26 ² There is a record for a company called Majestic Vacations, Inc., but that is not
27 the subject of the review in the lawsuit and Plaintiff will not assume that Defendant
Majestic Vacations misspelled its own name.

1 26. Plaintiff is informed and believes and based thereon alleges that
2 Defendant Demoin Stroman III is an individual who resides in Sacramento County,
3 California.

4 27. Plaintiff is informed and believes and based thereon alleges that
5 Defendant Angelica Lebron is an individual who resides in California.

6 28. Plaintiff is informed and believes and based thereon alleges that
7 Defendant Tarra Martin is an individual who resides in Alameda County,
8 California.

9 **The Attorney Defendants**

10 29. Defendant Mark W. Lapham is an attorney licensed to practice in
11 California with the state bar number 146352. Mr. Lapham maintains a law
12 practice in Danville, California.

13 30. Defendant Owen T. Mascott, is an attorney licensed to practice in
14 California with the state bar number 134243. Mr. Mascott maintains a law
15 practice in Palm Desert, California.

16 **The RMC Defendants**

17 31. Plaintiff is informed and believes and based thereon alleges that
18 RMC Defendants are "reputation management companies" that orchestrated
19 these schemes of fake litigation to remove consumer reviews. Plaintiff is unaware
20 of the true identity of RMC Defendants and therefore currently identifies these
21 defendant using the fictitious name Doe Corporations until such time as Plaintiff
22 may discover the true names of the Defendants. Upon learning the identity of
23 Doe Corporations, Plaintiff shall seek leave to amend the Complaint in order to
24 name the Defendants using their true names.

25 **JURISDICTION**

26 32. This Court has original jurisdiction over this action based on diversity
27 pursuant to 28 U.S.C. § 1332, as Plaintiff is a resident of Las Vegas Nevada, and

1 Defendants, on information and belief, are citizens and residents of the States of
2 California, Florida, Delaware, Maryland, and/or New Jersey, and the amount in
3 controversy exceeds \$75,000.

4 **VENUE**

5 33. Defendants ZCS, Inc., Hair Solutions, ADN LLC, Repdefense
6 Solutions, Inc., Majestic Vacations, LLC, A&D International, LLC, Collins Mattos,
7 John Radonich, Nicholas Morean, Demoin Stroman III, Angelica Lebron, Tarra
8 Martin, Mark W. Lapham, Esq., and Owen T. Mascott, Esq. are residents of the state
9 of California and Collins Mattos, John Radonich, Nicholas Morean, Angelica
10 Lebron, Tarra Martin, and Mark W. Lapham are residents of this jurisdiction.
11 Plaintiff is informed and believes and based thereon alleges that Defendant Doe
12 Corporations are residents of the State of California. Defendants Atlantic Coast
13 Media LLC, Dan Newlin, Reputationdefender, Bluegreen Corporation, and Agora
14 Financial, LLC committed the acts complained of in this Complaint directed to
15 the State of California, specifically Contra Costa County. Accordingly, venue is
16 proper pursuant to 28 U.S.C. § 1391(b)(1).

17 **INTRADISTRICT ASSIGNMENT**

18 34. This action arose in Contra Costa County in that the Defendants filed
19 the abusive complaints in Contra Costa County Superior Court. Accordingly,
20 pursuant to Local Rules of Court 3-2(c) and (d), the Clerk shall assign the action
21 to the San Francisco or Oakland division.

22 **FACTS SUPPORTING CLAIMS**

23 35. Consumer Opinion LLC operates a website residing at the uniform
24 resource locator ("URL") <pissedconsumer.com>.

25 36. <pissedconsumer.com> is a consumer review website where
26 individuals can share information about their experiences with businesses
27 providing goods and services, thereby allowing consumers to make better

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1 choices between competing products and giving consumers an empowering
2 and unbiased view of companies and products.

3 37. The First Amendment and various state anti-SLAPP statutes protect
4 the right to publish opinions and true statements of fact. Therefore, aside from
5 improving their business standards, there is little a company can do to prevent
6 individuals from publishing negative opinions or true facts about them.

7 38. Moreover, under 47 U.S.C. § 230, providers of interactive computer
8 services like <pissedconsumer.com> cannot be held liable for defamatory
9 statements individuals post by and through their interactive services.

10 39. Understanding the difficulties of removing reviews consisting of
11 negative opinions or statements of true fact, Defendants conspired to misuse
12 California's legal system to hide the unflattering statements from the consuming
13 public by having popular search engines such as Google to deindex the
14 webpages containing the comments.

15 40. RMC Defendants are "reputation management companies" that
16 offer services to help individuals rehabilitate their on-line image. The Filing
17 Defendants engaged RMC Defendants to achieve their goal of minimizing the
18 impact of negative reviews on pissedconsumer.com.

19 41. RMC Defendants first identified individuals or entities willing to stand
20 in the place of the professionals or businesses that were the actual subject of
21 negative reviews on <pissedconsumer.com>. At this time Plaintiffs do not know if
22 the nominal plaintiffs in the fake lawsuits had pre-existing relationships with the
23 benefited parties of these lawsuits, or if they were simply engaged for the limited
24 purpose of serving as the sham plaintiffs in the fake lawsuits. The conspirators likely
25 understood that if the benefited parties brought the action in their own name, the
26 scam was more likely to be discovered.

27

1 42. Next, RMC Defendants and Filing Defendants sought out someone
2 willing to take responsibility for posting one or more of the allegedly defamatory
3 comments. They found these individuals in the Stooze Defendants.

4 43. It is unclear whether Stooze Defendants were actually responsible for
5 posting any of the allegedly defamatory statements at issue in any given fake
6 lawsuit. However, it is clear that they were not responsible for posting all of the
7 reviews on <pissedconsumer.com> and comments posted in response to the
8 reviews. Nonetheless, in each case the conspirators successfully used the scheme
9 to obtain an injunction ordering all of those reviews deindexed, which was
10 precisely their goal.

11 44. It is also not clear what RMC Defendants and Filing Defendants
12 offered the Stooze Defendants to secure their cooperation in their scheme to
13 remove First Amendment protected reviews from pissedconsumer.com.

14 45. Of course, the conspirators required a cooperating attorney willing
15 to file a bogus lawsuit on their behalf. Accordingly, they invited attorneys
16 Mark W. Lapham, Esq. and Owen T. Mascott, Esq. to join the conspiracy.
17 They accepted.

18 46. Like most review websites, the profitability of pissedconsumer.com is
19 directly tied to the amount of traffic the website receives. Also, like most websites,
20 individuals usually locate the website through the use of search engines such as
21 Google, Yahoo!, and Bing.

22 47. Many consumers considering the purchase of goods or services will
23 search for information about a company prior to purchasing good or services by
24 entering the name of the provider into a search engine. By causing the pages to
25 be deindex, Defendants deprived consumers of information posted about the
26 businesses and professionals benefited by these fake lawsuits, and thereby
27

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1 undermined the value of the <pissedconsumer.com> website to the consuming
2 public.

3 48. Defendants' actions caused further long term damage to
4 pissedconsumer.com by limiting the usefulness of the website to obtain
5 information about individuals and companies providing goods and services to the
6 consuming public.

7 **The Mattos Case**

8 49. ZCS, Inc. filed a bogus complaint against Collins Mattos in California
9 Superior Court for Contra Costa County, claiming that Mattos had posted
10 defamatory statements about ZCS, Inc./Nevada Corporate Headquarters on a
11 consumer gripe website operated by Plaintiff Consumer Opinion LLC.
12 (See Complaint in *ZCS, Inc. v. Mattos*, Case No. C16-00425 (hereinafter referred to
13 as the "Mattos Case"), attached hereto as **Exhibit 3.**)

14 50. In reality, the statements at issue concerned only Nevada Corporate
15 Headquarters.

16 51. Based on Nevada Corporate Headquarters' unsuccessful attempts
17 to remove reviews from Plaintiff's website in the past, Defendants understood that
18 Plaintiff would resist requests to have the statements removed, especially
19 statements that had not been adjudicated to be defamatory. Therefore, instead
20 of seeking removal of the statements, Nevada Corporate Headquarters
21 conspired with ZCS and Collins Mattos to file a sham lawsuit for the sole purpose
22 of entering a stipulated judgment and permanent injunction. According to the
23 scheme, the conspirators then delivered a copy of the stipulated judgment to
24 Google and other search engines demanding that they deindex all negative
25 reviews about Nevada Corporate Headquarters.

26 ...

27 ...

1 52. Plaintiff is informed and believes and based thereon alleges that
2 Defendant Doe Corporation, operating as a reputation management company,
3 conceived of the plan and organized the cooperation of ZCS, Collins Mattos, and
4 Mark W. Lapham to bring the plan to fruition.

5 53. Defendant ZCS, Inc. is an inactive California Corporation. Plaintiffs
6 are aware of no business operations of the company, other than standing in the
7 place of Nevada Corporate Headquarters in the underlying litigation. Nevada
8 Corporate Headquarters provides consulting services to businesses, including
9 providing information and offering assistance with incorporating businesses.

10 54. Since September 2010, four individuals have posted complaints
11 about Nevada Corporate Headquarters on pissedconsumer.com. Additionally,
12 twenty-nine comments have been posted in response to those four complaints.
13 The vast majority of the comments have been negative.

14 55. Plaintiff is informed and believes and based thereon alleges that at
15 the bequest of Defendant Doe Corporation and with the full cooperation of
16 Defendant Mattos, Mr. Lapham filed a complaint on behalf of ZCS, Inc. against
17 Collins Mattos for defamation. (See **Exhibit 3.**)

18 56. In the underlying action the conspirators sought *only* injunctive relief.
19 Specifically, the complaint requested an injunction that Collins be "prohibited
20 from creating statements about Plaintiff or its officers, managers, employees,
21 business partners, agents, servants, attorneys, representatives, products, goods or
22 services, which defame, disparage, or contain libelous statements about
23 Plaintiff," and that Mr. Collins be "ordered to take all action, including but not
24 limited to, requesting removal from the internet search engines including Google,
25 Yahoo!, and Bing, of all defamatory, disparaging, libelous, and false statements
26 about Plaintiff that Defendant has posted on the Internet."
27

1 57. Curiously, the prayer for relief did not request an order directing
2 Mr. Collins, to take all action to remove or request removal of the statements from
3 <pissedconsumer.com>. The conspirators did not want to bring the scheme to
4 the attention of anyone who would shine light on their unlawful actions.

5 58. Mr. Lapham filed the Complaint on March 2, 2016.

6 59. The next day, March 3, 2016, Mr. Lapham filed a Stipulation for Final
7 Judgment and Permanent Injunction with the Superior Court. A true and
8 complete copy of that Stipulation is attached hereto as Exhibit 4.

9 60. Having obtained a stipulated injunction from the Court, the
10 conspirators then approached various search engines including, on information
11 and belief, Google, Yahoo!, and Bing and requested that those search engines
12 deindex the pages of <pissedconsumer.com>. Instead of limiting the deindexing
13 to the pages that contained statements Mr. Collins claimed to have posted, the
14 request to deindex included all web pages with entries about Nevada Corporate
15 Headquarters.

16 61. By engaging in this scheme, Defendant Conspirators obtained a
17 court order under false pretenses and used the court order to persuade popular
18 search engines to deindex every statement about Nevada Corporate
19 Headquarters, including the First Amendment protected statements of opinion
20 and true fact posted by other individuals who were not a party to the underlying
21 action.

22 **The Radonich Case**

23 62. Hair Solutions filed a bogus complaint against John Radonich in
24 California Superior Court for Contra Costa County, claiming that Radonich had
25 posted defamatory statements about Hair Solutions/Atlantic Coast Media LLC on
26 a consumer gripe website operated by Plaintiff Consumer Opinion LLC.
27

1 (See case file in *Hair Solutions, Inc. v. Radonich*, Case No. C16-00011 (hereinafter
2 referred to as the "Radonich Case"), attached hereto as Exhibit 5.)

3 63. In reality, the statements at issue regarded only Keranique, a web site
4 and trademark owned and operated by Atlantic Coast Media.

5 64. Hair Solutions and Atlantic Coast Media understood that Plaintiff
6 would resist requests to have the statements removed, especially statements that
7 had not been adjudicated to be defamatory. Therefore, instead of seeking
8 removal of the statements, Atlantic Coast Media conspired with Hair Solutions
9 and Radonich to file a sham lawsuit for the sole purpose of entering a stipulated
10 judgment and permanent injunction. According to the scheme, the conspirators
11 then delivered a copy of the stipulated judgment to Google and other search
12 engines demanding that they deindex all negative reviews about Atlantic Coast
13 Media.

14 65. Plaintiff is informed and believes and based thereon alleges that
15 Defendant Doe Corporation, operating as a reputation management company,
16 conceived of the plan and organized the cooperation of Hair Solutions,
17 Radonich, and Owen T. Mascott to bring the plan to fruition.

18 66. Since September 2010, 865 individuals have posted complaints
19 about Keranique on <pissedconsumer.com>. Additionally, numerous comments
20 have been posted by third parties in response to those complaints. The majority
21 of the comments have been negative.

22 67. Plaintiff is informed and believes and based thereon alleges that at
23 the bequest of Defendant Doe Corporation and with the full cooperation of
24 Defendant Radonich, Mr. Mascott filed a complaint on behalf of Hair Solutions
25 against Radonich for defamation. (See Exhibit 5.)

