

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

GUY RENKOVSKI,

Plaintiff,

-against-

COMPLAINT

GOOGLE, INC.,

Index No.

Nonparty(s)

-and-

JOHN DOE, the name being fictitious and unknown to Plaintiff, being person who have made anonymous defamatory statements on the website <http://aptnyfurniturefraud.blogspot.com/>

Defendant(s).

Plaintiff GUY RENKOVSKI (“Plaintiff”), by his attorneys Daniel Szalkiewicz & Associates, P.C., as and for his Complaint against Defendant JOHN DOE (“Defendant”) alleges, upon information and belief, as follows:

THE PARTIES

1. Plaintiff is, and at all times relevant to this action has been, an individual residing in the State of New York, County of Kings.
2. Plaintiff is not a public official or public figure.
3. Upon information and belief, Defendant is a resident of the State of New York, County of New York. Despite due diligence, plaintiff is ignorant of said defendant’s true name and pleads, pursuant to CPLR §1024, by designating so much of said defendant’s name as is known to Plaintiff.

4. Nonparty Google is, and at all times relevant to this action a domestic corporation located at 76 Ninth Avenue, New York, New York 10011.

STATEMENT OF FACTS PERTAINING TO ALL CAUSES OF ACTION

5. A series of defamatory blog postings and reviews were published on the internet by Defendant concerning the Plaintiff. As described below, these defamatory statements were published on the blog entitled "Apt NY Furniture Fraud." Nonparty Google is the owner of this Blogger.com, the host of this Web site.

6. Given his stellar reputation, Plaintiff was unaware who was publishing the defamatory statements. However, the blog accuses Plaintiff of being a personal injury lawyer, consuming illegal narcotics, and being a fraud and con artist.

7. The Plaintiff has sworn that the statements are not true and the blog is harming his reputation.

8. When you insert the Plaintiff's name into Google, the blog appears as the **first** result out of 751 results.

9. The Defendant has also wrongfully removed photographs from Plaintiff's social media accounts and placed them on the website.

The Defamatory Statements

10. The Defendant published the following false statement concerning plaintiff on the blog [http://aptnyfurniturefraud.blogspot.com /:](http://aptnyfurniturefraud.blogspot.com/)

Guy is 32 years old. He says he likes to "smoke crack and take candy from babies." He claims that he went to the Dwight School, an expensive

private K-12 school in Manhattan, where he majored" in "embezzlement."
His favorite movie? Trainspotting. Well, of course.

11. The above referenced blog is used in the post is intended to be understood and is understood to mean that Plaintiff committed the serious crime of embezzlement and accusing Plaintiff of consuming illegal narcotics, specifically crack cocaine. The occurrence did not happen and is false.

12. Defendant has published the defamatory statements described herein with full knowledge that they were false and with actual malice. They have done this with the intent of causing severe damage to GUY RENKOVSKI's reputation. They have done this with the intention of harassing and intimidating GUY RENKOVSKI. Defendant was aware that they were publishing false and defamatory material, and they did so with actual malice.

13. Defendant also wrote on <http://aptnyfurniturefraud.blogspot.com> "Guy Renkovski, con artist, is now a personal injury lawyer in Brooklyn, at Ofshtein Law"

14. The phrase above used in the posting is intended to be understood and is understood to mean that Plaintiff is impersonating an attorney, a felony in New York. This occurrence is false and did not happen.

15. Defendant has published the defamatory statements described herein with full knowledge that they were false and with actual malice. They have done this with the intent of causing severe damage to GUY RENKOVSKI's reputation. They have done this with the intention of harassing and intimidating GUY RENKOVSKI. Defendant was aware that they were publishing false and defamatory material, and they did so with actual malice.

16. The Defendant further published the false statement:

Ironically, he seems to have taken up the practice of law. He's the principal at Ofshtein Law. It's even at the same address at Apt NY, the

business that took so many people's money. I guess there are multiple ways to take people's money.

17. The phrase above used in the posting is intended to be understood and is understood to mean that Plaintiff is impersonating an attorney, a felony in New York. This occurrence is false and did not happen.

18. Finally, the Defendant wrote:

Ofshtein Law - personal injury from a furniture salesman
Apparently Ofshtein Law is pursuing personal injury law - see this ad in Brooklyn Paper. This is very interesting in light of the principal's past inability to fulfill contracts.

