

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
WEROK, LLC,

Plaintiff,

SUMMONS

-against-

Index No: 037005/2018

LEAF BRANDS, LLC,

Defendant.
-----X

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer on Plaintiff's attorneys within twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Rockland County is designated as the place of trial. The basis of venue is that Plaintiff and Defendant conduct business in Rockland County.

Dated: New City, New York
November 29, 2018

Yours, etc.

ADAM K. KURLAND,
ATTORNEY AT LAW, P.C.

By: _____

Adam K. Kurland, Esq.
Attorneys for Plaintiff
337 North Main Street, Suite 11
New City, New York 10956
(845) 638-4700

TO: LEAF BRANDS, LLC
47 Ocean Heights Drive
Newport Coast, California 92657-1302

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

----- x
WEROK, LLC

Plaintiff/Petitioner,

-against-

Index No. 037005/2018

LEAF BRANDS, LLC

----- x
Defendant/Respondent.

NOTICE OF ELECTRONIC FILING

You have received this Notice because:

- The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts e-filing system, and
- You are a Defendant/Respondent (a party) in this case.
(CPLR § 2111, Uniform Rule § 202.5-bb)

If you are represented by an attorney: give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

If you are not represented by an attorney: you are not required to e-file. You may serve and file documents in paper form and you must be served with documents in paper form. However, as a party without an attorney, you may participate in e-filing.

Benefits of E-Filing

You can:

- serve and file your documents electronically
- view your case file on-line
- limit your number of trips to the courthouse
- pay any court fees on-line.

There are no additional fees to e-file, view, or print your case records.

To sign up for e-filing or for more information about how e-filing works, you may:

- visit: www.nycourts.gov/efile-unrepresented or
- go to the Help Center or Clerk's Office at the court where the case was filed. To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site <https://iapps.courts.state.ny.us/nyscef/HomePage>; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 11/29/2018

ADAM K KURLAND

Name

337 North Main Street, Suite 11

Address

ADAM K. KURLAND, ATTORNEY AT LAW, P.C.

Firm Name

New City, NY 10956

8456384700

Phone

akurland@akkpc.com

E-Mail

To:

LEAF BRANDS, LLC

47 OCEAN HEIGHTS DRIVE

NEWPORT COAST, CA 92657-1302

11/20/17



NYSCEF - Rockland County Supreme Court Confirmation Notice



This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

037005/2018

WEROK, LLC v. LEAF BRANDS, LLC

Assigned Judge: None Recorded

Documents Received on 11/29/2018 09:56 AM

Doc #	Document Type	Motion #
1	SUMMONS + COMPLAINT Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	

Filing User

Name:	Adam K Kurland	E-mail Address:	akurland@akkpc.com
Phone #:	8456384700	Work Address:	337 North Main Street Suite 11 New City, NY 10956
Fax #:	8456384700		

E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 11/29/2018 09:56 AM:

KURLAND, ADAM K - akurland@akkpc.com

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.

Paul Piperato, Rockland County Clerk - Piperatp@co.rockland.ny.us

Phone: 845-638-5094 Fax: 845-638-5073 Website: <http://www.rocklandcountyclerk.com>

NYSCEF Resource Center - EFile@nycourts.gov

Phone: (646) 386-3033 Fax: (212) 401-9146 Website: www.nycourts.gov/efile

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
WEROK, LLC,

Plaintiff,

VERIFIED COMPLAINT

-against-

Index No: 037005/2018

LEAF BRANDS, LLC,

Defendant.
-----X

Plaintiff, WEROK, LLC, by and through its attorneys, ADAM K. KURLAND, ATTORNEY AT LAW, P.C., complaining of Defendant, alleges and states as follows:

PARTIES

1. Plaintiff, WEROK, LLC, is a New York limited liability company with its principal place of business in Rockland County, New York.
2. Upon information and belief, Defendant, LEAF BRANDS, LLC, is a limited liability company with its principal place of business in the State of California and which conducts business in the State of New York.

