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

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JOSEPH RAKOFSKY, and
RAKOFSKY LAW FIRM, P.C.,

Plaintiffs,

COMPLAINT AND DEMAND FOR JURY TRIAL

Civil Action

IndexNo.: 105573/11

-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
SCOTT H. GREENFIELD
LAW OFFICE OF ERIC L. MAYER
ERIC L. MAYER, *individually*
GAMSO, HELMICK & HOOLAHAN
JEFF GAMSO, *individually*
CRIMEANDFEDERALISM.COM
"JOHN DOE #1"
ORLANDO-ACCIDENTLAWYER.COM
"JOHN DOE #2"
LAW OFFICE OF FARAJI A. ROSENTHALL
FARAJI A. ROSENTHAL, *individually*
BENNETT AND BENNETT
MARK BENNETT, *individually*

SEDDIQ LAW
MIRRIAM SEDDIQ, *individually*
THE MARTHA SPERRY DAILY
ADVANTAGE ADVOCATES
MARTHA SPERRY, *individually*
ALLBRITTON COMMUNICATIONS COMPANY
TBD.COM
RESTORINGDIGNITYTOTHELAW.BLOGSPOT.COM
"J.DOG84@YMAIL.COM"
ADRIAN K. BEAN
HESLEP & ASSOCIATES
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
PALMIERI LAW
LORI D. PALMIERI, *individually*
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"
UNIVERSITY OF ST. THOMAS SCHOOL OF LAW
DEBORAH K. HACKERSON
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

Defendants.

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The plaintiffs above named, complaining of the defendant, by their attorney, RICHARD D. BORZOUYE, ESQ., respectfully alleges:

1. Plaintiff JOSEPH RAKOFSKY (hereinafter referred to as "**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 relevant times, defendant THE WASHINGTON POST COMPANY (hereinafter referred to as "**WASHINGTON POST**") was and is a corporation having its principal place of business in the District of Columbia.

4. Upon information and belief, at all relevant times, defendant KEITH L. ALEXANDER (hereinafter referred to as "**ALEXANDER**") was and is an employee or agent of **WASHINGTON POST**.

5. Upon information and belief, at all relevant times, defendant JENNIFER JENKINS (hereinafter referred to as "**JENKINS**") was and is an employee or agent of **WASHINGTON POST**.

6. Upon information and belief, at all relevant times, defendant CREATIVE LOAFING MEDIA (hereinafter referred to as "**CREATIVE**") was and is a corporation having its principal place of business in the State of Florida.

7. Upon information and belief, at all relevant times, defendant WASHINGTON CITY PAPER (hereinafter referred to as "**CITY PAPER**") was and is a

corporation owned or controlled by **CREATIVE** having its principal place of business in the District of Columbia.

8. Upon information and belief, at all relevant times, defendant REND SMITH (hereinafter referred to as "**SMITH**") was and is an employee or agent of **CITY PAPER**.

9. Upon information and belief, at all relevant times, defendant BREAKING MEDIA, LLC (hereinafter referred to as "**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 (hereinafter referred to as "**ATL**") is an unincorporated association owned or controlled by the **MEDIA**.

11. Upon information and belief, at all relevant times, defendant ELIE MYSTAL (hereinafter referred to as "**MYSTAL**") was and is an employee or agent of **MEDIA** and **ATL**.

12. Upon information and belief, at all relevant times, defendant AMERICAN BAR ASSOCIATION (hereinafter referred to as "**ABA**") was and is a corporation and a trade association having its principal place of business in the State of Illinois.

13. Upon information and belief, at all relevant times, defendant ABAJOURNAL.COM (hereinafter referred to as "**ABA JOURNAL**") was and is an unincorporated website owned or controlled by the **ABA**.

14. Upon information and belief, at all relevant times, defendant DEBRA CASSENS WEISS (hereinafter referred to as "**WEISS**") was and is an employee or agent of **ABA** and **ABA JOURNAL**.

15. Upon information and belief, at all relevant times, defendant SARAH RANDAG (hereinafter referred to as "**RANDAG**") was and is an employee or agent of **ABA** and **ABA JOURNAL**.

16. Upon information and belief, at all relevant times, defendant MYSHINGLE.COM (hereinafter referred to as "**SHINGLE**") was and is an unincorporated association owned or controlled by CAROLYN ELEFANT having its principal place of business in the District of Columbia.

17. Upon information and belief, at all relevant times, defendant CAROLYN ELEFANT (hereinafter referred to as "**ELEFANT**") was and is an owner, employee or agent of **SHINGLE**.

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

19. Upon information and belief, at all relevant times, defendant BLOG.SIMPLEJUSTICE.US (hereinafter referred to as "**BLOG SIMPLE**") was and is an unincorporated association owned and controlled by SCOTT H. GREENFIELD.

20. Upon information and belief, at all relevant times, defendant SCOTT H. GREENFIELD (hereinafter referred to as "**GREENFIELD**") was and is an owner, employee or agent of **SIMPLE** and **BLOG SIMPLE**.

21. Upon information and belief, at all relevant times, defendant LAW OFFICE OF ERIC L. MAYER (hereinafter referred to as "**MAYER LAW**") was and is a

sole proprietorship, which owned or controlled a website "MilitaryUnderdog.com" having its principal place of business in the State of Kansas.

22. Upon information and belief, at all relevant times, defendant ERIC L. MAYER (hereinafter referred to as "**MAYER**") was and is an owner, employee or agent of **MAYER LAW**.

23. Upon information and belief, at all relevant times, defendant GAMSO, HELMICK & HOOLAHAN (hereinafter referred to as "**GHH**") was and is a partnership which owned or controlled a website "Gamso-for the Defense.Blogspot.com" having its principal place of business in the State of Ohio.

24. Upon information and belief, at all relevant times, defendant JEFF GAMSO (hereinafter referred to as "**GAMSO**") was and is an owner, employee or agent of **GHH**.

25. Upon information and belief, at all relevant times, defendant CRIMEANDFEDERALISM.COM (hereinafter referred to as "**C&F**") was and is an unincorporated association owned or controlled by JOHN DOE #1, the principal place of business of which is not known to plaintiffs.

