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**Statement of Jurisdiction**

Plaintiff respectfully requests to have this case considered as a Federal question pursuant to 28 U.S.C. §1331. The parties living in different states, plaintiff also requests consideration as a diversity case pursuant to 28 U.S.C. §1332.

Venue is proper through N.Y. C.P.L.R. §302(a)(3) providing jurisdiction over foreign entities when they commit tortious acts outside the state of New York and regularly do or solicit business in New York, Plaintiff positing that newspapers conferring criminal convictions on people and persons bereft of them qualifies as a tortious act under the meaning of the term intended.

Upon information and belief defendant newspapers Rutland Herald and Brattleboro Reformer have achieved sales and product distribution to clients in the state of New York in both digital and physical formats. A continuous, permanent and substantial business transaction between defendant newspapers and the entity known as Newsbank, Inc., makes editions of Rutland Herald and Brattleboro Reformer available to New Yorkers by use of the database known as Access World News.

By information and belief, a continuous and systematic general business contact between defendant newspapers and the business entity known as Reed Elsevier, its agents, employees and assignees, brings news content to New York readers through the Lexis/Nexis brand name.

By information and belief, a continuous and systematic general business contact between defendant newspapers and the business entity known as Cambridge Information Group, its agents, employees and assignees, brings news content to New York readers through the ProQuest brand name.

The newspapers accept subscriptions from New York clients, print feature stories about New Yorkers in their pages and maintain an interactive website for the marketing of goods and services to New Yorkers, such activities as herein described creating sufficient minimum contacts to establish the Court's personal jurisdiction over the defendant newspapers.

Google's Inc. has offices in New York does business in New York and Plaintiff respectfully requests the Court to construe that it has sufficient minimum contacts for the Court to accept jurisdiction.

The Court may exercise jurisdiction over state actors, officers, agents and employees by virtue of Federal questions involving the infringement, curtailment, and nullification of Federal rights as alleged herein.

Connected Properties, LLC is a New York business with offices in Staten Island and an agent, Mr. Richard Powell at 9 Tremont Avenue, Binghamton, N.Y. 13903 representing its interests in Binghamton, NY and Plaintiff respectfully requests the Court to construe that it has sufficient minimum contacts for the Court to accept jurisdiction.

## FACTS

1. On December 16, 2011 a story by Technology Writer Jordan Robertson came across the Associated Press newswire: "I'm being punished for living right - Background Check System Is Haunted By Errors."
2. "Even the vaunted FBI criminal database has problems...many people in the database have been cleared of charges" the article went on to say.
3. In the state of New York, 7 million people have RAP sheets. Of those 7 million, 2.1 million people have some kind of RAP sheet error on their record.<sup>1</sup>
4. In April of 2013, Plaintiff had friends in Vermont he had known for nearly 50 years, and he travelled to Vermont to hunt for an apartment or house, with the expectation that he and his Vermont friends might become neighbors.
5. He made several stops in Brattleboro and Rutland, and had an offer to let an apartment from a Rutland Vermont landlord but declined the invitation. Disappointed in the paucity of housing opportunities, Plaintiff decided to leave the state.
6. On the night of April 8, 2013, Plaintiff's car was stopped on the southbound lane of Interstate Highway 91 as Plaintiff was in the process of departing Vermont.
7. Plaintiff was in possession of a valid, in-force drivers license and tendered same when asked by police.
8. Plaintiff was in possession of a valid, in-force vehicle registration card and tendered same when asked by police. Plaintiff's registration card did double duty as a receipt for county taxes, state taxes and road fees described to him under separate cover. It cost 5 times as much as a Vermont vehicle registration card.
9. Plaintiff was in possession of a valid in-force automobile insurance card and tendered same when asked by police.
10. Plaintiff is a natural born citizen of the U.S. and police made no accusation relative to illegal alien status.

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<sup>1</sup> Legal Action Center, "The Problem Of Rap Sheet Errors" 2011

11. An officer of the law asked Plaintiff if he had been drinking, and he truthfully responded "No". Vermont State Police made no accusation relative to DUI.
12. Vermont State Police asked if Plaintiff had a weapon in the vehicle. Plaintiff answered "Yes". There was no effort to conceal, evade, mislead or deceive police about possession of a weapon in the vehicle.
13. Police asked to know the location of Plaintiff's weapon and Plaintiff indicated the glove compartment. An officer told Plaintiff that under Vermont law, it was not a crime to possess a weapon, and store it in the glove compartment of a vehicle.
14. A second officer of the Vermont State Police then demanded Plaintiff exit the vehicle.
15. Plaintiff complied and the second officer proceeded to search Plaintiff's person. The officer found nothing of interest on Plaintiff's person.
16. The second officer then declared he had probable cause, giving Plaintiff the choice of either signing a waiver and allowing a vehicle search, or having his car impounded. This is known as a Hobson's Choice - no choice at all.
17. Plaintiff signed the waiver, whereupon the second officer, along with a third officer then searched the vehicle for about an hour. They found nothing they considered noteworthy.
18. After the search of both his person and his vehicle, the second officer announced "You have several convictions and your weapon is therefore illegal. OK?"
19. Plaintiff responded in a manner that allowed him to dissent without being considered unruly, or being declared a disorderly person.
20. "It's not OK. I have no convictions. I disagree in the strongest possible language," Plaintiff said to the police. Plaintiff explained to police the conviction alluded to had been overturned and set aside on appeal, resulting in no conviction. Plaintiff carried in a folder in his car the docket sheet report showing the appeals court order vacating, setting aside and dismissing the lower court ruling.
21. Police then took Plaintiff's weapon, whereupon Plaintiff asked for a receipt. He drove to the West Brattleboro State Police Barracks where a receipt was drawn up and given to him.
22. Upon receiving his receipt for the weapon, Plaintiff was allowed to leave the scene.

