

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

DAE HYUN CHUNG,

Plaintiff,

-against-

GOOGLE, INC., and ABC CORPORATION,

Nonparty(s)

-and-

IHATEDHC,

Defendant(s).

SUMMONS

Index No.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this Action and to serve a copy of your Answer on the plaintiff's attorneys within 20 days after service of the summons (or within 30 days after service is complete if the 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.

Dated: New York, New York
September 2, 2014

Yours, etc.,



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To: Google, Inc. 76 Ninth Avenue, New York, New York 10011

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NOTICE OF ELECTRONIC FILING

Index No.

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System (“NYSCEF”) is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment and (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center at 646- 386-3033 or efile@courts.state.ny.us.

Dated: New York, New York
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Plaintiff DAE HYUN CHUNG (“Plaintiff”), by his attorneys Daniel Szalkiewicz & Associates, P.C., as and for his Complaint against defendant alleges, upon information and belief, as follows:

NATURE OF THE ACTION

1. Fort Lee is one of the largest and fastest growing ethnic Korean enclaves outside of Korea. According to the 2000 census, approximately 170,000 Koreans, accounting for 16% of the Korean Americans in the United States, live in the New York-New Jersey area¹. Specifically concerning Bergen County, the per capita Korean American is 6.3% according to the 2010 United States Census, (increasing to 6.9% by the 2011 American Community Survey), is the highest of any county in the United States, and an absolute total of 56,773 Korean Americans (increasing to 63,247 by the 2011 American Community Survey) living in the county.²

¹ Asian Americans: Contemporary Trends and Issues, by Pyong Gap Min, Pine Forge Press, 2006

² ACS DEMOGRAPHIC AND HOUSING ESTIMATES 2011 American Community Survey 1-Year Estimates - Geographies - Bergen County, New Jersey". United States Census Bureau. Retrieved May 12, 2014.

2. However, Defendant IHATEDHC (“Defendant”) has engaged in a crusade of defamation by posting libelous *per se* statements on Defendant’s blogs and review websites. These statements falsely charge Plaintiff, a prominent immigration attorney, with committing fraud and theft. The comments are each false and are intended to specifically target the local Korean community. Defendant’s actions were undertaken maliciously, to injure Plaintiff in his profession and business and out of a desire to embarrass, harm and hold Plaintiff to public scorn and ridicule.

3. When searching Plaintiff’s Korean name (“정대현 변호사”) on Nonparty Google, Inc. (“Nonparty Google”), over 92,9000 results are generated and Defendant’s defamatory blog appears as the **third result**.

THE PARTIES

4. Plaintiff is, and at all times relevant to this action has been, an individual residing in the State of New Jersey, County of Bergen.

5. Plaintiff is not a public official or public figure.

6. Upon information and belief, Defendant is a resident of the State of New York, County of Kings. 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.

7. 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

8. Beginning July 26, 2014, and continuing to the present day, 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 blogs entitled “Ihatedhcnj” and “nodaehyunchung.” Nonparty Google is the owner of this Blogger.com, the host of this Web site.

9. The Defendant additionally posted reviews on the Korean review websites <http://ihatedhcnj.tistory.com/>, <http://www.workingus.com>, http://mentor.heykorean.com/01_QA/View.aspx?fSeq=123646&fCatSeq=0101, <http://ny.koreaportal.com/yp/21748-New-York-%EC%A0%95%EB%8C%80%ED%98%84-%EC%9D%B4%EB%AF%BC%EB%B3%80%ED%98%B8%EC%82%AC> and <http://ihatedhcnj.tistory.com/m/post/2>.

The Defamatory Statements

10. Defendant created the above-referenced blogs on Google. This blog continues to remain in circulation.

11. On July 26, 2014, Defendant published the following false statement concerning plaintiff:

3. 거짓말의 귀재 입니다. 돈을 벌기 위해서라면 거짓말도 서슴없이 합니다. 비자 절차중에 변호사가 필요 없는 절차도 있습니다. 어떻게든 절차를 불투명하게 하려하고 그 과정에서 자기의 이익을 극대화 하려고 노력합니다. 질문에 답이, 그건 그때가서 답변해 드리겠습니다, 라던가, 나중에 생각해보셔도 됩니다, 라는 식의 회피면 무조건 의심하십시오. 다 거짓말입니다. 제가 특별히 이렇게 해드리겠습니다, 라면 거짓이고, 원래는 얼마가 드는 비용이 있는데 이걸 저희측에서 부담하겠습니다, 라고 말해도 거짓입니다. 절대 속지 마십시오. 막상 답할때가 되면, 이젠 너무 늦어서 저희가 익스프레스로 해야합니다, 라는 식으로 천불 이천불씩 떼어갑니다. 근데 많은 절차가 변호사 없이 공짜로 서류처리 할수도 있는 일이라 변호사가 필요 없는데 정대현 변호사는 자기가 이미 해 놓은 서류 다시 보내는 식으로 일 하나도 안하고 천불 이천불씩 더 받아갑니다. 사기꾼의 전형적인 케이스 이죠..

제가 정대현 변호사 때문에 너무 스트레스 받아서 저와 같은 피해자가 없길 바라며 만든 블로그 입니다. 여러분도 조심하십시오....