26. Upon information and belief, at all relevant times, defendant JOHN DOE #1 (hereinafter referred to as "**JOHN DOE #1**") was and is an owner, employee or agent of **C & F**.

27. Upon information and belief, at all relevant times, defendant ORLANDO-ACCIDENTLAWYER.COM (hereinafter referred to as "**ACCIDENT LAWYER**") an unincorporated association owned or controlled by JOHN DOE #2 having its principal place of business in Florida.

28. Upon information and belief, at all relevant times, defendant, EL (hereinafter referred to as "**JOHN DOE #2**") was and is an owner, employee or agent of "**ACCIDENT LAWYER.**"

29. Upon information and belief, at all relevant times, defendant LAW OFFICE OF FARAJI A. ROSENTHALL (hereinafter referred to as "**FARAJI LAW**") was and is an unincorporated association owned or controlled by FARAJI A. ROSENTHAL having its principal place of business in the State of Virginia.

30. Upon information and belief, at all relevant times, defendant FARAJI A. ROSENTHAL (hereinafter referred to as "**FARAJI**") was and is an owner, employee or agent of **FARAJI LAW**.

31. Upon information and belief, at all relevant times, defendant BENNETT AND BENNETT (hereinafter referred to as "**BENNETT & BENNETT**") was and is a partnership which maintained a website "BennettAndBennett.com," having its principal place of business in the State of Texas.

32. Upon information and belief, at all relevant times, defendant MARK BENNETT (hereinafter referred to as "**MARK BENNETT**") was and is a partner or principal in **BENNETT & BENNETT**.

33. Upon information and belief, at all relevant times, defendant SEDDIQ LAW (hereinafter referred to as "**SED LAW**") was and is a sole proprietorship owned or controlled by MIRRIAM SEDDIQ having its principal place of business in the State of Virginia.

34. Upon information and belief, at all relevant times, defendant MIRRIAM SEDDIQ (hereinafter referred to as "**SEDDIQ**") was and is an employee or agent of **SED LAW**.

35. Upon information and belief, at all relevant times, defendant THE MARTHA SPERRY DAILY (hereinafter referred to as "**THE DAILY**") was and is a sole proprietorship owned or controlled by MARTHA SPERRY having its principal place of business in the State of Massachusetts.

36. Upon information and belief, at all relevant times, defendant ADVANTAGE ADVOCATES (hereinafter referred to as "**ADVANTAGE**") was and is a sole proprietorship owned or controlled by MARTHA SPERRY having its principal place of business in the State of Massachusetts.

37. Upon information and belief, at all relevant times, defendant MARTHA SPERRY (hereinafter referred to as "**SPERRY**") was and is a resident of Massachusetts.

38. Upon information and belief, at all relevant times, defendant ALLBRITTON COMMUNICATIONS COMPANY (hereinafter referred to as "**ALLBRITTON**") was and is a corporation doing business as "TBD.COM" having its principal place of business in the State of Virginia.

39. Upon information and belief, at all relevant times, defendant TBD.COM (hereinafter referred to as "**TBD.COM**") was and is an unincorporated website owned or controlled by **ALLBRITTON** having its principal place of business in the State of Virginia.

40. Upon information and belief, at all relevant times, defendant RESTORINGDIGNITYTOTHELAW.BLOGSPOT.COM (hereinafter referred to as

"**RDTTL**") was and is an unincorporated association owned or controlled by persons unknown.

41. Upon information and belief, at all relevant times, defendant JDOG84@YMAIL.COM (hereinafter referred to as "**J-DOG**") was and is an association owned or controlled by persons presently unknown.

42. Upon information and belief, at all relevant times, defendant HESLEP & ASSOCIATES (hereinafter referred to as "**HESLEP**") was and is a partnership or other unincorporated association having its principal place of business in the District of Columbia.

43. Upon information and belief, at all relevant times, defendant ADRIAN K. BEAN (hereinafter referred to as "**BEAN**") was and is a principle, agent or an employee or agent of **HESLEP**.

44. Upon information and belief, at all relevant times, defendant KOEHLER LAW (hereinafter referred to as "**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.

45. Upon information and belief, at all relevant times, defendant JAMISON KOEHLER (hereinafter referred to as "**KOEHLER**") was and is the owner, partner or other person having control of **KOEHLER LAW**.

46. Upon information and belief, at all relevant times, defendant THE TURKEWITZ LAW FIRM (hereinafter referred to as "**TLF**") was and is a partnership or other unincorporated association or a sole proprietorship having its principal place of business in the District of Columbia.

47. Upon information and belief, at all relevant times, defendant ERIC TURKEWITZ (hereinafter referred to as "**TURKEWITZ**") was and is the owner, partner or other person having control of **TLF**.

48. Upon information and belief, at all relevant times, defendant THE BEASLEY FIRM, LLC (hereinafter referred to as "**BEASLEY FIRM**") was and is a limited liability company having its principal place of business in Philadelphia, Pennsylvania.

49. Upon information and belief, at all relevant times, defendant MAXWELL S. KENNERLY (hereinafter referred to as "**KENNERLY**") was and is an employee or agent of **BEASLEY FIRM**.

50. Upon information and belief, at all relevant times, defendant STEINBERG MORTON HOPE & ISRAEL, LLP (hereinafter referred to as "**STEINBERG MORTON**") was and is a partnership having its principal place of business in Canada.

51. Upon information and belief, at all relevant times, defendant ANTONIN I. PRIBETIC (hereinafter referred to as "**PRIBETIC**") was and is an employee or agent of **STEINBERG MORTON**.

52. Upon information and belief, at all relevant times, defendant PALMIERI LAW (hereinafter referred to as "**PALMIERI LAW**") was and is a partnership, unincorporated association or sole proprietorship having its principal place of business in the State of Florida.

53. Upon information and belief, at all relevant times, defendant LORI D. PALMIERI (hereinafter referred to as "**PALMIERI**") was and is an employee or agent or the owner, partner, or other person having control of **PALMIERI LAW**.