23. Shortly after leaving Vermont, Plaintiff began seeing newspaper stories on Google published by the defendant newspapers purporting to offer accounts of Plaintiff's highway stop, said accounts appearing in both the Rutland Herald and the Brattleboro Reformer.
24. Both accounts used the subtitle: "This Just In". Both accounts referred to Plaintiff as a convicted person. Both accounts said, implied, inferred that Plaintiff had broken Federal gun laws. Both accounts said Plaintiff was a transient person, and both accounts said Plaintiff is under police investigation for criminal activity. Neither newspaper told readers Plaintiff had won his case on appeal. Neither paper explained that when someone wins on appeal, there is no conviction.
25. In November of 2013 Plaintiff sent a Notice of Claim to Vermont's Attorney General in order to recover his property or receive compensation. No response was forthcoming.
26. In military service, as a member of the U.S. Naval Security Group, Plaintiff had been a translator and interpreter in the Albanian language. In December of 2013, he sent an analysis of Albania's electricity grid to his Congressman, along with the reasons for the country's failure to stem electricity theft - an issue that may wind up costing U.S. taxpayers \$100 million as they provide what is essentially a bailout for mismanagement. Plaintiff never received an acknowledgement of his work, or a thank you.
27. On January 22, 2014 Mr. Tom Bowen, an attorney for the Binghamton law firm of Coughlin & Gerhart, telephoned Plaintiff and told him he saw on the Internet one of the articles complained of. Mr. Bowen did not say which paper had published it.
28. On January 23, 2014 the U.S. Dept of Justice filed a 25 page complaint against U.S. Investigations Services, LLC alleging the company bilked the government of millions of dollars by providing it with more than 660,000 fraudulent background investigations.
29. Twice in February, 2014 Plaintiff telephoned the officer in charge of internal affairs for the Vermont State Police, Ingrid Jonas, whose number was listed on the Internet, seeking administrative remedy. No one answered the phone on either occasion.
30. In February 2014, Plaintiff again called the Vermont State Police at the Brattleboro barracks, seeking administrative remedy. The officer Plaintiff spoke to maintained that remedy lay with the Plaintiff, not with the state of Vermont.

31. After seeking administrative remedy with the Vermont State Police, Plaintiff filed a criminal history challenge to the FBI's criminal records database on February 20, 2014 alleging fraud in the compiling, maintenance and use of his records dating back to the year 2006 because the records contain a lower court conviction while neglecting, ignoring, and omitting an appeals court decision setting aside the lower court order. The FBI investigates. In the event it agrees with Plaintiff's challenge it will update its records and require, insist, and demand that the state of jurisdiction do the same. The FBI calculates average wait time for a response to criminal history challenges at 33 days.
32. While the behavior described above involved text, defendant Google's conduct involves images.
33. In 2012, Plaintiff began seeing under his name the image and likeness of a person unknown to him who was in conflict with the criminal justice system. Plaintiff pressed the "Report this Image" key on his computer, reporting the image to Google.
34. Some time after reporting the image to Google using the "Report" button supplied by Google, and Google itself taking no action to disconnect Plaintiff's name from the image he had seen, Plaintiff called the sheriff's department hosting the image file, and asked the sheriff to disconnect him from the prisoner whose picture was displayed under Plaintiff's name.
35. A detective working in the sheriff's department called and left a message with Plaintiff, saying: "We can't do that, this is a person of interest to us" or words to that effect, then the sheriff's department detective continued: "That's just Google playing games with you."
36. Another instance of "Google playing games with you" is also known by its legal definition: Capital Murder; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of a person so engaged who was subsequently arrested, convicted, and executed by lethal injection.
37. Another instance of "Google playing games with you" is also known by its legal definition: Mass Terrorism, defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the images and likenesses of persons so engaged at least one of whom was subsequently shot and killed by law enforcement officers.

38. Another instance of "Google playing games with you" is also known by its legal definition: Serial Rape, defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of persons so engaged who were subsequently arrested, convicted, and received long term prison sentences.
39. Another instance of "Google playing games with you" is best described by its grand jury indictment: "requiring a prostitute to perform fellatio on his person at the point of a double barreled shotgun"; defendant forcing, compelling, requiring, demanding in 2013 that Plaintiff web host the image and likeness of a person so engaged whose outcome is unknown.
40. Another instance of "Google playing games with you" is best described by its legal definition: Assault On A Female; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of a person so engaged whose outcome is unknown.
41. Another instance of "Google playing games with you" is best described by its legal definition: failing to register as a sexual predator; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of a person so engaged whose outcome is unknown.
42. Another instance of "Google playing games with you" is known by its legal definition: Child Molestation; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of books and pamphlets describing this activity prominently on their covers.
43. Another instance of "Google playing games with you" is also known by its legal definition: Possession of Cocaine With Intent To Distribute; defendant forcing, compelling, requiring, demanding during the years 2012 and 2013 that Plaintiff web host the image and likeness of a person so engaged who was subsequently arrested, convicted, and was serving sentence in a Federal penitentiary.
44. Another instance of "Google playing games with you" is also known by its legal definition: Forgery, First Degree; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of a person so engaged whose outcome is unknown.