19. The phrase above used in the posting is intended to be understood and is understood to mean that Plaintiff is impersonating an attorney, a felony in New York. This occurrence is false and did not happen.

20. Defendant' repeated and continuous publications of disparaging and knowingly false comments about Plaintiff demonstrate an intent to harm, harass, and intimidate Plaintiff and all others who would dare to disagree, even unknowingly, with Defendant, demonstrate actual malice, and constitute extreme and outrageous conduct.

SPECIAL DAMAGES

21. Plaintiff alleges that each and every allegation falls under one of the four per se exceptions for defamation. Additionally, Plaintiff alleges that each and every statement was made with malicious intent.

22. However, based on Defendant's comments and actions, Plaintiff has suffered special damages.

23. Plaintiff will continue to suffer losses such as internet-related expenses, lost client fees, and other lost professional development and advancement opportunities because of Defendant' actions.

24. Defendant' misconduct described herein has been deliberate, outrageous, malicious, wanton, oppressive, reckless, grossly reckless, and intentional and evinces a high degree of moral turpitude and demonstrates such wanton dishonesty as to imply a criminal indifference to civil obligations. Defendant has further engaged in this misconduct with improper motives and with vindictiveness and with reckless and wanton disregard of Plaintiff's rights and well-being.

FIRST CAUSE OF ACTION
(Libel)

25. Plaintiff repeats and realleges the allegations stated above as if fully set forth herein.

26. The information the Defendant published on the internet about plaintiff is false and defamatory, not the subject of any privilege, and is viewable by many third parties.

27. The Defendant had actual knowledge that the information they published about plaintiff was false and knew or should have known that the information they published about plaintiff was false and defamatory.

28. Defendant acted with knowledge of the falsity of these statements and the implications therefrom, reckless disregard for the truth, and/or with malicious intent, both presumed and actual, in knowingly publishing such false statements to third parties.

29. These statements defame and otherwise impugn Plaintiff's character, integrity, reputation, charge him with a serious crime, and disparaged the Plaintiff in his profession, trade and/or business and are libelous *per se*.

30. The statements are libelous *per se*, so that general damages may be presumed as a matter of law.

31. Because Defendant has placed plaintiffs personal character and reputation publicly at issue, plaintiff is entitled to a declaratory judgment that Defendant' statements are false.

32. However, even if the damages are not presumed, Plaintiff has suffered special damages in that the lies Defendant has spread has severely injured his reputation, and countless other economic damages brought on by the wrongful assertion of fraud and theft.

33. The published false comments were made with the intent to harm plaintiff and with actual malice.

34. The Defendant' unlawful conduct has caused and will continue to cause plaintiff imminent, irreparable injuries for which there are no adequate legal remedies. Accordingly, plaintiff is entitled to permanent injunctive relief.

35. Because Defendant has placed plaintiffs personal character and reputation publicly at issue, plaintiff is entitled to a declaratory judgment that Defendant' statements are false.

36. As a consequence of the Defendant's conduct, plaintiff's reputation has been injured, and the plaintiff has suffered economic loss, as previously described. Furthermore, plaintiff has sustained conscious pain and suffering, shock, distress, and humiliating attacks to his personal and professional dignity.

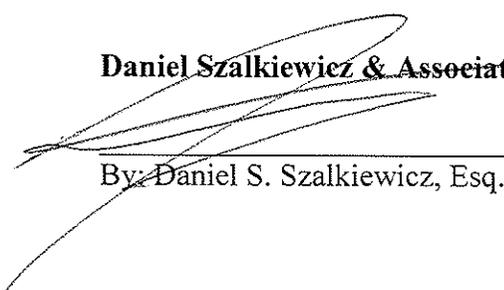
37. That by reason of the foregoing, Plaintiff has been damaged in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would have otherwise have jurisdiction of this matter.

WHEREFORE, Plaintiff requests judgment against each Defendant:

- (a) for damages in an amount to be determined at trial;
- (b) the costs of this action; and
- (c) such other and further relief as the Court may deem just and proper,

Dated: New York, New York
October 29, 2015

Daniel Szalkiewicz & Associates, P.C.



By: Daniel S. Szalkiewicz, Esq.