[He is an expert at lying. He doesn't hesitate to lie to you if he can make money. There are parts of the visa procedure where you don't need a lawyer. He tries any way possible to make the procedures seem murky so that he can benefit as much as possible. When I ask him questions, he tells me that he'll answer the question later, or that I should think about this issue later. If he answers your questions in this vague way, you should definitely be suspicious. He is lying. If he tells you that he'll do something especially for you, or that a certain service is originally one price but that he'll take a cost-cut for you, it's a lie. Don't be fooled. When push comes to shove, he'll tell you that because we're late on a process, we need to send things by express so I need to pay him a thousand or two thousand dollars. A lot of the documentation and processing can be done without having to spend money on a lawyer, but Lawyer DAE HYUN CHUNG tries to earn even more money by "filing documents" that are already filed and charging a thousand or two thousand dollars for the service. He is a typical hustler.

I have been so stressed by Lawyer DAE HYUN CHUNG that I made this blog so that no one becomes a victim like me.]

12. The phrases "lying," "he doesn't hesitate to lie to you if he can make money," "he is a typical hustler," and "victim" used in the post is intended to be understood and is understood to mean that Plaintiff committed the serious crime of fraud and attacks Plaintiff in his profession. The occurrence did not happen and is false.

13. On October 12, 2012, Defendant also wrote:

뉴저지 정대현 변호사 리뷰
뉴저지 다른 변호사들한테 물어보세요. 젊은 돈독오른 양아치 변호사라고 말합니다. 정말 황당해서 말이 안 나옵니다. 이민 서류 복사해서 보관 7년 안하면 변호사 자격 정지 된다고 하더라고요. 그럼에도 불구하고 서류 원본 복사본 다 없으니 새로 다시 시작해야 되서 돈내야 한다고 정대현 변호사가 그러더라고요. 원본은 무슨 한국 대사관으로 보냈다는니 카피본 밖에 없어서 원본을 재작성해야한다더니 횡설수설하길래 다른 변호사한테 말해보니 돈 더 벌려고 이런 저런 서류 없다 하고 다시 만든 후에 돈 받으려는 수작이라고 다른 변호사가 그러더라고요. 그래서 다른 변호사 시켜서 원본 달라고 하니 아니면 변호사 협회에 신고한다고 하니깐 바로 원본 서류 주더라고요..

황당해서 말이 안 나옵니다. 정말 쓰레기입니다.

[Ask any lawyers in New Jersey about him. They'll call him a young, money-hungry, and disrespectful lawyer. I was so shocked that I don't even know what to say. I heard that if lawyers don't keep copies of immigration documents for seven years they lose their license to practice law. Despite this, Lawyer DAE HYUN CHUNG told me that he didn't have any copies of my files and that I needed to pay him more to get new ones. He told me that he sent the originals to the Korean embassy and that he only had copies, so we needed to reapply to get new ones. I

asked another lawyer about this and he told me that Lawyer DAE HYUN CHUNG was using this tactic—telling me he didn't have the files and that we needed to get new ones so that he could get more money. So I told Lawyer DAE HYUN CHUNG that I was going to ask another lawyer to renew my files for me or report him to the board of law and he gave me my original documents right away.

I was so upset and shocked that I didn't know what to say. He is really trash.]

14. The phrase “money-hungry, and disrespectful lawyer” used in the post is intended to be understood and is understood to attack Plaintiff in his profession. Additionally, the occurrence did not happen and is false.

FIRST CAUSE OF ACTION
(Libel)

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

16. The statements published by defendants regarding plaintiff are and were false when made.

17. 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.

18. 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*.

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

20. 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 in the legal profession, and countless other economic damages brought on by the wrongful assertion of fraud and theft.

21. 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.

SECOND CAUSE OF ACTION
(Tortious Interference with Contract/Prospective Economic Advantage)

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

23. Plaintiff engaged in business relations with industry professionals and prospective clients.

24. Defendant interfered with that relation.

25. Defendant acted with the sole purpose of harming Plaintiff or used improper or illegal means that amounted to a crime or independent tort.

26. 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.

THIRD CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

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

28. Defendant's sole purpose of establishing the defamatory blogs was to harass Plaintiff, and publish to the whole world false and defamatory statements.

29. Defendant has intentionally posted the defamatory statements to inflict emotional distress by continuing to embarrass and humiliate Plaintiff each day the false blog remains in circulation.

30. Defendant intended to cause severe emotional distress or recklessly disregarded the likelihood that such conduct would tend to cause severe emotional distress. Such outrageous behavior is beyond the limits of decency and intolerable in a civilized society.

31. 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 otherwise have jurisdiction.

FOURTH CAUSE OF ACTION
(Prima Facie Tort)

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

2. Defendant purposefully inflicted harm on Plaintiff by alleging the Plaintiff commits fraud, theft, and malpractice.

3. As a result, Plaintiff suffered special damages.

4. Defendants had no excuse or justification for the assertion of fraud, theft, and malpractice.

5. That as a result of the foregoing, Plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

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
September 2, 2014

Daniel Szalkiewicz & Associates, P.C.



By: Daniel S. Szalkiewicz, Esq.