45. Another instance of "Google playing games with you" is also known by its legal definition: Identity Theft; defendant forcing, compelling, requiring, demanding during the year 2013 that Plaintiff web host the image and likeness of a person so engaged whose outcome is unknown.
46. Google never asked, consulted with, or sought Plaintiff's acquiescence to perform this work. Nor has it ever paid, compensated, or remunerated Plaintiff in any manner for performing web-hosting work typically performed by the FBI, and State and local law enforcement.
47. On a daily basis during the year 2013 defendant Google demanded, compelled and required that Plaintiff web-host under his name the images and likenesses of persons and products subliminally advertising the consumption of alcoholic beverages. Google never asked, consulted with, or sought Plaintiff's acquiescence to perform this work. Nor has it ever paid, compensated, or remunerated him in any manner for performing this web-hosting work.
48. On an intermittent basis during the year 2013, Google demanded, compelled, and required that Plaintiff web-host under his name the images and likenesses of Nazi officers, artwork, and memorabilia. Google never asked, consulted with, or sought Plaintiff's acquiescence to perform this work. Nor has it ever paid, compensated, or remunerated him in any manner for performing this web-hosting work.
49. On a daily basis defendant Google, whose motto is "Do No Evil" forces, compels, demands and requires that Plaintiff web-host under his name images touting, illustrating, and mimicking evil. Google never asked, consulted with, or sought Plaintiff's acquiescence to perform this web hosting work. Nor has it ever paid, compensated, or remunerated him in any manner for the performance of this web-hosting work.
50. Plaintiff made several entiresities, pleas, sent letters, pressed the company's "Report" button, and issued feedback reports to no avail.
51. On April 19, 2013 Plaintiff entered into a one year lease agreement with defendant Connected Properties, LLC. The lease agreement had at least 5 pages that were so dense with legal jargon Lawrence Tribe would be challenged to read and understand them let alone an ordinary person seeking shelter.
52. As of the date of this action, Plaintiff is current in his rent payments.

53. On Monday, January 27, 2014 Mr. George Tabeek, a principal of Connected Properties, LLC telephoned Plaintiff to declare an "emergency" in Plaintiff's apartment related to a leak in the building, saying to Plaintiff he would send workmen to investigate and this required entry into Plaintiff's apartment whether or not Plaintiff was present. That same evening, as Plaintiff was entering his building, an upstairs tenant known to Plaintiff as "Mike" was on the front steps of the building. He confirmed verbally to Plaintiff the essence of Mr. Tabeek's phone message, telling Plaintiff that "there is a leak somewhere in my apartment" and leading Plaintiff to believe that "Mike" had called in the condition to Mr. Tabeek. On the steps of the building, "Mike" also said to Plaintiff "Hey, if I'm making too much noise upstairs, come up and tell me."
54. Plaintiff returned Mr. Tabeek's call on January 27, informing him that he would be in Syracuse on Federal court business on the 28th, and thus would not be in his apartment for the "emergency". He also informed Mr. Tabeek of building code violations he had reported to Binghamton's Dept of Code Enforcement - neither a letter Plaintiff sent Mr. Tabeek in April 2013 about defects in his abode which included the same leaky ceiling condition for which an "emergency" was now being declared on behalf of the upstairs tenant known as "Mike", nor a subsequent report to Mr. Powell, the local agent, had carried any suasion. Mr. Tabeek's own remarks orally to Plaintiff indicated that Plaintiff's concerns were on a "we get to it when we get to it" basis.
55. As announced, on January 28, 2014 Plaintiff travelled to Syracuse where he met with attorney Robert Wells of the Pro Se office for the Northern district of New York where Plaintiff reviewed forms required for Federal court filings, the Pro Se handbook for litigants proceeding with their own cases, and a series of court protocols known as the Federal Rules of Civil Procedure.
56. Upon his return from Syracuse, Plaintiff found a call by Mr. Tabeek on his cell phone who noted twice that "I don't like threats by Code", an argument, if accurate, more suitably taken up with Code than with Plaintiff. Classic threats usually take the form of "If...then". Plaintiff never invoked the "if...then" syllogism with Mr. Tabeek, but simply made a statement of fact, to wit: "You will be getting a letter from Code."

