SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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JOSEPH RAKOFSKY
RAKOFSKY LAW FIRM, P.C.

Plaintiff,

-against-

THE WASHINGTON POST COMPANY
KEITH L. ALEXANDER
JENNIFER JENKINS
CREATIVE LOAFING MEDIA
WASHINGTON CITY PAPER
REND SMITH
BREAKING MEDIA, LLC
ABOVETHELAW.COM
ELIE MYSTAL
AMERICAN BAR ASSOCIATION
ABAJOURNAL.COM
DEBRA CASSENS WEISS
SARAH RANDAG
MYSHINGLE.COM
CAROLYN ELEFANT
SIMPLE JUSTICE NY, LLC
BLOG.SIMPLEJUSTICE.US
KRAVET & VOGEL, LLP
SCOTT H. GREENFIELD
LAW OFFICE OF ERIC L. MAYER
ERIC L. Mayer, *individually*
GAMSO, HELMICK & HOOLAHAN
JEFF GAMSO, *individually*
CRIMEANDFEDERALISM.Com
MICHAEL CERNOVICH
ORLANDO-ACCIDENTLAWYER.COM
"JOHN DOE #2"

Index No.:

SECOND AMENDED VERIFIED COMPLAINT

Filed by the New York County Clerk on May __, 2012

LAW OFFICE OF FARAJI A. ROSENTHALL
FARAJI A. ROSENTHAL, *individually*
BENNETT AND BENNETT
MARK BENNETT, *individually*
SEDDIQ LAW
MIRRIAM SEDDIQ, *individually*
ALLBRITTON COMMUNICATIONS COMPANY
TBD.COM
RESTORINGDIGNITYTOTHELAW.BLOGSPOT.COM
J.DOG84@YMAIL.COM
ADRIAN K. BEAN
KOEHLER LAW
JAMISON KOEHLER, *individually*
THE TURKEWITZ LAW FIRM
ERIC TURKEWITZ, *individually*
THE BEASLEY FIRM, LLC
MAXWELL S. KENNERLY
STEINBERG MORTON HOPE & ISRAEL, LLP
ANTONIN I. PRIBETIC
TANNEBAUM WEISS, PL
BRIAN TANNEBAUM, *individually*
WALLACE, BROWN & SCHWARTZ
GEORGE M. WALLACE, *individually*
DAVID C. WELLS, P.C. and
DAVID C. WELLS, *individually*
ROB MCKINNEY, ATTORNEY-AT-Law
ROB MCKINNEY, *individually*
THOMSON REUTERS
DAN SLATER
BANNED VENTURES, LLC
BANNINATION.Com
"TARRANT84"
LAW OFFICES OF MICHAEL T. DOUDNA
MICHAEL T. DOUDNA, *individually*
MACE J. YAMPOLSKY & Associates
MACE J. YAMPOLSKY, *individually*
THE LAW OFFICE OF JEANNE O'HALLERAN, LLC
JEANNE O'HALLERAN, *individually*
REITER & SCHILLER, P.A.
LEAH K. WEAVER
AVVO CORPORATION
JOSHUA KING
ACCELA, INC.
COLIN SAMUELS
THE BURNEY LAW FIRM, LLC and
NATHANIEL BURNEY, *individually*

THE WASHINGTON POST, LLC,

Defendants.
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JOSEPH RAKOFSKY, ESQ. complaining of the defendants, respectfully alleges:

1. Plaintiff JOSEPH RAKOFSKY ("Rakofsky") was at all relevant times, and is a resident of the County of New York, State of New York.

2. Plaintiff RAKOFSKY LAW FIRM, P.C. (hereinafter referred to as "**RLF**") was, at all relevant times, and is a corporation having its principal place of business in the State of New Jersey.

3. Upon information and belief, at all relevant times, defendant THE WASHINGTON POST COMPANY ("Washington Post") was and is a corporation having its principal place of business in the District of Columbia and a bureau in the State of New York. Washington Post has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Washington Post arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

4. Upon information and belief, at all relevant times, defendant KEITH L. ALEXANDER ("Alexander") was and is an employee or agent of Washington Post. Alexander, through Washington Post, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Washington Post and Alexander arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

5. Upon information and belief, at all relevant times, defendant JENNIFER JENKINS ("Jenkins") was and is an employee or agent of Washington Post. Jenkins, through Washington Post, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Washington Post and Jenkins arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

6. Upon information and belief, at all relevant times, defendant CREATIVE LOAFING MEDIA ("Creative") was and is a corporation having its principal place of business in Florida. Creative has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Creative arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

7. Upon information and belief, at all relevant times, defendant WASHINGTON CITY PAPER ("City Paper") was and is a corporation owned or controlled by Creative having its principal place of business in the District of Columbia. City Paper, through Creative, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Creative and City Paper arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

8. Upon information and belief, at all relevant times, defendant REND SMITH ("Smith") was and is an employee and/or agent of City Paper. Smith, through Creative, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Creative and Smith arise from such

transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

9. Upon information and belief, at all relevant times, defendant BREAKING MEDIA, LLC ("Media") was and is a limited liability company having its principal place of business in the State of New York.

10. Upon information and belief, at all relevant times, defendant ABOVETHELAW.COM ("ATL") is an unincorporated association owned or controlled by the Media.

11. Upon information and belief, at all relevant times, defendant ELIE MYSTAL ("Mystal") was and is an employee and/or agent of Media and ATL.

12. Upon information and belief, at all relevant times, defendant AMERICAN BAR ASSOCIATION ("ABA") was and is a corporation and a trade association having its principal place of business in Illinois. ABA has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against ABA arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

13. Upon information and belief, at all relevant times, defendant ABAJOURNAL.COM ("ABA Journal") was and is an unincorporated website owned or controlled by the ABA. ABA Journal, through ABA, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against ABA and ABA Journal arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

14. Upon information and belief, at all relevant times, defendant DEBRA CASSENS WEISS ("Weiss") was and is an employee and/or agent of ABA and ABA Journal. Weiss, through ABA and ABA Journal, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against ABA, ABA Journal and Weiss arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

15. Upon information and belief, at all relevant times, defendant SARAH RANDAG ("Randag") was and is an employee and/or agent of ABA and ABA Journal. Randag, through ABA and ABA Journal, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against ABA, ABA Journal and Randag arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

16. Upon information and belief, at all relevant times, defendant MYSHINGLE.COM ("Shingle") was and is an unincorporated association owned and/or controlled by CAROLYN ELEFANT having its principal place of business in the District of Columbia. Shingle has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Shingle arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

17. Upon information and belief, at all relevant times, defendant CAROLYN ELEFANT ("Elefant") was and is an owner, employee and/or agent of Shingle. Elefant, through Shingle, has transacted business in New York within the meaning of CPLR

302(a)(1) and the causes of action asserted against Shingle and Elefant arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

18. Upon information and belief, at all relevant times, defendant KRAVET & VOGEL, LLP ("Kravet") was and is a limited liability partnership having its principal place of business in the State of New York.

19. Upon information and belief, at all relevant times, defendant SIMPLE JUSTICE NY, LLC ("Simple") was and is a limited liability company owned and/or controlled by SCOTT H. GREENFIELD having its principal place of business in the State of New York.

20. Upon information and belief, at all relevant times, defendant BLOG.SIMPLEJUSTICE.US ("Blog Simple") was and is an unincorporated association owned and controlled by SCOTT H. GREENFIELD.

21. Upon information and belief, at all relevant times, defendant SCOTT H. GREENFIELD ("Greenfield") was and is an owner, employee and/or agent of Simple and Blog Simple.

22. Upon information and belief, at all relevant times, defendant LAW OFFICE OF ERIC L. MAYER ("Mayer Law") was and is a sole proprietorship, which owned and/or controlled a website "MilitaryUnderdog.com" having its principal place of business in Kansas. Mayer Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Mayer Law arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

23. Upon information and belief, at all relevant times, defendant ERIC L. MAYER ("Mayer") was and is an owner, employee and/or agent of Mayer Law. Mayer, through Mayer Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Mayer Law and Mayer arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

24. Upon information and belief, at all relevant times, defendant Gamso, HELMICK & HOOLAHAN ("GHH") was and is a partnership which owned and/or controlled a website "Gamso-for the Defense.Blogspot.com" having its principal place of business in the Ohio. GHH has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against GHH arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

25. Upon information and belief, at all relevant times, defendant JEFF GAMSO ("Gamso") was and is an owner, employee and/or agent of GHH. Gamso, through GHH, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against GHH and Gamso arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

26. Upon information and belief, at all relevant times, defendant CRIMEANDFEDERALISM.COM ("C&F") was and is an unincorporated association owned and/or controlled by John Doe #1, the principal place of business of which is not known to plaintiffs. C&F has transacted business in New York within the meaning of

CPLR 302(a)(1) and the causes of action asserted against C&F arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

27. Upon information and belief, at all relevant times, defendant MICHAEL CERNOVICH ("Cernovich") was and is an owner, employee and/or agent of C & F. Cernovich, through C&F, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against C&F and Cernovich arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

28. Upon information and belief, at all relevant times, defendant ORLANDO-ACCIDENTLAWYER.COM ("Accident Lawyer") an unincorporated association owned and/or controlled by John Doe #2 having its principal place of business in Florida. Accident Lawyer has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Accident Lawyer arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

29. Upon information and belief, at all relevant times, defendant, JOHN DOE #2 ("John Doe #2") was and is an owner, employee and/or agent of "Accident Lawyer." John Doe #2, through Accident Lawyer, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Accident Lawyer and John Doe #2 arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

30. Upon information and belief, at all relevant times, defendant LAW OFFICE OF FARAJI A. ROSENTHALL ("Faraji Law") was and is an unincorporated association owned and/or controlled by FARAJI A. ROSENTHAL having its principal place of business in Virginia. Faraji Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Faraji Law arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On May 20, 2011, process was served upon Faraji Law and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Faraji Law.

31. Upon information and belief, at all relevant times, defendant FARAJI A. ROSENTHAL ("Faraji") was and is an owner, employee and/or agent of Faraji Law. Faraji, through Faraji Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Faraji Law and Faraji arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On May 20, 2011, process was served upon Faraji and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Faraji.

32. Upon information and belief, at all relevant times, defendant BENNETT AND BENNETT ("Bennett & Bennett") was and is a partnership which maintained a website "BennettAndBennett.com," having its principal place of business in Texas. Bennett & Bennett has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Bennett & Bennett arise from such

transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

33. Upon information and belief, at all relevant times, defendant MARK BENNETT ("Mark Bennett") was and is a partner or principal in Bennett & Bennett. Mark Bennett, through Bennett & Bennett, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Bennett & Bennett arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

34. Upon information and belief, at all relevant times, defendant SEDDIQ LAW ("Sed Law") was and is a sole proprietorship owned and/or controlled by MIRRIAM SEDDIQ having its principal place of business in the Virginia. Sed Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Sed Law arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

35. Upon information and belief, at all relevant times, defendant MIRRIAM SEDDIQ ("Seddiq") was and is an employee and/or agent of Sed Law. Seddiq, through Sed Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Sed Law and Seddiq arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

36. Upon information and belief, at all relevant times, defendant ALLBRITTON COMMUNICATIONS Company ("Allbritton") was and is a corporation

doing business as "TBD.Com" having its principal place of business in Virginia. Allbritton has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Allbritton arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On May 19, 2011, process was served upon Allbritton and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Allbritton.

37. Upon information and belief, at all relevant times, defendant TBD.COM ("TBD.Com") was and is an unincorporated website owned and/or controlled by Allbritton having its principal place of business in the Virginia. TBD.Com, through Allbritton, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Allbritton and TBD.Com arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On May 19, 2011, process was served upon TBD.Com and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against TBD.Com.

38. Upon information and belief, at all relevant times, defendant RESTORINGDIGNITYTOTHELAW.BLOGSPOT.COM ("RDTTL") was and is an unincorporated association owned and/or controlled by persons unknown. RDTTL has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against RDTTL arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

39. Upon information and belief, at all relevant times, defendant JDOG84@YMAIL.COM ("J-Dog") was and is an association owned and/or controlled by persons now unknown. J-Dog, through RDTTL, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against RDTTL and J-Dog arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

40. Upon information and belief, at all relevant times, defendant ADRIAN K. BEAN ("Bean") was and is a principle, agent or an employee or agent of Heslep. Bean has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Bean arise from such transaction of business in New York. Bean, through Washington Post, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Bean and Washington Post arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On May 31, 2011, process was served upon Bean and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Bean.