54. Upon information and belief, at all relevant times, defendant TANNEBAUM WEISS, PL (hereinafter referred to as "**TANNEBAUM WEISS**") was and is a professional corporation, partnership or other unincorporated association having its principal place of business in the State of Florida.

55. Upon information and belief, at all relevant times, defendant BRIAN L. TANNEBAUM (hereinafter referred to as "**TANNEBAUM**") was and is the owner, partner or other person having control of **TANNEBAUM WEISS**.

56. Upon information and belief, at all relevant times, defendant WALLACE, BROWN & SCHWARTZ (hereinafter referred to as "**WALLACE BROWN**") was and is a partnership, unincorporated association, or sole proprietorship having its principal place of business in the State of Florida.

57. Upon information and belief, at all relevant times, defendant GEORGE M. WALLACE (hereinafter referred to as "**WALLACE**") was and is the owner, partner or other person having control of **WALLACE BROWN**.

58. Upon information and belief, at all relevant times, defendant DAVID C. WELLS, P.C. (hereinafter referred to as "**WELLS P.C.**") was and is a corporation having its principal place of business in the State of Florida.

59. Upon information and belief, at all relevant times, defendant DAVID C. WELLS (hereinafter referred to as "**WELLS**") was and is the owner or other person having control of **WELLS P.C**.

60. Upon information and belief, at all relevant times, defendant ROB MCKINNEY, ATTORNEY AT LAW (hereinafter referred to as "**MCKINNEY LAW**")

was and is a sole proprietorship or partnership or other unincorporated association having its principal place of business in the State of Florida.

61. Upon information and belief, at all relevant times, defendant ROB MCKINNEY (hereinafter referred to as "**MCKINNEY**") was and is the owner, partner or other person having control of **MCKINNEY LAW**.

62. Upon information and belief, at all relevant times, defendant THOMSON REUTERS (hereinafter referred to as "**THOMSON REUTERS**") was and is a corporation having its principal place of business in the State of New York.

63. Upon information and belief, at all relevant times, defendant DAN SLATER (hereinafter referred to as "**SLATER**") was and is the owner, partner or other person having control of **THOMSON REUTERS**.

64. Upon information and belief, at all relevant times, defendant BANNED VENTURES, LLC (hereinafter referred to as "**BANNED VENTURES**") was and is a corporation having its principal place of business in the State of Colorado.

65. Upon information and belief, at all relevant times, defendant BANNINATION.COM (hereinafter referred to as "**BANNI**") was and is an association owned or controlled by **BANNED VENTURES**.

66. Upon information and belief, at all relevant times, defendant "TARRANT84" (hereinafter referred to as "**TARRANT 84**") was and is the owner, partner or other person having control of **BANNI**.

67. Upon information and belief, at all relevant times, defendant UNIVERSITY OF ST. THOMAS SCHOOL OF LAW (hereinafter referred to as "**ST.**

THOMAS") was and is a corporation having its principal place of business in the State of Minnesota.

68. Upon information and belief, at all relevant times, defendant DEBORAH K. HACKERSON (hereinafter referred to as "**HACKERSON**") was and is the owner, partner or other person having control of **ST. THOMAS**.

69. Upon information and belief, at all relevant times, defendant LAW OFFICES OF MICHAEL T. DOUDNA (hereinafter referred to as "**MICHAEL T. DOUDNA LAW**") was and is a corporation having its principal place of business in the State of California.

70. Upon information and belief, at all relevant times mentioned herein, defendant MICHAEL T. DOUDNA (hereinafter referred to as "**DOUDNA**") was and is the owner, partner or other person having control of **MICHAEL T. DOUDNA LAW**.

71. Upon information and belief, at all relevant times, defendant MACE J. YAMPOLSKY & ASSOCIATES (hereinafter referred to as "**YAMPOLSKY & ASSOCIATES**") was and is a corporation having its principal place of business in the State of Nevada.

72. Upon information and belief, at all relevant times mentioned herein, defendant MACE J. YAMPOLSKY (hereinafter referred to as "**YAMPOLSKY**") was and is the owner, partner or other person having control of **YAMPOLSKY & ASSOCIATES**.

73. Upon information and belief, at all relevant times, defendant THE LAW OFFICE OF JEANNE O'HALLERAN, LLC (hereinafter referred to as "**O'HALLERAN**

LAW") was and is a corporation having its principal place of business in the State of Georgia.

74. Upon information and belief, at all relevant times, defendant JEANNE O'HALLERAN (hereinafter referred to as "**O'HALLERAN**") was and is the owner, partner or other person having control of **O'HALLERAN LAW**.

75. Upon information and belief, at all relevant times, defendant REITER & SCHILLER, P.A. (hereinafter referred to as "**REITER & SCHILLER**") was and is a corporation having its principal place of business in the State of Minnesota.

76. Upon information and belief, at all relevant times, defendant LEAH K. WEAVER (hereinafter referred to as "**WEAVER**") was and is an agent, owner or partner of **REITER & SCHILLER**.

AS AND FOR A FIRST CAUSE OF ACTION UNDER DEFAMATION

77. Plaintiffs repeat the allegations contained 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 **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** and **RLF** were 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, 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** and **RLF** were retained by the client in said proceedings, the client having been made aware, prior to retaining **RAKOFSKY** and **RLF**, that **RAKOFSKY** had not tried any case, which representation **RAKOFSKY** and **RLF** accepted.

83. Pursuant to and in the course of their representation of the client, **RAKOFSKY** and **RLF** 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** and **RLF** of the representation of the client and obtained from him information necessary and useful to defend 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** or **RLF**. Access to the C.I.'s was denied by the AUSA and as a result, **RAKOFSKY** and **RLF** 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, had been 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 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** and **RLF** 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. 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. 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 <u>any</u> 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 the 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.

94. 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 who may have also photographed Elliot's body. 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.

