

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE STANTON

MANCHANDA LAW OFFICES, PLLC and
RAHUL MANCHANDA,

07 CIV 6708

Plaintiffs,

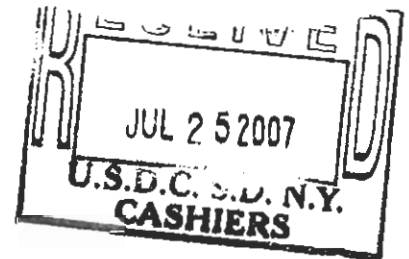
Case No: 07 CV

-against-

ECF CASE

XCENTRIC VENTURES, LLC D/B/A
"RIPOFFREPORT.COM" and JOHN DOES 1-4,

Defendants.



VERIFIED COMPLAINT

Plaintiffs Manchanda Law Offices, PLLC, and Rahul Manchanda, by way of their Verified Complaint against the Defendants Xcentric Ventures, LLC (d/b/a "ripoffreport.com") and John Does 1-4, hereby alleges as follows:

PARTIES

1. Plaintiff Manchanda Law Offices, PLLC is a professional service limited liability company organized and existing under the laws of the State of New York with its principal place of business located at 80 Wall Street, Suite 705, New York, NY 10005.
2. Plaintiff Rahul Manchanda is an individual residing in the City, County and State of New York.
3. Upon information and belief, Defendant Xcentric Ventures, LLC (d/b/a

“ripoffreport.com”) is a Limited Liability Company organized and existing under the laws of the State of Arizona with its principal place of business located in Phoenix, Arizona.

4. Upon information and belief, Defendants John Does 1-4, is an individual or are individuals residing in Hartford and/or Haverford, Connecticut.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 since it arises between citizens of different states in that Plaintiff Manchanda Law Offices, PLLC is a New York professional services limited liability company with its principal place of business located in New York, Plaintiff Rahul Manchanda is an individual residing in the City, County and State of New York, Defendant Xcentric Ventures, LLC (d/b/a “ripoffreport.com”) is a Limited Liability Company organized and existing under the laws of the State of Arizona with its principal place of business located in Phoenix, Arizona and Defendants John Does 1-4, is an individual or individuals residing in Hartford and/or Haverford, Connecticut.

8. The amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

9. This action includes a claim for Declaratory Judgment under Rule 57 of the Federal Rules of Civil Procedure.

10. Venue is proper in this District pursuant to U.S.C. §§ 1391 (a) & (c) in that a substantial part of the events or omissions giving rise to the claim occurred in this District, and/or Defendants regularly transact business in this District, committed a tortious act in this District, and/or are found within this District within the meaning and scope of NY CPLR §302.

FACTUAL BACKGROUND

11. On June 16, 2007, at 11:27:08 a.m., John Doe 1 using the moniker “Ashok Haverford, Connecticut U.S.A.” or someone authorized to act on his behalf, posted a statement on the website www.ripoffreport.com (hereinafter, “Rip-Off Report”). The poster accuses Plaintiff Manchanda Law Offices, PLLC (hereinafter, “Manchanda Law Offices”) of several wrongdoings. Specifically, the poster states, among other things, that “[t]his garbage law firm capitalizes on the fact that they are located on Wall street [sic] but in reality in reality they are over priced, not knowledgeable about simple issues, and charge you up the arse for minor questions.” The poster further states that “I did some immigration work with them and for simple issues these lawyers had to call third parties to confirm it.” Finally, the poster cautions potential clients to:

[b]e aware of the retainer they make you sign, read this one part in there which says ‘ [sic] Attorney researves [sic] the right to associate other counsel billable to client’ [sic] This basically means they can charge you extra for whatever they feel like, for my case I was billed for talking even to the Paralegal, the reason why I [sic] spoke to her is because these scum bag lawyers will never talk to you over the phone and I had to call back and forth to get a hold of them instead I talk to the paralegal.