57. This was followed the same night by disturbances by the upstairs tenant known as "Mike" who, in the 1AM - 5AM time frame that night, rocked back and forth with his foot on a creaky section of flooring directly over Plaintiff's head, performing this maneuver at least 5 times the night Plaintiff returned from the Pro Se Office, a maneuver aided, abetted and supplemented by the dropping of heavy objects on the floor, and the turning the water spigot on and off at steady 15 minute intervals thus inducing the rattling of the building infrastructure and guaranteeing sleep deprivation for the Plaintiff.
58. Mr. Tabeek also made the assertion that "all your concerns have been addressed"; an argument conveniently ignoring price gouging as an issue; the requirement that Plaintiff pay full rent from April 19th 2013 to January 28 2014 all the while being deprived of full functionality of the abode during that timeframe owing to 1) a hole in Plaintiff's front door that compromised his physical security, adversely affected his peace of mind as it would anyone's, and induced an employee of Binghamton's Dept of Code Violations to cite a violation; 2) a bathroom sink that did not drain - a defect that, as with the hole in the door, induced a Code officer to cite another building violation, and 3) an electrical outlet in the bedroom that produced electrical current in a manner known only to Mr. Tabeek, which befuddled not only Plaintiff, but also a certified Code Inspector for the city of Binghamton who, once again, inscribed a violation for non-standard wiring.
59. Ignored too during Mr. Tabeek's rant were any references to the imbroglio occurring in Apartment 3 adjacent to Plaintiff's residence that roused Plaintiff from sleep at 2:30 AM on the night of April 19, 2013 - Plaintiff's first night in the abode; the buzzsaws that were a constant feature of life on the premises during a building renovation lasting from Plaintiff's first day as a tenant until Memorial Day, 2013 when Plaintiff was aroused from his sleep as workers entered the building at 7:30AM on Memorial Day, whereupon Plaintiff dressed and asked workers to respect by the city's noise ordinances; the Rolling Stones concert (or so it seemed) that broke out once again in Apartment 3 at 3AM on the night of October 11, 2013 which drove Plaintiff to take his mattress into the hallway in a vain search for the "Peace and Quiet" alluded to in Mr. Tabeek's lease agreement and which produced Mr. Tabeek's laconic telephone interrogative "What can I do from Staten Island?"

60. In the midst of the above referenced 3AM uproar, and in an attempt to restore peace and quiet to the premises, Plaintiff called the property agent Richard Powell, living next door at 9 Tremont Avenue, whereupon Mr. Powell told the Plaintiff: "it's not my problem".
61. The next day, property agent Richard Powell visited Plaintiff saying to him "Don't ever call me again. I'm really hot."
62. The 18th and 19th of December 2013 Plaintiff visited the Franklin Roosevelt Presidential Library in Hyde Park to perform research on FDR's relations with Albania.
63. Mr. Tabeek's telephone rant also neglected to mention the night of Plaintiff's return from Hyde Park, December 20, 2013 when an all night disturbance was initiated by the upstairs tenant "Mike". It also omitted "Mike's" ear splitting radio playing at 10:30 PM the night of December 26, 2013 which resulted in a 911 call for rowdy behavior.
64. Omitted as well from Mr. Tabeek's list of Plaintiff's "concerns" was a second 911 call on January 8th, 2014 when "Mike" told Plaintiff he couldn't sleep at night due to anti-psychotic medications and mood altering anti-depressives he was taking, so that in this manner Mike's ailments, infirmities and travails were transferred to Plaintiff, and the pointlessness of discussing the matter with Mr. Tabeek; he of the "What can I do from Staten Island?" standard, or agent Powell of the "Not My Problem" school of management became readily apparent to the Plaintiff.
65. Plaintiff had, in the customary course of his tenancy, taken to parking temporarily in the back parking lot either to wash his car, or unload groceries, never leaving his car there overnight. On February 1, 2014 Plaintiff saw the upstairs tenant Mike drive into the parking lot in a blue Cooper, and no sooner had that happened than a text message from Mr. Tabeek appeared on Plaintiff's iPhone instructing him to vacate his car from the back parking lot.
66. On two separate instances, the issues of the upstairs tenant "Mike" to wit: a leak in his apartment and back lot parking, had received instantaneous resolution while Plaintiff's infrastructure related issues were resolved only after Binghamton's Building Code Dept had imposed violations.
67. Since January 8, 2014 a nearly continuous series of interruptions including sleep deprivation, assaults and assailments have been conveniently purged from Mr. Tabeek's selective memory

while Plaintiff, for his part, has performed his rental obligation throughout, remains current on his payments, even as he took refuge in a psychological counseling program from a Binghamton caregiver, began avoiding the apartment until 2 and 3 AM, purchased special equipment in the form of mufflers to diminish the constant level of noise from the upstairs tenant "Mike", while enduring the re-igniting of vertigo imbalances, the Meniere's Disease syndrome he first encountered from tight fitting flight helmets worn during his tour of military service. The disturbances also inspired a lawsuit he delivered to the City Court of Binghamton which turned it down because Plaintiff left a money award to the discretion of the city court, and insisted on representing himself, two aspects of his city court suit over which the court took umbrage.

68. The upstairs tenant "Mike" has now begun stalking Plaintiff in hopes of provoking a confrontation that can be reported to the Binghamton police, which he believes would lead to Plaintiff's arrest and imprisonment. This stalking takes the form of Plaintiff leaving his apartment on February 24 whereupon "Mike" upstairs rushed through the upstairs hallway, hurtled down the stairs in hopes of meeting Plaintiff at the front door. Plaintiff however, heard him hurtle through the upstairs hallway and pounding down the stairs, but instead of exiting the front door where he would meet "Mike", Plaintiff slipped 10 feet out the back doorway instead, thereby avoiding "Mike" altogether. This scene was repeated the next day, Feb 25, when Plaintiff had another appointment with attorney Wells in Syracuse. As Plaintiff left his building to travel to Syracuse, again "Mike" planned his building exit to coincide with Plaintiff's exit, but again, instead of following "Mike" out of the building, Plaintiff made a right turn, inspected his mailbox, then headed back to his apartment, leaving "Mike" outside the building by himself. In his apartment, Plaintiff waited until things settled down and all was clear, then left the building for his Syracuse trip.