NATURE OF THE CLAIMS

3. This action is for declaratory, injunctive and equitable relief, as well as for monetary damages, to redress repeated acts of defamation and libel *per se*, committed by Defendant against Plaintiff.
4. Defendant's unlawful conduct was knowing, malicious, willful and wanton and/or showed a reckless disregard for Plaintiff's rights, which has caused, and continues to cause, Plaintiff loss of business and permanent harm to its reputation.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Defendant pursuant to CPLR § 301 in that Defendant conducts business in the State of New York.
6. Pursuant to CPLR § 503, venue is proper in this county because Plaintiff and

Defendant each conduct business in Rockland County.

FACTUAL ALLEGATIONS

7. Plaintiff is an ecommerce firm engaged in the business of sales, marketing and order fulfillment.

8. Plaintiff maintains a virtual storefront in the online marketplace known as Amazon.com (“Amazon”), from which Plaintiff earns considerable sums.

9. Commencing in or about August, 2018 and continuing to date, Defendant disseminated libelous, defamatory information regarding Plaintiff to Amazon.

10. Specifically, Defendant filed a false complaint with Amazon against Plaintiff, alleging trademark infringement.

11. Defendant published, or caused to be published to a third party, to wit: Amazon, defamatory statements about Plaintiff.

12. By letter dated September 26, 2018 and in a good-faith effort to resolve this matter amicably, Plaintiff’s counsel advised Defendant that Defendant’s aforesaid allegation of trademark infringement is factually incorrect and that Plaintiff expressly and unequivocally denies any such infringement. Plaintiff’s counsel further advised Defendant that there is no reference to Defendant’s trademark on the disputed item’s Amazon detail page and that, accordingly, Defendant’s claim is clearly not based on accurate information and does not truthfully portray Plaintiff’s business practices.

13. Plaintiff’s counsel further put Defendant on actual notice of the significant damages Defendant’s tortious conduct has caused and continues to cause Plaintiff on a daily basis, and demanded that Defendant immediately cease and desist all false complaints against Plaintiff and retract the libelous claims that Defendant made to Amazon by sending an email to notice-dispute@amazon.com, with a copy to Plaintiff’s counsel.

14. No such retraction was made by Defendant.

15. Defendant's complaint made to Amazon was false, libelous, defamatory and untrue, made with malice and reckless disregard and caused severe and special harm to Plaintiff.

16. Plaintiff generates revenues well in excess of \$10 million dollars per year on Amazon.

17. By reason of the foregoing and as a direct result of Defendant's actions in communicating a false, libelous and defamatory complaint to Amazon, Plaintiff was damaged in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

18. Plaintiff is entitled to punitive damages in an amount to be determined at trial.

AS AND FOR A FIRST CAUSE OF ACTION
(Defamation and Libel Per Se)

19. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "18" with the same force and effect as though more fully set forth at length herein.

20. Traditionally, there have been four general categories of untrue statements presumed to be harmful to one's reputation and therefore actionable as an injury claim, as follows:

- Indications that a person was involved in criminal activity;
- Indications that a person had a "loathsome," contagious or infectious disease;
- Indications that a person was unchaste or engaged in sexual misconduct; and
- Indications that a person was involved in behavior incompatible with the proper conduct of his business, trade or profession.

21. Defendant caused to be published defamatory statements about Plaintiff which indicated that Plaintiff was involved in behavior incompatible with the proper conduct of its business.

22. Specifically, these defamatory statements included a false assertion that Plaintiff committed trademark infringement.

23. These defamatory statements were untrue and defamatory in that they falsely reported Plaintiff's business behavior and conduct, and Defendant knew, or should have known, that such statements were false.

24. Defendant published these false and defamatory statements with malice.

25. Defendant published these false and defamatory statements with knowledge of their falsity and/or with a reckless disregard for the truth or falsity of these statements.

26. These false and defamatory statements have caused Plaintiff embarrassment, loss of business and reputational injury.

27. Defendant is liable to Plaintiff for defamation.

28. As a result of said defamation, Plaintiff continues to suffer from loss of business, loss of standing in the online community and public disgrace.