26 68. In the underlying action the conspirators sought *only* injunctive relief.
27 Specifically, the complaint requested an injunction that Radonich be "ordered to

1 take all action, including but not limited to, requesting removal from the Internet
2 search engines including Google, Yahoo!, and Bing of all defamatory,
3 disparaging, libelous, and false statements about Plaintiff that Defendant has
4 posted on the Internet." (Exhibit 5.)

5 69. Mr. Mascott filed the Complaint on January 7, 2016.

6 70. Shortly thereafter, on January 13, 2016, Mr. Mascott filed a Stipulation
7 for Final Judgment and Permanent Injunction with the Superior Court, containing
8 a jurat from Radonich dated January 9, 2016. (See Exhibit 5.)

9 71. Having obtained a stipulated injunction from the Court, the
10 conspirators then approached various search engines including, on information
11 and belief, Google, Yahoo!, and Bing and requested that those search engines
12 deindex the pages of <pissedconsumer.com.> Instead of limiting the deindexing
13 to the pages that contained statements Radonich claimed to have posted, the
14 request to deindex included all web pages with entries about Keranique.

15 72. By engaging in this scheme, Defendant Conspirators obtained a
16 court order under false pretenses and used the court order to persuade popular
17 search engines to deindex every statement about Keranique, including the First
18 Amendment protected statements of opinion and true fact posted by other
19 individuals who were not a party to the underlying action.

20 **The Morean Case**

21 73. ADN, LLC filed a bogus complaint against Nicholas Morean in
22 California Superior Court for Contra Costa County, claiming that Morean had
23 posted defamatory statements about ADN/Attorney Dan Newlin³ on a consumer
24 gripe website operated by Plaintiff Consumer Opinion LLC. (See case file in
25

26 ³ ADN appears to be a non-existent entity used solely for the purpose of initiating
27 the Morean Case. In fact, "ADN" appears to an initialism for "Attorney Dan
Newlin," making the fraudulent purpose of Defendant ADN even more apparent.

1 ADN, LLC v. Morean, Case No. C16-00119 (hereinafter referred to as the "Morean
2 Case"), attached hereto as Exhibit 6.)

3 74. In reality, the statements at issue regarded only Dan Newlin, an
4 attorney located in Orlando, Florida.

5 75. ADN and Newlin understood that Plaintiff would resist requests to
6 have the statements removed, especially statements that had not been
7 adjudicated to be defamatory. Therefore, instead of seeking removal of the
8 statements, Newlin conspired with ADN and Morean to file a sham lawsuit for the
9 sole purpose of entering a stipulated judgment and permanent injunction.
10 According to the scheme, the conspirators then delivered a copy of the
11 stipulated judgment to Google and other search engines demanding that they
12 deindex all negative reviews about Newlin.

13 76. Plaintiff is informed and believes and based thereon alleges that
14 Defendant Doe Corporation, operating as a reputation management company,
15 conceived of the plan and organized the cooperation of ADN, Morean, and
16 Owen T. Mascott to bring the plan to fruition.

17 77. Since November 2014, 59 individuals have posted complaints about
18 Newlin on pissedconsumer.com. Additionally, numerous comments have been
19 posted in response to those complaints.

20 78. Plaintiff is informed and believes and based thereon alleges that at
21 the bequest of Defendant Doe Corporation and with the full cooperation of
22 Defendant Morean, Mr. Mascott filed a complaint on behalf of ADN against
23 Morean for defamation. (See Exhibit 6.)

24 79. In the underlying action the conspirators sought only injunctive relief.
25 Specifically, the complaint requested an injunction that Morean be "ordered to
26 take all action, including but not limited to, requesting removal from the Internet
27 search engines including Google, Yahoo!, and Bing of all defamatory,

1 disparaging, libelous, and false statements about Plaintiff that Defendant has
2 posted on the Internet." (Exhibit 6.)

3 80. Mr. Mascott filed the Complaint on February 2, 2016.

4 81. Two days later, on February 4, 2016, Mr. Mascott filed a Stipulation for
5 Final Judgment and Permanent Injunction with the Superior Court. (See Exhibit 6.)

6 82. Having obtained a stipulated injunction from the Court, the
7 conspirators then approached various search engines including, on information
8 and belief, Google, Yahoo!, and Bing and requested that those search engines
9 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to
10 the pages that contained statements Morean claimed to have posted, the
11 request to deindex included all web pages with entries about Newlin.

12 83. By engaging in this scheme, Defendant Conspirators obtained a
13 court order under false pretenses and used the court order to persuade popular
14 search engines to deindex every statement about Newlin, including the First
15 Amendment protected statements of opinion and true fact posted by other
16 individuals who were not a party to the underlying action

17 **The Stroman Case**

18 84. RepDefense Solutions, Inc. filed a bogus complaint against Demoin
19 Stroman III in California Superior Court for Contra Costa County, claiming that
20 Stroman had posted defamatory statements about RepDefense/
21 ReputationDefender on a consumer gripe website operated by Plaintiff
22 Consumer Opinion LLC. (See case file in RepDefense Solutions, Inc. v. Stroman,
23 Case No. C16-00205 (hereinafter referred to as the "Stroman Case"), attached
24 hereto as Exhibit 7.)

25 85. In reality, the statements at issue regarded only ReputationDefender,
26 a Delaware business operating in California that offers "reputation management"
27 services.

1 86. RepDefense and Stroman understood that Plaintiff would resist
2 requests to have the statements removed, especially statements that had not
3 been adjudicated to be defamatory. Therefore, instead of seeking removal of
4 the statements, ReputationDefender conspired with RepDefense and Stroman to
5 file a sham lawsuit for the sole purpose of entering a stipulated judgment and
6 permanent injunction. According to the scheme, the conspirators then delivered
7 a copy of the stipulated judgment to Google and other search engines
8 demanding that they deindex all negative reviews about ReputationDefender.

9 87. Plaintiff is informed and believes and based thereon alleges that
10 Defendant Doe Corporation, operating as a reputation management company,
11 conceived of the plan and organized the cooperation of RepDefense, Stroman,
12 and Owen T. Mascott to bring the plan to fruition.

13 88. Since March 2010, seven individuals have posted complaints about
14 ReputationDefender on pissedconsumer.com. Additionally, 13 comments have
15 been posted in response to those complaints. The vast majority of these reviews
16 are negative.

17 89. Plaintiff is informed and believes and based thereon alleges that at
18 the bequest of Defendant Doe Corporation and with the full cooperation of
19 Defendant Stroman, Mr. Mascott filed a complaint on behalf of RepDefense
20 against Stroman for defamation. (See Exhibit 7.)

21 90. In the underlying action the conspirators sought *only* injunctive relief.
22 Specifically, the complaint requested an injunction that Morean be "ordered to
23 take all action, including but not limited to, requesting removal from the Internet
24 search engines including Google, Yahoo!, and Bing of all defamatory,
25 disparaging, libelous, and false statements about Plaintiff that Defendant has
26 posted on the Internet." (Exhibit 7.)

27 91. Mr. Mascott filed the Complaint on February 2, 2016.

1 92. Two days later, on February 4, 2016, Mr. Mascott acquired a jurat from
2 Stroman admitting to all the allegations in the complaint, and received a Final
3 Judgment and Permanent Injunction on February 10, 2016. (See Exhibit 7.)

4 93. Having obtained a stipulated injunction from the Court, the
5 conspirators then approached various search engines including, on information
6 and belief, Google, Yahoo!, and Bing and requested that those search engines
7 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to
8 the pages that contained statements Stroman claimed to have posted, the
9 request to deindex included all web pages with entries about
10 ReputationDefender.

11 94. By engaging in this scheme, Defendant Conspirators obtained a
12 court order under false pretenses and used the court order to persuade popular
13 search engines to deindex every statement about ReputationDefender, including
14 the First Amendment protected statements of opinion and true fact posted by
15 other individuals who were not a party to the underlying action

16 **The Lebron Case**

17 95. Majestic Vacations, LLC filed a bogus complaint against Angelica
18 Lebron in California Superior Court for Contra Costa County, claiming that Lebron
19 had posted defamatory statements about Majestic Vacations/Bluegreen
20 Corporation on a consumer gripe website operated by Plaintiff Consumer
21 Opinion LLC. (See case file in *Majestic Vacations, LLC v. Angelica Lebron*, Case
22 No. C16-00319 (hereinafter referred to as the "Lebron Case"), attached hereto as
23 Exhibit 8.)

24 96. In reality, the statements at issue regarded only Bluegreen Resorts, a
25 name under which Defendant Bluegreen Corporation provides hospitality
26 services.

1 97. Majestic Vacations and Bluegreen understood that Plaintiff would
2 resist requests to have the statements removed, especially statements that had
3 not been adjudicated to be defamatory. Therefore, instead of seeking removal
4 of the statements, Bluegreen conspired with Majestic Vacations to file a sham
5 lawsuit for the sole purpose of entering a stipulated judgment and permanent
6 injunction. According to the scheme, the conspirators then delivered a copy of
7 the stipulated judgment to Google and other search engines demanding that
8 they deindex all negative reviews about Bluegreen.

9 98. Plaintiff is informed and believes and based thereon alleges that
10 Defendant Doe Corporation, operating as a reputation management company,
11 conceived of the plan and organized the cooperation of Majestic Vacations,
12 Lebron, and Mark W. Lapham to bring the plan to fruition.

13 99. 707 individuals have posted complaints about Bluegreen on
14 pissedconsumer.com. Additionally, numerous comments have been posted in
15 response to those complaints. The majority of these reviews are negative.

16 100. Plaintiff is informed and believes and based thereon alleges that at
17 the bequest of Defendant Doe Corporation and with the full cooperation of
18 Defendant Lebron, Mr. Lapham filed a complaint on behalf of Majestic Vacations
19 against Lebron for defamation. (See Exhibit 8.)

20 101. In the underlying action the conspirators sought *only* injunctive relief.
21 Specifically, the complaint requested an injunction that Lebron be "ordered to
22 take all action, including but not limited to, requesting removal from the Internet
23 search engines including Google, Yahoo!, and Bing of all defamatory,
24 disparaging, libelous, and false statements about Plaintiff that Defendant has
25 posted on the Internet." (Exhibit 8.)

26 102. Mr. Lapham filed the Complaint on February 22, 2016.
27

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1 103. On March 2, 2016, Mr. Lapham filed a Stipulation for Final Judgment
2 and Permanent Injunction with the Superior Court.

3 104. Having obtained a stipulated injunction from the Court, the
4 conspirators then approached various search engines including, on information
5 and belief, Google, Yahoo!, and Bing and requested that those search engines
6 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to
7 the pages that contained statements Lebron claimed to have posted, the
8 request to deindex included all web pages with entries about Bluegreen.

9 105. By engaging in this scheme, Defendant Conspirators obtained a
10 court order under false pretenses and used the court order to persuade popular
11 search engines to deindex every statement about Bluegreen, including the First
12 Amendment protected statements of opinion and true fact posted by other
13 individuals who were not a party to the underlying action

14 **The Martin Case**

15 106. A&D International filed a bogus complaint against Tarra Martin in
16 California Superior Court for Contra Costa County, claiming that Martin had
17 posted defamatory statements about A&D/Agora Financial, LLC on a consumer
18 gripe website operated by Plaintiff Consumer Opinion LLC. (See case file in A&D
19 *International v. Martin*, Case No. C16-00353 (hereinafter referred to as the "Martin
20 Case"), attached hereto as **Exhibit 9**.)

21 107. In reality, the statements at issue regarded only Agora Financial, a
22 financial services company in Maryland.

23 108. A&D and Agora understood that Plaintiff would resist requests to
24 have the statements removed, especially statements that had not been
25 adjudicated to be defamatory. Therefore, instead of seeking removal of the
26 statements, Agora conspired with A&D and Martin to file a sham lawsuit for the
27 sole purpose of entering a stipulated judgment and permanent injunction.

1 According to the scheme, the conspirators then delivered a copy of the
2 stipulated judgment to Google and other search engines demanding that they
3 deindex all negative reviews about Agora.

4 109. Plaintiff is informed and believes and based thereon alleges that
5 Defendant Doe Corporation, operating as a reputation management company,
6 conceived of the plan and organized the cooperation of A&D, Martin, and Mark
7 W. Lapham to bring the plan to fruition.

8 110. Since October 2010, 68 individuals have posted complaints about
9 Agora on pissedconsumer.com. Additionally, numerous comments have been
10 posted in response to those complaints. The vast majority of these reviews are
11 negative.

12 111. Plaintiff is informed and believes and based thereon alleges that at
13 the bequest of Defendant Doe Corporation and with the full cooperation of
14 Defendant Martin, Mr. Lapham filed a complaint on behalf of A&D against Martin
15 for defamation. (See Exhibit 9.)

16 112. In the underlying action the conspirators sought *only* injunctive relief.
17 Specifically, the complaint requested an injunction that Morean be "ordered to
18 take all action, including but not limited to, requesting removal from the Internet
19 search engines including Google, Yahoo!, and Bing, of all defamatory,
20 disparaging, libelous, and false statements about Plaintiff that Defendant has
21 posted on the Internet." (Exhibit 9.)

