

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
GLEN S. FEINBERG,

Index No.: 20715/09

Plaintiff,

-against-

COMPLAINT

JOSEPH SANTORO, ALFRED BERGMAN, SLS
RESIDENTIAL, INC., SLS RESIDENTIAL, LLC,
SLS HEALTH, LLC, JOHN TANTILLO, ROLF
GRAEBER, MARKETING DEPARTMENT OF
AMERICA, CHARLES BINDERT, SPONTANEOUS
DEVELOPMENT, DASSINGER CREATIVE,
GEORGE DASSINGER, RIGHT EYE MEDIA, LLC,
ANDREW RATH AND ANDREW RATH D/B/A A.
RATH PRODUCTIONS,

Defendants.

FILED
NOV 12 2009
TIMOTHY C. IDONI
COUNTY CLERK
COUNTY OF WESTCHESTER

THE PARTIES

1. Glen Feinberg is a resident of Westchester County, State of New York.
2. SLS Residential, Inc. was and is a foreign corporation duly authorized to do business and is in fact doing business in the State of New York.
3. SLS Residential, LLC was and still is a domestic corporation duly organized and existing pursuant to the laws of the State of New York.
4. SLS Health, LLC was and still is a domestic corporation duly organized and existing pursuant to the laws of the State of New York.
5. Joseph Santoro ("Santoro") is a resident of 9175 Mississippi Road, City of Weekiachee, State of Florida. Santoro also resides at 2281 Maple Avenue, Cortland Manor, New York, in the County of Westchester, State of New York. Santoro, as President and Co-Chairman of the Board of Directors for SLS Residential, Inc., SLS Residential, LLC and SLS Health, LLC ("SLS entities") and other related entities, does business in New York State.

6. Alfred Bergman is a resident of Putnam County, State of New York. Bergman, as CEO and Co-Chairman of the Board of Directors of the SLS entities and other related entities, does business in New York State.

7. Spontaneous Development was and still is a domestic corporation duly organized and existing pursuant to the laws of the State of New York.

8. Charles Bindert is a resident of Nassau County, State of New York. Bindert is the president and sole shareholder of Spontaneous Development, Inc. and does business in the State of New York.

9. John Tantillo is a resident of Queens County, State of New York. Tantillo is the president of Marketing Department of America LTD ("MDA") and does business in the State of New York.

10. MDA was and is a foreign corporation duly authorized to do business and is in fact doing business in the State of New York.

11. George Dassinger is the president of Dassinger Creative. He is a resident of the State of New Jersey who regularly engages in and transacts business in the State of New York and supplies goods and services in the State of New York. He committed the tortuous acts described below within the State of New York.

12. Dassinger Creative is a New Jersey corporation that regularly engages in and transacts business in the State of New York and supplies goods and services in the State of New York. Dassinger Creative committed the tortuous acts described below in the State of New York.

13. Rolf Graeber is a resident of the State of New York. Graeber is the Vice-President of Operations of MDA.

14. Right Eye Media was and still is a domestic corporation duly organized and existing pursuant to the laws of the State of New York.

15. Andrew Rath is a resident of the State of New York, is the principal of Right Eye Media and does business as A. Rath Productions.

Defendants' Motivation to Defame Plaintiff

16. Defendants Santoro, Bergman, SLS Health, LLC, SLS Residential, Inc. and SLS Residential, LLC ("SLS defendants") own and operate a community residence in Putnam County for the treatment of individuals who suffer from mental illness.

17. The SLS defendants' community residence is licensed by the New York State Office of Mental Health ("NYSOMH").

18. In May 2006, Feinberg, who had come to believe that the SLS defendants had mistreated individuals who came under the care of the SLS defendants, began a public protest against the SLS defendants.

19. Specifically, starting in May 2006, Feinberg lawfully picketed the community residence owned and operated by the SLS defendants.

20. In May 2006, and for several years prior, the SLS defendants engaged in practices that violated New York State laws regarding the rights of psychiatric patients in community residences.

21. The SLS defendants viewed Feinberg's protest as a threat to their business operations.

22. The SLS defendants were concerned that Feinberg's protest could harm their economic interests.

23. As a result of their concern that Feinberg's protest was a threat to their economic interests, the SLS defendants began to take steps to stop his protest.