95. Following the seating of a jury of 14 persons, the AUSA made her opening statement, which was followed by **RAKOFSKY**'s opening statement on behalf of the defense, in the course of presenting which **RAKOFSKY** was interrupted repeatedly by Judge Jackson, in each or nearly each instance without any audible objection by the AUSA. 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, which prompted Judge Jackson to interrupt **RAKOFSKY** and to suggest in a sidebar conference that 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** should not refer to PCP in his opening statement, he had similarly so ruled that **RAKOFSKY** should not refer to the toxicology report in his opening statement; however, an examination of the transcript of March 28, 2011 proves that he referred only to references of PCP and not to references to the toxicology report.) 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.

96. 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 the reference to the toxicology report 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..."

97. Following **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.

98. 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.

99. 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.

100. On March 31, 2011, following the testimony of the aforementioned witnesses for the Government, 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,** suggested strongly 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.

101. 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.

102. **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. 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 (Gilberto 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) and would be able 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.

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

104. During the Court's recess, **RAKOFSKY** and his co-counsel met with the client.

105. 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. 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)...

106. 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.

107. 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.

108. 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** and **RLF** had formulated (but had not yet revealed).

109. 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.

110. 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 slandered **RAKOFSKY**'s knowledge of courtroom procedure. The statements slandered **RAKOFSKY** because they 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..." 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.

111. 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 knowing full well that both news reporters and others would publish his slanderous and defamatory words, Judge Jackson, for reasons that can only be speculated, gratuitously published on the record the slanderous, defamatory statement that, having acknowledged that **RAKOFSKY**'s motion for withdrawal as lead counsel for the defendant was caused by a conflict with the defendant which the defendant confirmed, 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." 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.

112. 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.

113. 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. 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). 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**.

114. 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, which would not have been available to **BEAN** or any other provider of services in the case but for the efforts of **RAKOFSKY**. 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 **RLF** 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).

115. **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**.

116. 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)."

117. 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.

118. All **RAKOFSKY** had to do to avoid controversy with **BEAN** was to give him the voucher; it wasn't even **RAKOFSKY**'s money.

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

120. **BEAN** perpetrated 3 criminal acts: 1) blackmailed **RAKOFSKY** and **RLF**, 2) 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 3) 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.

121. 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.

122. 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.

123. 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."

124. 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**.

125. 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 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.

126. 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 and **RLF**'s reputation.

127. 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.

128. 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.

129. 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.

130. On April 1, 2011, **WASHINGTON POST**, 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 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.

131. **WASHINGTON POST**, 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** and **RLF** 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.

132. The **WASHINGTON POST**, 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** and **RLF** by intentionally and maliciously publishing the contents of an email alleged to have been written by **RAKOFSKY**. The **WASHINGTON POST**, 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 **ALEXANDER** and **JENKINS**, could possibly have seen such an email.

133. On April 8, 2011, **RAKOFSKY** wrote to **WASHINGTON POST**, through **ALEXANDER**: "Do not use my name at all unless you are willing to print a complete retraction of your April 1 article."

134. On April 9, 2011, despite **RAKOFSKY**'s written demand, **WASHINGTON POST**, 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."

135. 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."

136. 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."

137. 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.

138. 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."

139. 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.

140. 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**.

141. On April 4, 2011, **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 **SIMPLE** and **GREENFIELD** erroneously and maliciously published.

142. On April 4, 2011, **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 **SIMPLE** and **GREENFIELD** erroneously published.

143. On April 4, 2011, **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 **SIMPLE** and **GREENFIELD** erroneously and maliciously published.

144. On April 4, 2011, **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 **SIMPLE** and **GREENFIELD** erroneously and maliciously published.

145. On April 4, 2011, **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, **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 **SIMPLE**, through **GREENFIELD,** and other publishers similarly situated, including, but not necessarily limited to, the defendants named in this Complaint. **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?"

146. 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."

147. 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.

148. On April 4, 2011, **C & F**, through **JOHN DOE #1**, 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."

149. Further, on April 4, 2011, **C & F**, through **JOHN DOE #1**, 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.

150. In addition, on April 4, 2011, **C & F**, through **JOHN DOE #1**, 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."

151. 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."

152. 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.

153. 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.

154. 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.

155. On April 4, 2011, **THE DAILY** and **ADVANTAGE**, through **SPERRY**, 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 "Tip of the Day: Don't Mix Legal Incompetence with Social Media" that **RAKOFSKY** "so poorly represented his client — a man charged with first degree murder — that the judge declared a mistrial so that the defendant could fire the guy. 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 **RAKOFSKY** "so poorly represented his client or "so that the defendant could fire the guy."

156. On April 4, 2011, **THE DAILY** and **ADVANTAGE**, through **SPERRY**, 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 "Tip of the Day: Don't Mix Legal Incompetence with Social Media" that "The lawyer not only failed to secure a grasp on basic legal procedure prior to taking on his first criminal trial, he actually asked his investigator to trick a witness into testifying in court that she hadn't seen the defendant at the murder scene." Had **THE DAILY** and **ADVANTAGE**, through **SPERRY** read the "motion" submitted by **BEAN**, which was never filed with the Court, they would have seen that **RAKOFSKY** made no such request of **BEAN**.

157. 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."

158. 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."

159. 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.

160. 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."

161. On April 9, 2011, **HESLEP**, through **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.

162. 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."

163. 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.

164. 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.

165. 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.

166. 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.

167. 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.

168. 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.

169. On April 6, 2011, **PALMIERI LAW**, through **PALMIERI**, 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, "Attorney's Astonishing Procedure Results in Mistrial," that "A D.C Superior Court judge declared a mistrial in a murder case allowing the defendant, Dontrell Deaner, to fire his current criminal defense lawyer because of his lack of knowledge of the proper trial procedure."

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 Judge Jackson did not grant a mistrial, either in whole or in part, because of any "lack of knowledge of the proper trial procedure" on the part of **RAKOFSKY** or his co-counsel, Grigsby, as both **PALMIERI LAW** and **PALMIERI** maliciously published.

170. In addition, on April 6, 2011, **PALMIERI LAW**, through **PALMIERI**, 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 "Why someone who admittedly has never tried a case before would take on a murder case was astonishing to not only the judge but the jury and defendant as well." However, the record is clear that the defendant was not "astonished" that **RAKOFSKY** had "never tried a case before [but] would take on a murder case." **RAKOFSKY** fully disclosed his lack of prior trial experience to his client prior to being retained by his client to represent him.