22 113. Lapham filed the Complaint on February 22, 2016.

23 114. Three days later, on February 26, 2016, Mr. Mascott filed a Stipulation
24 for Final Judgment and Permanent Injunction with the Superior Court. (See
25 Exhibit 9.)

26 115. Having obtained a stipulated injunction from the Court, the
27 conspirators then approached various search engines including, on information

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1 and belief, Google, Yahoo!, and Bing and requested that those search engines
2 deindex the pages of pissedconsumer.com. Instead of limiting the deindexing to
3 the pages that contained statements Martin claimed to have posted, the request
4 to deindex included all web pages with entries about Agora.

5 116. By engaging in this scheme, Defendant Conspirators obtained a
6 court order under false pretenses and used the court order to persuade popular
7 search engines to deindex every statement about Agora, including the First
8 Amendment protected statements of opinion and true fact posted by other
9 individuals who were not a party to the underlying action

10 **FIRST CLAIM FOR RELIEF**

11 **Unlawful, Unfair, and Fraudulent Business Practice under**
12 **California Business and Professions Code § 17200**
13 **(Against All Defendants)**

14 117. Plaintiff incorporates by reference each of the preceding
15 paragraphs of this Complaint as though fully set forth herein, in support of this
16 claim.

17 118. The acts and conduct of Defendants, and each of them as alleged
18 above in this Complaint constitute unlawful, unfair, and/or fraudulent business
19 acts or practices as defined by California Business and Professions Code § 17200
20 *et seq.*

21 119. Defendants' acts of unlawful, unfair, and fraudulent competition
22 have caused harm to competition, to consumers, to the competitors of the
23 business defendants, and to Plaintiff.

24 120. Defendants' acts of unlawful, unfair, and fraudulent competition
25 have proximately caused Plaintiff to suffer injury in fact and loss of money and/or
26 property (including as a result of expenses that Plaintiff has and will incur in its
27

1 efforts to prevent and deter Defendants from engaging in unlawful conduct) in
2 an amount to be proven at trial.

3 121. Defendants' acts of unlawful, unfair, and fraudulent competition
4 have also caused irreparable and incalculable injury to Plaintiff, its business, and
5 its good will, and unless enjoined, could cause further irreparable and
6 incalculable injury, whereby Plaintiff has no adequate remedy at law.

7 **SECOND CLAIM FOR RELIEF**
8 **Abuse of Process**
9 **(Against All Defendants)**

10 122. Plaintiff incorporates by reference each of the preceding
11 paragraphs of this Complaint as though fully set forth herein, in support of this
12 claim.

13 123. Acting in concert, Defendants, and each of them, filed the Mattos
14 Case, the Radonich Case, the Morean Case, the Stroman Case, the Lebron Case,
15 and the Martin Case in the Superior Court of the State of California for the County
16 of Contra Costa.

17 124. Defendants did not file the above described actions for the purpose
18 of determining the liability of the Stooze Defendants or assessing an amount of
19 damages. Rather, the Defendants filed the complaints for the purpose of
20 obtaining a court order to serve on third party search engines such as Google in
21 order to persuade those search engines to deindex portions of Plaintiff's website.
22 Defendants filed the actions to avoid the adversarial process ordinarily involved
23 in litigation.

24 125. As a result of Defendants' unlawful acts, Plaintiff Consumer
25 Opinion LLC was damaged. Specifically, for a time when individuals searched for
26 information about the beneficiaries of the fake lawsuits, search engines no longer
27 produced any results indicating that consumers had posted information about

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1 the beneficiaries on the pissedconsumer.com website. Those consumers did not
2 proceed to pissedconsumer.com and did not learn of the negative reviews.

3 126. Defendants' conduct as described herein was a substantial factor in
4 causing harm to Plaintiff.

5 **THIRD CLAIM FOR RELIEF**
6 **CIVIL CONSPIRACY**
7 **(Against All Defendants)**

8 127. Plaintiff incorporates by reference each of the preceding
9 paragraphs of this Complaint as though fully set forth herein, in support of this
10 claim.

11 128. Defendants, and each of them, conspired, confederated, and
12 colluded with the other defendants to engage in the above described scheme
13 which constitutes a fraudulent and unfair business practice and an abuse of legal
14 process to Defendants' economic benefit and Plaintiff's economic harm.

15 129. Defendants, and each of them took affirmative steps to advance the
16 conspiracy by taking part in the fraudulent litigation designed to have complaints
17 deindexed.

18 130. Plaintiff is informed and believes and based thereon alleges that
19 Defendants Doe Corporations conceived and organized the scheme to file
20 bogus legal actions in order to obtain an injunction designed to deceive search
21 engines and trick them into deindexing pages of pissedconsumer.com webpages
22 containing legitimate consumer reviews. Defendants Doe Corporations
23 engaged in these actions with full knowledge that those actions and the actions
24 of its fellow conspirators would cause harm to Plaintiff.

25 131. Plaintiff is informed and believes and based there on alleges that
26 Defendants ZCS, Inc.; Hair Solutions, Inc.; ADN, LLC; Repdefense Solutions, Inc.;
27 Majestive Vacations, LLC; and A&D International, LLC, stood in the place of the

1 actual targets of the reviews in question in the fake lawsuits and the actual
2 beneficiaries of them. They did so for financial gain, knowing that they were
3 abusing the legal process. Filing Defendants engaged in these actions with full
4 knowledge that their actions and the actions of their fellow conspirators would
5 cause harm to Plaintiff.

6 132. Plaintiff is informed and believes and based there on alleges that
7 Stooge Defendants stood in the place of one or more individuals who actually
8 posted comments claimed to be defamatory in the underlying litigation. Stooge
9 Defendants participated in the plan and allowed the underlying action to be filed
10 even though they had already agreed to settle any claims against them. They
11 did so to advance their own pecuniary interests and with the full knowledge that
12 their actions and the actions of their fellow conspirators would cause harm to
13 Plaintiff.

14 133. Plaintiff is informed and believes and based thereon alleges that
15 Defendant Mark W. Lapham filed the Mattos Case, the Lebron Case, and the
16 Martin Case, while Defendant Owen T. Mascott filed the Radonich Case, the
17 Morean Case, and the Stroman Case, knowing that these actions were shams,
18 that the real parties had already resolved any actual disputes, and that the
19 lawsuits were being filed solely for the purpose of obtaining court orders to deliver
20 to search engines in order to deceive them into deindexing legitimate consumer
21 reviews residing on pissedconsumer.com. They did so to advance their own
22 pecuniary interests and with the full knowledge that their actions and the actions
23 of their fellow conspirators would cause harm to Plaintiff.

24 134. Accordingly, all Defendants are jointly and severally liable for the
25 actions of their co-conspirators.

26 ...

27 ...

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the following relief:

- 1) General damages based on Defendants' conduct as alleged herein in an amount to be determined at trial;
- 2) Punitive damages based on Defendants' willful, malicious, intentional, and deliberate acts in an amount to be determined at trial;
- 3) Prejudgment and post-judgment interest at the rate allowed by law;
- 4) Reasonable attorney's fees and expenses of litigation;
- 5) Injunctive relief prohibiting Defendants from continuing to engage in unlawful, unfair, and/or fraudulent business acts or practices and abuse of process as described above in this Complaint; and
- 6) All other relief to which Plaintiff may be entitled.

Dated: October 21, 2016.

Respectfully Submitted,

/s/ Marc J. Randazza

Marc J. Randazza

D. Gill Sperlein

Alex J. Shepard

RANDAZZA LEGAL GROUP, PLLC

Attorneys for Plaintiff

Consumer Opinion LLC

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PODCAST

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Bogus Defamation Lawsuit With Fake Defendant Results In Negative Reviews Of Dentist Being Taken Down

from the *yet-another-abuse-of-the-legal-system* dept

Earlier this year, complaint site Pissed Consumer noticed a disturbing new trend in the dark art of reputation management: unnamed rep management firms were using a couple of lawyers to run bogus defamation lawsuits through a local court to obtain court orders demanding the removal of "defamatory" reviews.

What was unusual wasn't the tactic itself. Plenty of bogus defamation lawsuits have been filed over negative reviews. It's that *these* lawsuits were resolved so quickly. Within a few weeks of the initial filing, the lawsuit would be over. Each lawsuit improbably skipped the discovery process necessary to uncover anonymous reviewers and proceeded straight to judgment with a (bogus) confessional statement from each "reviewer" handed in by the "defamed" entity's lawyer for the judge's approval. Once these were rubber stamped by inattentive judges, the lawyers served Google with court orders to delist the URLs.

To date, no one has uncovered the reputation management firm behind the bogus lawsuits. In each case, the companies purporting to be represented by these lawyers were shells -- some registered as businesses on the *same day* their lawsuits were filed.

It's one thing to do this sort of thing from behind the veil of quasi-anonymity afforded by the use of shell companies. It's quite another to file a bogus lawsuit with an apparently forged signature (of the supposed defamer) under your own name. But that's exactly what appears to have happened, as detailed in this post by Public Citizen's Paul Alan Levy.

In addition to posting his reviews of Mitul Patel on Yelp, [Matthew] Chan posted on RateMDs, kudzu.com and Healthgrades.com about his unsatisfactory experiences with Dr. Patel. Chan's is but one of a number of negative reviews directed at Patel on these various sites, but Patel apparently took particular umbrage at this one: he filed a pro se libel action claiming, in highly conclusory terms, that the reviews were false and defamatory.

It doesn't get much more conclusory than this filing [PDF], which runs only three pages -- with one page containing nothing more than a date and a signature. The complaint lists the URLs of Chan's reviews, says they're defamatory... and that's basically it. No part of the reviews are quoted as evidence of defamation. The filing simply declares every review defamatory and demands an injunction. But that's the kind of detail you can omit when you know you're never going to have to confront the accused in court.

[I]nstead of suing Chan in Georgia, Patel filed in the circuit court for the city of Baltimore, Maryland, a court that would ordinarily have no personal jurisdiction over a Georgia consumer sued for criticizing a Georgia dentist. Patel justified suing there by identifying "Mathew Chan" as the defendant - note that the spelling of the given name is slightly different - and alleging that this Mathew Chan "maintains a primary residence located in Baltimore, Maryland."

There's a problem with both the defendant named and the primary address. The name is misspelled, perhaps deliberately so. The address listed in the complaint is completely bogus.

The fact that the both the online docket for the case, and the "consent motion for injunction and final judgment" bearing a signature for "Mathew Chan," list his address as 400 East Pratt St. in Baltimore implies to me that this is a case of deliberate fraud, because so far as I have been able to determine, 400 East Pratt Street is a downtown building that contains only offices, retail establishments and restaurants, but no residences.

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Despite these deficiencies, the lawsuit made it past a judge because it contained a supposed *mea culpa* from "Mathew Chan" of "400 East Pratt Street" admitting to the defamatory postings. This motion with the bogus signature and admission was approved by judge Philip S. Jackson, who also instructed "Mathew Chan" to issue notices to search engines to delist the URLs if removing the original reviews proved impossible.

The real Matthew Chan -- who posted the reviews -- had never heard of the lawsuit until *after* the injunction had already been approved and served. Yelp notified him of the court order it had received. Chan, who still lives in Georgia as far as he can tell, informed Yelp of the situation and the review site decided to reinstate his review. Other sites, however, took the order at face value and removed the reviews. It appears Yelp was the only site to reach out to Chan when presented with the court order -- something that doesn't exactly bode well for users of other review sites. If sites protected by Section 230 are in this much of a hurry to remove content, they're really not the best venues for consumers' complaints.

Somewhat surprisingly, Levy received a response (of sorts) from Mitul Patel's lawyer. They claim this is the first they've heard of the lawsuit filed in Patel's name targeting negative reviews of Patel's dentistry. This wasn't delivered in a comment or statement, but rather in the form of a retraction demand [PDF]. The opening paragraphs are inadvertently hilarious.

This letter is to advise you that I have been retained to represent Mitul Patel, DDS, regarding the contents of your blog, dated Friday, August 19, 2016, entitled "Georgia Dentist Mitul Patel Takes Phony Litigation Scheme to New Extremes Trying to Suppress Criticism".

Based upon a review of your blog, which has unfortunately gone viral, please be advised that the contents of your blog are grossly inaccurate, factually incorrect, and were obviously written for no other purpose but to gain publicity for your blog, and to willfully damage the name and reputation of Dr. Patel.

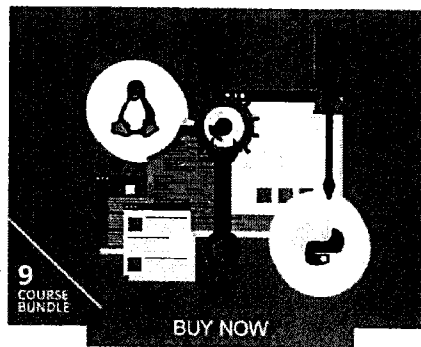
First, there's the pain of being Streisanded, embodied in the phrase "has unfortunately gone viral." That's the sort of thing that happens when negative reviews are mysteriously injunctioned into the cornfield. Then there's the stupid accusation the Streisanded hurl at those who expose questionable -- and possibly fraudulent -- behavior: that it was motivated by a thirst for internet points. The first statement is merely sad. The second is mostly just tiresome.