12. On June 16, 2007, at 2:31:59 p.m., John Doe 2 using the moniker “A haverford Connecticut U.S.A.” or someone authorized to act on his behalf, posted a statement on the website Rip-Off Report. The poster accuses Plaintiff Manchanda Law Offices of several wrongdoings. Among other things, the poster urged potential clients to “[p]lease stay away from this law firm, they are cons!” The poster stated that “I was told verbally that i [sic] would only pay one fee for what i [sic] needed to get done, until [sic] I [sic] got another bull in the mail.” The poster further stated that “[t]hey are unethical and very un professional [sic], they do not know the basic law and rules when it comes to i20 student and h1b visas.” The poster finally

urged potential clients to:

BEWARE OF THE RETAINER, DO NOT SIGN THE RETAINER AGREEMENT, its [sic] a bullshit agreement that gives them the power to charge you whatever they feel like. Especially [sic] in that one line in there which clearly states that ‘ [sic] CO-COUNSEL AND OTHER ASSOCIATES: [sic] Attorney reserves the right to associate other billable to client’ [sic].

13. On June 27, 2007, at 2:00:44 p.m., John Doe 3 using the moniker “Ashok New York, New York U.S.A.” or someone authorized to act on his behalf, posted a statement on the website Rip-Off Report. The poster accuses Plaintiff Manchanda Law Offices of several wrongdoings. Specifically, the poster states, among other things, that “[t]his garbage law firm capitalizes on the fact that they are located on Wall street [sic] but in reality in reality they are over priced, not knowledgeable about simple issues, and charge you up the arse for minor questions.” The poster further states that “I did some immigration work with them and for simple issues these lawyers had to call third parties to confirm it.” The poster cautions potential clients to:

[b]e aware of the retainer they make you sign, read this one part in there which says ‘ [sic] Attorney researves [sic] the right to associate other counsel billable to client’ [sic] This basically means they can charge you extra for whatever they feel like, for my case I was billed for talking even to the Paralegal, the reason why I [sic] spoke to her is because these scum bag lawyers will never talk to you over the phone and I had to call back and forth to get a hold of them instead I talk to the paralegal.

Finally, the poster states that:

I was reffered [sic] to this firm by a brokerage company to do my HI B visa, and myself being in a desperate situation, I hurried up by just siging [sic] the retainer without reading it, ended up paying much more than how much it costs. They are worthless godless people, who take advantage of immigrants.

14. On July 10, 2007, at 2:29:08 p.m., John Doe 4 using the moniker “Ashok Hartford, Connecticut U.S.A.” or someone authorized to act on his behalf, posted a statement on

the website Rip-Off Report. The poster accuses Plaintiff Rahul Manchanda and Plaintiff Manchanda Law Offices of several wrongdoings. Specifically, the poster states, among other things, that “[t]his garbage law firm capitalizes on the fact that they are located on Wall street [sic] but in reality in reality they are over priced, not knowledgeable about simple issues, and charge you up the arse for minor questions.” The poster further states that “I did some immigration work with them and for simple issues these lawyers had to call third parties to confirm it.” The poster cautions potential clients to:

[b]e aware of the retainer they make you sign, read this one part in there which says ‘ [sic] Attorney researves [sic] the right to associate other counsel billable to client’ [sic] This basically means they can charge you extra for whatever they feel like, for my case I was billed for talking even to the Paralegal, the reason why I [sic] spoke to her is because these scum bag lawyers will never talk to you over the phone and I had to call back and forth to get a hold of them instead I talk to the paralegal.

The poster states that:

I was reffered [sic] to this firm by a brokerage company to do my H1 B visa, and myself being in a desperate situation, I hurried up by just siging [sic] the retainer without reading it, ended up paying much more than how much it costs. They are worthless godless people, who take advantage of immigrants.

Finally, the poster states that “Fyi [sic]: their [sic] law staff keeps on changing all the time, which should be a red flag to begin with.”

