D72 Kutn A. Kuran

ARTHUR ALAN WOLK, ESQUIRE
PA Bar ID No. 02091
1710-12 Locust Street
Philadelphia, PA 19103
(215) 545-4220

Attorney Pro Se

6010
9034

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ARTHUR ALAN WOLK
1710-12 Locust Street
Philadelphia, PA 19103

Plaintiff

v.

REASON.COM
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

THE REASON FOUNDATION
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

JACOB SULLUM
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

NICHOLAS GILLESPIE
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

Case No. BC466477

COMPLAINT

DEMAND FOR JURY TRIAL

[UNLIMITED CIVIL DIVISION]

CIT/CASE: BC466477 LEA/DEF#:
RECEIPT #: CCH465980093
DATE PAID: 08/01/11 02:20:42 PM
PAYMENT: $395.00
RECEIVED:
CHECK: 395.00
CASH:
CHANGE:
CARD:
0310

08/21/11

MATTHEW WELCH
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

INTERNET BLOGGER "TheZeitgeist"

and

INTERNET BLOGGER "AAW"

and

INTERNET BLOGGER "Protefeed"

and

INTERNET BLOGGER "Douglas Fletcher"

and

INTERNET BLOGGER "flye"

and

INTERNET BLOGGER "Fun Fact"

and

INTERNET BLOGGER "Warty"

and

INTERNET BLOGGER "The Gobbler"

and

INTERNET BLOGGER "John"

and

INTERNET BLOGGER "/b/"

and

INTERNET BLOGGER "Mr. Weebles"

and

INTERNET BLOGGER "planodoc"

and

INTERNET BLOGGER "Latter Day Taint"

and

INTERNET BLOGGER "waffles"

and

INTERNET BLOGGER "troy"

and

INTERNET BLOGGER "Mr Whipple"

and

INTERNET BLOGGER "Spencer Smith"

and

INTERNET BLOGGER "Shari Lewis"

and

INTERNET BLOGGER "hmm"

and

INTERNET BLOGGER "Not Arthur Wolk"

and

INTERNET BLOGGER "Barely Suppressed Rage"

and

INTERNET BLOGGER "Amakudari"

and

INTERNET BLOGGER "grylliade"

Defendants. :

COMPLAINT

Libel, Conspiracy to Incite Libel, Conspiracy to Cause Intentional Interference with Contractual Relations, Conspiracy to Commit Libel by False Light, Civil Conspiracy, Conspiracy to Intentionally Inflict Emotional Disturbance, Conspiracy to Engage in Internet Bullying, Conspiracy to Commit Assault by Internet Bullying, Conspiracy to Incite Infliction of Bodily and Emotional Harm, Conspiracy to Incite False Charges of Heinous Crimes,

Extortion, Trustees Violation of Bylaws and Laws Relating to Non-Profit Corporations, Stalking in Violation of 18 CSA Sec. 2709.1, Fraud deceit and Theft, False Swearing, False Representation to Public Authorities Violations of Canons of Legal Ethics, Deception and Deceit, Fraud and Deceit, False Light and Defamation, Perjury and Subornation, Conspiracy to Interfere with Rights Guaranteed by the Pennsylvania Constitution, Jury Tampering and Nullification

The Parties

1. Plaintiff, Arthur Alan Wolk, is a citizen and resident of the Commonwealth of Pennsylvania, whose office is located at 1710-12 Locust Street, Philadelphia, PA, 10103.

2. Defendant Reason.com is an Internet bullying site organized under the laws of the State of California, with its principal place of business in Los Angeles, California. It is one of and is the attack dog for *inter alia*, The Reason Foundation, a euphemism for the policies and goals of the Libertarian Party, a right wing fringe element that espouses what amounts to an abandonment of the institutions of our Republic and its substitution with a Government by putative journalists, self appointed intellectuals and right wing pundits but whose real goal is to assassinate the character of individuals chosen for that purpose because they are a threat to the America without laws Reason Foundation wants. Reason Foundation raises funds for their anti-consumer, anti-Government, anti-court, anti-judge and often anti-Semitic, anarchistic views by proving to their donors how vicious they can be on their various

media sites including Reason television, Reason.com and Reason magazine Reason.com attempts to accomplish these ends by re-publishing with new commentary publications of right wing tort reformers and others for the purpose undermining the civil justice system in the United States, by forming an Internet tag team so if one of them is silenced for their falsity, the other simply republishes with more false and defamatory comment to keep the libel alive. The idea is to whip up a frenzy to prove their dedication to the causes of the Libertarian party, much like the Nazi's of the early 1930s, which will cull more donations from their very rich donors and blind them to the dangers to American institutions of their radicalism. It is believed and therefore averred that employees or agents of Reason.com are the anonymous bloggers.