24. In May 2006, SLS Residential and SLS Health sued Feinberg. They initially obtained a temporary restraining order and then a preliminary injunction barring him from picketing at their premises ("Picketing Action").

25. In August 2006, the Appellate Division stayed the preliminary injunction and Feinberg resumed his picketing.

26. In about February 2007, the Picketing Action against Feinberg was dismissed.

27. In August 2006, Feinberg began to operate an internet blog devoted to a discussion of the actions of the SLS defendants ("the blog").

28. Former patients of the SLS defendants posted comments on the blog stating that they had been mistreated and harmed by the SLS defendants.

29. In August 2006, on the street in front of SLS, an SLS employee distributed to passersby confidential mental health information concerning SLS' treatment of Feinberg's family member.

30. In August 2006, after observing the SLS employee handing out confidential mental health information, Feinberg filed a complaint with the federal government alleging that the SLS defendants had violated their duty of confidentiality by distributing confidential mental health information.

31. In November 2006, Feinberg filed a complaint with NYSOMH alleging that the SLS defendants engaged in illegal conduct and patient abuse.

32. In order to investigate the allegations in Feinberg's complaint and the complaints set out by former patients on the blog and elsewhere, NYSOMH sent a team of inspectors to SLS to make an unannounced inspection.

33. In its inspection reports, NYSOMH concluded that SLS had committed numerous violations of state law and patients' rights. NYSOMH issued fines of \$110,000 against SLS and ordered SLS to cease and desist from admitting new patients until a suitable plan of corrective action was submitted.

34. Upon information and belief, the SLS defendants were disturbed by the NYSOMH fines and orders.

35. Upon information and belief, the SLS defendants believed that Feinberg caused or instigated the NYSOMH actions.

36. Feinberg posted the results of the NYSOMH inspection on the blog and *The Journal News* wrote critical stories and editorials about SLS.

37. The SLS defendants were concerned about the adverse publicity in *The Journal News* and on the blog.

38. In about December 2006, the SLS defendants as well as Graeber, Tantillo and MDA ("MDA defendants") posted confidential mental health information relating to Feinberg's family member on an internet site with the URL <http://friendsofsls.org/> ("Friends of SLS").

39. Feinberg again complained to the federal government, alleging that the SLS defendants had posted confidential mental health information on the internet.

40. The SLS defendants and the MDA defendants removed the confidential mental health information from the Friends of SLS website after SLS' attorneys received a phone call from the federal government suggesting that the information be taken off the internet.

41. Throughout 2007 and 2008, NYSOMH continued its efforts to obtain the SLS defendants' compliance with the law by conducting various inspections at SLS.

42. Starting in 2006, SLS challenged the fines levied by NYSOMH.

43. An administrative hearing was conducted with regard to SLS' challenge to the propriety of NYSOMH's determinations.

44. Following the hearing, the administrative law judge issued a lengthy opinion upholding all of the charges brought against SLS by NYSOMH, including charges that SLS illegally restrained patients, illegally medicated patients against their will, illegally deprived patients of the right to their own clothing and money, illegally prevented patients from communicating with the outside world, used unauthorized treatment methods and illegally prevented patients from leaving the facility.

45. Feinberg reported these developments on his blog.

46. In addition, several critical articles about SLS' actions appeared in *The Journal News* and at other locations on the internet.

47. In 2007, a class action lawsuit ("class action") alleging violations of patients' rights was filed in federal court against the SLS defendants. Neither Feinberg nor any family member is a party to the class action.

48. During the process of notifying class members of the class action lawsuit, the SLS defendants contacted members of the plaintiff class and told them that their psychiatric histories would be disclosed publicly if they participated in the lawsuit.

49. United States District Court Judge Stephen Robinson fined the SLS defendants \$35,000 for their actions with regard to contacting class members. Judge Robinson stated that SLS "is devoid of moral compass."

50. *The Journal News* reported this development on its front page, and Feinberg also reported it on his blog. Upon information and belief, these developments disturbed the SLS defendants, who were continuing in their efforts to find a way to get Feinberg to stop his blogging activities.

51. Upon information and belief, the SLS defendants believed that Feinberg was behind the class action lawsuit and all of their other legal and regulatory problems.