41. Upon information and belief, at all relevant times, defendant KOEHLER LAW ("Koehler Law") was and is a partnership or other unincorporated association or sole proprietorship having its principal place of business in the District of Columbia. Koehler Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Koehler Law arise from such

transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

42. Upon information and belief, at all relevant times, defendant JAMISON KOEHLER ("Koehler") was and is the owner, partner and/or other person having control of Koehler Law. Koehler, through Koehler Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Koehler Law and Koehler arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

43. Upon information and belief, at all relevant times, defendant THE TURKEWITZ LAW Firm ("TLF") was and is a partnership or other unincorporated association or a sole proprietorship having its principal place of business in the State of New York.

44. Upon information and belief, at all relevant times, defendant ERIC TURKEWITZ ("Turkewitz") was and is the owner, partner or other person having control of TLF.

45. Upon information and belief, at all relevant times, defendant THE BEASLEY FIRM, LLC ("Beasley Firm") was and is a limited liability company having its principal place of business in Pennsylvania. Beasley Firm has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Beasley Firm arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

46. Upon information and belief, at all relevant times, defendant MAXWELL S. KENNERLY ("Kennerly") was and is an employee or agent of Beasley Firm. Kennerly, through Beasley Firm, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Beasley Firm and Kennerly arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

47. Upon information and belief, at all relevant times, defendant STEINBERG MORTON HOPE & ISRAEL, LLP ("Steinberg Morton") was and is a partnership having its principal place of business in Canada. Steinberg Morton has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Steinberg Morton arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

48. Upon information and belief, at all relevant times, defendant ANTONIN I. PRIBETIC ("Pribetic") was and is an employee and/or agent of Steinberg Morton. Pribetic, through Steinberg Morton, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Steinberg Morton and Pribetic arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

49. Upon information and belief, at all relevant times, defendant TANNEBAUM WEISS, PL ("Tannebaum Weiss") was and is a professional corporation, partnership and/or other unincorporated association having its principal place of business in the Florida. Tannebaum Weiss has transacted business in New York within the

meaning of CPLR 302(a)(1) and the causes of action asserted against Tannebaum Weiss arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

50. Upon information and belief, at all relevant times, defendant BRIAN L. TANNEBAUM ("Tannebaum") was and is the owner, partner and/or other person having control of Tannebaum Weiss. Tannebaum, through Tannebaum Weiss, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Tannebaum Weiss and Tannebaum arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

51. Upon information and belief, at all relevant times, defendant WALLACE, BROWN & SCHWARTZ ("Wallace Brown") was and is a partnership, unincorporated association, and/or sole proprietorship having its principal place of business in Florida. Wallace Brown has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Wallace Brown arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

52. Upon information and belief, at all relevant times, defendant GEORGE M. WALLACE ("Wallace") was and is the owner, partner and/or other person having control of Wallace Brown. Wallace, through Wallace Brown, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Wallace Brown and Wallace arise from such transaction of business in New

York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

53. Upon information and belief, at all relevant times, defendant DAVID C. WELLS, P.C. ("Wells P.C.") was and is a corporation having its principal place of business in the Texas. Wells P.C. has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Wells P.C. arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

54. Upon information and belief, at all relevant times, defendant DAVID C. WELLS ("Wells") was and is the owner and/or other person having control of Wells P.C. Wells, through Wells P.C., has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Wells P.C. and Wells arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

55. Upon information and belief, at all relevant times, defendant ROB MCKINNEY, ATTORNEY AT LAW ("McKinney Law") was and is a sole proprietorship and/or partnership and/or other unincorporated association having its principal place of business in Tennessee. McKinney Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against McKinney Law arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On June 1, 2011, process was served upon McKinney Law and has failed to appear by

submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against McKinney Law.

56. Upon information and belief, at all relevant times, defendant ROB MCKINNEY ("McKinney") was and is the owner, partner and/or other person having control of McKinney Law. McKinney, through McKinney Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against McKinney Law and McKinney arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On June 1, 2011, process was served upon McKinney and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against McKinney.

57. Upon information and belief, at all relevant times, defendant THOMSON REUTERS ("Thomson Reuters") was and is a corporation having its principal place of business in the State of New York. Thomson Reuters is present in New York within the meaning of CPLR 301 and the causes of action asserted against Thomson Reuters arise from such presence in New York.

58. Upon information and belief, at all relevant times, defendant DAN SLATER ("Slater") was and is the owner, partner and/or other person having control of Thomson Reuters. Slater, through Thomson Reuters, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Thomson Reuters and Slater arise from such transaction of business in New York.

59. Upon information and belief, at all relevant times, defendant BANNED VENTURES, LLC ("Banned Ventures") was and is a corporation having its principal

place of business in Colorado. Banned Ventures has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Banned Ventures arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

60. Upon information and belief, at all relevant times, defendant BANNINATION.COM ("Banni") was and is an association owned and/or controlled by Banned Ventures. Banni, through Banned Ventures, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Banned Ventures and Banni arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

61. Upon information and belief, at all relevant times, defendant "TARRANT84" ("Tarrant 84") was and is the owner, partner and/or other person having control of Banni. Tarrant 84, through Banned Ventures and Banni, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Banned Ventures, Banni and Tarrant 84 arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

62. Upon information and belief, at all relevant times, defendant Law OFFICES OF MICHAEL T. DOUDNA ("Michael T. Doudna Law") was and is a corporation having its principal place of business in the California. Michael T. Doudna Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Michael T. Doudna Law arise from such transaction of

business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

63. Upon information and belief, at all relevant times mentioned herein, defendant MICHAEL T. DOUDNA ("Doudna") was and is the owner, partner and/or other person having control of Michael T. Doudna Law. Doudna, through Michael T. Doudna Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Michael T. Doudna and Doudna arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

64. Upon information and belief, at all relevant times, defendant MACE J. YAMPOLSKY & ASSOCIATES ("Yampolsky & Associates") was and is a corporation having its principal place of business in Nevada. Yampolsky & Associates has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Yampolsky & Associates arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

65. Upon information and belief, at all relevant times mentioned herein, defendant MACE J. YAMPOLSKY ("YAMPOLSKY") was and is the owner, partner and/or other person having control of Yampolsky & Associates. YAMPOLSKY, through Yampolsky & Associates, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Yampolsky & Associates and Yampolsky arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

66. Upon information and belief, at all relevant times, defendant THE Law OFFICE OF JEANNE O'HALLERAN, LLC ("O'Halleran Law") was and is a corporation having its principal place of business in Georgia. O'Halleran Law has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against O'Halleran Law arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

67. Upon information and belief, at all relevant times, defendant JEANNE O'HALLERAN ("O'Halleran") was and is the owner, partner and/or other person having control of O'Halleran Law. O'Halleran, through O'Halleran Law, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against O'Halleran Law and O'Halleran arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

68. Upon information and belief, at all relevant times, defendant REITER & SCHILLER, P.A. ("Reiter & Schiller") was and is a corporation having its principal place of business in Minnesota. Reiter & Schiller has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Reiter & Schiller arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On June 1, 2011, process was served upon Reiter & Schiller and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Reiter & Schiller.

69. Upon information and belief, at all relevant times, defendant LEAH K. WEAVER ("Weaver") was and is an agent, owner and/or partner of Reiter & Schiller. Weaver, through Reiter & Schiller, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Reiter & Schiller and Weaver arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3). On June 2, 2011, process was served upon Weaver and has failed to appear by submitting either an answer or a motion to this Court. Accordingly, Plaintiffs seek a default judgment against Weaver.

70. Upon information and belief, at all relevant times, defendant AVVO CORPORATION ("Avvo") was and is a corporation having its principal place of business in Washington. Avvo has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Avvo arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

71. Upon information and belief, at all relevant times, defendant JOSHUA KING ("King") was and is an agent, owner and/or partner of Avvo. King, through Avvo, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Avvo and King arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

72. Upon information and belief, at all relevant times, defendant ACCELA INC. ("Accela") was and is a corporation having its principal place of business in

California. Accela has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Accela arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

73. Upon information and belief, at all relevant times, defendant COLIN SAMUELS ("Samuels") was and is an agent, owner and/or partner of Accela. Samuels, through Accela, has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Accela and Samuels arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

74. Upon information and belief, at all relevant times, defendant THE BURNEY LAW FIRM, LLC ("Burney Law") was and is a limited liability company having its principal place of business in the State of New York.

75. Upon information and belief, at all relevant times, defendant NATHANIEL BURNEY ("Burney") was and is the owner, partner or other person having control of Burney Law.

76. Upon information and belief, at all relevant times, defendant THE WASHINGTON POST, LLC ("Washington Post LLC") was and is a corporation having its principal place of business in the District of Columbia and a bureau in the State of New York. Washington Post LLC has transacted business in New York within the meaning of CPLR 302(a)(1) and the causes of action asserted against Washington Post LLC arise from such transaction of business in New York. In addition, *in personam* jurisdiction over this defendant arises under CPLR 302(a)(2) and 302(a)(3).

FIRST CAUSE OF ACTION FOR DEFAMATION

77. Plaintiff Joseph Rakofsky repeats the allegations made in paragraphs 1 through 76 hereof with the same force and effect as though set forth at length herein.

78. Rakofsky is a 2009 graduate of Touro Law Center having been awarded the degree of Doctor of Law (J.D.).

79. Rakofsky was admitted to practice as an Attorney-at-Law by the State of New Jersey by the Supreme Court of the State of New Jersey and is a member of the Bar of New Jersey in good standing.

80. Rakofsky is engaged in the practice of law under the name, title and style of Rakofsky Law Firm ("RLF"), a professional service corporation validly organized and duly existing under the Professional Service Corporation Act of the State of New Jersey, of which Rakofsky is the sole shareholder.

81. On or about May 3, 2010, Rakofsky was approached and requested by members of the family of one Dontrell Deaner (hereinafter referred to as "the client" or "the defendant"), who had been indicted by a grand jury of the District of Columbia and was then awaiting trial, to represent the client in the proceedings in the Superior Court of the District of Columbia on the charges against him, which included First Degree Felony Murder While Armed, the felony on which said charge was based being an alleged attempted robbery. Deaner was also charged with conspiracy, attempt to commit robbery (while armed), possession of a firearm during the commission of a crime of violence and carrying a pistol without a license.

82. In or about late May 2010, Rakofsky met with the client in the District of Columbia and Rakofsky was retained by the client in said proceedings, the client having been made aware, prior to retaining Rakofsky, that Rakofsky had not yet tried any case, which representation Rakofsky accepted.

83. In the course of their representation of the client, Rakofsky engaged Bean, through Heslep, as an investigator who was hired to perform services on behalf of the client.

84. Rakofsky personally met with the client on numerous occasions during the period following the acceptance by Rakofsky of the representation of the client and obtained from him information necessary and useful to defend him against charges leveled against him and reviewed matters of record with respect to those charges.

85. The proceedings against the client were assigned to the Honorable Lynn Leibovitz, a Judge of the Superior Court of the District of Columbia (hereinafter referred to as "Judge Leibovitz").

86. Because Rakofsky was not licensed to practice law in the District of Columbia, Rakofsky was required to seek admission from Judge Leibovitz *pro hac vice*, that is, for the sole purpose of allowing him to appear for the client in proceedings in the Superior Court of the District of Columbia against the client. For that reason and because the trial of the client was to be the first criminal trial in which Rakofsky would be lead counsel, Rakofsky associated himself with Sherlock Grigsby, Esq. (herein after referred to as "Grigsby"), of The Grigsby Firm, who was admitted to practice in the District of Columbia and who had substantial experience representing persons accused of committing crimes therein, including homicide. Nevertheless, Rakofsky (and not Grigsby) researched and drafted every single document involved in the unusually

extensive amount of litigation related to the client's prosecution, located and convinced medical experts, ballistic experts, surveillance video experts, security experts and investigators to agree to accept a "voucher" (to be redeemed by the Government, instead of money to be paid by Rakofsky or RLF) as payment for their respective services on behalf of the client and continuously met with a multitude of criminal defense lawyers experienced in defending homicide cases to ask questions relating to legal tactics because Grigsby was usually unable to answer them.

87. Rakofsky determined from his review of the documents pertaining to the charges against the client that information had been received by Assistant United States Attorney Vinet S. Bryant (hereinafter referred to as the "AUSA"), to whom the representation of the Government in the prosecution of the charges against the client had been assigned, from four confidential informants ("C.I.'s") whose identities were not disclosed to the client or to Rakofsky. Access to the C.I.'s was denied by the AUSA and as a result, Rakofsky sought an order from Judge Leibovitz requiring the disclosure of the identities of the C.I.'s.