171. Further, on April 6, 2011, **PALMIERI LAW**, through **PALMIERI**, 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 "To top it off, an investigator who had been hired by Rakofsky came forward about a request that Rakofsky had given him to "trick" a witness. However, had **PALMIERI LAW** and **PALMIERI** read the "motion" submitted by **BEAN**, they would have seen that

RAKOFSKY made no such request of **BEAN,** as **BEAN** included a copy of **RAKOFSKY**'s email attached to the "motion." Instead, for the purpose of damaging **RAKOFSKY** and **RLF, 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**, Grigsby and the client's mother and not to persuade her to do or say anything different from what she had already stated to **RAKOFSKY** and Grigsby several months before **BEAN** was ever hired.

172. 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.

173. 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 misrepresentation [sic]. This 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.

174. 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."

175. 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.

176. On April 4, 2011, **MCKINNEY LAW**, through **MCKINNEY**, 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, "Lessons in Choosing Your Criminal Attorney," that "Rakofsky encouraged his investigator to undertake unethical behavior and then refused to pay the investigator." However, **RAKOFSKY** never "encouraged his investigator to undertake unethical behavior and then refused to pay the investigator," as **MCKINNEY LAW**, through **MCKINNEY** would have known had they read the "motion" submitted (but not formally filed) by **BEAN**, as **BEAN** attached to it a copy of **RAKOFSKY**'s email. Further, **RAKOFSKY** had no obligation to pay the investigator, given that he never provided any services.

177. On April 4, 2011, **THOMSON REUTERS**, through **SLATER**, 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, "Young and Unethical," that "Washington D.C. Superior Court Judge William Jackson declared a mistrial in a murder case on Friday after throwing defense attorney Joseph Rakofsky, 33, off the case for inexperience." However, the record is clear that **RAKOFSKY** requested that he be permitted to withdraw as lead 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 **RAKOFSKY**'s was not "throw[n]…off the case for inexperience" as both **THOMSON REUTERS**, through **SLATER** maliciously published.

178. On April 23, 2011, **BANNED VENTURES** and **BANNI** through **TARRANT 84**, 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, "How to Pay for a Lawyer, by t84," that "The judge declared a mistrial because he was so bad -- something that never ever happens." 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 Judge Jackson did not grant a mistrial, either in whole or in part, because **RAKOFSKY** was "so bad," something that, whether it "never ever happens" did not occur in the case referred to in their article.

179. On April 6, 2011, **ST. THOMAS** through **HACKERSON**, 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 "Recent Law Grad's Incompetence Leads to Mistrial." However, there was no mistrial, either in whole or in part, for incompetence on the part of **RAKOFSKY**, the "recent law grad" referred to in their publication.

180. On April 8, 2011, **MICHAEL T. DOUDNA LAW**, through **DOUDNA**, 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, "D.C.'s Lawyer's Inexperience Obvious; Judge Declares Mistrial" that "Rakofsky described his inexperience to the jury, saying that "he had never tried a case before". This behavior, as well as other tell-tale signs of inexperience led the judge on this case to declare a mistrial. Another disquieting fact is that Rakofsky fired an investigator for refusing to get a witness to lie about the crime in question. Talk about a breach of ethics. The Defendant in this case suffers the most, as his right to a fair trial is compromised by Rakofsky's lack of experience and his behavior. 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 Judge Jackson did not grant a mistrial, either in whole or in part, because of "Rakofsky's lack of experience and his behavior."

181. On April 13, 2011, **YAMPOLSKY & ASSOCIATES**, through **YAMPOLSKY**, 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, "I Never Tried a Case Before…But What's the Big Deal?" that "the attorney told the investigator via an attached e-mail to 'trick' a government witness into testifying in court that she did not see his client at the murder scene." However, no such email was ever written and therefore, neither **YAMPOLSKY & ASSOCIATES**, nor **YAMPOLSKY**, could ever have seen such an email.

182. On April 8, 2011, **O'HALLERAN LAW**, through **O'HALLERAN**, 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, "Mistrial in Murder Case Because of Atty Incompetence" that "A judge recently declared a mistrial in a murder case because of the defense attorney's incompetance. [*sic*]" 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 no mistrial was ever granted by Judge Jackson, either in whole or in part, "because of the defense attorney's incompetence, [*sic*]" whether the reference to the "defense attorney" be intended to refer to **RAKOFSKY** or to his co-counsel, Grigsby, who was not permitted to replace **RAKOFSKY** as lead counsel.

183. On April 13, 2011, **REITER & SCHILLER**, through **WEAVER**, 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, "Competence" that "The final straw for Judge Jackson was a filing he received on Friday,

April 1 from an investigator hired by Rakofsky, who Rakofsky later fired and refused to pay when the investigator failed to carry out his request to "trick" a witness "to say that she did not see the shooting or provide information to the lawyers about the shooting." However, **RAKOFSKY** neither "fired" nor "refused to pay" an investigator "when the investigator failed to carry out his request to 'trick' a witness 'to say that she did not see the shooting or provide information to the lawyers about the shooting,'" which **RAKOFSKY** **never** did as **REITER & SCHILLER** and **WEAVER** would have known had they read the email containing the alleged request to the "investigator."

184. Further, on April 13, 2011, **REITER & SCHILLER**, through **WEAVER**, 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 "Judge Jackson declared a mistrial and fired Rakofsky and his local counsel that day, and will appoint new counsel for Deaner." However, the record is clear that **RAKOFSKY** moved the court to be permitted to withdraw as counsel for his client because a conflict existed between him and his client and Judge Jackson granted **RAKOFSKY**'s motion solely upon **RAKOFSKY's** motion to withdraw as counsel because a conflict existed between him and his client. However, Judge Jackson never "fired Rakofsky" and never declared a mistrial.