52. Feinberg also reported on the blog that the SLS defendants were being sued for wrongful death as a result of their failure to take steps to prevent one of their patients from murdering and decapitating a woman while he was a patient of SLS. Among the items reported by Feinberg was the conclusion by the NYSOMH hearing officer that SLS had falsified its records, and that Santoro had falsely testified in order to make it appear that the murderer was not an SLS patient at the time of the murder, when in fact he was an SLS patient when he committed the murder.

53. The SLS defendants continued to be concerned about the impact of Feinberg's blogging activities on their business and their reputation.

54. In about July 2007, the SLS defendants again disclosed confidential mental health information on the internet. This disclosure took place on the Friends of SLS website and in a video on Youtube.

55. The MDA defendants operate the Friends of SLS website at the behest of the SLS defendants.

56. The video was placed on Youtube by or at the request of the SLS defendants.

57. In August 2007, Feinberg commenced a lawsuit against Santoro, Bergman and SLS Residential, Inc. for breach of the duty of confidentiality. The court issued a temporary restraining order, preliminary injunction and finally a permanent injunction, thereby requiring Santoro, Bergman and SLS Residential, Inc. to remove the confidential mental health information from the internet. The court also enjoined Santoro, Bergman and SLS Residential, Inc. from further disclosure of the confidential material and ruled that Santoro, Bergman and SLS Residential, Inc. had violated their duty of confidentiality and the Mental Hygiene Law by disclosing confidential information.

58. As a result of the court's ruling, the SLS defendants are estopped from denying that they disclosed confidential mental health information.

59. Upon information and belief, Santoro, Tantillo, Rath and Bindert have been friends and business associates for many years.

60. In addition to their friendship, Santoro and Tantillo have a close business relationship, as Tantillo's company, MDA, serves as marketing consultant for SLS.

61. In addition to their friendship, Santoro and Rath have a close business relationship, as Rath's companies have produced videos for the SLS defendants.

62. Upon information and belief, Tantillo, Rath and Bindert were concerned that the reputation of Santoro and his business, SLS, were suffering as a result of the legal and regulatory actions against SLS, and from the attendant publicity in the newspaper and on Feinberg's blog.

63. Upon information and belief, like the SLS defendants, the MDA defendants, Rath and Bindert were disturbed and frustrated by the fact that the courts had barred SLS from

revealing confidential information that they thought could intimidate Feinberg into silence or cause irreparable damage to his credibility.

Impersonation and Defamation of Plaintiff

The Childlaw.us Posting

64. Childlaw.us is a website devoted to discussions of legal issues facing children, particularly those protecting children from the dangers of the internet, such as sexual predators and pedophiles.

65. Visitors to the Childlaw.us website may register to post comments on articles posted to the site. Alternatively, visitors may post comments to the site anonymously. Anyone who uses the internet and visits the Childlaw.us website can view all the articles and comments posted to the website. The pages of the website are indexed by search engines, such as Google, resulting in the website's appearance in the results of a search engine query.

66. In order to register for the site, visitors are not required to provide their true information, they are merely requested to designate a "username" and a "display name," in addition to their e-mail address and password. In addition, registered users have the option of associating a website URL link with their "display names." When a user takes advantage of this option, their "display name" appears next to the comments they post as a hyperlink directed to the designated URL.

67. On June 25, 2008, an article was posted to the Childlaw.us website titled "Pedophile Rapists win big at the Supreme Court," discussing the *Kennedy v. Louisiana* Supreme Court case.

68. Upon information and belief, on November 21, 2008, Defendants registered a profile for the Childlaw.us website. The information provided when making this registration

designated the username as "gfeinberg," the display name as "Glen Feinberg" and the e-mail address as "glenfeinberg@live.com." In addition, Defendants indicated that this username registration should be associated with the URL leading to Feinberg's profile on the website of his law firm.

69. Upon information and belief, on or about November 21, 2008, Defendants, using the "gfeinberg" username, posted a comment to the "Pedophile Rapists win big at the Supreme Court" post on the Childlaw.us website. See Exhibit "A" annexed hereto. This post read as follows:

Rape and murder deserve harsh punishment, but let's make sure we are defining molestation. Non-consensual [*sic*] intercourse is molestation agreed, but defacto [*sic*] consent is possible well before statutory limits are reached. I am regularly privy to situations where the lines are blurred and statutory minors are consenting. Technical, statutory molestation may be prosecutable, but as public policy we need to rethink these archaic statues and if the punishment is fitting the crime.