15. Defendant Xcentric Ventures, LLC (hereinafter “Xcentric Ventures”) does business as “ripoffreport.com”.

16. Defendant Xcentric Ventures is the and the owner and/or licensor of the url known as www.ripoffreport.com.

17. Defendant Xcentric Ventures maintains the webpage database known as www.ripoffreport.com.

18. Defendant Xcentric Ventures' website at

www.ripoffreport.com/wantToSueRipoffReport.asp, states as follows:

Want to sue Ripoff Report?

Can I get false reports removed?

Do you really want to sue Ripoff Report?

You should read this information before filing a lawsuit against Ripoff Report or the Founder ED Magedson.

There's a false report about me on this site!!! What can I do?

Have you or your business been the subject of a Ripoff Report which you believe is false? Do you believe that a competitor of yours posted a fake report to try to harm your business? Are you considering filing a lawsuit against Ripoff Report to try to have reports removed from the site?

If you answered 'yes' to any of these questions, you really need to read the following information first.

From time to time, the Ripoff Report receives notices from companies and individuals who claim that false or inaccurate information about them has been posted on this site. These people sometimes threaten to sue Ripoff Report for defamation and other similar claims unless the statements they do not like are removed. You need to understand that these threats are not effective, *nor will they result in the removal of any reports.*

(emphasis added in italics).

COUNT ONE
(Defamation)

19. Plaintiffs repeat and reallege each and every of their allegations contained within Paragraphs 1-18, as though set forth in full herein.

20. Defendants John Does 1-4 (collectively, "Posters") made these statements on the Rip-Off Report website knowing that they were false and that they would harm Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda.

21. The statements made by Defendants Posters about Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda are false, disparaging, derogatory, and misleading.

22. The Plaintiffs do not provide overpriced or inferior legal services. Plaintiffs

provide highly regarded legal services to individuals and companies using the expertise of its attorneys and paralegal staff. Plaintiff Rahul Manchanda appears regularly on TV news as an expert in immigration and international criminal law.

23. Defendants Posters made these statements knowing of their falsity, or in reckless disregard for their truth.

24. Such false statements were posted on Rip-Off Report, a nationally known internet website.

25. Such false statements were and continue to be viewed by customers of Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda.

26. Such false statements were and continue to be viewed by potential customers of Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda.

27. Such false statements were and continue to be viewed by employees of Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda.

28. Such false statements have caused and continue to cause injury to Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda's reputations.

29. As a direct and proximate result of Defendants Posters' defamation, Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda have been damaged in an amount to be proven at trial.

30. In addition, Defendants Posters' defamatory statements are actionable per se.

31. Defendants Posters wrongful acts were committed with wanton and malicious disregard for the truth, such that punitive damages are warranted.

**COUNT TWO
(False Light)**

32. Plaintiffs repeat and reallege each and every of their allegations contained within Paragraphs 1-31, as though set forth in full herein.

33. Defendants Posters have placed Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda in a false light.

34. The false light in which Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda have been placed as a result of Defendants Posters' statements and actions would be highly offensive to a reasonable person.

35. Defendants Posters' knew that the statements and impressions created by their actions were false, or Defendants Posters' acted in reckless disregard for the truth or falsity of those statements and impressions.

36. As a direct and proximate result of Defendants Posters' wrongful statements and actions, Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda have been damaged in an amount to be proven at trial.

37. Defendants Posters wrongful acts were committed with wanton and malicious disregard for the truth, such that punitive damages are warranted.

**COUNT THREE
(Declaratory Judgment)**

38. Plaintiffs repeat and reallege each and every of their allegations contained within Paragraphs 1-37, as though set forth in full herein.

39. A controversy has arisen between the Plaintiffs and the Defendants with respect to their respective rights.

40. Based on the facts alleged above, Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda request that this Court exercise its powers under the Declaratory Judgments

Acts, 28 U.S.C. §2201-02, to declare that the statements made by Defendants Posters were and are false.