AS AND FOR A SECOND CAUSE OF ACTION UNDER VIOLATION OF THE CIVIL RIGHTS LAW

185. Plaintiffs repeat the allegations contained in the paragraphs above.

186. Defendants jointly and severally violated the provisions of Sections 50 and 51 of the New York Civil Rights Law in that each defendant used for advertising purposes, or the purposes of trade, the name, portrait or picture of plaintiff a living person without first having obtained the written consent of plaintiff.

187. As a direct and proximate result of the violation of Sections 50 and 51 of the New York Civil Rights Law plaintiff may maintain this action to prevent and restrain the use thereof and seek damages for injuries sustained by reason of such use.

RELIEF SOUGHT

188. Plaintiffs request that the court order and temporarily enjoin (a) **WASHINGTON POST** from publishing the online versions of the defamatory **WASHINGTON POST** April 1, 2011 and April 9, 2011 articles, along with comments attached thereto, (b) **CREATIVE** and **CITY PAPER** from publishing the on line version of the defamatory **CREATIVE** and **CITY PAPER** April 4, 2011 article, along with comments attached thereto, (c) **MEDIA** through **ATL** from publishing the on line version of the defamatory **MEDIA** through **ATL** April 4, 2011 article, along with comments attached thereto, (d) **ABA** through **ABA JOURNAL** from publishing the on line version of the defamatory **ABA** through **ABA JOURNAL** April 4, 2011 and April 8, 2011 articles, along with comments attached thereto, (e) **SHINGLE** from publishing the on line version of the defamatory **SHINGLE** April 3, 2011 article, along with comments attached thereto, (f) **SIMPLE** through **BLOG SIMPLE** from publishing the on line version of the defamatory **SIMPLE** through **BLOG SIMPLE** April 4, 2011 article,

along with comments attached thereto, (g) **MAYER LAW** from publishing the on line version of the defamatory **MAYER LAW** April 4, 2011 article, along with comments attached thereto, (h) **GHH** from publishing the on line version of the defamatory **GHH** April 2, 2011 article, along with comments attached thereto, (i) **C & F** from publishing the on line version of the defamatory **C & F** April 4, 2011 article, along with comments attached thereto, (j) **ACCIDENT LAWYER** from publishing the on line version of the defamatory **ACCIDENT LAWYER** April 8, 2011 article, along with comments attached thereto, (k) **FARAJI LAW** from publishing the on line version of the defamatory **FARAJI LAW** April 2, 2011 article, along with comments attached thereto, (l) **BENNETT & BENNETT** from publishing the on line version of the defamatory **BENNETT & BENNETT** April 4, 2011 article, along with comments attached thereto, (m) **SED LAW** from publishing the on line version of the defamatory **SED LAW** April 5, 2011 article, along with comments attached thereto, (n) **THE DAILY and ADVANTAGE** from publishing the on line version of the defamatory **THE DAILY** and **ADVANTAGE** April 4, 2011 article, along with comments attached thereto, (o) **ALLBRITTON** from publishing the on line version of the defamatory **ALLBRITTON** April 2, 2011 article, along with comments attached thereto, (p) **RDTTL** from publishing the on line version of the defamatory **RDTTL** April 7, 2011 article, along with comments attached thereto, (q) **KOEHLER LAW** from publishing the on line version of the defamatory **KOEHLER LAW** April 2, 2011 and April 10, 2011 articles, along with comments attached thereto, (r) **TLF** from publishing the on line version of the defamatory **TLF** April 1, 2011 article, along with comments attached thereto, (s) **BEASLEY FIRM** from publishing the on line version of the defamatory **BEASLEY FIRM** April 1, 2011 article, along with comments attached thereto, (t) **STEINBERG**

MORTON from publishing the on line version of the defamatory **STEINBERG MORTON** April 1, 2011 article, along with comments attached thereto, (u) **PALMIERI LAW** from publishing the on line version of the defamatory **PALMIERI LAW** April 6, 2011 article, along with comments attached thereto, (v) **TANNEBAUM WEISS** from publishing the on line version of the defamatory **TANNEBAUM WEISS** April 11, 2011 article, along with comments attached thereto, (w) **WALLACE BROWN** from publishing the on line version of the defamatory **WALLACE BROWN** April 10, 2011 article, along with comments attached thereto, (x) **WELLS P.C.** from publishing the on line version of the defamatory **WELLS P.C.** April 19, 2011 article, along with comments attached thereto, (y) **MCKINNEY LAW** from publishing the on line version of the defamatory **MCKINNEY LAW** April 4, 2011 article, along with comments attached thereto and (z) **THOMSON REUTERS** from publishing the on line version of the defamatory **THOMSON REUTERS** April 4, 2011 article, along with comments attached thereto and (AA) **BANNED VENTURES** and **BANNI** from publishing the on line version of the defamatory **BANNED VENTURES** and **BANNI** April 23, 2011 article, along with comments attached thereto and (BB) **ST. THOMAS** from publishing the on line version of the defamatory **ST. THOMAS** April 6, 2011 article, along with comments attached thereto and (CC) **MICHAEL T. DOUDNA LAW** from publishing the on line version of the defamatory **MICHAEL T. DOUDNA LAW** April 8, 2011 article, along with comments attached thereto and (DD) **YAMPOLSKY & ASSOCIATES** from publishing the on line version of the defamatory **YAMPOLSKY & ASSOCIATES** April 13, 2011 article, along with comments attached thereto and (EE) **O'HALLERAN LAW** from publishing the on line version of the defamatory **O'HALLERAN LAW** April 8, 2011 article, along with comments attached thereto and

(FF) **REITER & SCHILLER** from publishing the on line version of the defamatory **REITER & SCHILLER** April 13, 2011 article, along with comments attached thereto.