70. Feinberg did not register this username or make this statement, and does not endorse this statement.

The Cydeweys.com Posting

71. The Cydeweys.com website is the personal website of non-party Ben McIlwain, where articles on various issues are posted.

72. Anyone who uses the internet and visits the Cydeweys.com website can view all the articles and comments posted to the website. The pages of the website, including the comments section, are indexed by search engines, such as Google, resulting in the website's appearance in the results of a search engine query.

73. Visitors to the Cydeweys.com website may post comments to articles appearing on the site by designating a "name" and entering their e-mail address and the comment they

wish to leave. Additionally, visitors have the option of associating a website URL link with their "name." When a user takes advantage of this option, their "name" appears next to the comments they post as a hyperlink directed to the designated URL.

74. On May 8, 2008, Mr. McIlwain posted an article to the Cydeweys.com website titled "The Wikimedia Foundation's Erik Moller problem," criticizing the view that sexual activity between adults and minors is acceptable.

75. Upon information and belief, on November 22, 2008, Defendants posted a comment to this article under the "name" "glenF." See Exhibit "B". The "name" "glenF" appeared as a hyperlink leading to Feinberg's profile on the Wilson Elser website. The posting to the website stated:

You're right. This is a witch hunt. Just because Americans have decided to legislate their morality does not change the fact that many centuries of people around the world have led happy healthy lives without these Puritan virtues. Reality is that there can be mature consent.

76. Feinberg did not register this "name" or make this statement, and does not endorse this statement.

The YouTube.com Videos and Posting

77. YouTube.com (hereinafter "YouTube") is a video sharing website whereby visitors may upload videos and text for public viewing. Anyone who uses the internet and visits YouTube can view all the videos and additional materials posted to the website. YouTube is indexed by search engines, such as Google, and search engine query results may contain links to content appearing on YouTube.

78. Upon information and belief, on or about December 3, 2008, Defendants, under the YouTube username "ryecatcher3" posted a video titled "GLEN_0002.wmv" (hereinafter referred to as the "Video") for public viewing on YouTube.

79. The Video consists of still images and text. The text accompanying the images in the Video reads as follows:

We will name the names

Lawyers who defend sexual predators

and use technical loopholes to get them off

should be treated just as severely as the animals
who commit these crimes!

Glen S.Feinberg, is known to be a saviour to
pedophiles who would otherwise count their years
behind bars.

We are collecting more incriminating evidence and
have strong reasons to believe that other law firms
and lawyers defending pedophiles will soon be
brought to light.

We have now got some evidence from various
quarters which are strong enough to implicate
Wilson Elser Moskowitz Edelman & Dicker LLP
and Feinberg

Glen Feinberg of Wilson Elser Moskowitz Edelman
& Dicker is a slime ball who should be disbarred.

Glen Feinberg. This guy is dangerous. This guy is
nuts. This guy will be exposed.

We are digging deeper and deeper into these cases are
reprehensible at best and illegal at worst.
They and their families should be ashamed and made
to answer for these sins against humanity.

We are hearing from other outraged survivors and
know that there is a movement mounting against

these people that is going to shake things up and rock their cozy little worlds.

Boycott Glen Feinberg and Wilson Elser Moskowitz Edelman & Dicker who are engaged in abetting sexual offenders.

Help us create a world without child abuse

Brought to you by "We will name the names."

80. On December 3, 2008, a duplicate of the Video was posted by "ryecatcher3" under the title "Glen Feinberg." The "Glen Feinberg" video was substantially similar to the Video, with the exception of the following two slides of text omitted:

We are digging deeper and deeper into these cases are reprehensible at best and illegal at worst. They and their families should be ashamed and made to answer for these sins against humanity.

We are hearing from other outraged survivors and know that there is a movement mounting against these people that is going to shake things up and rock their cozy little worlds.

81. In conjunction with the text, the Video includes Feinberg's image from his law firm's website a number of times.

82. In addition to the Video, text appeared at the right hand side of the YouTube page that made further statements regarding Feinberg. This additional material asserted that not only does Feinberg sympathize with pedophiles, but asserted that Feinberg assists guilty pedophiles in avoiding prosecution or jail time by "tamper[ing] with information relating to serial pedophiles" and "help[ing] them hire professionals to hack into crime records."