88. As a result of negotiations with the AUSA, Rakofsky was granted access to two of the C.I.'s, whom he then interviewed. As a result of the interviews, Rakofsky narrowed down the remaining potential C.I.'s to C.I. #2, whose identity was not disclosed to him prior to the trial of the case and who he, therefore, believed would be an important witness for the Government.

89. In addition to interviewing two of the C.I.'s identified to him and access to whom was given to him by the AUSA, Rakofsky made numerous written motions to obtain disclosure of exhibits and videos made of the crime scene by the District of Columbia Police.

90. The individual who had committed the murder that resulted in the Felony Murder charge against the client, one Javon Walden, was allowed by the Government to plead guilty to second degree murder, a lesser charge than the Felony Murder Charge of Murder in the first degree with which the client was charged. Javon Walden had been allowed by the AUSA to plead guilty to a reduced charge of second degree murder, rather than the original charge of first degree murder, and in return, Javon Walden claimed in his allocution that the shooting of the victim, Frank Elliot (hereinafter referred to as "Elliot") had occurred in the course of an attempted robbery of Elliot. Javon Walden dutifully made the required statement upon pleading guilty to the reduced charge of Murder in the 2nd Degree. However, on at least four prior occasions, Javon Walden had testified as a matter of record that no one attempted to rob Elliot.

91. As a result of his study of the documents related to the homicide of Elliot, Rakofsky believed that Elliot had been present at the time and place of the homicide for an unlawful purpose, to commit a robbery of the client and/or others with whom the client had been engaged in gambling at a block party that was then in progress at or near the crime scene, the cash used in such gambling being substantial in amount. In addition, Rakofsky believed that Elliot had been the aggressor in the incidents leading to his homicide as a result of his having recently ingested Phencyclidine, a chemical commonly known as "PCP," which causes users to become unusually aggressive. In order to adduce proof that Elliot was on PCP and thereby create reasonable doubt in the minds of jurors that Elliot had been robbed, Rakofsky engaged an expert witness, William Manion, M.D., who was prepared and qualified to testify at the trial of the client to the effects of the ingestion of PCP upon Elliot, whose recent use of PCP was revealed by the Toxicology Report accompanying the Autopsy Report.

92. Approximately one week before the scheduled trial date, the case was reassigned to the Honorable William Jackson (hereinafter referred to as "Judge Jackson"), a Judge of the Superior Court of the District of Columbia.

93. On March 28, 2011, the day before jury selection would begin, the AUSA, anticipating Rakofsky's intended use of the Toxicology Report showing that Elliot was high on PCP at the time of his death, moved the Court to suppress, and thereby conceal from the jury, the reference to Elliot's having recently ingested PCP, a drug which causes its users to behave in a very violent and aggressive manner, even though it had been stated in the Toxicology Report attached to the Medical Examiner's report nearly 3 years earlier. The AUSA waited until literally the eve of trial to make her motion, demonstrating the extent to which the Government was prepared to go in pursuit of a conviction of Rakofsky's client and that the Government would do anything to win. Nevertheless, Judge Jackson granted the AUSA's motion and ruled that the defendant could not introduce evidence that Elliot was under the effects of PCP and denied to Rakofsky the right to make any mention of PCP or Phencyclidine at the trial, thereby denying to Rakofsky the ability to adduce proof that no attempted robbery had occurred and instead that Elliot's death was a result of Javon Walden's retaliation.

94. At the same time, Judge Jackson denied several written motions filed by Rakofsky seeking to offer (a) testimony on the effect of PCP on the actions of Elliot, (b) evidence of Elliot's commission of domestic violence against his wife (which, like the ingestion of PCP, also reflects Elliot's tendency to behave in an aggressive manner) and (c) evidence of events that caused Elliot to need funds immediately prior to the homicide, which Rakofsky planned and intended to present to the jury on the defense's case. Judge Jackson ruled that he would not permit the defense to offer testimony or make any

statements to the jury (which had not yet been empanelled) concerning Elliot's use of PCP, Elliot's commission of domestic violence against his wife and of events that caused Elliot to need funds immediately prior to the homicide.

95. With respect to the AUSA's motion to suppress evidence of PCP, in general, Judge Jackson based his ruling, first articulated on the eve of trial as a result of the AUSA's motion to suppress evidence of PCP (that is, a view that neither he nor Judge Leibovitz ever expressed prior to the AUSA's motion to suppress evidence of PCP) upon his newly-adopted view that Dr. Manion was not qualified to offer an expert opinion on the effects of the ingestion of PCP by Elliot. In addition to his repeated references to all of the degrees Dr. Manion held in addition to the degree of Doctor of Medicine, Judge Jackson attempted to denigrate Dr. Manion's qualifications as an expert on the record by pointedly referring to him as "**Mr.** Manion" (emphasis added). The only specific reason for this ruling given on the record by Judge Jackson was the fact that, in addition to holding the degree of Doctor of Medicine, Dr. Manion holds two other degrees, Doctor of Law and Master of Business Administration (a reason Judge Jackson repeated at least twice).

> Judge Jackson: The – and it says here that he is a Juris Doctor, he is a medical doctor, he has a Doctor of Philosophy in Anatomy, and he has a residency in forensic pathology and anatomical and clinical pathology. It doesn't say anything about PCP here. What are his qualifications of PCP? Doesn't say anything about degrees of psychopharmacology or pharmacology or any of that…You can talk about his aggressive behavior, you can talk about anything you want to talk about but not that he had drugs in his system until you lay a predicate for it, all right…
>
> Rakofsky: Your Honor, very respectfully, is there any set of facts that we could offer that would justify the mentioning of PCP in the opening?

Judge Jackson: Not at this point... You haven't proffered me sufficient credentials for anybody to testify about the effects of PCP on anyone. You haven't. You've given me a curriculum vitae that doesn't mention anything about anybody's basis that he has any degree of pharmacology or anything. You have this person who has a masters in business administration, okay. Who's a forensic pathologist or at least had – at one time was a forensic pathologist. Had a residency training back in 1982 and '86. The most recent – he has a law degree and a masters in business administration, 2001...

Rakofsky: Your Honor, he is a medical doctor. He has years and years and years of experience under his belt.

Judge Jackson: We're not here talking about medicine. We're here talking about the effects of PCP...

Judge Jackson did not elucidate in his ruling the reason why possession of two degrees in addition to that of Doctor of Medicine disqualified Dr. Manion from being qualified to offer an opinion on the effects of PCP, nor did he otherwise specify a reason for his ruling.

96. In addition, on March 28, 2011, Rakofsky moved to exclude as inflammatory to the jury several Government photographs, one of which being a photograph depicting Elliot's face after his eyes were opened by a Government agent. Out of approximately 20 photographs the Government sought to offer into evidence, the only photograph that Judge Jackson excluded was a photograph of Elliot's blood-soaked shirt.

97. Following the seating of a jury of 14 persons, the AUSA made her opening statement. Rakofsky then made an opening statement on behalf of the defense, in the course of which Rakofsky was repeatedly interrupted by Judge Jackson, in each or nearly each instance without any audible objection by the AUSA.

98. At one point in his opening statement, without ever mentioning "PCP" or "Phencyclidine," Rakofsky made reference to the Toxicology Report that had been submitted as part of the Government's Medical Examiner's report. This prompted Judge Jackson to interrupt Rakofsky and to require a sidebar conference in which he (Judge Jackson) considered that to be a reference to PCP. Judge Jackson erroneously stated in the sidebar conference with Rakofsky that, in ruling on March 28, 2011, that Rakofsky could not refer to PCP in his opening statement, he had similarly so ruled that Rakofsky could not refer to the toxicology report in his opening statement. An examination of the transcript of March 28, 2011 proves that his Honor forbade only references of PCP and not to references to the toxicology report.

99. Judge Jackson reproached Rakofsky for being repetitive, although his need to repeat statements he may have said previously was caused by Judge Jackson's frequent interruptions of his opening statement.

100. Although Judge Jackson took issue with respect to Rakofsky's reference to the toxicology report, Judge Jackson acknowledged in open court outside the presence of the jury, following the conclusion of Rakofsky's opening statement, that his presentation of the opening statement was "skillful" on the part of Rakofsky. Further, Judge Jackson stated to Rakofsky: "And I think you, quite honestly, tried to adhere to the Court's ruling. You slipped a couple of times, but you've been trying to adhere to the Court's rulings..."

101. After Rakofsky's opening statement, Judge Jackson summoned the defendant to the bench and conducted an *ex parte* sidebar conversation with the defendant, in which Judge Jackson inquired of the defendant whether he wished to continue to be represented by Rakofsky as his lead counsel. On a subsequent occasion on the following day, Judge Jackson repeated the question to the client. On each occasion,

the client unequivocally expressed his desire to continue to be represented by Rakofsky as his lead counsel.

102. Following the completion of opening statements, the AUSA commenced the presentation of witnesses for the Government. The initial witnesses offered by the AUSA established the chain of custody of evidence and the results of the autopsy performed by the Medical Examiner, who testified that Elliot had been killed by a single bullet, which entered his body through his back. Such testimony was unexceptional and prompted little or no cross- examination.

103. Despite the fact that Judge Jackson had agreed to exclude only one Government photograph (*i.e.*, a photograph of Elliot's blood-soaked shirt), Judge Jackson nevertheless allowed the Government to offer into evidence, not merely a photograph of the blood-soaked shirt, but the actual shirt itself, which the AUSA displayed to the jury.

104. On March 31, 2011, the AUSA called GILBERTO RODRIGUEZ ("Rodriguez"), who was identified as C.I. #2, the only confidential informant not previously disclosed by the AUSA or otherwise made known to Rakofsky. His testimony, both on direct examination by the AUSA and on cross-examination by Rakofsky, strongly suggested that Rodriguez, who claimed to have witnessed the homicide of Elliot by Javon Walden, did not actually witness the homicide, as he testified that Elliot had been shot in the chest, contrary to the expert testimony of the Medical Examiner, who had preceded him as a witness, albeit out of Rodriguez's hearing, that Elliot had been shot in the back by only one bullet.

105. During the course of Rodriguez's testimony, the client passed to Rakofsky, on a few occasions, notes he had made on a pad that concerned questions the client felt Rakofsky should ask of Rodriguez, which Rakofsky, as the client's counsel,

believed were detrimental to the client's defense and interests. Thus, Rakofsky was faced with the decision whether to ask the client's questions and thereby continue representing the client or to refuse to ask his client's questions and seek to withdraw from representation of the client.

106. Rakofsky determined that the conflict with the client on the issue of whether to ask the questions that the client had posed to him required him to seek to withdraw as lead counsel for the client. In arriving at the decision to make such an application, which Rakofsky believed would inevitably result in a mistrial that would permit the Government to retry his client, Rakofsky took into consideration the fact that, as a result of the blatant "alliance" between Judge Jackson and the AUSA that resulted in virtually all of Judge Jackson's rulings being in favor of the Government, Rakofsky's defense of his client had been gutted and had virtually no chance of success.

107. However, should the Government determine to retry the defendant following a mistrial, the attorney who would then be lead counsel for the defendant would likely have a greater possibility of success in defending the defendant using the preparation of the defense of the defendant and the disclosure of the prosecution secrets, including the identities of the 4 C.I.'s, the grand jury transcript of C.I. #2 (Rodriguez), the in-court testimony of Gilberto Rodriguez, the grand jury transcripts of the testimony of the lead detective, etc. as a result of Rakofsky's efforts on behalf of the defendant and the defense strategy laid out by Rakofsky (but not yet revealed in open court).

108. Such successor counsel would have an opportunity to secure the services of a medical expert witness whose qualifications would be acceptable to such Judge as might be assigned to the retrial of the client, assuming the Government were to decide that, taking into consideration the proceedings that had already transpired in the case and

the availability to Rakofsky's successor as lead counsel for the client of Rakofsky's defense strategy, should the client be subjected to retrial. Therefore, Rakofsky determined to seek to withdraw as lead counsel for the client.

109. Rakofsky's cross-examination of Rodriguez had been interrupted prior to its conclusion by the Court's recessing for lunch.

110. During the Court's recess, Rakofsky and his co-counsel met with the client.

111. Following the resumption of trial, but out of the presence of the jury, Rakofsky moved orally to Judge Jackson for leave to withdraw from the representation of the client, on the grounds that the client's insistence on asking certain questions the client proposed caused a conflict between Rakofsky and the client.

> Rakofsky: I feel I'm doing the very best job for him but if it's going to require my asking his question, I cannot do that....And **I'm asking** Your Honor...I just don't think this can be reconciled (emphasis added).