189. As a direct, specific and proximate consequence of **WASHINGTON POST**'s, **ALEXANDER**'s, **JENKINS'**, **CREATIVE**'s, **CITY PAPER**'s, **SMITH**'s, **MEDIA**'s, **ATL**'s, **MYSTAL**'s, **ABA**'s, **ABA JOURNAL**'s, **WEISS'**, **RANDAG**'s, **SHINGLE**'s, **ELEFANT**'s, **SIMPLE**'s, **BLOG SIMPLE**'s, **GREENFIELD**'s, **MAYER LAW**'s, **MAYER**'s, **GHH**'s, **GAMSO**'s, **C & F**'s, **"JOHN DOE #1's,"** **ACCIDENT LAWYER**'s, **"JOHN DOE #2's,"** **FARAJI LAW**'s, **FARAJI**'s, **BENNETT & BENNETT**'s, **MARK BENNETT**'s, **SED LAW**'s, **SEDDIQ**'s, **THE DAILY's**, **ADVANTAGE's**, **SPERRY**'s, **ALLBRITTON**'s, **TBD**'s, **RDTTL**'s, **J-DOG**'s, **HESLEP**'s, **BEAN**'s, **KOEHLER LAW**'s, **KOEHLER**'s, **TLF**'s, **TURKEWITZ**'s, **BEASLEY FIRM**'s, **KENNERLY**'s, **STEINBERG MORTON**'s, **PRIBETIC**'s, **PALMIERI LAW's**, **PALMIERI**'s, **TANNEBAUM WEISS'**, **TANNEBAUM**'s, **WALLACE BROWN**'s, **WALLACE**'s, **WELLS P.C.'s**, **WELLS'**, **MCKINNEY LAW**'s, **MCKINNEY**'s, **THOMSON REUTERS'**, **SLATER**'s, **BANNED VENTURES'**, **BANNI**'s, **TARRANT 84**'s, **ST. THOMAS'**, **HACKERSON**'s, **MICHAEL T. DOUDNA LAW**'s, **DOUDNA**'s, **YAMPOLSKY & ASSOCIATES'**, **YAMPOLSKY**'s, **O'HALLERAN LAW's**, **O'HALLERAN**'s, **REITER & SCHILLER**'s and **WEAVER**'s acts, **RAKOFSKY** has suffered terrible mental anguish, has been unable to sleep, has been subjected to physical pain as a result of being unable to sleep and has been unable to participate in the majority of his daily activities. Due to **WASHINGTON POST**'s, **ALEXANDER**'s, **JENKINS'**, **CREATIVE**'s, **CITY PAPER**'s, **SMITH**'s, **MEDIA**'s, **ATL**'s, **MYSTAL**'s, **ABA**'s, **ABA JOURNAL**'s, **WEISS'**, **RANDAG**'s, **SHINGLE**'s, **ELEFANT**'s, **SIMPLE**'s,

BLOG SIMPLE's, **GREENFIELD**'s, **MAYER LAW**'s, **MAYER**'s, **GHH**'s, **GAMSO**'s, **C & F**'s, **"JOHN DOE #1**'s,**"** **ACCIDENT LAWYER**'s, **"JOHN DOE #2**'s,**"** **FARAJI LAW**'s, **FARAJI**'s, **BENNETT & BENNETT**'s, **MARK BENNETT**'s, **SED LAW**'s, **SEDDIQ**'s, **THE DAILY**'s, **ADVANTAGE**'s, **SPERRY**'s, **ALLBRITTON**'s, **TBD**'s, **RDTTL**'s, **J-DOG**'s, **HESLEP**'s, **BEAN**'s, **KOEHLER LAW**'s, **KOEHLER**'s, **TLF**'s, **TURKEWITZ**'s, **BEASLEY FIRM**'s, **KENNERLY**'s, **STEINBERG MORTON**'s, **PRIBETIC**'s, **PALMIERI LAW**'s, **PALMIERI**'s, **TANNEBAUM WEISS**', **TANNEBAUM**'s, **WALLACE BROWN**'s, **WALLACE**'s, **WELLS P.C.'s**, **WELLS'**, **MCKINNEY LAW**'s, **MCKINNEY**'s, **THOMSON REUTERS**', **SLATER**'s, **BANNED VENTURES'**, **BANNI**'s, **TARRANT 84**'s, **ST. THOMAS'**, **HACKERSON**'s, **MICHAEL T. DOUDNA LAW**'s, **DOUDNA**'s, **YAMPOLSKY & ASSOCIATES'**, **YAMPOLSKY**'s, **O'HALLERAN LAW**'s, **O'HALLERAN**'s, **REITER & SCHILLER**'s and **WEAVER**'s acts, **RAKOFSKY**'s and **RLF**'s reputations have been irreparably destroyed; **RAKOFSKY** and **RLF** have been dismissed by existing clients as a direct result of the aforementioned defendants' malicious publications and have been forced to refer existing cases to other law firms to prevent against further damage to such clients as a result of the aforementioned defendants' malicious publications. Because **RAKOFSKY** suffered physical pain, mental anguish and a profoundly traumatic emotional injury at the hands of **WASHINGTON POST**, **ALEXANDER**, **JENKINS**, **CREATIVE**, **CITY PAPER**, **SMITH**, **MEDIA**, **ATL**, **MYSTAL**, **ABA**, **ABA JOURNAL**, **WEISS**, **RANDAG**, **SHINGLE**, **ELEFANT**, **SIMPLE**, **BLOG SIMPLE**, **GREENFIELD**, **MAYER LAW**, **MAYER**, **GHH**, **GAMSO**, **C & F**, **"JOHN DOE #1,"** **ACCIDENT LAWYER**, **"JOHN DOE #2,"** **FARAJI LAW**, **FARAJI**, **BENNETT & BENNETT**,