83. Upon information and belief, the video was prepared by Andrew Rath, whom the Defendants enlisted to participate in their scheme to impersonate and defame Feinberg. This

video utilized a photograph of Feinberg from his law firm website and superimposed prison bars in front of Feinberg's face.

84. These assertions regarding Feinberg contained in the Video, and the material accompanying it, are false.

The Viddler.com Video

85. Viddler.com (hereinafter "Viddler") is a video sharing website whereby visitors may upload videos and text for public viewing. Anyone who uses the internet and visits Viddler can view all the videos and comments posted to the website. Viddler is indexed by search engines, such as Google, and search engine query results may contain links to content appearing on Viddler.

86. In order to register for Viddler, visitors are not required to provide their true information, they are merely requested to designate a "username" in addition to an e-mail address and password.

87. Upon information and belief, on December 5, 2008, Defendants signed up for Viddler, selecting the username "glensfeinberg."

88. Upon information and belief, on December 5, 2008, Defendants, under the Viddler username "glensfeinberg" posted the Video for public viewing on Viddler.

89. Feinberg did not direct this posting and in no way agrees with the content of the Video.

The Thoughts.com Posting

90. Thoughts.com is a website which provides users a space to post written materials to the internet. Material posted on the Thoughts.com website is available for public viewing, and anyone who uses the internet and visits the Thoughts.com website can view the

materials thereon. The Thoughts.com website is indexed by search engines, such as Google, and search engine query results may contain links to content appearing on the Thoughts.com website.

91. Upon information and belief, on December 2, 2008, Defendants created a post on the Thoughts.com website under the username “pedophilelawyers” titled “LAW FIRMS SUPPORTING PEDOPHILES?” This posting contained statements that Feinberg engages in unlawful conduct in the defense of pedophiles, stating, among other statements, that “[s]ome of these networks even have access to official records and are able to tamper with information relating to serial pedophiles. The law firms who help them hire professionals to hack into crime records. One such firm is Wilson Elser Moskowitz Edelman & Dicker LLP whose networks are widespread in the United States, Latin America, Europe and Asia.” These statements and others were copied into other postings on other websites including Childabuseamerica.blogspot.com, glenfeinberg.wordpress.com and Glenfeinberg.blogdrive.com. See Exhibit “C”.

92. The statements made regarding Feinberg in this posting on the Thoughts.com website and the postings on Childabuseamerica.blogspot.com, glenfeinberg.wordpress.com and Glenfeinberg.blogdrive.com are false.

The Blogger.com Postings

93. Blogger.com (hereinafter “Blogger”) is a website which provides users a space to post various media, such as text, images and video, to the internet. Material posted on the Blogger services is available for public viewing, and anyone who uses the internet and visits Blogger can view the materials thereon. Blogger is indexed by search engines, such as Google, and search engine query results may contain links to content appearing on Blogger.

94. Blogger allows users to select the domain name of their choice under the blogger.com domain. A user's selection of "xyz" would result in a domain name of "www.xyz.blogspot.com."

95. Upon information and belief, on December 3, 2008, Defendants created a website using the Blogger services at the domain name "glenfeinberg.blogspot.com" (hereinafter referred to as the "Blogger Website") under the username "MotherOfAbusedChild."

96. Upon information and belief, on December 3, 2008, Defendants created a post on the Blogger Website titled "Here is against Glen Feinberg-a lawyer who defends sexual offenders" [*sic*]. This posting contained the Video.

97. Upon information and belief, on December 3, 2008, Defendants created a post on the Blogger Website titled "Being a mother to a child-abuse victim." See Exhibit "D". This posting contained statements that Plaintiff engages in unlawful conduct in the defense of pedophiles, stating, among other statements, that "[s]ome of these networks even have access to official records and are able to tamper with information relating to serial pedophiles. The law firms who help them hire professionals to hack into crime records. One such firm is Wilson Elser Moskowitz Edelman & Dicker LLP whose networks are widespread in the United States, Latin America, Europe and Asia. . . . One of its attorneys, Glen S. Feinberg, is known to be a saviour of pedophiles who would otherwise count their years behind bars."

98. Additionally, this posting purports to quote Feinberg in directing readers of the Blogger Website to the false and fraudulent posting made on the Cydeweys.com website under Feinberg's name. The Blogger Website posting states:

Feinberg not only defends these guys, but he actually supports them. We are uncovering that he has made posts saying that "these laws are archaic and support a morality that is based on conservative values that have no place in today's enlightened world".