Initially, Judge Jackson refused to grant Rakofsky's motion to withdraw as lead counsel.

> Judge Jackson: Well, I've asked him twice whether he was satisfied. The issue of – he needs to understand that certain questions, you know – that have to be – what do you mean by bad questions?
>
> Rakofsky: Questions that I think are going to ruin him and I cannot have that.
>
> Judge Jackson: If you need time to talk to him and to explain it to him, because sometimes it's very hard in the middle of examination to explain to him why it's a bad question, and if you want time to talk to him about that, you can go into the back and talk to him.
>
> Rakofsky: Your Honor, respectfully, I think now might be a good time – I think it might be a good time for you to excuse me from trying this case...I don't believe there is anybody who could have prepared for this case more diligently than I... in light of this very serious barrier, I think now might be a good opportunity for –
>
> Judge Jackson: We're in the middle of trial, jeopardy is attached. I can't sit here

and excuse you from this trial.

However, Rakofsky persisted and was able to convince Judge Jackson to agree to voire dire the client.

112. Judge Jackson, for a third time, summoned the client to the bench and inquired of the client whether he was in agreement with Rakofsky's application to withdraw as his lead counsel. As Rakofsky had anticipated, Judge Jackson explained to the client that if he granted Rakofsky's request to withdraw, it would result in a mistrial, which would not prevent the Government from retrying the client. When asked by Judge Jackson, the client signified his agreement with Rakofsky's withdrawal.

> Judge Jackson: [T]here appears to be a conflict that has arisen between counsel and the defendant...[T]his is **not** an issue of manifest necessity (emphasis added)...

113. Although Judge Jackson might have thought to appoint as lead counsel, Sherlock Grigsby, who was already co-counsel, he did not even inquire of the defendant whether that was acceptable to the defendant, whether because Rakofsky, speaking in the interest of his client, had intimated to Judge Jackson in his application for withdrawal, that the client did not have a good relationship with Grigsby, or whether Judge Jackson considered Grigsby incompetent to defend the client.

114. Judge Jackson stated on the record that he reserved decision on Rakofsky's motion to withdraw until the following day, April 1, 2011, on which no proceedings in the case had been scheduled.

115. Aside from the attorney-client conflict on which Rakofsky based his application to Judge Jackson, Rakofsky believed that his withdrawal as lead counsel would not be prejudicial to the interest of Rakofsky 's client, but rather would further the

interests of the client even though, as Judge Jackson pointed out to the client before closing proceedings on March 31, 2011, the granting of Rakofsky's application would result in the entry of a mistrial that would not preclude the Government from retrying the client, in that, on any retrial, whether it were to occur before Judge Jackson or before another Judge of the Court, the attorney then representing the client would be able to avail himself of the entire defense strategy that Rakofsky had formulated (but had not yet revealed).

116. On the following day, April 1, 2011, Judge Jackson announced in open court that Rakofsky had "asked to withdraw midtrial" as lead counsel, due to a conflict that existed between him and his client and Judge Jackson granted the motion to withdraw. Judge Jackson acknowledged and stated, on the record repeatedly that Rakofsky had himself requested that he be excused.

> Judge Jackson: "Let me say that this arose in the context of counsel, Mr. Rakofsky, approaching the bench and indicating that there was a conflict that had arisen between he [*sic*] and Mr. Deaner. Mr. Deaner, when I acquired [*sic*] of him, indicated that there was, indeed a conflict between he [*sic*] and Mr. Rakofsky. Mr. Rakofsky actually asked to withdraw mid-trial..."

Further, Judge Jackson acknowledged, on the record, that he had personally inquired of Rakofsky's client (outside the presence of Rakofsky) whether there was, in fact, a conflict between Rakofsky and his client and that the client agreed that there was indeed a conflict and agreed to accept a new attorney following Rakofsky's application to withdraw as lead counsel. Judge Jackson's inquiry of the defendant provided sufficient cause for him to grant Rakofsky's motion and permit Rakofsky's withdrawal as lead counsel.

117. After stating that Rakofsky's motion for withdrawal as lead counsel

for the defendant was precipitated by a conflict with the defendant which the defendant confirmed, Judge Jackson next uttered several statements in open court that denigrated the knowledge of courtroom procedure on the part of client's counsel. The statements were plainly irrelevant to the trial and Rakofsky's motion to withdraw as lead counsel, which Rakofsky had made on March 31, 2011 and which Judge Jackson then stated he was inclined to grant. Only two days prior, on Wednesday, March 30, 2011, Judge Jackson stated to Rakofsky: "[E]very attorney makes mistakes during the course of the trial. Every attorney does. It just happens. That's the nature of trials. Judges make mistakes during the courses of trials. That's the nature of trials..."

118. To the extent that Judge Jackson may have been upset by Rakofsky's presentation of his client's case, as opposed to the benefits that likely would accrue to the defendant as a consequence of Rakofsky's withdrawal as lead counsel (including the likelihood of a mistrial) and the appointment of new lead counsel with access to Rakofsky's work and defense strategy, his anger may have been prompted by the diligence and zeal with which Rakofsky conducted his defense in the interest of the client as much as anything else, rather than any shortcoming in Rakofsky's knowledge of court procedure, especially as Rakofsky's highly experienced co-counsel, Grigsby, never sought to "correct" Rakofsky during the trial; at no time during the trial was there ever a single disagreement between Rakofsky and Grigsby.

119. Notwithstanding the foregoing facts, Judge Jackson, likely being aware of the possible presence in the courtroom of a newspaper reporter, Alexander, a so-called newspaper "reporter" from the Washington Post and Washington Post LLC, and knowing full well that both news reporters and others would publish his denigrating words, Judge Jackson, for reasons that can only be speculated, gratuitously published on

the record the statement that he was "astonished" at Rakofsky's willingness to represent a person charged with murder and at his (Rakofsky's) "not having a good grasp of legal procedures.

120. This statement was, neither germane nor relevant to any issue before the Court -- in fact, there were no further proceedings in the defendant's case; nor would it have been germane or relevant had it been made before Judge Jackson admitted the basis for granting Rakofsky's motion to withdraw as lead counsel; Judge Jackson, himself, had already acknowledged on the record that Rakofsky's motion for withdrawal as lead counsel for the defendant was caused by a conflict with the defendant which the defendant confirmed.

121. In addition, after granting Rakofsky's motion to withdraw as lead counsel, Judge Jackson referred to a "motion" that had been submitted (but not formally filed) that very day by Bean, one of the "investigators" hired by Rakofsky to assist him with the case, whom Rakofsky had previously discharged for incompetence.

122. In his "motion," Bean sought to obtain a "voucher," which is a method of compensation made available by the Criminal Justice Act which provides funds issued by the Government and **not** money from Rakofsky. However, not only did Bean fail to complete any of the 4 tasks assigned to him by Rakofsky, he never even *began* to do any work assigned to him whatsoever.

123. Instead, Bean sought to exploit, for the purpose of receiving compensation that was not due him, an email, which had been hastily typed by Rakofsky on a mobile device, that used an unfortunate choice of the word "trick" -- which, as Bean knew only too well, was a shorthand word that meant only that Bean should underplay the fact that he worked for the defense-- which memorialized an earlier conversation between Bean

and Rakofsky concerning a **non-witness**, referring only to Rakofsky's suggestion to Bean to understate the fact that he was employed by the defense while endeavoring to get the non-witness to **repeat**, for a second time, what she had already admitted "a couple of months" previously to Rakofsky, Grigsby (*i.e.* the "2 lawyers" referred to in the email) and the client's mother, and not with respect to anything concerning the substance of her statements. Although Bean's assignment was never to get that non-witness to *change* anything she had already admitted (to the "2 lawyers" and the client's mother), but, rather, to get that non-witness to *repeat* what she had already admitted (to the "2 lawyers" and the client's mother): she (a) was not present during the shooting and therefore, did not witness the shooting, (b) was not being compensated with money by the Government (unlike other Government witnesses in the client's case) to participate in its prosecution of Rakofsky's client and (c) was off the premises and gambling at the time of the shooting. Bean submitted in his "motion" (and thereby lied to the Court) that Rakofsky instructed him to "trick a witness into *changing* her testimony" (emphasis added).

124. Ultimately, an investigator hired subsequent to Bean's termination accomplished the very same tasks previously assigned to Bean quickly, without ever being required to engage in trickery; despite Bean's duplicitous and patently false allegations, there are now 5 individuals who will affirm that the non-witness merely repeated statements (to the subsequent investigator) that she had already admitted "a couple of months" earlier to the "2 lawyers" and the client's mother: 1) non-witness, 2) subsequent investigator, 3) client's mother, 4) Grigsby and 5) Rakofsky.

125. Had it been submitted and ultimately filed by a faithful provider of services, the only appropriate function of Bean's "motion" would be to obtain a "voucher," paid from funds advanced under the Criminal Justice Act. That said, such

Criminal Justice Act funds would not have been available to Bean or any other provider of services in the case but for the efforts of Rakofsky.

126. At the time Rakofsky made his client's application to be approved for Criminal Justice Act funds, Judge Leibovitz asked Rakofsky whether, in addition to the expert witnesses, investigators, demonstrative evidence, etc. so specified in the application, he was also requesting that his client be approved for vouchers to compensate Rakofsky and Grigsby who was not yet affiliated with RLF, the compensation of the defendant's lawyers being an acceptable purpose for the Criminal Justice Act vouchers (yet Rakofsky declined on the record in open court Criminal Justice Act money when presented with an opportunity to be further compensated).

127. Bean undertook a persistent course of action to blackmail Rakofsky and RLF with the baseless allegations contained in his "motion," which he communicated in writing (in emails) and orally to Rakofsky.

128. Knowing full well that Bean would attempt to destroy Rakofsky's reputation if Rakofsky refused to be complicit in committing fraud under the Criminal Justice Act, Rakofsky refused to acquiesce to Bean's threats. On March 16, 2011, 2 weeks before Bean filed his "motion," Rakofsky wrote in an email to Bean: "You repeatedly lied to us and did absolutely no work for us... *file what you need to file* and I will do the same (emphasis added)."

129. Even though it was not Rakofsky's money with which any of the investigators were to be paid, Rakofsky declined to authorize the issuance of a voucher to Bean for the full amount of money Bean demanded (despite many emails and messages sent to Rakofsky by Bean which sought to blackmail Rakofsky and RLF) primarily because Bean refused to make any attempt to begin the work assigned to him.

Nevertheless, Rakofsky offered to authorize a voucher for Bean for a lesser amount of money (even though Bean's claim to any "compensation" was specious and amounted to a "shake down"); however, Bean preferred to engage in his threats to obtain even more money than Rakofsky was willing to authorize, and ultimately, sought both to deceive the Court and to extort money to which he was not entitled under the Criminal Justice Act.

130. All Rakofsky had to do to avoid controversy with Bean was to give him the voucher; it wasn't even Rakofsky's money.

131. Bean attached to his "motion" an email which contained protected, confidential and privileged material concerning defense strategy and tactics.

132. Bean perpetrated 4 criminal acts: 1) blackmailed Rakofsky and RLF, 2) attempted to defraud the Government and steal from the Criminal Justice Act ("CJA") Fund, 3) misused a pleading to offer false statements to the court by stating (in his "motion") "Mr. Rakofsky instruct[ed] him to try to 'trick' a witness into changing her testimony" and 4) violated the client's constitutional rights by providing confidential and privileged material concerning defense strategy and tactics to the court. Consequently, Bean has been suspended by the agency that governs investigators working on criminal cases and is CJA-ineligible.

133. When the defendant offered to show Judge Jackson his legal pad and thereby, prove to Judge Jackson that Rakofsky refused to ask questions the client wrote on his legal pad, Judge Jackson stated to him: "Well, I shouldn't look at those notes because those are personal and confidential notes between you and your lawyer and I shouldn't be seeing those..." However, not long after Judge Jackson stated this to Rakofsky's client, for reasons unknown to Rakofsky, Judge Jackson gave the AUSA a copy of the email written by Rakofsky (which was attached to the "motion") in which

Rakofsky had set forth his defense strategy, notwithstanding that, in so doing, Judge Jackson was exposing Rakofsky's defense strategy to counsel for the Government to the possible detriment of the defendant (and any attorney who might replace Rakofsky as lead counsel for the defendant).

Judge Jackson: You might want to take a look at this pleading.

AUSA: I was, actually, going to ask, but I don't know if I –

Judge Jackson: Mr. Grigsby and Mr. Rakofsky.

AUSA: May we have copies?