#### **Count 1**

69. Citizens are permitted to travel between states and are equal to the citizens of the state to which they are traveling. Vermont citizens are not considered "homeless" or "transients" when they are shopping for apartments or homes, Plaintiff alleges this characterization was

made solely for sport, derision and malice. Plaintiff's vehicle registration card was no mere DMV receipt. As Plaintiff distinctly remembers explaining to Sgt. Trudeau, his vehicle registration was also a means to assess city and county taxes, road fees, and other measures that supported his state fiscally. Homeless persons don't pay these taxes, but Plaintiff did. Plaintiff alleges further the characterization of "homeless" subjected him to oppression Vermonters do not endure, while acting as a deterrent to and curtailment of his right to travel between states as guaranteed by the Privileges and Immunities clause.

70. Inventing on-the-spot criminal convictions for citizens bereft of them is another chilling deterrent to open travel between states available to U.S. citizens under the Privileges and Immunities clause and Plaintiff respectfully submits this application for relief.

#### **Count 2**

71. When defendants confiscated Plaintiff's weapon, he lost his property on a lonely stretch of Federal highway with none of the standard protections available to Vermont citizens. There was no appeal. What's more, the property loss occurred on the strength of a perceived criminal conviction residing on the FBI's crime database. Plaintiff alleges erroneous deprivation that implicates due process, infringes his right to equal protection, and justifies bringing this action for relief. Plaintiff alleges further the oppressions, deprivations, and infringements in Counts 1 and 2 were initiated by state actors under color of state law.

#### **Count 3**

72. Plaintiff was in the state of Vermont as a consumer. During his stay he made typical consumer purchases for gasoline, meals, lodging and convenience items such as snacks, drinks and newspapers, purchasing both the Brattleboro Reformer and Rutland Herald in order to scan their apartment and real estate listings.

73. Plaintiff alleges the Para 23 phrase used by both newspapers "This Just In" is a reference to receipt of an electronic file distributed to both defendants via a computer.

74. The electronic file distributed to the defendant newspapers in April 2013 via computer contained corruptions, inaccuracies, material misrepresentations, and omissions such that it infringed, curtailed, and nullified Plaintiff's rights protecting U.S. citizens from computer

fraud and abuse.

75. The electronic database file extracted, used, and relied upon by the State of Vermont, its officers, agents, and employees to seize Plaintiff's property in April 2013 contained corruptions, inaccuracies, omissions, and material misrepresentations such that it infringed, curtailed, and nullified Plaintiff's rights protecting U.S. citizens from computer fraud.
76. The electronic database file extracted, used, and relied upon by the State of Vermont, its officers, agents, and actors to re-iterate to Plaintiff in February 2014 that he had a conviction on his record contained corruptions, inaccuracies, omissions, and material misrepresentations that the state could have removed, overridden, and or discarded but chose not to and as such, perpetuated the infringement, curtailment, and nullification of Plaintiff's rights protecting U.S. citizens from computer fraud and abuse.
77. Plaintiff alleges the sharing of corrupted, fraudulent data with defendant newspapers triggered the interstate commerce provisions of Federal statutes designed to protect U.S. citizens from computer fraud and abuse.
78. Plaintiff alleges the fraudulent data regarding his conviction record came from "protected computers" under the meaning of the term intended by law.

#### **Count 4**

79. Plaintiff had on his person at the time he was stopped, the docket sheet of court proceedings in the case involving him, and with it, proof positive a lower court ruling had been set aside and dismissed on appeal. He was not permitted to show it nor was he asked about it. Any prudent person, situated as the defendants were, could have anticipated that injury might result to a person such as the plaintiff, from such an act of omission.
80. Plaintiff alleges defendants Rutland Herald and Brattleboro Reformer had a duty to inform readers that an appeals court had set aside a lower court ruling in his case. He alleges further this duty extended to explaining that setting aside a verdict on appeal results in no conviction.

Plaintiff alleges the failure of defendant newspapers to so inform readers accrued to his great physical, emotional and psychological harm, inflicted emotional suffering in the extreme, and libeled and defamed him unfairly.

**Count 5**

81. Plaintiff alleges the use of corrupted, inaccurate data rife with omissions and material misrepresentations about Plaintiff's conviction record by Vermont state actors and defendant newspapers interfered with a host of prospective transactions, interactions and negotiations, both private and governmental that were in progress, and that the actions of Vermont state actors and newspapers negatively affected the result of these prospective transactions.

**Count 6**

82. Plaintiff alleges the use of corrupted, inaccurate data rife with omissions and material misrepresentations about his conviction record by employees of the State of Vermont constituted an unwanted intrusion upon his solitude and seclusion, and cast him in a bad light because any reasonable person would be highly offended having a criminal conviction placed on their record where none exists. Plaintiff alleges defendants action in so using corrupted data infringes, curtails, abrogates and eliminates Plaintiff's Federal right to be free from invasion of privacy.