On another site he says:

<http://www.cydeveys.com/blog/2008/05/08/erik-moller-wmf/>

"You're right. This is a witch hunt. Just because Americans have decided to legislate their morality does not change the fact that many centuries of people around the world have led happy healthy lives without these Puritan virtues. Reality is that there can be mature consent."

99. The statements and similar statements contained in the postings made on the Blogger Website are false.

100. Feinberg did not make any of the above statements attributed to him.

101. Upon information and belief, Defendants made up the cited quotations, and falsely attributed them to Feinberg, as discussed above.

Federal Action and Application for Pre-Action Disclosure

102. In December 2008, Feinberg commenced an action against various John Doe Defendants in federal court ("federal action") and issued subpoenas in an attempt to identify the source of the aforementioned postings and to try to clear them from the internet.

103. On December 18, 2008, *The Journal News* published an article about the federal action. Within a few days of the filing of the lawsuit and *The Journal News* article, most of the offending posts and comments had been removed from the internet.

104. In response to a subpoena served in the federal action, Verizon identified the computers of Bindert and Spontaneous Development as the source of the postings falsely attributed to Feinberg.

105. Thereafter, Feinberg discontinued the federal lawsuit and Feinberg proceeded to take pre-action discovery as ordered by Supreme Court, Westchester County.

106. After being ordered by the court to produce documents related to the defamation and impersonation of Feinberg, Bindert and Spontaneous Development asserted their 5th Amendment right against self-incrimination. They refused to produce any documents or answer any questions relating to the defamation and impersonation of Feinberg.

107. Among the questions that Bindert refused to answer were questions about whether (a) he knows Joseph Santoro, Alfred Bergman, John Tantillo and Andrew Rath (b) has performed work for Joseph Santoro, Alfred Bergman, John Tantillo, Andrew Rath, Marketing Department of America, SLS Residential or SLS Health (c) the name Glen Feinberg ever came up in any of his communications with Joseph Santoro, Alfred Bergman, John Tantillo and Andrew Rath (d) whether he knows who authored any of the defamatory statements about Glen Feinberg (e) whether he authored the defamatory comments about Glen Feinberg (f) whether Joseph Santoro, Alfred Bergman, John Tantillo and Andrew Rath authored any of the defamatory posts about Glen Feinberg (g) whether he authored comments attributed to Glen Feinberg in the internet postings set forth herein.

As and for a First Cause of Action

108. Plaintiff repeats each and every allegation set forth in paragraphs 1 through 107 of this complaint and incorporates them herein.

109. The Defendants, working together, maliciously and with the intent to injure Feinberg's professional reputation, concocted a scheme to spread lies about Feinberg on so many locations throughout the internet that they thought it would be impossible for Feinberg to protect his reputation and credibility.

110. The Defendants knew that Feinberg is a partner in a large, prestigious law firm. In a malicious, intentional and coordinated effort to injure him in his profession, damage his standing within his law firm, and in an attempt to cause Feinberg's law firm to fire him and to expose Feinberg to public contempt, ridicule, aversion or disgrace, or induce an evil opinion of him in the minds of right-thinking persons, the Defendants made false and defamatory statements about Feinberg on the internet.

111. Working together, the Defendants impersonated Feinberg on the internet and posted comments in his name in which they maliciously and falsely attributed to Feinberg support for pedophilia.

112. Defendants then created a series of websites in which they quoted the statements they had maliciously and falsely attributed to Feinberg, and asserted that Feinberg is a supporter of pedophilia.

113. Defendants had actual knowledge of the falsity of the statements they made about Feinberg.

114. Defendants published the false statements about Feinberg with actual malice.

115. Defendants intentionally and maliciously published the false and defamatory statements about Feinberg in order to damage his credibility and reputation, and to attempt to induce him to stop speaking publicly about the illegal conduct of the SLS defendants.

116. Defendants maliciously, and with intent to injure Feinberg's professional reputation, falsely asserted that he is guilty of moral depravity and that he uses his professional influence to undermine law enforcement, break the law and support pedophiles.