3. Defendant, the Reason Foundation, is organized and existing under the laws of the State of California as a non-profit corporation with its principal place of business in Los Angeles, and solicits tax deductible contributions from people to support its ideas of less Government, but more regulation only if it's helpful to its goals like tax breaks for the hideously wealthy, less courts and regulation unless it is for right wing purposes. It has created a multi-media collaboration of journalist wannabees, news anchor wannabees and intellectual wannabees for the sole purpose of fostering whatever its current agenda of whatever is the ultra right wing super rich agenda of the moment but attempts to accomplish whatever its Trustees want by collaborating with others to assassinate character and reputation of those who threaten their goals of no legal culpability for the wrongs of their benefactors, the Trustees who are the captains of the financial house of cards that nearly destroyed America.. The Reason foundation fails to do what real journalists are honor bound and taught to do, verify the facts first. It is believed and therefore averred that Reason or its agents or employees are the anonymous bloggers.

4. The Trustees and Officers of the Reason Foundation and its Reason.com magazine, at least two of whom are citizens and residents of Pennsylvania, are charged with the legal responsibility to supervise and control the activities of the putative journalists they employed by the Foundation they manage, an activity which these trustees and officers have abdicated or have conspired, negligently or intentionally so as to encourage their putative journalists to destroy human beings, destroy reputations, bully innocent people, hold innocent people up to false light and libel, accuse them of heinous crimes without facts, investigation, substantiation all with evil intent. In the context of this case, they have, after notice, failed to intervene to prevent the activities of Reason.com, who stalk and bully the plaintiff via the internet.

5. Defendant, Jacob Sullum, is an individual, a citizen and resident of Texas, who is a putative journalist for the Reason defendants, a collaborator and conspirator of defendants Olson, Frank and Overlawyered, and devotee to the principles of Internet Bullying no matter what the cost to an innocent person's life may be, acting intentionally and at all times and as an agent, servant and employee and conspirator with the Reason defendants, its trustees and officers, the goals and intentions of Overlawyered, the purposes of which were nothing less than to continue the un-researched, un-fact checked, false and libelous articles of others as part of its tag team of defamation.

6. Defendant, Nicholas Gillespie, is an individual, a putative journalist, an officer and editor of Reason.com and its magazine who, along with Sullum, others and the misguided, contributors to Reason, their trustees and the remaining defendants joined the conspiracy to destroy the good name and reputation of Arthur Alan Wolk by inciting, encouraging, re-publishing with false commentary and falsely alleging anew defamatory articles for the sole purpose of advancing the perverted political and social goals of the

rudderless ship known as Reason and then refusing to remove the articles from the internet when he had irrefutable proof that what he was publishing was false. Gillespie violated the basic tenants of journalism which are to check your facts, verify what you are about to say, and do no evil to another person.

7. Defendant, Matthew Welch, is an individual, a citizen and resident of the State of California, who claims to be someone of importance in the Reason organizations, but in reality can best be described as "me too"; that is, he too conspired with the Internet Bullies to destroy the good name and reputation of Arthur Alan Wolk, and posted an article along with his other "me too", Gillespie, with the idea to punish Arthur Alan Wolk for complaining that they, in conspiracy with the other defendants, acting at all times as agent and servant for them within the scope of their agency, re-published with false commentary the same false articles about Wolk.

8. Defendants, TheZeitgeist, AAW, Protefeed, Douglas Fletcher, flye, Fun Fact, Warty, The Gobbler, John, /b/, Mr. Weebles, planodoc, Latter Day Taint, waffles, troy, Mr Whipple, Spencer Smith, Shari Lewis, hmm, Not Arthur Wolk, Barely Suppressed Rage, Amakudari, grylliade, and Boo the Puppy, are bloggers, some or all of whom are believed and therefore averred to be Pennsylvania residents, who the defendants either incited to post on their websites scandalous, heinous, false and defamatory statements about the plaintiff or are the defendants themselves, their agents, servants, principals, employees or co-conspirators, and whose identities Reason and the other defendants have conspired to protect and refuse to provide to plaintiff after inquiry.