83. Plaintiff alleges that the use of corrupted, inaccurate data rife with omissions and material misrepresentations about his conviction record by defendant newspapers constituted an unwanted intrusion upon his solitude and seclusion, and cast him in a bad light, while appropriating his identity because the use of the aforementioned corrupted data was used for a commercial purpose, to wit, the providing of lurid and salacious entertainment pandering to the baser instincts of a readership. Any reasonable person would be highly offended seeing a conviction placed on their record in a newspaper where none exists. Plaintiff alleges defendants action in so using corrupted data infringes, curtails, abrogates and eliminates Plaintiff's Federal right to be free from invasion of privacy. Plaintiff re-alleges the same infringements and curtailments under applicable state statutes.

**Count 7**

84. Plaintiff alleges the State of Vermont, its defendant officers supra, agents, and employees libeled Plaintiff when they promulgated, disseminated and distributed a data file about him to defendant newspapers that contained fraudulent information, inaccuracies, omissions, and material misrepresentations about Plaintiff's conviction record that subjected him unnecessarily to shame, ridicule and disgrace; the seizure of his property, as well as physical, emotional, and psychological distress in the extreme.
85. Plaintiff alleges defendant newspapers libeled Plaintiff when they published, disseminated and distributed a profile about him that contained corruptions, inaccuracies, omissions, and material misrepresentations about Plaintiff's conviction record that subjected him unnecessarily to shame, ridicule and disgrace; physical, emotional, and psychological distress in the extreme, lowered him in the estimation of influential groups, and subjected him to ostracism from friends, family and professional contacts.
86. Plaintiff alleges defendant newspapers functioned in the role of Internet Content Providers when they repeated their libel and their defamation using an "aggregate communication" to wit: the Internet to re-publish their libel and defamatory matter.

**Count 8**

87. Plaintiff alleges he is not a public figure.
88. He re-alleges further defendant newspapers created, published, distributed, disseminated and promulgated their content about him in print and digitally over the internet.
89. Plaintiff alleges defendant newspapers defrauded Plaintiff, were grossly negligent, and misrepresented him because their profile was intended to trick readers into believing Plaintiff was a dangerous gun toting criminal who had broken Federal gun laws, while the truth was the exact, the irrefutable and the incontrovertible opposite. Plaintiff was allowed to buy a gun because he passed a Federal background check and was in compliance rather than in conflict with Federal gun laws.

90. Plaintiff sues defendant newspapers for fraud and negligent misrepresentation in the creation of a salacious, untrue, and fundamentally false to the core profile published over the internet in blatant disregard for its accuracy that pandered to baser instincts of readers while providing entertainment, titivating a local audience, while setting tongues wagging.
91. That Plaintiff was convicted of domestic violence was (and still is) a false statement because a lower court ruling on the issue was set aside on appeal, resulting in no conviction.
92. That police were investigating was a false statement. Investigation means "to uncover", "to reveal". Nothing was uncovered or subsequently revealed. Whatever investigation Vermont State Police performed was concluded with the release of Plaintiff from their custody. If the police had reason to suspect Plaintiff had committed a Federal gun crime, they would have arrested him on the spot. Instead, he was let go. His release is prima facie evidence police were convinced they had no one in contravention of Federal gun laws. Defendant newspapers assertions and speculations to the contrary were intended insult, denigrate, and deride Plaintiff while providing salacious entertainment to an audience.
93. What's more, Vermont State Police could have checked off "Evidence" on the gun receipt they gave to Plaintiff when they disclosed the reason for seizing Plaintiff's weapon. They didn't. Instead they checked off "Safekeeping".
94. The reference to Plaintiff as a "transient" was a materially false statement.
95. Plaintiff had in his possession documents attesting to a clearly delineated home state including a drivers license, insurance card, and a registration that did double duty as a receipt for paid county taxes, state taxes and road fees - something transients don't typically pay.
96. The truth was easy to ascertain. Police had Plaintiff's phone number. What's more, b o t h defendant newspapers knew Plaintiff's name. When Plaintiff's name is entered in a Google search box, the first item to appear, as of the date of this filing, is his website where email contact is readily listed and there for the taking. Both papers never availed themselves of it.
97. Plaintiff alleges that as newspapers, defendant's bread and butter is publication.
98. Plaintiff alleges that the stories both newspapers created was an exercise in crime fiction.

Crime fiction both newspapers engaged in had no justification.

99. Plaintiff alleges a newspaper's main goal is to "get it right". In the instant case, the story produced by both papers, to wit: a wayfaring itinerant roaming Vermont's highways and byways carrying a loaded gun - in violation of Federal gun laws - an individual with a domestic violence conviction who is nonetheless set free by Vermont State Police after they apprehend him, is so outlandish that Plaintiff alleges further both defendant newspapers were not interested in accuracy, they were more interested in titivating readers, and stimulating their interest in what Walter Cronkite used to call "aberrant crime".
100. Plaintiff argues further that defendants acted not as newspapers but as adjuncts of the entertainment business; their job less to report news than to provide entertainment, titivate readers, and set tongues wagging. As entertainers, Plaintiff argues defendant's actions lack privilege but not liability.
101. The outlandishness of the story appearing in both newspapers was an exercise in crime fiction - the pulp variety made famous by 1940's novelist Dashiell Hammet and later, Mickey Spillane. Plaintiff alleges defendant newspaper's profile about him constituted crime fiction stories masquerading as "news".
102. As a consequence of the actions of the defendant newspapers, Plaintiff has incurred damages to his network of irreplaceable professional contacts which he has not been able to offset.
103. Additionally, Plaintiff has lost friends, acquaintances, and family as a consequence of defendant's actions, as well as the loss of contracts and awards, and enduring physical, emotional and psychological injury, as well as embarrassment, loss of reputation and standing in the community, personal humiliation and mental anguish. The false to the core newspaper articles complained of have lowered him in the estimation of several substantial respectable groups to wit: his Congressman, for whom he produced a report that, if implemented, might save U.S. taxpayers upwards of \$100 million. But members of Congress must avoid not only impropriety but also the appearance of impropriety and the conviction on Plaintiff's record imposed by defendant newspapers - when when a trier of fact refused to