117. Defendants have defamed, libeled and disparaged Feinberg by intentionally publishing statements that are damaging to Feinberg's business and personal reputation for the purpose of disrupting Feinberg's business relations.

118. Defendants have distributed statements and other materials which impugn Feinberg's basic integrity.

119. Defendants have made statements that they assert are factual indicating that Feinberg engages in illegal conduct and supports the view that sexual conduct between minors and adults is acceptable.

120. Defendants have impersonated Feinberg and made statements while impersonating Feinberg that create the appearance that Feinberg holds these reprehensible views.

121. All the statements made by Defendants discussed herein are false.

122. Such statements have specifically identified the Plaintiff.

123. Defendants made the above discussed statements with the full knowledge at the time of publication that they were false.

124. Such statements were published to third parties.

125. Such statements were deliberately calculated to prevent or discourage others from dealing with Plaintiff or to otherwise interfere with the Plaintiff's relations with others to Plaintiff's detriment, or to incite violence or other retributive acts be taken against the Plaintiff.

126. The Defendants' actions constitute *libel per se* in that they charge Feinberg with crimes and impute actions to Feinberg that damage his professional reputation as an attorney, entitling Feinberg to presumed damages.

127. The Defendants' actions constitute *libel per se* in that they impute to Feinberg dishonesty and a lack of integrity within the judicial system, all of which injure his personal and professional reputation.

128. The Defendants' actions constitute *libel per se* in that they impute unsavory and disreputable character to Feinberg, all of which injure his personal and professional reputation.

129. The Defendants' actions have caused Feinberg to suffer damages in an amount in excess of jurisdictional limits which will be determined at trial.

130. The Defendants acted maliciously, with willful misconduct and an entire want of care that gives rise to a presumption of conscious indifference to consequences, and with the intent to injure Feinberg. The defendants' actions merit the imposition of punitive damages.

131. The false and defamatory statements were published with actual malice.

132. Feinberg is entitled to an award of punitive damages to punish the defendants and to deter them from repeating their unlawful conduct.

As and for a Second Cause of Action
Prima Facie Tort

133. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 132 of this Complaint with the same force and effect as though fully set forth herein at length.

134. Defendants, without excuse or justification and solely to intentionally inflict harm on the Plaintiff, maliciously posted injurious comments on the internet subjecting him to public criticism, contempt and potential harm including violence or other retributive acts.

135. Fearing violence or other retributive acts, the Plaintiff was forced in December 2008 to install an alarm system in his home costing \$3,333.47 and to incur continuing monthly maintenance fees for the alarm system.

136. The Defendants' malicious conduct was not only harmful to Plaintiff but the conduct was undertaken solely with disinterested malevolence to cause harm and injury to the Plaintiff.

137. Plaintiff demands judgment of compensatory and punitive damages in an amount exceeding the jurisdictional limits of the lower courts, said amount to be determined at trial, together with the costs and disbursements of this action.

As and for a Third Cause of Action

138. Plaintiff repeats each and every allegation set forth in paragraphs 1 through 137 of this complaint with the same force and effect as though fully set forth herein at length.

139. Upon information and belief, the Defendants are continuing to plan and scheme to undertake and make additional defamatory statements about Feinberg on the internet.

140. Feinberg is likely to suffer irreparable harm in the event that Defendants engage make further defamatory comments about him.

141. Plaintiff demands that the court enter a permanent injunction barring the Defendants from making defamatory statements about him, together with the costs and disbursements of this action.

WHEREFORE, Plaintiff respectfully requests that he be awarded judgment:

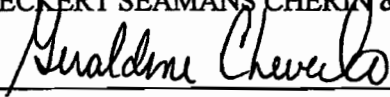
- A. In favor of Plaintiff and against Defendants on all of Plaintiff's claims;
- B. Declaring that Defendants' statements are defamatory to Plaintiff;
- C. Permanently enjoining and restraining Defendants, their officers, agents, subsidiaries, servants, partners, employees, attorneys and all others in active concert or participation with them, from making defamatory statements regarding Plaintiff;
- D. Requiring Defendants to pay over to Plaintiffs compensatory damages;
- E. Awarding Plaintiff his reasonable attorneys' fees, costs, expenses, and interest;

- F. Awarding Plaintiff punitive damages; and
- G. Granting such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York
November 12, 2009

ECKERT SEAMANS CHERIN & MELLOTT, LLC

By: _____


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