The Background of This Lawsuit

9. The plaintiff is a 67 year old lawyer for forty-two years, the father of two sons, one a lawyer, and a grandfather.

10. For most of those forty-two years Wolk has been in the field of air crash litigation for plaintiffs exclusively.

11. As the age of the plaintiff suggests, while he can send and receive emails and use a computer for the limited purposes, Wolk is far from a sophisticated computer user, nor was he at the time material to the allegations of this lawsuit knowledgeable about search engine choices like Google or Yahoo indeed whatever search engine his computer came with is what Wolk used.

12. None of Wolk's computers had at the time material to this lawsuit as its default search engine, Google.

13. In April 2009, Wolk attended a CLE given by judges of the Court of Common Pleas of Philadelphia.

14. During that CLE, the judges suggested that lawyers Google themselves since jurors do.

15. Wolk went home, Googled himself and found for the first time an article written by the Internet Bullies, and its putative scholars and fellows that said:

> Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]
>
> Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. *Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation*? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into

> whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. *That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case*, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), aff'd in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005). (emphasis supplied).

A copy of the April 8, 2007 blog is attached and marked Exhibit "1".

16. Wolk immediately provided the Internet Bullies with proof of the falsity of that article and asked, in fact, demanded that it be removed from the internet, which the bullies refused. Wolk did not even personally handle the discovery in the Taylor case, and thus the order critical of Wolk's conduct during discovery in the Taylor case was issued in error, but more importantly Wolk ensured that his clients were protected by staying out of the settlement negotiations, which were mediated by others. A true and correct copy of Wolk's April 9, 2009 e-mail to Defendant Frank is attached and marked as Exhibit "2".

17. Moreover, the Taylor case was settled with no involvement from Wolk, and the plaintiffs in the Taylor case had additional counsel other than Wolk, who independently reviewed all aspects of the settlement making sure the plaintiffs in Taylor were well served, received full value in the settlement and were completely satisfied with the result. Indeed, the plaintiffs in Taylor received a settlement that far exceeded the value previously placed on the case by an independent mediator.

18. Most importantly, the Taylor case was settled ***before*** Wolk even requested the Court vacate the mistaken discovery order, which the Court in Taylor eventually did.

19. Aside from Wolk himself informing Overlawyered as to the falsity of its blog, two independent lawyers directly involved in the Taylor case, Jason T. Schneider, Esquire and John Kevin Griffin, Esquire, wrote separate letters to Overlawyered's counsel, also

confirming the blog was false. True and correct copies of the Griffin and Schneider letters are attached hereto as Exhibits "3" and "4", respectively.

20. In this regard, Attorney Griffin, who was counsel for one of the two plaintiffs in Taylor, informed Overlawyered that the blog's statements that the settlement was somehow "compromised" in exchange for vacating the critical discovery order was "entirely false" as there was "never consideration given or a quid pro quo offered for vacating the order." Indeed, as Griffin explained, the settlement was already reached ***before*** the Court vacated the discovery order. (*See* Exhibit "3").

21. Likewise, Attorney Schneider, who was also counsel in the Taylor case, informed Overlawyered that the settlement had been reached before the Court vacated the discovery order, and that the settlement amount actually exceeded independent valuations of the case. As Mr. Schneider explained,

> There is no question in my mind that the settlements reached were completely separate from any request to vacate the discovery order. The settlements reached were also well in excess of any sums offered at the mediation. Therefore, to say "it appears" that the clients' interests were somehow compromised to get the discovery order vacated is wrong.

(*See* Exhibit "4").

22. Thus, Wolk provided the Defendants with all of the foregoing facts and information, which conclusively proved that: (a) he did not sell out his clients; (b) he never had a "conflict of interest"; (c) he fully disclosed all aspects of the case and settlement to his clients and other plaintiffs' counsel, all of whom independently reviewed and approved of the settlement, which was well in excess of an independent mediator's recommended settlement value; and (d) he absolutely did not compromise the client's interest in the settlement in

exchange for vacating the court's discovery order since the case was settled before the Court even vacated the discovery order.

23. Although the Defendants never bothered to check the facts before posting the blog, once Wolk provided Overlawyered with the actual, true facts, Overlawyered ***knew*** what was contained in its April 8, 2007 blog was false.