The retraction demand goes on to claim that this is the first Mitul Patel has heard of the lawsuit (filed in his name) as well. While this would seem unlikely, Levy points out that a reputation management company could have created plausible deniability by filing a pro se lawsuit under Patel's name (its own kind of fraud) but without notifying him that this is how it poorly and illegally handles its reputation-scrubbing duties. Unfortunately for Patel, whoever was hired to do this has done further damage to the dentist's reputation while presumably charging him for making things better.

Levy, of course, will not be retracting the post. His response to the demand letter points out that it's rather curious no disavowal was made until *after* the blog post "unfortunately went viral."

I was not persuaded, however, by your suggestion that I should "retract" the blog post or apologize for it. After all, you acknowledge that much of what I had to say on the blog was true. But I also have qualms about your assertion that, before my blog post was published, Patel had no knowledge of the lawsuit in Baltimore, for two reasons. First, in the course of investigating before I published my article, I obtained from Yelp copies of emails from Mitul Patel to Yelp, attaching the Baltimore court order and asking that Chan's Yelp comments be deleted. I attach the copies of these emails. Yelp has told me that Patel used [email address retracted], the same email address that [rest of sentence retracted]. Unless the email addresses were spoofed, those emails suggest that your client knew about the court order and was trying to take advantage of it.

Moreover, before I posted my article on the blog, I placed two telephone calls to



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Jeffrey Nonken: Sigh. Sucks on mobile. Aww, you beat me to it. Andrew has named and shamed you, Mike. you "anti-copyright activist and blogger" you.

I'll do it after I get to work, and dig up the article ... and after I'm on a real computer.

Done.
In case it wasn't clear, I did what Mr. Franklin requested and added a comment with a link back.

And how uncharitable for you to suggest it was deliberate, and not apply Hanlon's Razor! Tsk. Surely it was an oversight.

TheResidentSkeptic: @Mike - you should comment on his post - and include the color of

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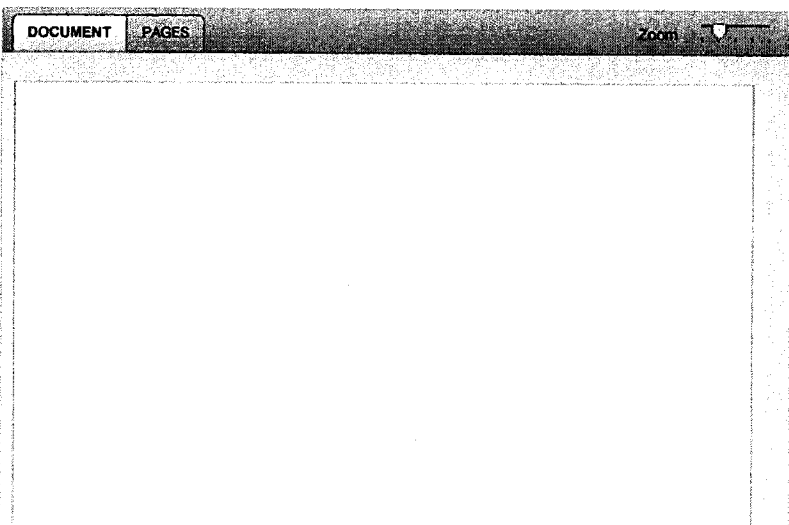
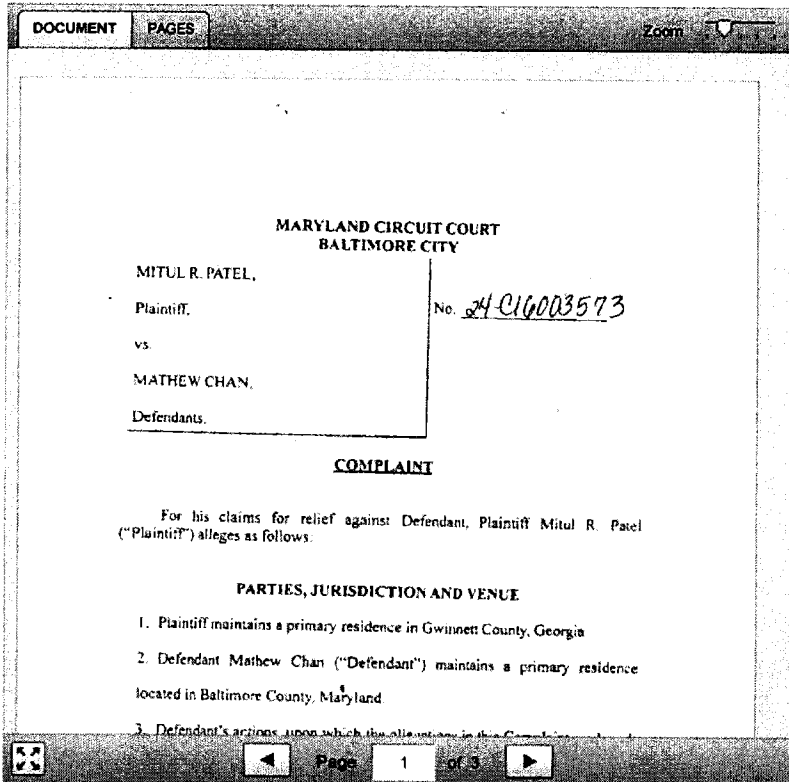
Wednesday

- 09:30 Conspiracy Theories Run Amok Over Copyright Office Executive Changes (0)
- 08:27 Only Thing 'Exposed' By Bad Reporting About Russia/Trump Link Is Malware Researchers' Unethical Behavior (6)
- 06:29 FCC Lends Support To Google Fiber, Louisville In Fight To Access AT&T Utility Poles (9)
- 03:32 Chinese Innovation: Nude Photo Loan Platform Adds Uber-Style Debt Collectors Feature (12)

Patel's dental clinic to try to speak with him about the lawsuit; I told his receptionist why I was calling. In addition, on Wednesday, August 17, I sent your client an email message mentioning his lawsuit against Chan and spelling out my concerns. Although he did not call me back and did not reply to the email, I trust he saw the messages before I published my article on Friday.

Levy goes on to point out that it seems strange someone or some company would pay a \$165 filing fee to file a bogus defamation lawsuit for Patel without ever informing him it was doing so. The only motivation possible would be a shady reputation management company engaging in shadier tactics because Patel's paying it more than it's shelling out in filing fees. Levy has requested Patel provide him the name of anyone he's hired to do reputation cleanup work or perform SEO optimization on his behalf.

So, it's not just DMCA notices being abused to "protect" dishonest entities' reputations. It's also the legal system, where there's very little compelling lower level judges to spend a few minutes scrutinizing bare bones complaints (and injunction motions) handed to them by shady plaintiffs.



Tuesday

- 23:24 Video Game Voice Actor Strike Devolves Into Petty Trademark Dispute (9)
- 16:30 YouTube Finally Buries The Hatchet With GEMA, Meaning People In Germany Can Watch Videos Again (11)
- 14:45 If You Want To Believe This Country Is Falling Apart, Just Ask Those Who Are Supposed To Be Keeping It Together (15)
- 12:45 Techdirt Podcast Episode 97: Can Tech Be Trusted Without Antitrust? (4)
- 11:43 Canada To Debate Banning 'Zero Rating' This Week (12)
- 10:48 Canadian Police Use Cell Tower Dumps To Text 7,500 Possible Murder Witnesses (23)

More

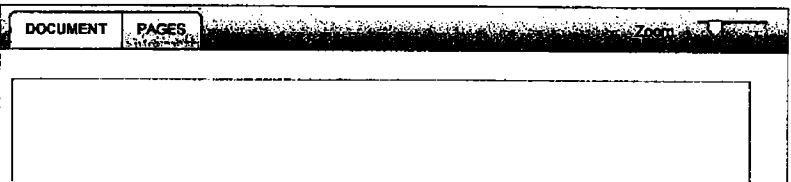
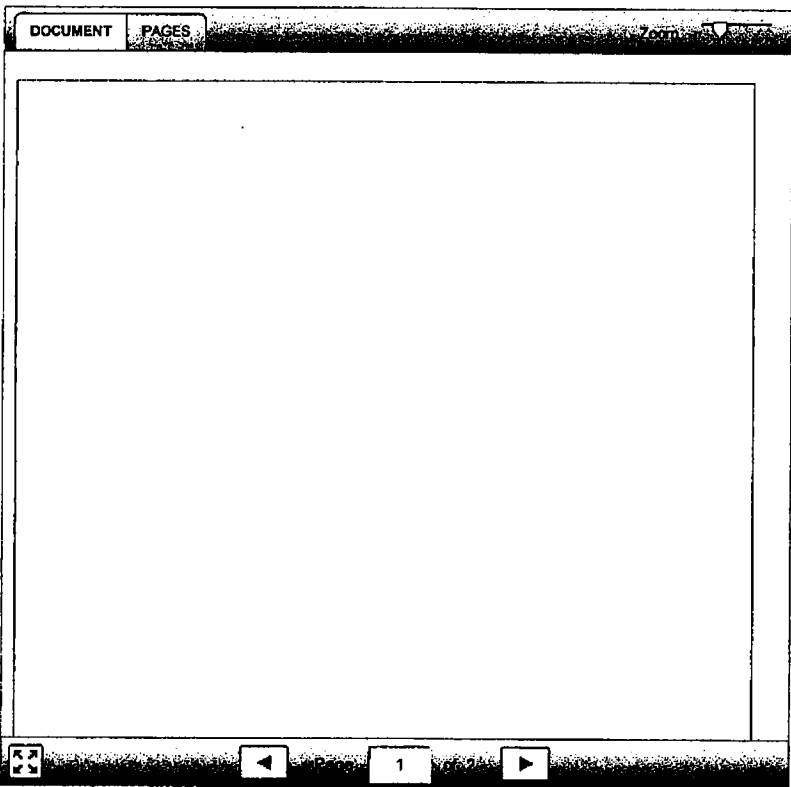
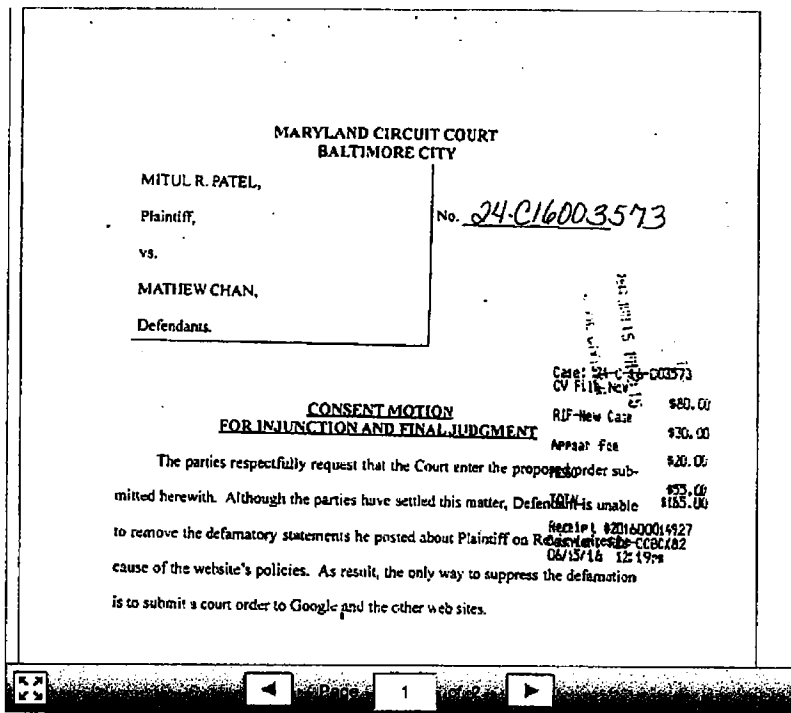
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MARYLAND CIRCUIT COURT
BALTIMORE CITY

MITUL R. PATEL,

Plaintiff,

vs.

MATHEW CHAN,

Defendants.

