

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

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NAPW, INC., and  
MATTHEW BRIAN PROMAN,

Index No.:

**VERIFIED  
COMPLAINT**

Plaintiffs,

vs.

GOOGLE, Inc., and JOHN DOES 1-10,

Defendants.

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Plaintiffs, complaining of the Defendants, by their attorneys, FISCHETTI & PESCE, LLP, respectfully show to this Court and allege:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. This is an action for injunctive relief as well as actual and exemplary damages arising out of the Defendants' online activities, which include, *inter alia*, the misappropriation of Plaintiffs' names for trade and advertising purposes and defamation.
2. Plaintiff NAPW is a New York State corporation with its principal place of business in Nassau County, New York. NAPW has suffered injury globally, including in Nassau County, as a result of Defendants' online activities.
3. Plaintiff Proman is the President of NAPW and resides in Nassau County, New York. Proman has suffered injury globally, including in Nassau County, as a result of Defendants' online activities.

4. Upon information and belief, Defendant Google , Inc. is a Domestic Business Corporation authorized to do business in the State of New York, with a designated DOS process address registered with the New York Department of State.
5. Among other things, Defendant Google operates blogging services which permits users to create blogs residing on Google’s servers and having “---.google.com” or “---.blogspot.com” domain names.
6. There are at least four blogs operated by Google which contain content which defames Plaintiffs NAPW and/or Proman:
  - <http://knol.google.com/k/national-association-of-professional-women-napw-scam#> (the “KNOL blog”)
  - [ed-tech-axis.blogspot.com/2009/01/national-association-of-professional.html](http://ed-tech-axis.blogspot.com/2009/01/national-association-of-professional.html) (the “Ed Tech blog”)
  - [lopezhome.blogspot.com](http://lopezhome.blogspot.com) (the “Lopez Home blog”)
  - <http://womenworksmart.blogspot.com/2008/08/watch-out-for-scams-attacking-new.html> (the “Women Worksmart blog”)
7. Each of these blogs is accessible to and directed at users in New York State, and each specifically targets NAPW, a New York corporation, and Proman, a New York citizen.
8. The KNOL blog contains defamatory content in that it contains a large-font subject heading which calls NAPW a “scam” and goes on to allege that Plaintiff Proman is a “scam artist.”
9. NAPW is not a “scam,” nor is Mr. Proman a “scam artist,” and the KNOL blog’s assertion to the contrary is false and defamatory, and has caused Plaintiffs to suffer serious, irreparable and immediate harm.

10. The KNOL blog content is provided by an unidentified user who uses the screen name “Jennifer Savadra.”
11. The Ed Tech blog contains defamatory content in that it contains a large-font heading which claims “National Association of Professional Women: Not Professional!” The post beneath this heading goes on to call NAPW a “scam.”
12. NAPW is not a “scam,” and the Ed-Tech blog’s assertion to the contrary is false and defamatory, and has caused NAPW to suffer serious, irreparable and immediate harm.
13. The Ed Tech blog content is provided by an unidentified user who uses the screen name “alecia berman-dry.”
14. The Lopez Home blog contains defamatory content in that it contains a large-font heading which calls NAPW a “scam.” The blog post on goes on to claim that NAPW “hurts other women.”
15. NAPW is not a scam, nor does it hurt women, and the Lopez Home blog’s assertions to the contrary are false and defamatory, and have caused NAPW to suffer serious, irreparable and immediate harm.
16. The Lopez Home blog content is provided by an unidentified user who uses the screen name “Maricela.”
17. The Women Worksmart blog contains defamatory content in that it contains a large-font heading which calls NAPW a “scam,” and the posting beneath this heading calls Plaintiff Proman a “scam artist.”
18. NAPW is not a “scam” and Plaintiff Proman is not a “scam artist,” and the Women Worksmart blog’s assertions to the contrary are false, defamatory and have caused Plaintiffs to suffer serious, irreparable and immediate harm.

19. The Women Worksmart blog content is provided by an unidentified user who uses the screen name “Meredith Madrick Cornelius.”

20. The users identified in Paragraphs 10, 13, 16 and 19 are the Doe Defendants, captioned above, subject to identification by Google as requested below.

21. Upon information and belief, Defendant Google did not pre-screen or otherwise review the subject blogs for the truth or falsity of their content. In other words, Google permitted these defamatory statements to be published with worldwide access, without any regard for the truth or falsity of the statements contained therein or the derogatory effect said statements had on Plaintiffs.

22. The Defendants’ statements are false and defamatory, and both NAPW and Mr. Proman have suffered significant, measurable and irreparable harm from their publication.

23. As such, Plaintiffs request immediate injunctive relief in the form of an Order requiring Defendant Google to remove and delete the defamatory posts and subject headings pending permanent resolution through trial. Plaintiffs would show the Court that such relief is entirely consistent with Google’s various Terms of Service and Content Policies for its blogging sites.

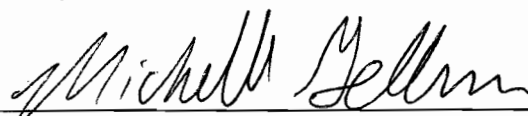
24. Plaintiffs further request an Order directing Defendant Google to disclose all identifying information for the users identified in Paragraphs 10, 13, 16 and 19, above, so that the individuals behind these defamatory posts may be identified and served individually with this Summons & Complaint, or separate proceedings brought against those Doe Defendants for whom it is jurisdictionally necessary to do so.

25. Finally, Plaintiffs will request an order against the Doe Defendants only, awarding pecuniary and exemplary damages against said Defendants, subject to proof at trial, and such further relief as the Court may deem appropriate.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount which exceeds the jurisdictional limits of all lower courts of the State of New York which would otherwise have jurisdiction on the First and Second Causes of Action, together with the costs and disbursements of this action.

Dated:           Garden City, New York  
December 12, 2009

Yours, etc.,



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