24. The Defendants nevertheless refused to remove the false blog, thereby continuing to publish the blog with actual knowledge of its falsehoods. Worse, the defendants made certain that their false blog was picked up with even more vitriolic commentary by the Reason defendants and a myriad of other hate groups who are associated with them as an internet bullying tag team.

25. Since the Defendants refused to remove the lies they posted, Wolk was forced to file an action at law in this Court in August 2009, which Overlawyered removed to the U.S. District Court for the Eastern District of Pennsylvania on diversity grounds.

26. On August 2, 2010, the District Court granted the Defendants' Rule 12(b)(6) Motion to Dismiss, ruling that, despite Wolk having no reason to discover the defamatory blog until April 2009, Pennsylvania's "discovery rule" did not apply to toll the one-year statute of limitations. A true and correct copy of the District Court's August 2, 2010 Memorandum is attached hereto as Exhibit "5".

27. Although the District Court's decision was appealed to the Third Circuit, in the meantime, Wolk has been forced out of court, without an adequate remedy at law, and Overlawyered continue to allow the false April 8, 2007 blog to remain on their website even though they know the allegations are categorically false.

Wolk Becomes the Subject of Unrelenting Character Assassinations

28. After the District Court dismissed Wolk's damages claim on statute of limitations grounds, the Defendants immediately initiated a feeding frenzy of internet blogging chatter further defaming Wolk, which included enlisting the participation of various co-partnering blogging sites, like www.reason.com.

29. Each of these websites appear to monitor and promote the other, forming a type of co- partnering relationship, whereby blogs and comments published on one website trigger the others to re-publish the same comments and make other comments, thereby creating a swell of defamatory statements compounding the impact of the initial defamation.

30. In this regard, on August 6, 2010, a few days after the District Court's decision, Frank, the author of the initial April 8, 2007 Overlawyered blog, posted another defamatory blog on www.PointofLaw.com, a partnership website affiliated with Overlawyered. A true and correct copy of Frank's August 6, 2010 blog on PointofLaw is attached hereto as Exhibit "6".

31. Frank's PointofLaw blog addressed the decision in *Wolk v. Olson* as a victory for "bloggers everywhere." Frank, however, also summarized Wolk's arguments in the District Court, stating Wolk "argued that the statute shouldn't start to run until the plaintiff reads (***or, de facto, claims to have read***) the blog post." *See Id.*

32. By characterizing Wolk's allegations in the District Court as "de facto claims," the defendants were once again defaming Wolk by directly implying that Wolk lied in his court filings as to the timing of when he read the first defamatory Overlawyered blog, but what the defendants knew and Wolk didn't when they filed their Motion to Dismiss was that the article that perpetrated Wolk's lawsuit was in fact published within a year of his lawsuit,

so everything they said about Wolk missing the statute of limitations was entirely false. A true and correct copy of Plaintiff's Rule 60 Motion is marked Exhibit "7".

33. In an effort to further incite even more defamatory internet blogging the defendants on his Point of Law blog referred to other co-partnership blog websites such as www.reason.com and www.popehat.com, which contained additional false and defamatory statements about Wolk. (*See* Exhibit "6").

34. For example, the blog on www.reason.com to which

35. Frank referred was posted by Defendant Sullum on August 6, 2010, and it was entitled "Lawyer trying to protect his reputation as an Effective Advocate Misses Deadline for His Libel Suit." A true and correct copy of Sullum's August 6, 2010 blog on Reason.com is attached hereto as Exhibit "8".

36. The title of the August 6, 2010 Reason blog was clearly defamatory and held plaintiff up to ridicule in that it intended to and did falsely imply that Wolk was an incompetent lawyer because he missed the deadline for his own lawsuit, when by that time and now they all knew Wolk's lawsuit was timely filed.

37. Further, in his August 6, 2010 Reason blog, Sullum also implied that Wolk was lying in the District Court about not Googling himself until April 2009, and further implied that Wolk was guilty of filing a previous frivolous lawsuit by "bully[ing] an aviation news website into a thoroughly abject capitulation and apology." *See Id.*

38. Most significantly, Sullum's August 6, 2010 Reason blog republished almost the entirety of the utterly false and defamatory April 8, 2007 Overlawyered blog, and thus again accused Wolk of breaching his ethical and fiduciary duties by selling out his client's interest in the Taylor case. *See Id.*

39. Not to be outdone, on August 9, 2010, three days after the defamatory Point of Law and Reason blogs, Overlawyered published its own blog concerning the District Court's decision in Wolk v. Olson, which again touted the decision as a victory for free speech. Significantly, the blog referred readers back to Frank's defamatory August 6, 2010 blog posted on PointofLaw.com. A true and correct copy the defendants August 9, 2010 blog posted on Overlawyered.com is attached as Exhibit "9".