No. 24-C-16-003573

**ORDER GRANTING CONSENT MOTION
FOR INJUNCTION AND FINAL JUDGMENT**

The parties having filed a Consent Motion for Injunction and Final Judgment, and therefore, good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court finds that Defendant Mathew Chan ("Defendant") posted false and defamatory statements about Plaintiff Mitul R. Patel ("Plaintiff") on the following webpage(s): <http://www.healthgrades.com/dentist/dr-mitul-patel-jkvvh>, <http://www.ratemds.com/doctor-ratings/2637312/Dr-MITUL-92RR-PATEL-SUWANEE-GA.html>, <http://www.kudzu.com/m/DrMitul-PatelDDS-30366893>, <http://www.sscpa.com/biz/family-and-cosmetic-dental-care-suwanee-2>, <https://www.doctor-qa.com/584203-suwanee-dentist-dr>

[Redacted]

[Redacted]

OBERMAN LAW FIRM

147 Lee Byrd Road
Walton Place
Loganville, Georgia 30052
A Professional Corporation

www.obermanlaw.com

Stuart J. Oberman
Lairon A. Mansour (GA & SC)

Telephone (770) 554-1480
Facsimile (770) 554-3534

Of Counsel
James A. Hinkle (GA, DC & VA)

August 22, 2016

VIA UPS OVERNIGHT MAIL AND EMAIL (PLEVY@CITIZEN5.ORG)

Paul Alan Levy, Esq.
Public Citizen Litigation Group
1600 20th Street, NW
Washington, D.C. 20009

RE: My Client: Dr. Mitul Patel

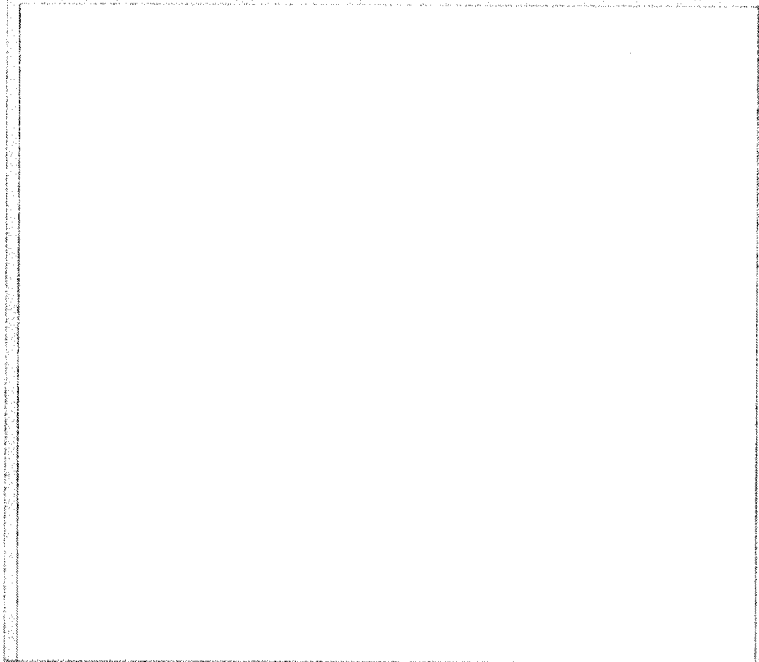
Dear Mr. Levy:

This letter is to advise you that I have been retained to represent Mitul Patel, DDS, regarding the contents of your blog, dated Friday, August 19, 2016, entitled "Georgia Dentist Mitul Patel Takes Phony Litigation Scheme to New Extremes Trying to Suppress Criticism".

Based upon a review of your blog, which has unfortunately gone viral, please be advised that the contents of your blog are grossly inaccurate, factually incorrect, and were obviously written for no other purpose but to gain publicity for your blog, and to willfully damage the name and reputation of Dr. Patel.

Prior to your blog being published, Dr. Patel had no knowledge whatsoever regarding the lawsuit that was filed in the Maryland Circuit Court, Mitul R. Patel vs. Mathew Chan, No. 24-C16003573.

Dr. Patel never filed the Complaint, never signed the Complaint, and never authorized any individual or company to file the Complaint on his behalf. Nor would Dr. Patel ever authorize such a Complaint to be filed on his behalf. Furthermore, Dr. Patel never signed the Consent Motion



39 Comments | Leave a Comment



PUBLIC CITIZEN LITIGATION GROUP

FACD 2074 STREET, N.W.
WASHINGTON, D.C. 20004-1001
(202) 546-0000

BY EMAIL TO [REDACTED]

August 22, 2016

Stuart J. Oberman, Esquire
Oberman Law Firm
Walton Place
147 Lee Byrd Road
Loganville, Georgia 30052

Dear Mr. Oberman:

Thanks for your letter today. The gist is that you agree that the lawsuit against Matthew Chan was a fraud, but you contend that not only Chan but Mitul Patel as well is a victim of the fraud. In effect, you are contending that I was tricked by this fraud into wrongly portraying your client, Mitul Patel, as being responsible for the suit.

I am glad to post your letter on our blog, as you request. I'll also put you in touch with Matthew Chan's lawyer so that you can stipulate to having the injunction vacated and the lawsuit dismissed.

I was not persuaded, however, by your suggestion that I should "retract" the blog post or apologize for it. After all, you acknowledge that much of what I had to say on the blog was true. But I also have qualms about your assertion that, before my blog post was published, Patel had no knowledge of the lawsuit in Baltimore, for two reasons. First, in the course of investigating before I published my article, I obtained from Yelp copies of emails from Mitul Patel to Yelp, attaching the Baltimore court order and asking that Chan's Yelp comments be deleted. I attach the copies of these emails. Yelp has told me that Patel used [REDACTED] the same email address that [REDACTED]. Unless the email addresses were spoofed, those emails suggest that your client knew about the court order and was trying to take advantage of it.

Moreover, before I posted my article on the blog, I placed two telephone calls to Patel's dental clinic to try to speak with him about the lawsuit; I told his receptionist why I was calling. In addition, on Wednesday, August 17, I sent your client an email message mentioning his lawsuit against Chan and spelling out my concerns. Although he did not call me back and did not reply to the email, I must have seen the messages before I published my article on Friday.



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

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1.  **Norahc**
 Govern yours
 Prenda appears you may gover
 Now all we nee



current reputation mismanagement schemes.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

2.  Anonymous Coward, Aug 24th, 2016 @ 10:47am 

What happens to a lawyer who is found guilty of fraud perpetrated upon the court?



[[reply to this](#) | [link to this](#) | [view in thread](#)]

3.  Anonymous Coward, Aug 24th, 2016 @ 10:52am 

Re:

He gets a job in Congress.



[[reply to this](#) | [link to this](#) | [view in thread](#)]

4.  DB (profile), Aug 24th, 2016 @ 10:58am 

OK, someone committed a fraud upon the courts in Mr Patel's name.


Has his lawyer notified the court so that the order may be vacated? Doesn't his lawyer have a responsibility to do so immediately? Not eventually, not in due course, but as soon as practical.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

5.  TasMot (profile), Aug 24th, 2016 @ 11:05am 

Baltimore - the East Texas of Reputation Management.....

[[reply to this](#) | [link to this](#) | [view in thread](#)]


6.  Anonymous Coward, Aug 24th, 2016 @ 11:21am 

Well, I can't say it's impossible that the guy is telling the truth about not filing the lawsuit. If someone was willing to fraudulently claim to be the defendant, it's not out of the question that they'd also forge the plaintiff's signature.

But it seems like a few steps could be taken, like finding out whose fingerprints are on the original copy, whether the signature matches known signatures of the plaintiff, and to what address (or email address/IP address) the court orders and filings were sent.

There's no way that this isn't a crime. Some resources should be spent figuring out who did it.

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7.  **That Anonymous Coward** (profile), Aug 24th, 2016 @ 11:35am



In the ancient world, if you stole they took a hand... we got better at balancing things. One would have to assume that as bars are loathe to actually punish those they allegedly oversee, that the lack of punishment emboldens them to violate the rules.

It seems to be a common thing nowadays.


We see criminals with badges allowed to retire rather than face charges or punishment.

We see lawyers violate the rights of the accused & railroad them to jail and its unheard of for them to be called out.

We see people screwed by the system, getting the final fuck you as they pass laws to offer compensation but capping it so low or make the hurdles so high that it isn't compensation but more punishment for making the powers that be look bad.

I can seed a crappy movie on bittorrent, record all of the IPs that download it, and extort millions.... and it takes far to long for the courts to notice, and then extend every possible courtesy to me that my victims never got. I can lie to courts repeatedly & even run a new scam because there is no punishment coming.

[[reply to this](#) | [link to this](#) | [view in thread](#)]


8.  **JoeCool** (profile), Aug 24th, 2016 @ 11:40am



Re: Re:

Where's the "sad but true" button??

[[reply to this](#) | [link to this](#) | [view in thread](#)]


9.  **Carlie Coats**, Aug 24th, 2016 @ 11:40am



Slander?

Why should this not be slander on the part of the dentist who filed this fraud, *and then passed on a fraudulent order to the review-sites?* It is difficult to believe that this was not a deliberate attempt to defame the original review, communicated to those review-sites...

[[reply to this](#) | [link to this](#) | [view in thread](#)]


10.  **JoeCool** (profile), Aug 24th, 2016 @ 11:42am



Re:

It's at least one instance of identity theft, and possible two. The police should have been notified of the crime.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

11.  **Anonymous Coward**, Aug 24th, 2016 @ 12:11pm



Baltimore City Circuit Court Judge Philip S. Jackson

This motion with the bogus signature and admission was approved by judge Philip S. Jackson...


Looking quickly, the court and judge appear to be non-fictitious.

maryland.gov:

PHILIP SENAN JACKSON, Associate Judge, Baltimore City Circuit Court, 8th Judicial Circuit, since January 18, 2013.

(Caps, bold, and italics in source.)

[[reply to this](#) | [link to this](#) | [view in thread](#)]

12.  **DB** (profile), Aug 24th, 2016 @ 12:15pm



Possible involved company...

The filing listed an address of 400 Pratt Street. That's a large business building in downtown Baltimore.

It's possible that it was picked at random, but it's more likely that it's an accurate address for someone involved.

Most of the businesses there don't look especially likely. A few fast food places, parking, accounting, architecture, specialized tech businesses. The only company that stuck out was R2integrated, which does social network marketing.

They fit the profile of sleazy marketing. A search reveals cringe-worthy statements such as "sitting at the cool kids table" and "aligns brand, demand, and technology to deliver on the new promise of integration today".

And yes, they are in the "reputation management" business.
<http://www.r2integrated.com/r2insights/how-your-online-reputation>
[[reply to this](#) | [link to this](#) | [view in thread](#)]

13.  Anonymous Coward, Aug 24th, 2016 @ 12:19pm

Finally some new entertainment after Prensa cases dried up.
[[reply to this](#) | [link to this](#) | [view in thread](#)]

14.  Anonymous Coward, Aug 24th, 2016 @ 12:26pm


Re: Slander?

"Why should this not be slander on the part of the dentist who filed this fraud, and then passed on a fraudulent order to the review-sites?"

Slander is spoken, so I'll assume you meant libel, which is printed.

Two reasons. First, he denies he was the one who filed it. Second, litigation privilege. You can't sue someone for libel for something they put in a court filing or testified to. They can get in trouble (possibly criminal trouble) for perjury, forgery, contempt of court, or similar things, and maybe even monetary sanctions could be issued by the court, but you can't sue them for libel for it.

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15.  David, Aug 24th, 2016 @ 12:47pm

Cough cough

please be advised that the contents of your blog [...] were obviously written for no other purpose but to gain publicity for your blog.

Do they even have a clue what a blog is?

[[reply to this](#) | [link to this](#) | [view in thread](#)]

16.  Anonymous Coward, Aug 24th, 2016 @ 12:51pm

Stuart J. Oberman

State Bar of Georgia: Member Directory Search

Mr. Stuart Jay Oberman

Email: stuart@obermanlaw.com

Status: Active Member in Good Standing

(Several fields elided.)


[[reply to this](#) | [link to this](#) | [view in thread](#)]

17.  Ryunosuke (profile), Aug 24th, 2016 @ 1:30pm

Re: Re: Slander?

Relevant clip

[[reply to this](#) | [link to this](#) | [view in thread](#)]

18.  Pixelation, Aug 24th, 2016 @ 2:04pm

I smell entertainment on the horizon

I have an inkling that this is going to get good. Going to buy popcorn now...


[[reply to this](#) | [link to this](#) | [view in thread](#)]

19.  Anonymous Coward, Aug 24th, 2016 @ 4:47pm

Re: Re: Slander?

He can deny it all he wants, but a lawsuit will allow the other side to review his emails and financials to see if he actually paid for it. This would prove not only that he lied about not knowing about it, but that he was the one who arranged it. I am not a lawyer, but I would be willing to bet that the Dentist is going to end up being charged with libel, fraud, identity theft and possibly the CFAA. Whatever lawfirm sent this in on his behalf, needs to find new lawyers.


[[reply to this](#) | [link to this](#) | [view in thread](#)]

20.  Matthew Chan (profile), Aug 24th, 2016 @ 5:18pm

No lawyers in the filing

As far as we know, there is no evidence that any lawyer was part of this uncovered action. It is certainly plausible that someone had some access to a lawyer to figure out some of the basic details we seek in the documents. But it is hard to believe a lawyer would risk their license to participate in this.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

21.  Matthew Chan (profile), Aug 24th, 2016 @ 5:24pm

Fraud


Hello DB,

I agree that someone has committed a fraud on the Baltimore Circuit Court and Judge Philip Senan. My guess is law enforcement will have to be involved and I have been independently looking into this option.

And yes, I also agree that order must be vacated. We have a little time to get that taken care of once and for all. I would expect that the order would be easily vacated and it would be uncontested upon filing of said motion to vacate.

More importantly, I hope the judge will learn of the details of this little conspiracy that was perpetrated against him.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

22.  Matthew Chan (profile), Aug 24th, 2016 @ 5:35pm

Inclined to believe dentist on a couple of items


To be fair, I am now inclined to believe the dentist when his lawyer says he did not actually devise the deceptive scheme and that he didn't make the filing himself. I am somewhat happier to hear that.

However, what seems plausible to me is that the dentist hired some unethical SEO/reputation management firm to try to wipe off my Yelp review which contained a reference to his 2008 disciplinary consent order by the GA Dentistry Board he did not want other people to see. It was fairly easy to uncover but my guess is that he is a bit sensitive to it.