impose such a verdict - casts doubt on his Washington work where there should have been none. The damage is irreplaceable.

**Count 9**

104. The inherent improbability of the crime fiction story published by defendant newspapers strains credulity even more because someone in the custody of Vermont State Police, someone they believed violated or may have violated Federal gun laws; someone who also allegedly had a conviction on his record and was a transient with no proper documentation; such a person would more likely be arrested than released.

105. Plaintiff alleges personal ill will and insult is at the root of the damage inflicted by both newspapers, the term "transient" used to denigrate, deride and disgrace.

106. Had their facts been true, both papers would have had, on the face of it, a sensational story about a transient cruising the highways and byways of Vermont with a loaded gun -legal or illegal- a story like that in the newspaper business is known as a story "with legs", and if the defendants were truly befuddled by how a person - allegedly one with a conviction - such a person clearly precluded by Federal law from purchasing a firearm but who did so anyway, and then on top of it all, was let go by the State police - a story like that begged for, literally cried out for followup, and yet there was none. Not a single word out of either of these two defendants in the way of followup, and the lack of any followup is crystal clear evidence that both papers knew their facts were not facts at all, but ephemeral info-tainment. Reporters make their careers tracking down criminals, getting interviews so as to get into the mind of the perpetrator, it's the kind of journalistic investigation for which Pulitzer Prizes are awarded, the kind of journalistic watchfulness that has been the hallmark of American journalism since the days of Peter Zenger yet none of that happened in the instant case because these defendants knew they'd skewered someone unfairly.

107. Plaintiff alleges that refusing, declining, demurring to inform readers that an appeals court had vacated, overturned, set aside, and dismissed a lower court ruling argues for malice on the part of defendant newspapers.

**Count 10**

108. Plaintiff alleges the combination of forced labor, without pay or compensation of any kind in connection with web hosting of persons in conflict with the criminal justice system infringes, curtails, abrogates and eliminates his Federal right to be free from involuntary servitude.
109. Plaintiff alleges the combination of forced labor, without pay or compensation of any kind in connection with web hosting of persons and products involved in the use of subliminal advertisements for the consumption of alcoholic beverages infringes, curtails, abrogates and eliminates his Federal right to be free from involuntary servitude.
110. Plaintiff alleges the combination of forced labor without pay or compensation of any kind in connection with web hosting of Nazi officers, officials, artwork and memorabilia infringes, curtails, abrogates and eliminates his Federal right to be free from involuntary servitude.
111. Plaintiff alleges that the combination of forced labor without pay or compensation in connection with the web hosting of imagery that touts, mocks and parodies Google's motto, infringes, curtails, and eliminates his Federal right to be free from involuntary servitude.
112. Plaintiff alleges ignoring his pleas, entreaties, letters, and digital feedback satisfies the coercion standard attached to the infringements, curtailments and abrogations alleged.

**Count 11**

113. Plaintiff alleges Defendant Connected Properties has created two classes of tenancy: 1. Tenants who have their concerns addressed immediately and 2. Tenants such as Plaintiff who have their concerns addressed on as Mr. TabEEK has stated, a "we'll get to it when we get to it" basis, if at all. Plaintiff alleges defendant's action creating such a bifurcated tenancy is a form of discrimination based on Plaintiff's age as the oldest tenant in the building, which abrogates and eliminates his right to equal access to housing.
114. Plaintiff alleges no other tenant is subjected to the kind of harangue and oral harassment such as Plaintiff received when he returned from the Pro Se Office in Syracuse. Plaintiff alleges defendant's action in singling him out for oral harassment curtailed, abrogated, and

eliminated his right to equal access to housing and is based on Plaintiff's age as the oldest tenant in the building.

115. Plaintiff alleges no other tenant is subjected to the kind of daily assault levied by the upstairs tenant known as "Mike"; that these assaults have a long history dating back to Plaintiff's first night in residence, that there have been two 911 calls for help and assistance regarding these assaults, and that defendant's action in singling him out for assault, assailment and abuse curtails is a form of age based discrimination that abrogates and eliminates his right to equal access to housing.

116. From April 19th 2013 to January 29 2014 when the Code Violations were finally remedied, defendant Connected Properties LLC charged Plaintiff full price for his housing unit while denying full functionality of the abode. Plaintiff alleges this price gouging scheme curtailed, abrogated and eliminated his right to equal access to housing and he respectfully invokes any rights and protections thereunto appertaining.

#### **Count 12**

117. Plaintiff alleges the statement by George Tabeek "What can I do from Staten Island?" is a statement of property abandonment.