Judge Jackson: I don't know what to do with it. I don't know whether you should see it or not.

AUSA: Okay. Well, I'll accept the Court's –

The "motion" had merely been provided to Judge Leibovitz who provided it to Judge Jackson, but had not been formally filed in the case against the defendant.

Judge Jackson: There's an email from you to the investigator that you may want to look at, Mr. Rakofsky. It raises ethical issues. That's my only copy.

Rakofsky: Is that something you wanted to discuss?

Judge Jackson: No…

AUSA: Your Honor, that was filed in the Court?

Judge Jackson: It was delivered to Judge Leibovitz this morning. She sent it over to me because this case was originally Judge Leibovitz's.

134. The Washington Post and the other defendants named herein have characterized Bean's "motion" as accusing Rakofsky of an ethical violation, consisting of Rakofsky's directing Bean to cause. Although Rakofsky used an unfortunate shorthand word ("trick"), it is clear from any reading of the email in which the word was used that

what Rakofsky was asking Bean to do was merely to get a non-witness to repeat statements already made to Rakofsky, Grigsby (the "2 lawyers") and the client's mother, rather than to change anything she had previously stated to Rakofsky, Grigsby and the client's mother.

135. Following Judge Jackson's publication of the nonexistent alleged "ethical issues," Alexander, the reporter from the Washington Post, stopped Rakofsky in the hallway, asked him whether "Judge Jackson's allegation about the investigator" was true and informed him that he would be reporting about "Judge Jackson's allegation about the investigator."

136. At that time, Rakofsky refused to comment. However, Alexander persisted. Rakofsky asked Alexander whether he had any respect for Rakofsky's wish not to give a comment. Alexander replied in sum or substance, "I'm going to make sure you regret your decision; just wait until everyone reads my article," which constitutes an obvious reckless disregard for truth (Rakofsky declining to comment) as well as the intention to cause harm to Rakofsky.

137. The Washington Post, through Alexander and Jenkins, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, having been alerted to the allegation made by the "investigator" as a result of Judge Jackson's improper publication of it on April 1, 2011, upon information and belief, obtained a copy of the "investigator's" "motion" but intentionally and in reckless disregard for the truth misrepresented and misquoted the contents of Rakofsky's email contained in such "motion" in the Washington Post's and the Washington Post LLC's newspaper and internet website, making those

misrepresentations and misquotations available for the entire world to read, despite the fact that its action in so doing was in reckless disregard for the truth and wholly failed to qualify as being fair and true or substantially accurate. Washington Post, through Alexander and Jenkins, published statements about Rakofsky that were outrageous, grossly irresponsible, malicious and evinced a complete and utter indifference to Rakofsky's rights and reputation and were in reckless disregard for the truth.

138. Judge Jackson and the Washington Post failed to inquire about what actually occurred between Rakofsky and RLF and Bean (the so-called "investigator") because they refused to reasonably investigate the facts to learn the truth. Judge Jackson refused to speak with Rakofsky in private concerning the "motion' and instead involved the AUSA who is prosecuting the case against Dontrell Deaner, Rakofsky's former client, when Bean's allegation clearly did not concern her and she should not have been so involved, by intentionally providing her with a copy of a protected communication between Rakofsky and Bean (his "investigator" at the time) which discussed legal strategy and tactics of his former client – if there were ever any doubt as to whether Judge Jackson was operating completely outside the scope of his judicial duties and function, as a result of this intentional act, there can no longer be any doubt. It is unclear to what extent Judge Jackson, the Washington Post, Alexander and Jenkins have damaged Rakofsky's reputation.

139. Had the Washington Post, Alexander and Jenkins taken a moment to inquire, which they did not, and to review Rakofsky's email that was attached to the "investigator's" "motion," they would have been able to instantly determine that the "investigator's" claim was false and was not, in fact, what Rakofsky actually wrote. Each of them failed to do this and failed to make even the slightest reasonable investigation

before making their respective publications and thus, they acted in reckless disregard for the truth.

140. Indeed, Judge Jackson possessed the "investigator's" "motion" in his own hands, and therefore, was already in possession of the proof and need not have done anything in order to learn the truth other than to read Rakofsky's email that the "investigator" improperly and unlawfully attached with his "motion," and the Washington Post, Alexander and Jenkins each had access to that email.

141. The Washington Post, Alexander and Jenkins either intentionally or recklessly ignored Rakofsky's email and published on the record that Rakofsky and RLF had engaged in behavior that "raises ethical issues," knowing full well what such an allegation, if made, as it was, in reckless disregard for the truth, would do to damage Rakofsky's reputation as an attorney.

142. On April 1, 2011, Washington Post and Washington Post LLC, through Alexander and Jenkins, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, undertook to defame, slander, libel and malign Rakofsky and RLF by maliciously publishing an article entitled "D.C. Superior Court judge declares mistrial over attorney's competence in murder case," when they knew full well or should have known that, the only judicial action taken by Judge Jackson in open court on April 1, 2011 was to grant Rakofsky's motion to be relieved as lead counsel for the defendant because Rakofsky and the defendant had agreed that there was a conflict between them and because Rakofsky had asked to be permitted to withdraw, not because Rakofsky was determined by Judge Jackson to be incompetent, which he was not, which Judge Jackson never determined or said.

143. Washington Post and Washington Post LLC, through Alexander and Jenkins, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, undertook to defame and malign Rakofsky by maliciously publishing that Judge Jackson "allowed the defendant to fire his New York-based attorney." However, the record is clear that Rakofsky moved for leave to withdraw as lead counsel for the defendant, and was so permitted by Judge Jackson due to the conflict between him and the defendant and that Judge Jackson granted Rakofsky's motion to withdraw. Rakofsky was not "fired" by his client, who, merely agreed to Rakofsky's withdrawal when asked by Judge Jackson and who, during the course of the trial, had twice insisted upon retaining Rakofsky when asked by Judge Jackson.

144. The Washington Post and Washington Post LLC, through Alexander and Jenkins, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, undertook to defame and malign Rakofsky by intentionally and maliciously publishing the contents of an email alleged to have been written by Rakofsky. The Washington Post and Washington Post LLC, through Alexander and Jenkins, published in their article that the alleged email stated, "Thank you for your help. Please trick the old lady to say that she did not see the shooting or provide information to the lawyers about the shooting." However, no such email was ever written by Rakofsky; therefore, neither Washington Post, nor Washington Post LLC, nor Alexander and Jenkins, could possibly have seen such an email.

145. On April 8, 2011, Rakofsky wrote to Washington Post and Washington Post LLC, through Alexander: "Do not use my name at all unless you are willing to print a complete retraction of your April 1 article."

146. On April 9, 2011, despite Rakofsky's written demand, Washington Post and Washington Post LLC, through Alexander and Jenkins, vindictively, maliciously and filled with hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, intentionally published, in an article entitled "Woman Pays $7,700 to Grandson's Attorney Who Was Later Removed for Inexperience," that Rakofsky was "removed for inexperience." However, the record is clear that Rakofsky moved to withdraw as lead counsel for his client and was permitted to withdraw because a conflict existed between him and his client, as his client confirmed in a sidebar conference with Judge Jackson. Judge Jackson granted Rakofsky's motion to withdraw, and Rakofsky was never "removed for inexperience."

147. As a direct result of the past conduct and continuing conduct of defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

148. As a direct result of the conduct of the defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

149. As a direct result of the conduct of the defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

150. As a direct result of the conduct of the defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

151. As a direct result of the conduct of defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

152. As a direct result of the conduct of defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

153. The damages of plaintiff are, or may be, permanent.

154. The aforementioned acts and omissions of defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

155. Punitive damages are justified because of the aforesaid conduct of defendants Washington Post and Washington Post LLC, through Alexander and Jenkins, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this First Cause of Action in the sum of $10,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

SECOND CAUSE OF ACTION FOR DEFAMATION

156. Plaintiff repeats the allegations contained in paragraphs 1 through 155 hereof with the same force and effect as though set forth at length herein.

157. On April 4, 2011, City Paper, through Smith, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article that: "A Friday hearing fell apart when Judge William Jackson declared a mistrial, partially because Rakofsky's investigator filed a motion accusing the lawyer of encouraging him to 'trick' a witness." However, the record is clear that Rakofsky moved to withdraw as lead counsel for his client because a conflict existed between him and his client and that Judge Jackson granted Rakofsky's motion to be relieved as lead counsel for the defendant and that Judge Jackson never "declared a mistrial," even in part, because "Rakofsky's investigator filed a motion accusing the lawyer of encouraging him to 'trick' a witness."

158. As a direct result of the past conduct and continuing conduct of defendants City Paper, through Smith, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

159. As a direct result of the conduct of the defendants City Paper, through Smith, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

160. As a direct result of the conduct of the defendants City Paper, through Smith, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

161. As a direct result of the conduct of the defendants City Paper, through Smith, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

162. As a direct result of the conduct of defendants City Paper, through Smith, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

163. As a direct result of the conduct of defendants City Paper, through Smith, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

164. The damages of plaintiff are, or may be, permanent.

165. The aforementioned acts and omissions of defendants City Paper, through Smith, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

166. Punitive damages are justified because of the aforesaid conduct of defendants City Paper, through Smith, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Second Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

THIRD CAUSE OF ACTION FOR DEFAMATION

167. Plaintiff repeats the allegations contained in paragraphs 1 through 166 hereof with the same force and effect as though set forth at length herein.

168. On April 4, 2011, Media, through ATL and Mystal, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published an article entitled: "Mistrial After Judge Is 'Astonished' By Touro Grad's Incompetence." However, the record is clear that Rakofsky moved the court to be permitted to withdraw as lead counsel for his client because a conflict existed between him and his client and Judge Jackson granted Rakofsky's motion and a mistrial based solely upon Rakofsky's motion to withdraw as counsel because a conflict existed between him and his client. However, a mistrial was never declared because "Judge was astonished by [Rakofsky's] incompetence."

169. As a direct result of the past conduct and continuing conduct of defendants Media, through ATL and Mystal, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

170. As a direct result of the conduct of the defendants Media, through ATL and Mystal, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

171. As a direct result of the conduct of the defendants Media, through ATL and Mystal, plaintiff Rakofsky, was caused to have general damages, including, but not

limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

172. As a direct result of the conduct of the defendants Media, through ATL and Mystal, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

173. As a direct result of the conduct of defendants Media, through ATL and Mystal, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

174. As a direct result of the conduct of defendants Media, through ATL and Mystal, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

175. The damages of plaintiff are, or may be, permanent.

176. The aforementioned acts and omissions of defendants Media, through ATL and Mystal, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

177. Punitive damages are justified because of the aforesaid conduct of defendants Media, through ATL and Mystal, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Third Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

FOURTH CAUSE OF ACTION FOR DEFAMATION

178. Plaintiff repeats the allegations contained in paragraphs 1 through 177 hereof with the same force and effect as though set forth at length herein.

179. On April 4, 2011, ABA, through ABA Journal and Weiss, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published an article in which they stated that: "The judge declared a mistrial after reviewing a court filing in which an investigator had claimed Rakofsky fired him for refusing to carry out the lawyer's emailed suggestion to 'trick' a witness, the story says. Rakofsky's suggestion allegedly read: 'Thank you for your help. Please trick the old lady to say that she did not see the shooting or provide information to the lawyers about the shooting.'" However, the ABA article, which was communicated in whole or in part, to members of the ABA in a weekly email to its members was and is a complete fabrication that is factually untrue in all respects. Judge Jackson never declared a mistrial that was based, either in whole or in part, upon the "investigator's" "motion," which was never formally filed with the Court. Rather, the record is clear that Rakofsky moved to withdraw as lead counsel for the defendant because a conflict existed between him and his client and that the only action taken by Judge Jackson with respect to Rakofsky was to permit Rakofsky to withdraw as lead counsel for the defendant for reasons entirely unrelated to any claims of the "investigator" referred to by the ABA and its employees. At no time did Judge Jackson grant a mistrial after reviewing any "court filing in which an investigator had claimed Rakofsky fired him for refusing to carry out the lawyer's emailed suggestion to 'trick' a witness" as ABA, ABA Journal and Weiss maliciously published.

180. On April 8, 2011, ABA, through ABA Journal and Randag, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of

information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article, "Around the Blawgosphere: Joseph Rakofsky Sound Off; Client Poachers; and the End of Blawg Review?" that "If anything had the legal blogosphere going this week, it was Joseph Rakofsky, a relatively recent law grad whose poor trial performance as defense counsel in a murder trial prompted the judge to declare a mistrial last Friday." However, the record is clear that Rakofsky moved to withdraw as lead counsel for his client and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client. Judge Jackson never granted a mistrial based upon Rakofsky's trial performance, which was not "poor."