29. The defamatory acts committed against Plaintiff by Defendant were intentional, willful, wanton, malicious and oppressive and were motivated, in part, by a desire to promote Defendant's own Amazon storefront and/or products without regard for the truth or Plaintiff's well-being and were based on a lack of concern and ill-will towards Plaintiff and/or a deliberate or reckless disregard for Plaintiff's rights, for which Plaintiff is entitled to an award of punitive damages.

30. Plaintiff has suffered harm as a result of the defamatory statements including, but not limited to, reputational harm and loss of business.

31. Upon information and belief, Defendant should have known that its conduct in communicating libelous statements to Amazon constituted extreme and outrageous conduct beyond the bounds of decency in a civilized society.

32. These statements constitute defamation and/or libel *per se* because they falsely portrayed Plaintiff as knowingly participating in illegal and/or improper activities.

33. These statements constitute defamation and/or libel *per se* because they falsely

impugn Plaintiff's honesty, trustworthiness, dependability and professional fitness and abilities by falsely charging Plaintiff with breaking the law.

34. These false and defamatory statements have caused Plaintiff embarrassment, loss of business and reputational injury.

35. Defendant is liable to Plaintiff for defamation and/or libel *per se*.

36. As a result of said defamation, Plaintiff continues to suffer from loss of business, loss of standing in the online community and public disgrace.

37. Plaintiff has suffered harm as a result of the defamatory statements including, but not limited to, reputational harm, and the statements were defamatory *per se*.

38. Upon information and belief, Defendant should have known that Defendant's conduct in communicating libelous statements to Amazon constituted extreme and outrageous conduct beyond the bounds of decency in a civilized society.

39. Upon information and belief, Defendant knew or should have known that Defendant's conduct would cause extreme reputational distress to Plaintiff. Yet Defendant continued with Defendant's course of conduct and failed to remedy the extreme reputational distress that Defendant knew and/or should have known was being visited upon Plaintiff.

40. As a result of the outrageous conduct by Defendant, Plaintiff suffered and continues to suffer extreme reputational distress that Plaintiff endured at the hands of Defendant.

41. Plaintiff is entitled to punitive damages in an amount to be determined at trial.

42. By reason of the foregoing, Plaintiff was damaged in an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- A. A declaratory judgment that the actions, conduct and practices of Defendant complained of herein were defamatory and intentionally or recklessly caused Plaintiff to suffer severe reputational harm;
- B. An injunction and order permanently restraining Defendant from engaging in such unlawful conduct;
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic harm and loss of business fulfillment;
- D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to Plaintiff's professional reputation and loss of business fulfillment;
- E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory harm;
- F. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff in an amount to be determined at trial, plus prejudgment interest;
- G. An award of special damages in an amount to be determined at trial;
- H. An award of punitive damages;
- I. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- J. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: New City, New York
November 29, 2018

Yours, etc.

ADAM K. KURLAND,
ATTORNEY AT LAW, P.C.

By: _____

Adam K. Kurland, Esq.
Attorneys for Plaintiff
337 North Main Street
Suite 11
New City, New York 10956
(845) 638-4700

TO: Leaf Brands, LLC
47 Ocean Heights Drive
Newport Coast, California 92657-1302

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

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WEROK, LLC,

Plaintiff,

-against-

LEAF BRANDS, LLC,

Defendant.
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VERIFICATION

Index No: 037005 / 2018

STATE OF NEW YORK)

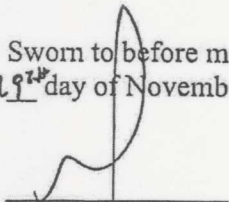
ss.:

COUNTY OF ROCKLAND)

EASTON KING, being sworn says: I am a member of the Plaintiff in the action herein; I have read the annexed Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.


EASTON KING

Sworn to before me this
19th day of November, 2018.


Notary Public

ADAM KURLAND
Notary Public, State of New York
No. 62100041181
Qualified in Rockland County
Commission Expires March 27, 2019