

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAHUL MANCHANDA,)	
)	
Plaintiff,)	INDEX NO. 16-CV-03350
)	
v.)	
)	REPLY AFFIDAVIT TO YAHOO
GOOGLE, YAHOO, MICROSOFT BING)	REPLY AFFIDAVIT DATED
)	MAY 23, 2016
Defendants.)	
-----X		

Rahul Manchanda, an Attorney duly admitted to practice throughout the federal, state and local courts of New York State, and in support of his original Summons and Complaint in the NY Civil Court Case Index No **005886/2016**, as well as his previously submitted Motion for Contempt in the current action, hereby submits his Reply Affidavit to Defendant Yahoo's Motion to Dismiss, and does hereby state:

1. With regard to Yahoo Reply Affidavit page 1 paragraph 2, Plaintiff stands by his assertions that Counsel for Yahoo, Google, and Microsoft Bing made offensive and arrogant comments and statements in his various telephone calls with each of them, and knows that they also engaged in private conversations amongst themselves, and furthermore there is no doubt that the supreme arrogance of these search engine companies' counsel was readily apparent - and was provided as the main reason that they would not comply with either 2 court orders or their own internal policies as memorialized in an email by their own counsel submitted previously as exhibits, and furthermore opposing counsel should already know that notwithstanding the absolute truth and veracity of Plaintiff's assertions, it is very well established that defamation does not lie with regards to pleadings or court documents in litigation (see "The Privilege Barring Civil Liability for Libel in Pleadings" by William H. Bezold, Marquette Law Review, Volume 36, Issue 3, Winter 1952-1953), and the absolute double-standards and haughtiness emanating from opposing counsel is breathtaking (although not surprising) in their "one rule for us, and one rule for you," behavior - Plaintiff would remind opposing counsel that the documents that they re-printed are still under seal from a judge for safety reasons to Plaintiff and his family (including minor children), and were already adjudicated to be defamatory, slanderous, libelous, terrorist threatening, dangerous to himself, his family, and 2 minor children, amongst other findings, and that opposing counsel carelessly and disrespectfully republished and rebroadcast them to the world, time and time again, thus *prima facie* committing defamation, slander and libel all over again - as well as unlawfully violating a judicial seal and order of protection - to that end Plaintiff also reserves the right to move for additional sanctions and ethical complaints on that issue alone;

2. With regard to Yahoo Reply Affidavit page 1 paragraph 4, opposing counsel is mistaken because the judge only withdrew the TRO and Permanent Injunction against the Third-Party Defendants when Plaintiff attempted to enforce it against Google, Microsoft Bing, and Yahoo, and tried to move for contempt against these search engines for not complying with his 2 judicial orders - however this does not answer the ultimate question as to why exactly these search engines did not follow their own written official internal policies of removal of offensive links after court-ordered de-indexing (see the Attorney Richard Goldstein of Orrick, Herrington & Sutcliffe email, and conversations with Attorney David Kramer of Wilson Sonsini Goodrich Rosati) for an Indian-American Plaintiff and this African-American Judge, while they routinely remove and de-index the same type of links under court order, whether a TRO or permanent injunction (from Rip-Off Report no less, as well as other dangerous gripe-sites) for Big Law Firm, White, or Jewish litigants, lawyers, and judges, thus creating the *de facto* result of destroying millions of minority owned businesses on the internet, and allowing millions of White or Jewish ones (or those represented by Big Law) to flourish - this question is one that Plaintiff will seek to conclusively establish with Discovery - this "good old boys network" of modern day search engine technology has real and palpable consequences;

3. Furthermore with regard to Yahoo Reply Affidavit page 1 paragraph 4, opposing counsel is once again wrong because those 2 court orders were in fact enforceable, and were in effect for a full 6 months before NYS Supreme Court Judge (who was visibly perplexed, shocked and humiliated) withdrew the orders and issued a final decision, once again because Plaintiff took the added step of trying to move for sanctions against Google, Yahoo, and Microsoft Bing who were not even partes to the lawsuit (it was against John Does 1-40 as Third Party Defendants) and also because the CDA is at issue when trying to add or name these search engines as defendants - however this does not excuse the wilful refusal, disobedience, disrespect, and purposeful failure of these 3 search engines in arrogantly and disrespectfully ignoring those 2 interim court orders (or their own written internal policies) for mysterious and nefarious reasons - those reasons which will be uncovered and proved at trial;

WHEREFORE Plaintiff respectfully requests again that this Court deny Defendant Yahoos' Motion to Dismiss, seal the record owing to the sensitive nature of the case proceedings and due to Defendants' further harassment thereon, sanction the Defendants for vexatious and harassing litigation, hold Defendants Google, Yahoo, and Microsoft Bing in Contempt of Court for willfully and flagrantly disobeying 2 valid NYS Supreme Court Judicial Orders in the amount of \$100,000,000, remand the case back to the NY Civil State Court for speedy resolution and adjudication, and whatever other remedies this Honorable Court

deems to be just and proper under the circumstances.

Respectfully submitted,

Dated: May 23, 2016
New York, New York

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May 2016, I caused a true and correct copy of the foregoing Plaintiff's Reply Affidavit to Defendant Yahoo's Reply Affidavit dated May 23, 2016 to be served by ECF and U.S. Mail upon:

Google
111 Eighth Avenue
New York NY 10011

Yahoo
229 West 43rd Street
New York NY 10036

Microsoft BING
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