118. Plaintiff alleges the statement by agent Richard Powell "It's not my problem", a statement made in response to a physical altercation at 3AM in a building he supervised, maintained and agented on behalf of defendant Connected Properties, LLC constitutes a statement of property abandonment.

119. Plaintiff alleges that the statement by Richard Powell "Don't ever call me again" a statement made subsequent to a physical disturbance in a building he supervised, maintained and agented on behalf of defendant Connected Properties, LLC is another statement of property abandonment.

120. Plaintiff alleges the sum total of Paragraphs 51 - 68 support a finding of Constructive Eviction and he respectfully requests the Court so rule.

**Count 13**

121. Plaintiff alleges here the rental lease agreement between Plaintiff and defendant Connected Properties, LLC satisfies prong 1 of a claim for Breach of Contract.
122. Plaintiff alleges further his paid up rent status satisfies prong 2, the due performance test of a claim for Breach of Contract.
123. Plaintiff alleges that alluding to "Peace and Quiet" in the lease agreement and failing to deliver them on the night of April 19th 2013, failing to deliver them during the months of building renovation when the noise of buzzsaws filled the air, failing to deliver them during the 3AM disturbance of the night of October 11, again on the all night disturbance of December 20 2013; once again on the nights of December 26, 2013 and January 8, 2014 - nights resulting in 911 calls, together with the building code infractions as determined by the City of Binghamton that Plaintiff alleges infringed his peace of mind and quiet enjoyment of the premises, and the almost daily intentional disturbances, assailments and assaults in the year 2014 by the upstairs tenant known as "Mike" a party known to the owners, agents, and assignees of this defendant, all the calamities, oppressions and insanities chronicled above satisfy prong 3 of a claim for Breach of Contract.
124. That Plaintiff is now under psychiatric treatment when he was not prior to living in the abode, that Plaintiff has re-ignited Meniere's Disease vertigo first incurred during military service but which was in remission prior to living in the abode, that Plaintiff now pays for 2 to 3 days of hotel housing monthly as a means of relief from the atrocities, assailment and assaults chronicled within, that Plaintiff has purchased special equipment as a sleeping aide to relieve the atrocities, assailment and assaults chronicled within, that Plaintiff endures sleep deprivation daily, that he takes preventive measures and precautions with regard to entrance and egress from his building to avoid encounters with the upstairs tenant name "Mike", that he has incurred printing, copying, and legal research expense as a means to combat the atrocities, assailment and assaults chronicled within, that he has endured price gouging as a tenant due to paying full rent for his abode from April 19 2013 until January 28, 2014 even

though not until January 28, 2014 did he have full functionality of the apartment; that he has been subject to not only to fraud and deceit, but also endured situations to which this owner and his agent were cravenly indifferent - whereupon he alleges all of these things are in satisfaction of prong 4 - a claim for damages pursuant to Breach of Contract.

**Count 14**

125. Plaintiff re-alleges all of his statements above, contending that they infringe, curtail, abrogate and eliminate his rights under The Fair Housing Act while supporting his claim for disparate treatment in housing.

**Count 15**

126. Plaintiff re-alleges all of his statements above, contending that they infringe, curtail, abrogate and eliminate his right under The Fair Housing Act to a covenant of quiet enjoyment.

**Count 16**

127. Plaintiff re-alleges all of his statements above, contending that they constitute deceptive acts under the meaning of the term intended by N.Y. GBS Law §349.

**Count 17**

128. Plaintiff alleges Para 50 states a claim for curtailment, infringement, nullification of Plaintiff's right to a clear language housing lease consistent with the provisions of General Obligations law Sec 5-702 and NY C.P.L.R §4544.

**Relief Demanded**

129. **WHEREFORE**, ad damnum, Plaintiff seeks damages and relief as follows:

130. Enjoinment, estoppel, and preclusion by the State of Vermont, its officials, officers, agents and employees from the further use or abuse of corrupted, fraudulent data rife with material omissions and misrepresentations concerning Plaintiff's conviction record.

131. Enjoinment, estoppel, and preclusion by defendants Rutland Herald, and Brattleboro

Reformer from characterizing, depicting, portraying, connoting and/or denoting Plaintiff as a person that violated/may have violated Federal gun laws while holding him up to public ridicule, scorn, shame and disgrace as a person convicted of domestic violence.

132. Enjoinment, estoppel, and preclusion by defendants Rutland Herald, and Brattleboro

Reformer from the further use or abuse of corrupted, fraudulent data rife with material omissions and misrepresentations concerning Plaintiff's conviction record.

133. Emancipation from involuntary digital servitude. Reparations for involuntary service.

134. A money judgement compensation for physical, emotional and psychological suffering at the hands of these defendants which forced upon him, their false to the core libel and defamation causing, initiating and instigating the loss of family, friends, property, professional contacts, and transactions caused by the shame and disgrace the defendants took delight, joy, excitation and sport inflicting.

135. Money judgement from defendant Connected Properties in compensation for injury endured during management's craven disregard for Plaintiff's issues, many resolved only after code violations were cited, others unresolved still and justify rent abatements and rent refunds.

136. An order of Protection forbidding, precluding and estopping further harassment from Defendant Connected Properties, LLC

137. And for such other, further, and different relief which to the Court seems just and proper.

  
Robert Brewer