181. As a direct result of the past conduct and continuing conduct of defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

182. As a direct result of the conduct of the defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

183. As a direct result of the conduct of the defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

184. As a direct result of the conduct of the defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky was caused to be unable to do activities and things

now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

185. As a direct result of the conduct of defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

186. As a direct result of the conduct of defendants ABA, through ABA Journal and Weiss, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

187. The damages of plaintiff are, or may be, permanent.

188. The aforementioned acts and omissions of defendants ABA, through ABA Journal and Weiss, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

189. Punitive damages are justified because of the aforesaid conduct of defendants ABA, through ABA Journal and Weiss, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Fourth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

FIFTH CAUSE OF ACTION FOR DEFAMATION

190. Plaintiff repeats the allegations contained in paragraphs 1 through 189 hereof with the same force and effect as though set forth at length herein.

191. On April 3, 2011, Shingle, through Elefant, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article, "From tiny ethics mishaps, do major missteps grow?" that "Joseph Rakofsky of The Rakofsky Law Firm...was dismissed by a Superior Court judge for a performance that the judge described as "below what any reasonable person would expect in a murder trial." However, the record is clear that

Rakofsky moved to withdraw as lead counsel and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and never granted a mistrial, whether based upon Rakofsky's "performance" or any "ethics mishap," which did not exist.

192. Further, on April 3, 2011, Shingle, through Elefant, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published that "[Rakofsky] lists other lawyers on his website, holding them out as members, though that wasn't the case for Grigsby." However, the statement by Shingle and Elefant is provably incorrect in that Rakofsky and Grigsby entered into a partnership engaged in the practice of law; therefore, Grigsby was indeed a member of RLF.

193. As a direct result of the past conduct and continuing conduct of defendants Shingle and Elefant, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

194. As a direct result of the conduct of the defendants Shingle, through Elefant, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

195. As a direct result of the conduct of the defendants Shingle, through Elefant, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

196. As a direct result of the conduct of the defendants Shingle, through Elefant, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

197. As a direct result of the conduct of defendants Shingle, through Elefant, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

198. As a direct result of the conduct of defendants Shingle, through Elefant, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

199. The damages of plaintiff are, or may be, permanent.

200. The aforementioned acts and omissions of defendants Shingle, through Elefant, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

201. Punitive damages are justified because of the aforesaid conduct of defendants Shingle, through Elefant, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Fifth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

SIXTH CAUSE OF ACTION FOR DEFAMATION

202. Plaintiff repeats the allegations contained in paragraphs 1 through 201 hereof with the same force and effect as though set forth at length herein.

203. On April 4, 2011, Kravet and Simple, through Greenfield, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "The Truth Free Zone Eats

One Of Its Own" that "As the Washington Post notes, it proved to be sufficient [for Rakofsky] to gain that peculiar result, a mistrial for ineffective assistance of counsel." However, the record is clear that Rakofsky moved to withdraw as lead counsel for the defendant and that Judge Jackson granted Rakofsky's motion because a conflict existed between him and his client and that a mistrial was never declared or ordered "for ineffective assistance of counsel," as Kravet and Simple and Greenfield erroneously and maliciously published.

204. On April 4, 2011, Kravet and Simple, through Greenfield, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "The Truth Free Zone Eats One Of Its Own," that: "To put it another way, the judge not only found Rakofsky too incompetent to handle the case, but too dishonest." However, the record is clear that Rakofsky moved to withdraw as lead counsel and was so permitted and that Judge Jackson granted Rakofsky's motion solely because a conflict existed between him and his client, and not because Judge Jackson found Rakofsky to be either "too incompetent to handle the case" or "too dishonest," much less both, as Kravet and Simple and Greenfield erroneously published.

205. On April 4, 2011, Kravet and Simple, through Greenfield, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "The Truth Free Zone Eats One Of Its Own," that "no one should be surprised that Rakofsky's willingness to lie on

the internet is reflected in his character as a lawyer." However, Rakofsky never "lied" on the internet and his character is not a reflection of "lies," as Kravet and Simple and Greenfield erroneously and maliciously published.

206. On April 4, 2011, Kravet and Simple, through Greenfield, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "The Truth Free Zone Eats One Of Its Own," that: "It's not to suggest that every young lawyer is as incompetent or dishonest as Joseph Rakofsky. Few are quite this bad. But many lie about themselves just as this mutt did." However, Rakofsky has never been determined to be, and is not, either incompetent or dishonest as Kravet and Simple and Greenfield erroneously and maliciously published.

207. On April 4, 2011, Kravet and Simple, through Greenfield, further maliciously states: "You aren't willing to pay the price that Joseph Rakofsky is now going to pay. The internet will not be kind to Rakofsky, nor should it. If all works as it should, no client will ever hire Rakofsky again. Good for clients. Not so much for Rakofsky, but few will cry about Rakofsky's career suicide." In that statement, Kravet and Simple, through Greenfield, recognizes the extraordinary damage that has been done to Rakofsky's career, yet erroneously and maliciously publishes such damage as "suicide," when, in truth it is (character) "assassination" and the "murder" of Rakofsky's reputation by Kravet and Simple, through Greenfield, and other publishers similarly situated, including, but not necessarily limited to, the defendants named in this Complaint. Kravet and Simple, through Greenfield, further recognizes the extraordinary

damage that has been done to Rakofsky's career by such publishers by publishing, "think about Joseph Rakofsky. And know that if you do what he did, I will be happy to make sure that people know about it. There are probably a few others who will do so as well. What do you plan to do about those loans when your career is destroyed?"

208. As a direct result of the past conduct and continuing conduct of defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

209. As a direct result of the conduct of the defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

210. As a direct result of the conduct of the defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

211. As a direct result of the conduct of the defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

212. As a direct result of the conduct of defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for

clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

213. As a direct result of the conduct of defendants Kravet and Simple, through Greenfield, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

214. The damages of plaintiff are, or may be, permanent.

215. The aforementioned acts and omissions of defendants Kravet and Simple, through Greenfield, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

216. Punitive damages are justified because of the aforesaid conduct of defendants Kravet and Simple, through Greenfield, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards

and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Sixth Cause of Action in the sum of $10,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

SEVENTH CAUSE OF ACTION FOR DEFAMATION

217. Plaintiff repeats the allegations contained in paragraphs 1 through 216 hereof with the same force and effect as though set forth at length herein.

218. On April 4, 2011, Mayer Law, through Mayer, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "Lying Piece of $%^&. With Screenshot as Evidence" that "the mistrial was because of Rakofsky's blatant ineptitude." However, the record is clear that Rakofsky moved to withdraw as lead counsel and was so permitted., and that Judge Jackson granted Rakofsky's motion because a conflict existed between him and his client, and never granted a mistrial "because of Rakofsky's blatant ineptitude."

219. As a direct result of the past conduct and continuing conduct of defendants Mayer Law, through Mayer, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

220. As a direct result of the conduct of the defendants Mayer Law, through Mayer, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

221. As a direct result of the conduct of the defendants Mayer Law, through Mayer, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

222. As a direct result of the conduct of the defendants Mayer Law, through Mayer, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

223. As a direct result of the conduct of defendants Mayer Law, through Mayer, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

224. As a direct result of the conduct of defendants Mayer Law, through Mayer, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat

business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

225. The damages of plaintiff are, or may be, permanent.

226. The aforementioned acts and omissions of defendants Mayer Law, through Mayer, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

227. Punitive damages are justified because of the aforesaid conduct of defendants Mayer Law, through Mayer, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Seventh Cause of Action in the sum of $2,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

EIGHTH CAUSE OF ACTION FOR DEFAMATION

228. Plaintiff repeats the allegations contained in paragraphs 1 through 227 hereof with the same force and effect as though set forth at length herein.

229. On April 2, 2011, GHH, through Gamso, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published: "Even the Judge Couldn't Take It" referring to Rakofsky's representation of the client. Further, GHH, through Gamso, maliciously published "lead counsel [Rakofsky] being grotesquely incompetent." However, the record is clear that Rakofsky moved to withdraw as lead counsel and was so permitted and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his withdrawal because a conflict existed between him and his client, and never took any action against Rakofsky because of his competence or alleged lack thereof.

230. As a direct result of the past conduct and continuing conduct of defendants GHH, through Gamso, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

231. As a direct result of the conduct of the defendants GHH, through Gamso, plaintiff Rakofsky, was caused to have special damages, including, but not limited to,

out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

232. As a direct result of the conduct of the defendants GHH, through Gamso, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

233. As a direct result of the conduct of the defendants GHH, through Gamso, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

234. As a direct result of the conduct of defendants GHH, through Gamso, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

235. As a direct result of the conduct of defendants GHH, through Gamso, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

236. The damages of plaintiff are, or may be, permanent.

237. The aforementioned acts and omissions of defendants GHH, through Gamso, were grossly negligent, malicious, morally reprehensible, morally culpable,

highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

238. Punitive damages are justified because of the aforesaid conduct of defendants GHH, through Gamso, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Eighth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

NINTH CAUSE OF ACTION FOR DEFAMATION

239. Plaintiff repeats the allegations contained in paragraphs 1 through 238 hereof with the same force and effect as though set forth at length herein.

240. On April 4, 2011, C & F, through Cernovich, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published that, "Joseph Rakofsky's fraud and incompetence raises a serious question of legal ethics. Shouldn't someone so incompetent be suspended from the practice of law?" However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, not because of C & F's malicious allegations concerning "Joseph Rakofsky's fraud and incompetence."

241. Further, on April 4, 2011, C & F, through Cernovich, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published that "He [Rakofsky] was so incompetent that the trial court ordered a mistrial. In other words, the client was deprived of his constitutional right to a fair trial due to attorney incompetence." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted and that Judge Jackson granted Rakofsky's motion solely because a conflict existed between him and his client and never "ordered a mistrial" because "[h]e was so incompetent" or for any other reason.

242. In addition, on April 4, 2011, C & F, through Cernovich, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published a photograph of Rakofsky below their statement: "Here's a screen capture of the little snake."

243. As a direct result of the past conduct and continuing conduct of defendants C & F, through Cernovich, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

244. As a direct result of the conduct of the defendants C & F, through Cernovich, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

245. As a direct result of the conduct of the defendants C & F, through Cernovich, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

246. As a direct result of the conduct of the defendants C & F, through Cernovich, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

247. As a direct result of the conduct of defendants C & F, through Cernovich, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that

sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

248. As a direct result of the conduct of defendants C & F, through Cernovich, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

249. The damages of plaintiff are, or may be, permanent.

250. The aforementioned acts and omissions of defendants C & F, through Cernovich, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

251. Punitive damages are justified because of the aforesaid conduct of defendants C & F, through Cernovich, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards

and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Ninth Cause of Action in the sum of $2,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TENTH CAUSE OF ACTION FOR DEFAMATION

252. Plaintiff repeats the allegations contained in paragraphs 1 through 251 hereof with the same force and effect as though set forth at length herein.

253. On April 8, 2011, Accident Lawyer, through John Doe #2, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in his untitled article "Around the Blawgosphere: Joseph Rakofsky Sound Off; Client Poachers; and the End of Blawg Review?" that "If anything had the legal blogosphere going this week, it was Joseph Rakofsky, a relatively recent law grad whose poor trial performance as defense counsel in a murder trial prompted the judge to declare a mistrial last Friday." However, the record is clear that Rakofsky moved to withdraw as lead counsel for his client and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client.

Judge Jackson never granted a mistrial based upon Rakofsky's trial performance, which was not "poor."]

254. As a direct result of the past conduct and continuing conduct of defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

255. As a direct result of the conduct of the defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

256. As a direct result of the conduct of the defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

257. As a direct result of the conduct of the defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

258. As a direct result of the conduct of defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

259. As a direct result of the conduct of defendants Accident Lawyer, through John Doe #2, plaintiff Rakofsky was caused to have general damages, including, but not

limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

260. The damages of plaintiff are, or may be, permanent.

261. The aforementioned acts and omissions of defendants Accident Lawyer, through John Doe #2, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

262. Punitive damages are justified because of the aforesaid conduct of defendants Accident Lawyer, through John Doe #2, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Tenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

ELEVENTH CAUSE OF ACTION FOR DEFAMATION

263. Plaintiff repeats the allegations contained in paragraphs 1 through 262 hereof with the same force and effect as though set forth at length herein.