Nevertheless, I find it hard to believe that even an unethical firm would arbitrarily conduct such fraudulent court actions without compensation from some party related to the dentist.

And yes, I do believe there was some crime(s) committed but it is too early to know who did what at this point. And I do believe resources will be brought to bear to conduct some investigation. Even the dentist's lawyer has said as much.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

23.  Matthew Chan (profile), Aug 24th, 2016 @ 5:40pm

Time will tell

I agree with many of your sentiments on many of the broader items your brought up.

But in this particular case, it is still early in the investigative process. I haven't given up yet. There are a few courses of actions I can pursue and channels for me to explore.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

24.  Matthew Chan (profile), Aug 24th, 2016 @ 5:46pm

Review removals were the intent

As far as I am concerned, it was certainly a deliberate act by SOMEONE in their attempt to REMOVE my reviews of the dentist. The "defamation" word was included into the illicitly-obtained consent order to make it easier to persuade the consumer review websites to take down my reviews. But fortunately, Yelp didn't take it at face value

and contacted me, which of course, was a shock to me which led to this story coming out.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

25.  Matthew Chan (profile), Aug 24th, 2016 @ 5:48pm



Litigation privilege

I learned a new phrase "litigation privilege". I recognize the concept but didn't know the actual phrase to describe it. Thank you for that.

[[reply to this](#) | [link to this](#) | [view in thread](#)]


26.  Matthew Chan (profile), Aug 24th, 2016 @ 5:53pm



Re: Baltimore City Circuit Court Judge Philip S. Jackson

As far as I can tell, Judge Philip S. Jackson is most certainly the real deal. I really wish I could be a fly on the wall and see how he reacts if and when he finds out about this situation that he was manipulated and tricked into signing the bogus consent order. I imagine he will be very unhappy.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

27.  Matthew Chan (profile), Aug 24th, 2016 @ 5:58pm




Not really entertainment for me

I can see where you are coming from that this situation might be "entertaining" to see all this unfold. I find it interesting but it is most definitely NOT entertaining from where I sit.

I understand you didn't mean it in a derogatory or personal way and I don't take offense. I can tell you since this began, I have had all kinds of feelings and emotions over this. Anger and frustration being the top emotions on my list.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

28.  Matthew Chan (profile), Aug 24th, 2016 @ 6:02pm




Police

Hello JoeCool,

I think that will eventually happen that I file a police report but I want to give time and see what other information surfaces in the next couple of weeks.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

29.  Anonymous Coward, Aug 25th, 2016 @ 11:50am



Re: Inclined to believe dentist on a couple of items

... Yelp review...


I've read through the yelp review by "Matthew C." "Columbus, GA" dated 12/4/2015. That review states, in part:

Mitul Patel actively advertises through home mailers his introductory "\$99 exam, X-Ray, & cleaning" program. His home flyer advertising program is very persistent and ongoing. We have been getting them for what seems like months.

Now, there's something that puzzles me here. According to directions from Google Maps, it's over 140 miles from Columbus, Georgia, to Dr Patel's office in Suwanee Georgia. Somewhat over 2 hours, one way, without traffic.

It appears that Dr Patel's practice is on the other side of Atlanta from you? Is that right?

[[reply to this](#) | [link to this](#) | [view in thread](#)]

30.  Matthew Chan (profile), Aug 25th, 2016 @ 12:30pm



Good question

Good question. Yes, I am primarily based in Columbus, GA but I have a girlfriend who lives within a 5-mile radius of the dentist's office in Suwanee, GA and I stay with her frequently for days at a time. Even before I met her, for many years, I came into Atlanta for many social events and business functions. As such, I have several personal and business friends & acquaintances throughout the ATL area. I also fly out of Atlanta when I travel.


Spending lots of time in the area is how I came to know about Patel's promotional program. My girlfriend and gets

many dentist promo flyers and gives them to me. And since I only need to see the dentist twice a year for cleanings and I spend quite a bit of time with her, it was easy to find a dentist near her home.

Not that it is relevant to the immediate topic but it is a very competitive dentist market in the North ATL area where my girlfriend resides. It is actually easier for me to find a dentist who wants your business in that particular area than Columbus. The competition between dentists is FIERCE in North Atlanta.

As a whole, I distrust many in the dentistry business. It can be a sleazy industry. I have seen, heard, and been "upsold" a lot over the years which is why I have so much to say on the matter.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

31.  James, Aug 26th, 2016 @ 10:28am

Re: No lawyers in the filing

It is a genius method! The lawyers know what they are doing. There is no way they can be found liable of breaking any laws just based on filing some docs and someone agreeing that they were the ones how posted and settled. There needs to be witnesses and since they all work together, there will be none. The attorney can always claim they got hired to do this and had no idea the defender was fake.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

32.  Anonymous Coward, Aug 27th, 2016 @ 9:58am

Elsewhere around the 'net

As this story makes its way down the sidebar here at *Techdirt*...

◦ The second of Eugene Volokh's two posts on this incident, "Georgia dentist claims libel lawsuit was filed without his knowledge (though in his name)" (Aug 24, 2016), is now a few days old and poised to slip off the front page of his *Volokh Conspiracy* blog.

◦ Scott Greenfield's post, "Victim Blaming? So The Dentist Claims" (Aug 24, 2016), looks like it still has a few more days on the front landing at *Simple Justice*.

◦ Meanwhile, Paul Alan Levy, last Thursday, Aug 25, 2016, updated the story with his third post, "Kudzu.com has restored review of Mitul Patel", which has in turn begun its long trek down the front page at Public Citizen's *Consumer Law & Policy Blog*.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

33.  Anonymous Coward, Aug 28th, 2016 @ 11:09am

SEO

Levy has requested Patel provide him the name of anyone he's hired to do reputation cleanup work or perform SEO optimization on his behalf.

Dr Patel's website at www.myjohnscreekdentist.com currently contains a blurb in the webpage footer (at the very bottom of the page):


Seo & Design Find Local Company

That particular blurb in the footer shows up in the Wayback Machine from Aug 21, 2015. Previously, in the captures from Nov 15, 2013, a somewhat similar blurb (accompanied by a png image logo) mentioned "Find Local Dentists" without crediting them for design and SEO.

Of course, one should be rather hesitant to draw any inferences from this, at least beyond the obvious: Dr Patel has obtained SEO services in connection with his online marketing efforts for his dental practice.

Note that SEO is not necessarily equivalent to online reputation management (ORM).

[[reply to this](#) | [link to this](#) | [view in thread](#)]

34.  Matthew Chan (profile), Aug 28th, 2016 @ 12:18pm

Re: Elsewhere around the 'net

Yes, thank you for sharing these additional articles with people who might want to follow the story that will continue to unfold in the weeks and months to come as discoveries or developments occur. I believe Paul Alan Levy of Public Citizen will be at the forefront of any new major announcements. To a lesser degree, I will soon be releasing updates on my blog. Defiantly.net

I am mindful that this story will likely fall of the grid shortly. Due to time constraints, I have restricted my commentary to reader comments within each of the aforementioned articles. As most blog writers know, writing articles can be time-consuming and regards a good deal of effort and mental energy (for me me at least).

However, when I have more time, I will make some blog posts that cover things not in the aforementioned stories. For example, I have a lot more to say about the business and declining ethics of dentistry and some of the ugly practices I have uncovered over the years that many people don't know.

That is not to say that every dentist is unethical or engages in such practices but I can tell you things have changed for the worse in the 25 years I have been a customer/client of dentistry. I have been forced to change dentist many times over the years for various "unhappy" issues.

That is but one example of many "side stories" that I want to get out as a result of this whole fiasco. Another has to do with my feelings of the practices of SEO/reputation management firms.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

35.  Matthew Chan (profile), Aug 28th, 2016 @ 12:28pm

SEO vs. Reputation Management firm

FWIW, I have no reason to believe that Patel's SEO firm had anything to do with this. That relationship appears to have been in place for years prior to the current incident.

And even if Patel's SEO firm provides "reputation management" services, it is hard to believe that most firms would ever engage in such tactics. As of right now, I tend to believe Patel went outside his SEO firm to find another firm willing to use criminal and fraudulent court filings to remove legitimate user reviews.

But thank you for providing these nuggets of info, I didn't notice them before.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

36.  Anonymous Coward, Aug 28th, 2016 @ 2:50pm

Re: SEO vs. Reputation Management firm

... a blurb in the webpage footer...

... I didn't notice...

Something that I myself did notice was contained in Mr Levy's Aug 23 post:

In a subsequent conversation, Patel's lawyer admitted to me that Patel did hire such a company, but he refused to identify it...

(Mr Levy's emphasis omitted.)

I find it slightly amusing that Mr Oberman would refuse to even identify a company that happens to be openly declared on Dr Patel's website.


From p.2 of Mr Levy's Aug 22 letter:

I'd appreciate your finding out from your client whether he ever retained a reputation-management or search engine optimization company.

(My emphasis.)

Perhaps I'm just easily amused by certain trifles. But we can independently establish whether Dr Patel has ever retained a company for search engine optimization. We can identify one such company.

[[reply to this](#) | [link to this](#) | [view in thread](#)]

37.  Matthew Chan (profile), Aug 28th, 2016 @ 3:27pm

I understand Mr. Oberman's initial response

You are certainly paying to the details. Thank you so much for scrutinizing this so closely. It is helpful.

Regarding Mr. Oberman, he might be Patel's GA lawyer but he has not attacked me, nor said anything negative about me. I have not even heard from him. It appears Mr. Oberman was brought into this case very quickly by Patel and Oberman did not have ample time to do more questioning or investigating on behalf of his client's story.

At this point, I am not overly-critical of Mr. Oberman's initial response. It appears he is trying to be responsible and cautious in what he says. I think Mr. Oberman is in a tough spot right now representing his client. Maybe I am being too gracious and gullible here regarding Mr. Oberman but he hasn't done or said anything that I have seen that is inappropriate.

I perfectly understand why Mr. Oberman is withholding the name of the reputation management firm. I think releasing that name would probably also hurt his client also. Having said that, I do think independent investigators by law enforcement needs to get involved to uncover the truth. If Patel didn't do any of this, then he should welcome the investigation to clear his name.

As I said, I am perfectly fine if it is found Patel is an unintended victim but who else would have a reason and motive to quietly file an illegitimate lawsuit in his name in a Baltimore court to remove consumer reviews I wrote about Patel here in Georgia?

[reply to this | link to this | view in thread]

38. Anonymous Coward, Sep 7th, 2016 @ 9:30pm

FOLLOWUP: Two weeks later...

Via Tim Cushing tweet...

"Georgia Consumer Asks Baltimore Judge to Vacate Dentist Mitul Patel's Bogus 'Consent Order' ", by Paul Alan Levy, CL&P Blog, Sep 7, 2016

I blogged here last month about . . .

(Embedded hyperlink omitted.)

[reply to this | link to this | view in thread]

39. Anonymous Coward, Oct 10th, 2016 @ 9:23am

OCTOBER UPDATE

About seven weeks after Tim Cushing's August 24, 2016 article here...

"Dozens of suspicious court cases, with missing defendants, aim at getting web pages taken down or deindexed", by Paul Alan Levy and Eugene Volokh, CL&P Blog, Oct 10, 2016

After Matthew Chan filed a motion to vacate the Maryland state court "consent order," the ostensible plaintiff (Mitul Patel) filed his own motion to vacate . . .

Patel's motion states that Patel did not actually file the lawsuit, and it attaches a letter from Patel's lawyer to Richart Ruddle. The letter alleges that Patel had signed an SEO contract with a Ruddle-led entity called "SEO Profile Defense Network LLC," and alleges that this entity "apparently forged Dr. Patel's signature to a Complaint and Consent Motion." (Patel's lawyer has steadfastly refused to produce the contract in question.)

Levy and Volokh's CL&P Blog post today fits the Maryland Patel v Chan case into a larger pattern: "There are about 25 court cases throughout the country that have a suspicious profile."

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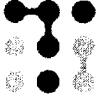


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The Washington Post

The Volokh Conspiracy | Opinion

Dozens of suspicious court cases, with missing defendants, aim at getting web pages taken down or deindexed

By Eugene Volokh and Paul Alan Levy October 10

There are about 25 court cases throughout the country that have a suspicious profile:

- All involve allegedly self-represented plaintiffs, yet they have similar snippets of legalese that suggest a common organization behind them. (A few others, having a slightly different profile, involve actual lawyers.)
- All the ostensible defendants ostensibly agreed to injunctions being issued against them, which often leads to a very quick court order (in some cases, less than a week).
- Of these 25-odd cases, 15 give the addresses of the defendants — but a private investigator (Giles Miller of Lynx Insights & Investigations) couldn't find a single one of the ostensible defendants at the ostensible address.

Now, you might ask, what's the point of suing a fake defendant (to the extent that some of these defendants are indeed fake)? How can anyone get any real money from a fake defendant? How can anyone order a fake defendant to obey a real injunction?

The answer is that Google and various other Internet platforms have a policy: They won't take down material (or, in Google's case, remove it from Google indexes) just because someone says it's defamatory. Understandable — why would these companies want to adjudicate such factual disputes? But **if they see a court order that declares that some material is defamatory, they tend to take down or deindex the material**, relying on the court's decision.