MARK BENNETT, SED LAW, SEDDIQ, THE DAILY, ADVANTAGE, SPERRY, ALLBRITTON, TBD, RDTTL, J-DOG, HESLEP, BEAN, KOEHLER LAW, KOEHLER, TLF, TURKEWITZ, BEASLEY FIRM, KENNERLY, STEINBERG MORTON, PRIBETIC, PALMIERI LAW, PALMIERI, TANNEBAUM WEISS, TANNEBAUM, WALLACE BROWN, WALLACE, WELLS P.C., WELLS, MCKINNEY LAW, MCKINNEY, THOMSON REUTERS, SLATER, BANNED VENTURES, BANNI, TARRANT 84, ST. THOMAS, HACKERSON, MICHAEL T. DOUDNA LAW, DOUDNA, YAMPOLSKY & ASSOCIATES, YAMPOLSKY, O'HALLERAN LAW, O'HALLERAN, REITER & SCHILLER and **WEAVER**, he has been deprived of the ability to provide legal services. In addition, **RAKOFSKY** suffered mental anguish and pain and suffering, for which, it will require physical rehabilitation and psychological treatment for the rest of his life, to deal with the various traumas associated with his reputation being destroyed due to the intentional or negligent acts of **WASHINGTON POST, ALEXANDER, JENKINS, CREATIVE, CITY PAPER, SMITH, MEDIA, ATL, MYSTAL, ABA, ABA JOURNAL, WEISS, RANDAG, SHINGLE, ELEFANT, SIMPLE, BLOG SIMPLE, GREENFIELD, MAYER LAW, MAYER, GHH, GAMSO, C & F, "JOHN DOE #1," ACCIDENT LAWYER, "JOHN DOE #2," FARAJI LAW, FARAJI, BENNETT & BENNETT, MARK BENNETT, SED LAW, SEDDIQ, THE DAILY, ADVANTAGE, SPERRY, ALLBRITTON, TBD, RDTTL, J-DOG, HESLEP, BEAN, KOEHLER LAW, KOEHLER, TLF, TURKEWITZ, BEASLEY FIRM, KENNERLY, STEINBERG MORTON, PRIBETIC, PALMIERI LAW, PALMIERI, TANNEBAUM WEISS, TANNEBAUM, WALLACE BROWN, WALLACE, WELLS P.C., WELLS, MCKINNEY LAW, MCKINNEY, THOMSON REUTERS, SLATER, BANNED**

VENTURES, BANNI, TARRANT 84, ST. THOMAS, HACKERSON, MICHAEL T. DOUDNA LAW, DOUDNA, YAMPOLSKY & ASSOCIATES, YAMPOLSKY, O'HALLERAN LAW, O'HALLERAN, REITER & SCHILLER and **WEAVER**. In addition, **RAKOFSKY** has been injured by those acts engaged in heretofore by **WASHINGTON POST, ALEXANDER, JENKINS, CREATIVE, CITY PAPER, SMITH, MEDIA, ATL, MYSTAL, ABA, ABA JOURNAL, WEISS, RANDAG, SHINGLE, ELEFANT, SIMPLE, BLOG SIMPLE, GREENFIELD, MAYER LAW, MAYER, GHH, GAMSO, C & F, "JOHN DOE #1," ACCIDENT LAWYER, "JOHN DOE #2," FARAJI LAW, FARAJI, BENNETT & BENNETT, MARK BENNETT, SED LAW, SEDDIQ, THE DAILY, ADVANTAGE, SPERRY, ALLBRITTON, TBD, RDTTL, J-DOG, HESLEP, BEAN, KOEHLER LAW, KOEHLER, TLF, TURKEWITZ, BEASLEY FIRM, KENNERLY, STEINBERG MORTON, PRIBETIC, PALMIERI LAW, PALMIERI TANNEBAUM WEISS, TANNEBAUM, WALLACE BROWN, WALLACE, WELLS P.C., WELLS, MCKINNEY LAW, MCKINNEY, THOMSON REUTERS, SLATER, BANNED VENTURES, BANNI, TARRANT 84, ST. THOMAS, HACKERSON, MICHAEL T. DOUDNA LAW, DOUDNA, YAMPOLSKY & ASSOCIATES, YAMPOLSKY, O'HALLERAN LAW, O'HALLERAN, REITER & SCHILLER** and **WEAVER** which has caused his health and quality of life to be profoundly impaired, has lost his ability to work in a meaningful way and to provide, for himself, the basic necessities that a human being requires for survival now and hereafter.

WHEREFORE, the plaintiff prays judgment against the defendants jointly and severally as follows:

A. Permanently restraining defendants from publishing the name, portrait or picture of plaintiff without her consent;

B. in an amount to be determined at trial of this action and that the court assess punitive damages, together with the costs of suit, disbursements and attorney's fees, and

C. Such other and further relief as to which this Court may deem proper and applicable to award.

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

Dated: New York, New York
May 11, 2011

Respectfully Submitted,

/s/

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/s/

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

------------------------------------X
JOSEPH RAKOFSKY, and
RAKOFSKY LAW FIRM, P.C.,

Plaintiffs,

SUMMONS

Civil Action

IndexNo.:

-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
SCOTT H. GREENFIELD
LAW OFFICE OF ERIC L. MAYER
ERIC L. MAYER, *individually*
GAMSO, HELMICK & HOOLAHAN
JEFF GAMSO, *individually*
CRIMEANDFEDERALISM.COM
"JOHN DOE #1"
ORLANDO-ACCIDENTLAWYER.COM
"JOHN DOE #2"
LAW OFFICE OF FARAJI A. ROSENTHALL
FARAJI A. ROSENTHAL, *individually*
BENNETT AND BENNETT
MARK BENNETT, *individually*
SEDDIQ LAW
MIRRIAM SEDDIQ, *individually*

THE MARTHA SPERRY DAILY
ADVANTAGE ADVOCATES
MARTHA SPERRY, *individually*
ALLBRITTON COMMUNICATIONS COMPANY
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THE TURKEWITZ LAW FIRM
ERIC TURKEWITZ, *individually*
THE BEASLEY FIRM, LLC
MAXWELL S. KENNERLY
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ANTONIN I. PRIBETIC
PALMIERI LAW
LORI D. PALMIERI, *individually*
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"
UNIVERSITY OF ST. THOMAS SCHOOL OF LAW
DEBORAH K. HACKERSON
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

Defendants.

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer in this action and serve a copy of your answer at Supreme Court of the State of New York, 60 Centre Street, New York, NY 10007, or if the complaint is not served with the summons to serve a notice of appearance, on the plaintiff's attorney within twenty one (21) days after the service of this summons, exclusive of the day of service. If this service is not personally served upon you, or if this summons is served upon you outside of the State of New York, then your answer or notice of appearance must be served within thirty (30) days. In case of your failure to appear or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated: New York, New York
May 11, 2011

Respectfully Submitted,

Richard Borzouye, Esq.
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