264. On April 2, 2011, Faraji Law, through Faraji, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "Choose Your Criminal Attorney Wisely," that "The attorney did such a poor job that Judge William Jackson, who was overhearing the case, ordered a mistrial and allowed Mr. Deaner to fire his attorney." However, the record is clear that Rakofsky requested that he be permitted to withdraw as lead counsel for the defendant and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client) and did not "order a mistrial" and did not allow his client to "fire" Rakofsky because he "did such a poor job" as Faraji Law, through Faraji have maliciously published.

265. As a direct result of the past conduct and continuing conduct of defendants Faraji Law, through Faraji, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

266. As a direct result of the conduct of the defendants Faraji Law, through Faraji, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

267. As a direct result of the conduct of the defendants Faraji Law, through Faraji, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

268. As a direct result of the conduct of the defendants Faraji Law, through Faraji, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

269. As a direct result of the conduct of defendants Faraji Law, through Faraji, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

270. As a direct result of the conduct of defendants Faraji Law, through Faraji, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

271. The damages of plaintiff are, or may be, permanent.

272. The aforementioned acts and omissions of defendants Faraji Law, through Faraji, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

273. Punitive damages are justified because of the aforesaid conduct of defendants Faraji Law, through Faraji, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Eleventh Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TWELFTH CAUSE OF ACTION FOR DEFAMATION

274. Plaintiff repeats the allegations contained in paragraphs 1 through 273 hereof with the same force and effect as though set forth at length herein.

275. On or about April 4, 2011, Bennett & Bennett, through Mark Bennett, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "The Object Lesson of Joseph Rakofsky," that "Joseph Rakofsky took on a case that he was not competent to handle." However, the record is clear that Rakofsky requested that he be permitted to withdraw as lead counsel for the defendant and was so permitted and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal, and granted no mistrial, either in whole or in part, because "Joseph Rakofsky took on a case that he was not competent to handle." Further, although in their article, Bennett & Bennett, through Mark Bennett , admit, "Once upon a time there was no such thing as bad publicity. With every news story online and accessible forever, that is no longer true," Bennett & Bennett, through Mark Bennett, nevertheless, proceeded to defame Rakofsky and RLF without performing the slightest investigation into the truth of their statements.

276. As a direct result of the past conduct and continuing conduct of defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

277. As a direct result of the conduct of the defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

278. As a direct result of the conduct of the defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

279. As a direct result of the conduct of the defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

280. As a direct result of the conduct of defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

281. As a direct result of the conduct of defendants Bennett & Bennett, through Mark Bennett, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

282. The damages of plaintiff are, or may be, permanent.

283. The aforementioned acts and omissions of defendants Bennett & Bennett, through Mark Bennett, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

284. Punitive damages are justified because of the aforesaid conduct of defendants Bennett & Bennett, through Mark Bennett, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Twelfth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

THIRTEENTH CAUSE OF ACTION FOR DEFAMATION

285. Plaintiff repeats the allegations contained in paragraphs 1 through 284 hereof with the same force and effect as though set forth at length herein.

286. On April 5, 2011, Sed Law, through Seddiq, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, with reckless disregard for the truth, published in their article entitled, "A Silver Lining," that "The story is all around the internet. It's the hot topic of the week, and it should be on the lips of every criminal defense practicioner [sic], if not every lawyer who gives a shit about the legal profession -- Joseph Rakofsky, an alleged criminal defense lawyer (with all of one whole year of experience) lied and lied and lied and was grossly incompetent...." However, the record is clear that Rakofsky requested that he be permitted to withdraw as lead counsel for the defendant and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal as counsel because a conflict existed between him and his client, and not because Rakofsky " lied and lied and lied and was grossly incompetent" as Sed Law, through Seddiq maliciously published.

287. As a direct result of the past conduct and continuing conduct of defendants Sed Law, through Seddiq, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

288. As a direct result of the conduct of the defendants Sed Law, through Seddiq, plaintiff Rakofsky, was caused to have special damages, including, but not

limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

289. As a direct result of the conduct of the defendants Sed Law, through Seddiq, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

290. As a direct result of the conduct of the defendants Sed Law, through Seddiq, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

291. As a direct result of the conduct of defendants Sed Law, through Seddiq, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

292. As a direct result of the conduct of defendants Sed Law, through Seddiq, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

293. The damages of plaintiff are, or may be, permanent.

294. The aforementioned acts and omissions of defendants Sed Law, through Seddiq, were grossly negligent, malicious, morally reprehensible, morally culpable,

highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

295. Punitive damages are justified because of the aforesaid conduct of defendants Sed Law, through Seddiq, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Thirteenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

FOURTEENTH CAUSE OF ACTION FOR DEFAMATION

296. Plaintiff repeats the allegations contained in paragraphs 1 through 295 hereof with the same force and effect as though set forth at length herein.

297. On April 2, 2011, Allbritton, through TBD, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published: "Joseph Rakofsky, lawyer, declared incompetent in D.C. murder mistrial." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and not because Rakofsky was ever "declared incompetent."

298. As a direct result of the past conduct and continuing conduct of defendants Allbritton, through TBD, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

299. As a direct result of the conduct of the defendants Allbritton, through TBD, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

300. As a direct result of the conduct of the defendants Allbritton, through TBD, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

301. As a direct result of the conduct of the defendants Allbritton, through TBD, plaintiff Rakofsky was caused to be unable to do activities and things now that he

could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

302. As a direct result of the conduct of defendants Allbritton, through TBD, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

303. As a direct result of the conduct of defendants Allbritton, through TBD, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

304. The damages of plaintiff are, or may be, permanent.

305. The aforementioned acts and omissions of defendants Allbritton, through TBD, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

306. Punitive damages are justified because of the aforesaid conduct of defendants Allbritton, through TBD, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Fourteenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

FIFTEENTH CAUSE OF ACTION FOR DEFAMATION

307. Plaintiff repeats the allegations contained in paragraphs 1 through 306 hereof with the same force and effect as though set forth at length herein.

308. On April 7, 2011, RDTTL, through J-Dog, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled "Joseph Rakofsky: Both an Idiot and a Symptom" that Rakofsky "'won' a mistrial by incompetence." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so

permitted, and that Judge Jackson granted Rakofsky's motion and a mistrial was granted solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and that Rakofsky was neither "incompetent" nor "'won' a mistrial by incompetence."

309. In addition, on April 7, 2011, RDTTL, through J-Dog, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published: "Is Joseph Rakofsky an idiot? Absolutely. Let us count the ways." Further, RDTTL, through J-Dog, maliciously published that "Rakofsky may not have even been aware that he was peddling an inferior product." However, Rakofsky and RLF did not and does not offer their clients "an inferior product" and that a review of their representation of this client shows that they did not do so in the case to which the article refers.

310. Further, on April 13, 2011, RDTTL, through J-Dog, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in his article entitled "Update on Rakofsky Story" that Rakofsky engaged in "High-pressure sales tactics? Check. Exaggerated representations to clients to get them to hire a desperate soul? Check." Last, RDTTL, through J-Dog, maliciously published "As I've said before Rakofsky is an idiot worthy of blame." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted, and that Judge Jackson granted Rakofsky's motion and a mistrial was granted solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and that Rakofsky

never engaged in any "High-pressure sales tactics" or "Exaggerated representations to clients to get them to hire a desperate soul" and did not do so with respect this client; nor is Rakofsky an "idiot worthy of blame."

311. As a direct result of the past conduct and continuing conduct of defendants RDTTL, through J-Dog, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

312. As a direct result of the conduct of the defendants RDTTL, through J-Dog, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

313. As a direct result of the conduct of the defendants RDTTL, through J-Dog, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

314. As a direct result of the conduct of the defendants RDTTL, through J-Dog, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

315. As a direct result of the conduct of defendants RDTTL, through J-Dog, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

316. As a direct result of the conduct of defendants RDTTL, through J-Dog, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

317. The damages of plaintiff are, or may be, permanent.

318. The aforementioned acts and omissions of defendants RDTTL, through J-Dog, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

319. Punitive damages are justified because of the aforesaid conduct of defendants RDTTL, through J-Dog, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Fifteenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

SIXTEENTH CAUSE OF ACTION FOR DEFAMATION

320. Plaintiff repeats the allegations contained in paragraphs 1 through 319 hereof with the same force and effect as though set forth at length herein.

321. On April 9, 2011, Bean, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published to Washington Post and was ultimately further published by Washington Post in its article entitled "Woman Pays $7,700 to Grandson's Attorney Who Was Later Removed for Inexperience" that "He wanted me to persuade this lady to say she didn't see what she said she saw or heard." However, for the purpose of damaging Rakofsky, Bean knowingly omitted in his publication that Rakofsky requested that Bean get the "lady," who was a non-witness, to repeat what she had already stated to Rakofsky and Grigsby and not to persuade her to do or say anything different from what she had already stated to Rakofsky, Grigsby and the client's mother several months before Bean was ever hired.

322. As a direct result of the past conduct and continuing conduct of defendant Bean, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

323. As a direct result of the conduct of the defendant Bean, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

324. As a direct result of the conduct of the defendant Bean, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

325. As a direct result of the conduct of the defendant Bean, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

326. As a direct result of the conduct of defendant Bean, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

327. As a direct result of the conduct of defendant Bean, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present

and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

328. The damages of plaintiff are, or may be, permanent.

329. The aforementioned acts and omissions of defendant Bean, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

330. Punitive damages are justified because of the aforesaid conduct of defendant Bean, and the following facts:

a. defendant's acts were intentional;

b. defendant had the opportunity to obtain facts that would have contradicted defendant's statements;

c. defendant knew or should have known that his statements were illegal;

d. defendant is or was an investigator, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendant knew or should have known of the serious and significant consequences of his wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendant on this Sixteenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

SEVENTEENTH CAUSE OF ACTION FOR DEFAMATION

331. Plaintiff repeats the allegations contained in paragraphs 1 through 330 hereof with the same force and effect as though set forth at length herein.

332. On April 2, 2011, Koehler Law, through Koehler, with malice and hate, in a vindictive and grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "Inexperienced Lawyer Dismissed in D.C. Murder Trial" that "The lawyer [Rakofsky] encouraged his investigator to engage in unethical behavior and then refused to pay the investigator when the investigator failed to comply." However, Koehler Law's and Koehler's malicious publication is false; Rakofsky never encouraged his investigator (or anyone) to engage in unethical behavior as Koehler Law and Koehler would have known had they read the email attached by Bean to his "motion."

333. Further, on April 2, 2011, Koehler Law, through Koehler, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published on April 2, 2011, in its article entitled, "Inexperienced Lawyer Dismissed in D.C. Murder Trial" that "it was in fact

disagreements between the two lawyers during the trial that led the defendant to ask for new counsel." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and not because there were "disagreements between the two lawyers during the trial that led the defendant to ask for new counsel," as Koehler Law, through Koehler maliciously published.

334. On April 10, 2011, Koehler Law, through Koehler, with malice and hate, in a vindictive and grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "More on Joseph Rakofsky: The Story Keeps Getting Worse," that "Rakofsky's name is bound to become synonymous with a form of ineffective assistance of counsel depending on the predilections of the person assigning the label. Was it hubris for thinking he could effectively represent the defendant on a first-degree murder case despite the lack of any experience whatsoever? Was it false advertising on the Internet? Or was it in-person misrepresentation of his qualifications to the family of the accused? As it turns out, it was all of the above. And more." However, Rakofsky did not "lack any experience whatsoever," did not engage in "false advertising on the internet" or in "in-person misrepresentation of his qualifications," with respect to the defendant in the case before Judge Jackson (or any other case) as Koehler Law, through Koehler, maliciously and vindictively alleged and published with no basis in fact for their allegations. Rakofsky

fully disclosed his lack of prior trial experience to his client prior to being retained by his client to represent him.

335. As a direct result of the past conduct and continuing conduct of defendants Koehler Law, through Koehler, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

336. As a direct result of the conduct of the defendants Koehler Law, through Koehler, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

337. As a direct result of the conduct of the defendants Koehler Law, through Koehler, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

338. As a direct result of the conduct of the defendants Koehler Law, through Koehler, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

339. As a direct result of the conduct of defendants Koehler Law, through Koehler, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

340. As a direct result of the conduct of defendants Koehler Law, through Koehler, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

341. The damages of plaintiff are, or may be, permanent.

342. The aforementioned acts and omissions of defendants Koehler Law, through Koehler, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

343. Punitive damages are justified because of the aforesaid conduct of defendants Koehler Law and Koehler, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Seventeenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

EIGHTEENTH CAUSE OF ACTION FOR DEFAMATION

344. Plaintiff repeats the allegations contained in paragraphs 1 through 343 hereof with the same force and effect as though set forth at length herein.