Yet the trouble is that these Internet platforms can't really know if the injunction was issued against the actual author of the supposed defamation — or against a real person at all. That's why we have incidents like this:

1. Matthew Chan, a Georgia resident, posts a negative review of Mitul Patel, a Georgia dentist, on Yelp and a few other sites. (Readers may remember this story, which we blogged about in August; that's the incident that got us investigating this issue.) Several months after Chan puts up his post, Yelp emails him, saying that it's about to take his comment down because it received a court order that was issued against him, and the court concluded that his comment was defamatory.

But wait!, says Chan — he's never been sued. And sure enough, the order is against a supposed Mathew Chan of Baltimore. As best we can tell, no such Mathew Chan exists in Baltimore, but in any event no Baltimorean is the author of the post. Yet the order is supposedly based on that Mathew Chan agreeing with Mitul Patel that the review was defamatory, and should be removed. (As we'll see below, Mitul Patel and some of the other plaintiffs state that they did not authorize the lawsuit or sign the pleadings, though they did hire a "reputation management company" to do something.)

2. Steve Rhode, who lives in North Carolina, runs getoutofdebt.org, where he writes about (among other things) what he sees as abusive practices by debt relief firms. Over the past few years, he has criticized such companies, including two California companies called Financial Rescue and Rescue One Financial.

Over the past year and a month, three suits have been filed, in Rhode Island federal court, in Maryland state court, and in Florida state court, claiming that various comments on several separate posts defamed these debt relief companies. The Rhode Island case is part of the pattern we describe above; the other two cases are slightly different, in that they involve lawsuits brought by lawyers rather than by ostensibly self-represented plaintiffs.

Let's focus for now on the suit in Rhode Island. The complaint objects to an allegedly defamatory comment that discussed Rescue One Financial, citing two blog posts, one of which is about Financial Rescue. But neither company sues Rhode, who might well have fought back.

Instead, a lawsuit is filed ostensibly on behalf of Bradley Smith — the chief executive of Rescue One Financial — against one Deborah Garcia, who supposedly lives in Rhode Island. As best we can tell, no-one by that name lives at the address given for her.

“Deborah Garcia” stipulates to a libel judgment, which the court promptly enters. The order is submitted to Google with a request to remove that page from Google indexes, so that no-one can find it using Google; Google complies.

3. A California newspaper writes a story in 2013 about an elementary school parent who had put fake signatures and falsely attributed quotes on a petition. (The petition was urging the school not to change its gifted education program.) The newspaper quotes the parent as apologizing for her actions.

Two and a half years later, a comment appears on the story: The comment, signed “Robert Castle,” accuses the parent of being prejudiced and taking bribes, though it also says the commenter is drunk and isn’t sure he’s talking about the same person that the story describes.

Then, within a few months, a lawsuit is filed in Shasta County — not where the incident happened — against supposed Shasta County resident “Robert Castle,” claiming the comment is defamatory, and alleging that Castle agrees to an injunction. (The Baltimore, Rhode Island, and California lawsuits share a good deal of legal boilerplate.) Instead of just granting the injunction, the judge demands that the parties come in for a hearing, noting, among other things, that “there is a purported signature of Defendant Robert Castle” but no proof that such a defendant was served.

The docket does not report that the hearing was ever held; instead, a similar case is then filed in Los Angeles County, also far from the scene of the underlying incident, with the same plaintiff and the same defendant. An injunction is indeed issued. Yet as best we can tell no Robert Castle lives in Shasta County.

No lawsuit against the newspaper based on its initial story would have succeeded, partly because the newspaper’s report may well have been accurate, and partly because the statute of limitations had expired. But because the theory of the case was that the “Robert Castle” comment had defamed the parent, that tail was used to wag the dog: The ostensibly libelous comment was used as a justification for an order apparently aimed at deindexing the whole newspaper article. (The order has apparently not yet been submitted to Google, though there has been an attempt to use a bogus copyright takedown request to get Google to deindex the newspaper article.)

4. Other lawsuits have apparently aimed at deindexing

1. An article in the Charleston Post & Courier that discussed the indictment of a local businessman,
2. A federal court opinion posted on Leagle.com that dealt with a criminal forfeiture in a child pornography case,
3. A Web page critical of a rich Indonesian businessman,
4. A Web page critical of so-called “cremation diamonds” that are supposedly made from the ashes of loved ones,
5. Posts on Dharmawheel.net critical of a California Buddhist leader,
6. A wide variety of RipOffReport.com complaint pages,
7. And many more.

We have seen such lawsuits in California, Florida, Illinois, Maryland, Nevada, Pennsylvania and Texas. About half of them have been in the Baltimore area and in Philadelphia.

And the possibility of such shenanigans bears on the *Hassell v. Bird* litigation that is now before the California Supreme Court: The issue there (see here and here) is whether takedown injunctions can actually be made legally binding on Internet platforms, rather than just being something that platforms choose whether to follow. The questionable nature of many such injunctions is reason to further insist that platforms not be legally bound by them.

* * *

Who is behind these cases? For many of these, we don't know. As we mentioned, many of the plaintiffs might well not have known what was happening. They might have hired a reputation management company, expecting it to get the negative posts removed legitimately (e.g., through a legitimate libel lawsuit, or through negotiation with the actual authors).

But in four of these situations, the lawyers for the ostensible plaintiffs report that they, or the companies that they lead, dealt with one particular reputation management company; and another case seems to be connected to that company as well.

A. The lawyer for the real Bradley Smith alleges that Smith's signature on the Rhode Island complaint was forged. He also states that Smith "does not recall authorizing" the suit filed in his name on a similar complaint against an apparently fictitious defendant in state court in Baltimore.

Smith's lawyer passed along a contract that Smith's company, Rescue One Financial, signed with a company called "RIR 1984 LLC," headed by one Richart Ruddle. RIR was to be paid \$6,000 per month to apply its "proprietary de-indexing program" so that "negative posts from Steve Rhodes [sic]" "will be de-indexed using our proprietary methods." The contract was aimed in part at "insulating against negative Google search results," specifically by "remov[ing]" "Steve Rhodes [sic] articles."

B. After Matthew Chan filed a motion to vacate the Maryland state court "consent order," the ostensible plaintiff (Mitul Patel) filed his own motion to vacate, stating to the court that Patel "has been caused to suffer negative publicity via internet news blogs as a result of the attempt by the party purporting to be Plaintiff MITUL R. PATEL's attempts to have negative reviews of [Patel's] Dental practice removed from internet review websites."

Patel's motion states that Patel did not actually file the lawsuit, and it attaches a letter from Patel's lawyer to Richart Ruddle. The letter alleges that Patel had signed an SEO contract with a Ruddle-led entity called "SEO Profile Defense Network LLC," and alleges that this entity "apparently forged Dr. Patel's signature to a Complaint and Consent Motion." (Patel's lawyer has steadfastly refused to produce the contract in question.)

C. We likewise have confirmation that Profile Defenders, a Richart Ruddle company, was hired by two of the plaintiffs in the other cases that fit the pattern we described in the opening paragraphs.

D. The earliest case that we could find fitting this general pattern was filed in November 2015 — and it had as the plaintiff R. Derek Ruddle in Owings Mills, Md. Richart Ruddle was apparently born in Owings Mills, and Derrek (though with two r's) appears to be his middle name; the address given in court documents has been associated with Richart Ruddle in various records. And the monthly payments under the reputation management contract signed by Rescue One Financial are to be made to Ruddle's company at a bank located in Owings Mills.

The defendant in this November 2015 case, true to form, could not be found at the address listed in the court documents. The lawsuit itself succeeded in using a comment, ostensibly derogatory of Ruddle — though it didn't use Ruddle's last name — to get a whole RipOffReport.com post deindexed. (The comment was, "Hey Rich whats the deal with this guy you recommended? Does he give you a kick back or something?") That RipOffReport post was critical of a lawyer, who we assume was the main beneficiary of the November 2015 lawsuit. The lawyer has declined to say whether he had any reputation management agreement with Ruddle.

Indeed, a few days after this lawsuit was filed, a Profile Defenders press release announced,

Profile Defenders Lawsuit Removal service honors a guarantee to take down and [sic] defamatory or unwanted webpages from search results as long as they meet specific criteria.... The future of online reputation management is moving into permanent removals.... The Profile Defenders lawsuit removal service is now available and pricing starts at \$6,000.... Legal services provided by the profile defenders team and in house council [sic] have proven to be successful....

We asked Ruddle and SEO Profile Defenders several times to comment, but their only response, to our initial inquiry about *Patel*, was, “We deny these allegations and we have no further comment. When and if we do we will contact you.” But, to give them the last word, here is something from Richart Ruddle Entrepreneurial Blog, dated Sept. 8, 2016:

Just be a good person – Richart Ruddle

Had one of the nicest compliments this past weekend. A new friend said “Chart do you know why I like you?”

“At the end of the day you’re just a genuine person Richart Ruddle”

* * *

Eugene Volokh is a law professor at UCLA School of Law. Paul Alan Levy is an attorney at Public Citizen Litigation Group.

Eugene Volokh teaches free speech law, religious freedom law, church-state relations law, a First Amendment Amicus Brief Clinic, and tort law, at UCLA School of Law, where he has also often taught copyright law, criminal law, and a seminar on firearms regulation policy.

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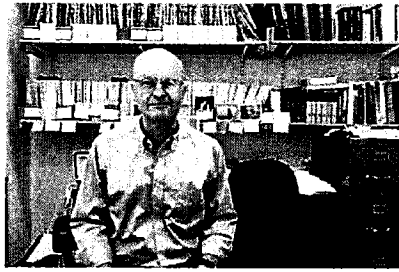
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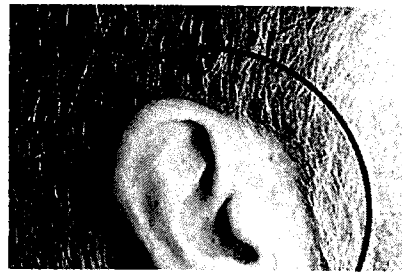
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Reputation Management Company Linked To Bogus Libel Lawsuits Now Hying Its Anti-Cyberbullying Skills

from the *loutish-abuse-of-the-legal-system-notwithstanding* dept

Fake lawsuits featuring fake plaintiffs filed against fake defendants and hustled past judges to secure **court orders** demanding delisting by search engines; that's the **new face** of reputation management, apparently.

Paul Alan Levy, along with newly-acquired partner Eugene Volokh, have managed to **track down** the possible perpetrator behind a couple dozen bogus lawsuits filed in recent months. Richard Ruddle and his company, Profile Defenders, appear to be engaging in some illegal activity in order to provide clients with the services they've promised them.

Ruddle has refused to comment on the lawsuits or answer questions posed by Levy and Volokh. Instead, he has opted to fight speech with more speech [lol] by issuing a **very self-serving press release**.

Here's what Profile Defenders has to say about itself -- not in response to any questions, but rather to **buff** some of the tarnish off its dented armor. It's not just about "protecting the rich." [No. Really.] It's about saving clients from cyberbullying. (h/t **Paul Alan Levy**)

Reputation management companies like Profile Defenders protect the innocent from the action of cyberbullies who prey on people.

[...]

Fortunately, reputation management companies like Profile Defenders have arrived, and in the war between reputation companies vs cyber bullies they give the innocent a chance to tell their story on the Internet. Co-founder of Profile Defenders, Richard Ruddle, is glad that people are given a second chance after being defamed by cyber bullies that act like new age mobsters trying to destroy good people through cyber bullying.

I assume Levy, Volokh, and others who have covered this slowly-unravelling debacle are the "new age monsters" attempting to destroy "good people" -- "good people" who apparently have no problem filing bogus lawsuits and forging signatures, all the while charging thousands of dollars to drag down their clients' reputations along with their own.

Then there's this, helpfully **pointed out by a commenter** (and victim of one of PD's bogus lawsuits) on Levy's post. **Ruddle's personal blog** contains a post with some enlightening thoughts about journalism.

Writers and journalists typically use their powers for evil and to hurt good people.

And what sort of people are the "good people" hurt by "evil" journalists? Richard Ruddle is, **according to Richard Ruddle**.

Had one of the nicest compliments this past weekend. A new friend said "Chart do you know why I like you?"

"At the end of the day you're just a genuine person Richard Ruddle"

You're not looking for anything from anybody, you are just here to be happy and have a good time and if you can facilitate others to be happy as well then you do your part to ensure all others around you are happy

Yep. Genuine as fuck. **More from Levy:**

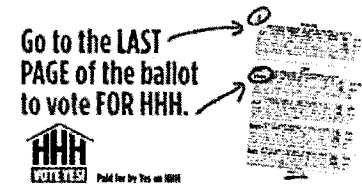
[I] expect that Ruddle will prove a slippery character - the home page of his "Profile Defenders" web site provides a New York City street address that appears to be phony (a letter I sent him at that address demanding that he preserve relevant documents came back undeliverable), and both the Linked In and Google profiles of Profile Defenders show a Washington, D.C. address that does not exist. Moreover,

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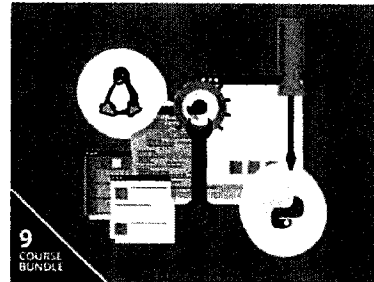
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Florida's records reveal that Ruddle maintains a stable of many different LLC's. It may take the investigative resources of a federal or state grand jury or of the Federal Trade Commission to track him and his assets down, and bring him to justice.