41. It is necessary and appropriate, in order to prevent irreparable injury to Plaintiffs that this Court enter such declaration.

42. Plaintiffs have no adequate remedy at law.

43. To the extent applicable and where authorized by law, Plaintiffs are entitled to attorneys' fees and costs incurred in securing declaratory relief.

COUNT FOUR
(Injunction – as against John Does 1-4)

44. Plaintiffs repeat and reallege each and every of their allegations contained within Paragraphs 1-43, as though set forth in full herein.

45. Based on the facts alleged above, Plaintiff Manchanda Law Offices and Plaintiff Rahul Manchanda request that this Court enjoin Defendants Posters from making or continuing to make, false, disparaging, derogatory, and misleading postings, or otherwise defaming Plaintiffs.

46. Such relief is necessary and appropriate in order to prevent irreparable injury to Plaintiffs.

47. Plaintiffs have no adequate remedy at law.

COUNT FIVE
(Injunction – as against Xcentric Ventures)

48. Plaintiffs repeat and reallege each and every of their allegations contained within Paragraphs 1-47, as though set forth in full herein.

49. Based on the facts alleged above, Plaintiff Manchanda Law Offices and Plaintiff

Rahul Manchanda request that this Court enjoin Defendant Xcentric Ventures from maintaining the false, disparaging, derogatory, and misleading postings by Defendants Posters.

50. Such relief is necessary and appropriate in order to prevent irreparable injury to Plaintiffs.

51. Plaintiffs have no adequate remedy at law.

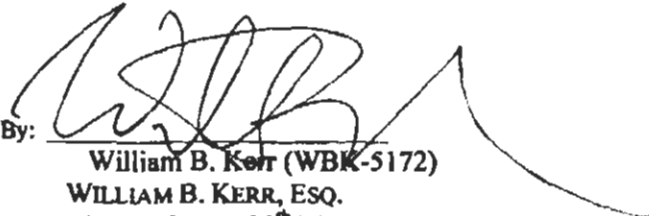
WHEREFORE, Plaintiffs Manchanda Law Offices, PLLC and Rahul Manchanda demand judgment against Defendants Xcentric Ventures, LLC, and John Does 1-4, for the following relief:

- (a) an award of actual, compensatory and punitive damages on its first cause of action against Defendants John Does 1-4;
- (b) an award of actual, compensatory and punitive damages on its second cause of action against Defendants John Does 1-4;
- (c) declaratory relief as requested on its third cause of action;
- (d) injunctive relief enjoining Defendants John Does 1-4 from making or continuing to make false, disparaging, derogatory, and misleading postings, or otherwise defaming Plaintiffs, on its fourth cause of action;
- (e) injunctive relief enjoining Defendant Xcentric Ventures, LLC from maintaining the false, disparaging, derogatory, and misleading postings, on its fifth cause of action;
- (f) for all costs incurred herein; and
- (g) such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiffs herein hereby demand a trial by jury.

Dated: July 18, 2007

By: 

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*Attorney for Plaintiffs Manchanda Law Offices,
PLLC and Rahul Manchanda*

VERIFICATION


State of New York)
) ss:
County of New York)

I, Rahul D. Manchanda, declare under penalty of perjury under the laws of the State of New York, that I am the managing member of Manchanda Law Offices PLLC, a professional limited liability court authorized to provide professional legal services in the State of New York. The information provided in the annexed Complaint, is true and accurate to the best of my knowledge and belief, and that as managing member, I am authorized to make this Verification on behalf of Manchanda Law Offices PLLC..



Rahul Dev Manchanda

Sworn to before me this 16 day of July



Notary Public
My commission expires 4/3/10

JUSTIN DECKER PARSONS
NOTARY PUBLIC STATE OF NY
NO 02PA6143087
QUALIFIED IN NY COUNTY
COMMISSION EXPIRES IN 04 / 03 / 2010