345. On April 5, 2011, TLF, through Turkewitz, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "Lawyers and Advertising (The New Frontier)" that "Ethics also comes into play with deception, as evidenced by one Joseph Rakofsky, a New York lawyer with scant experience, but whose website sung his praises in oh so many ways. Then he got a real client. Defending a murder case. Which of course, he was utterly incompetent to do...." However, the record is clear that Rakofsky moved the court to be permitted to withdraw as lead counsel for his client because a conflict existed between him and his client and Judge Jackson granted Rakofsky's motion and a mistrial based solely upon Rakofsky's motion to withdraw as lead counsel because a conflict existed between him and his client. However, Rakofsky was never declared "incompetent" as TLF and Turkewitz maliciously published. In

addition, Rakofsky fully disclosed his lack of prior trial experience to his client prior to being retained by his client to represent him.

346. As a direct result of the past conduct and continuing conduct of defendants TLF, through Turkewitz, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

347. As a direct result of the conduct of the defendants TLF, through Turkewitz, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

348. As a direct result of the conduct of the defendants TLF, through Turkewitz, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

349. As a direct result of the conduct of the defendants TLF, through Turkewitz, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

350. As a direct result of the conduct of defendants TLF, through Turkewitz, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

351. As a direct result of the conduct of defendants TLF, through Turkewitz, plaintiff Rakofsky was caused to have general damages, including, but not limited to a

loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

352. The damages of plaintiff are, or may be, permanent.

353. The aforementioned acts and omissions of defendants TLF, through Turkewitz, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

354. Punitive damages are justified because of the aforesaid conduct of defendants TLF, through Turkewitz, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Eighteenth Cause of Action in the sum of $10,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

NINETEENTH CAUSE OF ACTION FOR DEFAMATION

355. Plaintiff repeats the allegations contained in paragraphs 1 through 354 hereof with the same force and effect as though set forth at length herein.

356. On April 5, 2011, Beasley Firm, through Kennerly, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "The Right to Counsel Includes the Right to Fire Your Lawyer" that "In short, a judge declared a mistrial in a murder trial because the defendant's lawyer, who had never tried a case before, didn't understand the rules of evidence and was caught instructing his private investigator to "trick" one of the government's witnesses." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted and that Judge Jackson granted Rakofsky's motion and granted a mistrial solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and not because Rakofsky "didn't understand the rules of evidence." Further, Rakofsky neither instructed nor was "caught instructing" an investigator to "trick one of the government's witnesses" as Beasley Firm and Kennerly would have known had they read the email Rakofsky sent to the "investigator"; nor was the "investigator's" claim the basis

for any declaration of a mistrial. Rakofsky never requested that an "investigator" trick a witness.

357. In addition, on April 5, 2011, Beasley Firm, through Kennerly, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published, "A lawyer who has never tried a case should not start with an unsupervised felony trial, much less a murder trial. There's no gray area here...." However, Rakofsky did not start with an unsupervised felony trial, as Beasley Firm and Kennerly maliciously published. Rakofsky retained and entered into a partnership with Sherlock Grigsby, Esq. a member of the District of Columbia bar, who had considerable experience in criminal cases, including homicide cases. Therefore, Rakofsky could not be faulted for any failure of supervision by Grigsby.

358. As a direct result of the past conduct and continuing conduct of defendants Beasley Firm, through Kennerly, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

359. As a direct result of the conduct of the defendants Beasley Firm, through Kennerly, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

360. As a direct result of the conduct of the defendants Beasley Firm, through Kennerly, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

361. As a direct result of the conduct of the defendants Beasley Firm, through Kennerly, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

362. As a direct result of the conduct of defendants Beasley Firm, through Kennerly, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

363. As a direct result of the conduct of defendants Beasley Firm, through Kennerly, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

364. The damages of plaintiff are, or may be, permanent.

365. The aforementioned acts and omissions of defendants Beasley Firm, through Kennerly, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

366. Punitive damages are justified because of the aforesaid conduct of defendants Beasley Firm, through Kennerly, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Nineteenth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TWENTIETH CAUSE OF ACTION FOR DEFAMATION

367. Plaintiff repeats the allegations contained in paragraphs 1 through 366 hereof with the same force and effect as though set forth at length herein.

368. On April 6, 2011, Steinberg Morton, through Pribetic, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "Are You a Legal Expert? Really" that "Many have heard about the recent mistrial in the Dontrell Deaner

D.C. murder trial due to the egregious incompetence of Deaner's now former criminal defense lawyer, Joseph Rakofsky." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, and that Judge Jackson did not grant a mistrial, whether in whole or in part, "due to the egregious incompetence of [Rakofsky]" as Steinberg Morton and Pribetic maliciously published.

369. As a direct result of the past conduct and continuing conduct of defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

370. As a direct result of the conduct of the defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

371. As a direct result of the conduct of the defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

372. As a direct result of the conduct of the defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

373. As a direct result of the conduct of defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky was caused to have special damages, including, but not

limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

374. As a direct result of the conduct of defendants Steinberg Morton, through Pribetic, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

375. The damages of plaintiff are, or may be, permanent.

376. The aforementioned acts and omissions of defendants Steinberg Morton, through Pribetic, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

377. Punitive damages are justified because of the aforesaid conduct of defendants Steinberg Morton, through Pribetic, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards

and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Twentieth Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TWENTY-FIRST CAUSE OF ACTION FOR DEFAMATION

378. Plaintiff repeats the allegations contained in paragraphs 1 through 377 hereof with the same force and effect as though set forth at length herein.

379. On April 11, 2011, Tannebaum Weiss, through Tannebaum, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "The Future Of Law: Better, Faster, Cheaper - Pick Which One You Want," that Rakofsky "solicited himself for the case." However, Rakofsky never "solicited himself for the case." Further, Rakofsky fully disclosed his lack of prior trial experience to his client prior to being retained by his client to represent him.

380. As a direct result of the past conduct and continuing conduct of defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

381. As a direct result of the conduct of the defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

382. As a direct result of the conduct of the defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

383. As a direct result of the conduct of the defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

384. As a direct result of the conduct of defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

385. As a direct result of the conduct of defendants Tannebaum Weiss, through Tannebaum, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and

repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

386. The damages of plaintiff are, or may be, permanent.

387. The aforementioned acts and omissions of defendants Tannebaum Weiss, through Tannebaum, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

388. Punitive damages are justified because of the aforesaid conduct of defendants Tannebaum Weiss, through Tannebaum, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Twenty-First Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TWENTY-SECOND CAUSE OF ACTION FOR DEFAMATION

389. Plaintiff repeats the allegations contained in paragraphs 1 through 388 hereof with the same force and effect as though set forth at length herein.

390. On April 10, 2011, Wallace Brown, through Wallace, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "Blather. Wince. Repeat. (Mutterings on Marketing)" that "Rakofsky's performance for the defense, including an opening statement to the jury in which he conceded that he was trying his first case (or at least his first murder case), so dismayed the trial judge that the court declared a mistrial on the spot on the ground that the defendant was receiving patently inadequate representation. That would have been trouble enough, but Mr. Rakofsky had touted the mistrial as a positive outcome on Facebook, saying nothing of his own poor performance as the cause." However, the record is clear that Rakofsky requested that he be permitted to withdraw as counsel and was so permitted, and that Judge Jackson granted Rakofsky's motion solely because Rakofsky moved for his own withdrawal because a conflict existed between him and his client, not because Rakofsky's performance "so dismayed the trial judge that the court declared a mistrial on the spot," which Judge Jackson never did, as both Wallace Brown and Wallace maliciously

published. Nor was the mistrial granted "on the ground that the defendant was receiving patently inadequate misrepresentation" as both Wallace Brown and Wallace maliciously published. Further, Wallace Brown and Wallace 's publication that Rakofsky's "own poor performance [w]as the cause" for the granting of the mistrial is completely false.

391. On April 10, 2011, Wallace Brown, through Wallace, with malice and hate, vindictively and in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published that "Joseph Rakofsky didn't mess up a murder defense because he marketed himself. He messed it up because he messed it up and had, it appears, no business taking it on. But it is clear from his now-absent website that he had convinced himself that it was acceptable to believe, or not to care about, his own hyperbole, and that he confused claiming to be a thing (a well-qualified criminal defense attorney) with actually being it." Rakofsky retained co-counsel, Grigsby, with whom he formed a partnership, who had considerable experience in the trial of criminal cases, including homicide cases. However, Rakofsky did not "mess up" a murder defense and did not "confuse claiming to be...a well-qualified criminal defense attorney with actually being it."

392. As a direct result of the past conduct and continuing conduct of defendants Wallace Brown, through Wallace, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

393. As a direct result of the conduct of the defendants Wallace Brown, through Wallace, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

394. As a direct result of the conduct of the defendants Wallace Brown, through Wallace, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

395. As a direct result of the conduct of the defendants Wallace Brown, through Wallace, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

396. As a direct result of the conduct of defendants Wallace Brown, through Wallace, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

397. As a direct result of the conduct of defendants Wallace Brown, through Wallace, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

398. The damages of plaintiff are, or may be, permanent.

399. The aforementioned acts and omissions of defendants Wallace Brown, through Wallace, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at

the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

400. Punitive damages are justified because of the aforesaid conduct of defendants Wallace Brown, through Wallace, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;

d. defendant is a lawyer, professional and professional licensee, regulated by federal, state and local government, subjected to standards and rules of professional conduct and subjected to standards and rules of civility;

e. defendants knew or should have known of the serious and significant consequences of their wrongful conduct.

WHEREFORE, the plaintiff prays judgment against the defendants on this Twenty-Second Cause of Action in the sum of $1,000,000 and that the court assess punitive damages, together with the costs of suit and attorney's fees.

TWENTY-THIRD CAUSE OF ACTION FOR DEFAMATION

401. Plaintiff repeats the allegations contained in paragraphs 1 through 400 hereof with the same force and effect as though set forth at length herein.

402. On April 19, 2011, Wells P.C., through Wells, with malice and hate, in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties, in reckless disregard for the truth, published in their article entitled, "It's Not Easy Being a New Lawyer, But It's Important," that "it became clear that this was not just a story of a young lawyer who got in over his head. This is also a story of a lawyer who blatantly broke ethical rules and promised more than he could deliver...." However, Rakofsky never "blatantly broke ethical rules [nor] promised more than he could deliver," either "blatantly" or otherwise.

403. As a direct result of the past conduct and continuing conduct of defendants Wells P.C., through Wells, plaintiff Rakofsky was caused to have, and to continue to have, damages set forth hereinafter.

404. As a direct result of the conduct of the defendants Wells P.C., through Wells, plaintiff Rakofsky, was caused to have special damages, including, but not limited to, out-of-pocket losses, loss of salary, medical expenses, investigation expenses, attorneys fees, and court costs, now and into the future.

405. As a direct result of the conduct of the defendants Wells P.C., through Wells, plaintiff Rakofsky, was caused to have general damages, including, but not limited to pain, suffering, embarrassment, humiliation, anxiety, trauma and inconvenience, now and into the future.

406. As a direct result of the conduct of the defendants Wells P.C., through Wells, plaintiff Rakofsky was caused to be unable to do activities and things now that he could do before, including professional activities, personal tasks and recreational acts, and was otherwise deprived of the enjoyment of life.

407. As a direct result of the conduct of defendants Wells P.C., through Wells, plaintiff Rakofsky was caused to have special damages, including, but not limited to, loss of income from clients that terminated their contracts, a loss of income for clients that sought reimbursement for work already performed, out-of-pocket losses, investigation expenses, attorneys fees, and court costs, now and into the future.

408. As a direct result of the conduct of defendants Wells P.C., through Wells, plaintiff Rakofsky was caused to have general damages, including, but not limited to a loss of customers and clients, a loss of future customers, future clients and repeat business from past, present and future clients, a loss of good will, a loss of revenues, income and profit, and inconvenience, now and into the future.

409. The damages of plaintiff are, or may be, permanent.

410. The aforementioned acts and omissions of defendants Wells P.C., through Wells, were grossly negligent, malicious, morally reprehensible, morally culpable, highly immoral, oppressive, aggravated, continuous and systematic, aimed at the public, willful, or wanton and reckless or were a reckless, conscious, callous or utter indifference or disregard to the health, safety, and rights of plaintiff and the public.

411. Punitive damages are justified because of the aforesaid conduct of defendants Wells P.C., through Wells, and the following facts:

a. defendants' acts were intentional;

b. defendants had the opportunity to obtain facts that would have contradicted defendants' statements;

c. defendants knew or should have known that their statements were illegal;