Volokh and Levy have uncovered plenty of damning evidence strongly suggesting Ruddle's company is now in the business of filing bogus lawsuits simply because (a) there's very little chance any judge will examine these cases closely (and when a judge does, the suit is refiled in another court) and (b) it's one of the only methods proven to result in delistings of negative reviews hosted by non-parties to the lawsuits. As Levy notes, it may be almost impossible to blow this wide open, much less get Ruddle to answer any questions about these lawsuits on the record. But the reputational damage his company is now causing indirectly to its clients may result in lawsuits Ruddle can't ignore, filed by aggrieved customers who paid thousands of dollars just to see themselves swept into Profile Defender's destructive vortex.

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Jeffrey Nonken Test
Sigh Sucks on mobile
Aww, you beat me to it. Andrew has named and shamed you. Mike, you "anti-copyright activist and blogger" you
I'll do it after I get to work, and dig up the article ... and after I'm on a real computer
Done
In case it wasn't clear, I did what Mr. Franklin requested and added a comment with a link back
And how uncharitable for you to suggest it was deliberate, and not apply Hanlon's Razor! Tsk Surely it was an oversight
TheResidentSkeptic @Mike - you should comment on his post - and include the color of the sky in your world

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- Retsibsi** (profile), Oct 18th, 2016 @ 3:12pm

I wouldn't be so sure there won't be repercussions against the reputation management companies. Courts take an extremely dim view of "abuse of process". If a judge is prepared to launch an investigation into such a case then we may see a number of attorneys fleeing for cover trying to exculpate themselves from any such wrongdoing, and that may involve them co-operating with the courts to show they were innocent and had been misled by their "clients".

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- SlapBone** (profile), Oct 18th, 2016 @ 3:40pm

A new friend said "Shart do you know why I like you?"

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- DoB**, Oct 18th, 2016 @ 3:41pm

'Cyberbullying' is like 'child pornography' and 'terrorist'

He is playing the 'cyber bully' accusation
It's one of those phrases that is supposed to make you turn off rational thought and the presumption of innocence.

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- Anonymous Coward**, Oct 18th, 2016 @ 3:50pm

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Something stinks around here.

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- 10:47 Daily Deal: Complete Android N Developer Course (0)
- 09:40 After North Carolina Law Bans Municipal Broadband, One ISP Gives Gigabit Connections Away (13)
- 09:41 Copyright Office Fucks Over Thousands Of Sites With Plans To Remove Their DMCA Safe Harbors (38)
- 09:39 The FBI Seems To Be Leaking Like A Sieve Concerning Details Of Clinton Email Investigation (84)
- 03:36 DOJ Finally Releases Its Internal, Mostly Vague CFAA Prosecution Guidelines (11)

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- 23:30 Sega/Steam Took Down A Bunch Of Legitimate Steam Workshop Mods Over Copyright Concerns (15)
- 16:20 Stupid Patent Of The Month: Changing The Channel (13)

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5.  Anonymous Coward, Oct 18th, 2016 @ 4:06pm + | - | FW | LW

I wonder if the Prenda clowns have found a new venue to pursue money.
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6.  Wyrm (profile), Oct 18th, 2016 @ 5:31pm + | - | FW | LW

Fake lawsuits featuring fake plaintiffs filed against fake defendants and hustled past judges to secure court orders demanding delisting by search engines. that's the new face of reputation management, apparently. Actually, it seems the lawsuits are real. Bogus, but not fake. That's what gives them the power to compel real ISPs over real comments after all.
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7.  Wyrm (profile), Oct 18th, 2016 @ 5:32pm + | - | FW | LW

Re:
 (made a mistake with the blockquote it seems)
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8. *This comment has been flagged by the community. [Click here](#) to show it.*

9.  Anonymous, Oct 18th, 2016 @ 6:56pm + | - | FW | LW

This comment has been deleted due to a Court Order involving the lawsuit of Dick Steel v Anal Onlooker
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10.  Anonymous Coward, Oct 18th, 2016 @ 7:11pm + | - | FW | LW

Re: If only we could all have rep mgt like Hillary
 That's great and all, but the adults are trying to have a conversation over here. Do please try to keep your drooping idiocy to a minimum.
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11.  Anonymous Coward, Oct 19th, 2016 @ 4:03am + | - | FW | LW

Re: Re: If only we could all have rep mgt like Hillary
 Ah, can't attack the message so attack the messenger. Too bad the adults recognize this ploy easily.
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12.  I.T. Guy, Oct 19th, 2016 @ 6:28am + | - | FW | LW

Re: Re: Re: If only we could all have rep mgt like Hillary
 Potato.
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13.  procopius (profile), Oct 21st, 2016 @ 2:36am + | - | FW | LW

Re:
 You probably weren't aware of the huge assault on home owners in 2009-10. Have you ever heard of Florida's "Rocket Docket"? Have you ever heard of DocX? In Florida (and Arizona and several other states) approval of a court is required before a mortgage holder can repossess real estate. During the subprime boom millions of original documents were simply shredded after the transfer of the mortgages were recorded in a private data base called MERS, rather than at the County Clerk's office as required by law. When the banks went to foreclose, they hired the "document reconstruction" firm, DocX, to "recreate" the missing documents. They did this by simply forging the documents. If the debtors pointed out that the documents the banks presented were notarized by people who were dead on the date of their signature, the judges would tell the banks to take back the documents and bring the correct ones. If the debtors pointed out that the documents were signed by people who worked at a different company than the one named, the judge usually told the bank to take back their document and bring the correct one at the next session. It is too lengthy a story to tell in all its horror here. Literally millions of forged documents were presented to the courts and the courts accepted them because otherwise the banks could not have foreclosed. That would be unacceptable to the courts.
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The brilliant but completely unethical scheme reputation management companies are using to censor the internet



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For businesses, the online review is essential to success. A [majority of people](#) trust online reviews to make decisions about where to spend their money so a string of [good customer reviews](#) on a site like Yelp can make business skyrocket. A few bad ones can make it wane.

As the influence of the online review has grown, some businesses have become willing to do almost anything to ensure their reputations stay squeaky clean—including things that are very possibly illegal.

In March of this year, a company named ZCS, Inc. filed a [lawsuit](#) in California Superior Court against a man named Collins Mattos alleging that Mattos had illegally smeared the company's online reputation. Mattos allegedly left false reviews for ZCS on the website PissedConsumer.com, calling it a "scam" and accusing it of lying to his credit card company.

Typically such cases take forever to move through the court system, it takes weeks just to figure out a reviewer's identity. But miraculously, just two days after the suit was filed, Mattos [signed a settlement](#) agreeing to "take the necessary actions to remove his past false statements from the Internet." The court document was then sent to Google, Bing, Yahoo and other search engines asking them to remove the webpages with the libelous comments from search results.

If this swift delivery of justice seems a little suspect, your instincts are finely tuned. The case, according to a [lawsuit](#) filed this month by PissedConsumer.com's parent company, is part of an elaborate, widespread ploy using sham lawsuits to censor the internet. Mattos had not in fact written the angry comments, and ZCS wasn't the company that was trying to get them removed.

Using fake plaintiffs and fake defendants to craft fictional lawsuits, some reputation management companies are scamming both search engines and the court system into making negative reviews of their clients almost impossible to find.

The scheme is brilliant in its simplicity. ZCS, Inc., according to state records, is actually a long defunct company. But ZCS was mentioned in a review on the Pissed Consumer page for a corporate planning firm named Nevada Corporate Headquarters.

Nevada Corporate Headquarters Fraud Alert

Nevada Corporate Headquarters GOES BY MANY DIFFERENT NAMES like Nevada State Corporate Network or Zepper Credit Special to avoid the blogs and complaints written by all the victims they have SCAMMED. I am a small business owner who was taken by the THIEVES at NEVADA CORPORATE HEADQUARTERS for \$4,000 of my hard earned dollars. I heard their ads and called them for more information. Nevada Corporate Headquarters told me if I paid them \$4000 they [Read more](#)

of a defunct company mentioned on its review page. And the lawyer sued a defendant, Mattos, who was allegedly in on the whole thing, he wasn't actually the author of the comments, but instead a co-conspirator hired to play defendant so that the suit could move through the court system quickly without raising any red flags. It was a sneaky, twisted, incredibly efficient way to get unflattering comments delisted from the web.

Once Mattos had signed the judgment, a copy of it was sent to the search engines demanding that they de-index all negative reviews associated with ZCS—not just the ones that Mattos claimed to have posted.

Google typically delists anything a court has found to be defamatory. And so just like that, Nevada Corporate Headquarters' bad reviews were buried among all the junk on the internet, with consumers none the wiser. Reputation crisis solved.

"Either these lawyers are the most magic, efficient lawyers in the world or they're doing something sketchy," said Marc Randazza, the First Amendment attorney who filed PissedConsumer.com's suit. "Like a lot of nasty schemes, it's ingenious."

Randazza's case, filed in San Francisco District Court, spells out the particulars of six separate sham lawsuits. It assembles a complicated cast of characters: two attorneys, each previously suspended by the California Bar Association, at least one unknown reputation management firm, multiple companies hoping to scrub their bad reputations online, a slew of defunct and non-existent companies as fake plaintiffs, and fake defendants, agreeing to sign judgments in return for unknown benefits.

Evidence suggests that this scheme has gone viral.

Earlier this month in *The Washington Post*, another First Amendment attorney, Eugene Volokh, noted that he had spotted 25 different cases relying on a similar scheme. In those cases, plaintiffs claimed to be self-represented, but the suits all seemed to contain the same

legalese suggesting a common author. Of those 25 cases, 15 listed the addresses of the defendants, but a private investigator couldn't locate a single one of them.

Volokh began noticing the pattern after a case in which a Georgia dentist attempted to get reviews left by a patient removed by suing him—using a slight misspelling of his name in the wrong state. The scheme was outed when Yelp emailed the patient notifying him of the judgment and saying the comment would be removed unless an appeal was pending. Except that the patient had never actually been sued.

Randazza told me that as soon as he filed his lawsuit, people who read about it began sending him other examples that potentially fit the pattern. PissedConsumer.com suspects other sites, such as RipOffReports.com, have been targeted by the two attorneys named in their lawsuit. (Those attorneys did not respond to multiple requests for comment.)

Over the past few years, businesses seeking to improve their online reputations have gone to great lengths to suppress negative commentary. In one especially creative case, a New York dentist had new patients sign a form giving her legal copyright over any negative comments they might post about her practice, allowing her to use copyright law to get them taken down.

This new pattern, though, suggests a method of skirting unflattering commentary that is not only ingenious and unethical, but endemic—a scam being carried out by multiple entities, in multiple states.

"People want material critical of them—whether true or false—taken down or hidden," Volokh told me via email. "They're willing to pay many thousands of dollars for that. Unsurprisingly, companies have arisen to serve that market—and since there's often no effective legitimate way of achieving the result, some companies are now offering solutions that aren't really legitimate."

Google, which did not respond to a request for comment, seems to have restored any delisted listings related to Randazza's case. For example, a search for Bluegreen Resorts, one of the companies that allegedly took advantage of this scheme, used to yield a results page noting the takedown request and court order. But now the (many, many) bad reviews are back up.



Bluegreen Resorts

www.bluegreenresorts.com •
As a friend or family member of a Bluegreen Vacation Club owner, you're invited to experience a fabulous Bluegreen resort vacation with preferred pricing up to

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PROOF OF SERVICE

I, Ellen Duncan, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am employed in the City and County of Los Angeles, State of California. I am over the age of eighteen (18) years, and not a party to or interested in the within-entitled action. I am an employee of Davis Wright Tremaine LLP, 865 South Figueroa Street, Suite 2400, Los Angeles, CA 90017.

I caused to be served a true and correct copy of **YELP INC.'S REQUEST FOR JUDICIAL NOTICE; DECLARATION OF ROCHELLE L. WILCOX WITH EXHIBITS A-G** on each person on the attached list by the following means:

- On November ¹⁸~~17~~, 2016, I enclosed a true and correct copy of said document in an envelope with postage fully prepaid for deposit in the United States Postal Service.

I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on November ¹⁸~~17~~, 2016 at Los Angeles, California.



Ellen Duncan

SERVICE LIST

Monique Olivier, Esq.
Duckworth Peters Lebowitz Olivier LLP
100 Bush Street, Suite 1800
San Francisco, CA 94104
Email: Monique@dplolaw.com

Attorneys for
Plaintiffs and Respondents
Dawn Hassell, et al.

Nitoj Singh, Esq.
Dhillon Law Group Inc.
177 Post Street, Suite 700
San Francisco, CA 94108
Email: nsingh@dhillonsmith.com

Hon. Ernest Goldsmith
Dept. 302
San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street
San Francisco, CA 94102-4514

Case No.: CGC-13-530525

Court of Appeal
First Appellate District, Div. Four
350 McAllister Street
San Francisco, CA 94102

Case No. A143233