40. When Wolk was alerted of the defamatory August 6, 2010 Reason blog, he immediately sent notice to the Reason Defendants, demanding that they remove the defamatory blog since it re-published the initial April 8, 2007 Overlawyered blog as well as completely new false and defamatory statements.

41. The Reason Defendants, predictably, refused to remove their blog. Instead, to further impugn Wolk, on September 16, 2010, Reason, through Sullum, published a second blog entitled "Who You Calling Touchy?," in which Reason published a portion of Wolk's demand letter for the sole purpose of inciting additional defamatory comments from Reason's bloggers. A true and correct copy Sullum's September 16, 2010 blog post on Reason.com is marked Exhibit "10".

42. As a result, a thread of comments from Reason's anonymous bloggers ensued, creating a feeding frenzy of outrageously defamatory statements, some of which came from those affiliated with the Reason Defendants and all of whose identities the Reason Defendants refuse to divulge.

43. The Reason Defendants knew exactly what they were inciting in publishing their blog "Who You Calling Touchy?," and intended to incite the defamatory feeding frenzy that ensued, knowing that it would be picked up by Google and other internet search engines.

44. As a result, Wolk has been shamelessly and falsely accused of the most heinous crimes imaginable (*See* Ex. 10).

45. Wolk immediately demanded that the Reason Defendants remove the defamatory blog and its comments, and produce the identifying information of the anonymous bloggers who hideously libeled Wolk on their site.

46. While the Reason Defendants eventually removed the bloggers' hideous comments, they still refused to remove the blog articles themselves, and further ignored Wolk's requests for the information identifying the anonymous bloggers.

47. Further, although the Reason Defendants "removed" the bloggers' comments from its sites, because search engines like Google "cache" or store historical information from blogs and websites, to this day one can still find the "cached" comments through Google and other search engines. *See* Google search of Wolk attached hereto as Exhibit "11".

48. What the plaintiff could not have known and just learned on November 22, 2010 was that Overlawyered and their counsel falsely misrepresented to the federal judge that the article sued upon was published on April 7, 2007, when in fact it was republished with different tags, links and SEOs in May, June and July 2008 making its republication well within the year plaintiff filed his lawsuit. Thus, every article by Reason, every blog and every criticism was utterly false. (*See* Exhibit "7".)

49. What the defendants were obligated to do and did not once they learned of the falsity of their publications, and it was demanded of them that they remove their articles from the internet, was to remove the libel, which they have not done for two years and thus are liable to the plaintiff, this time for failing to remove the articles not for just publishing them again and again with enhanced tags, links and SEOs as well as through their surrogates for which they are also liable. A Reason contributor and First Amendment scholar

EugeneVolokh himself recognized this obligation in a party on his own website, a copy of which is attached and marked Exhibit "12".

50. The defendants have, since the decision of the federal court procured by their fraud and failure to act according to the canons of ethics as lawyers, then engaged in a feeding frenzy shouting "Mission Accomplished" anywhere they could, including enlisting their co-partnering sites, like Popehat.com, Law.com, Reason.com and many others, to spread the word. Each of these sites is a co-partnered site with Overlawyered, so that what is published on one is a trigger for the other to publish again and make other comments, regardless of its truth and without any independent verification of anything.

51. What the defendants did not bother reporting to any of these sites was that the same federal judge who dismissed Wolk's case on statute of limitations grounds told the defendants through their lawyers Overlawyered had published a defamatory article, that they would lose on First Amendment grounds, and that they should remove it from the internet. They also never told the sites that they in fact had republished the article with the enhanced tags, links and SEOs three times within the Statute of Limitations the court said was applicable to the Wolk lawsuit and they had fraudulently failed to tell the judge and Wolk about it. So Wolk had filed his lawsuit in time.

52. Instead, the defendants published the following article stating:

> **Wolk v. Olson: Overlawyered in the news**
> by Walter Olson on August 9, 2010
>
> While I was away in recent days, a news story about this site drew wide coverage in the press. U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against me, Overlawyered, and co-bloggers Ted Frank and David Nieporent over a blog post that Ted published on this site in 2007. Judge McLaughlin ruled (PDF) that the claim was time-barred, notwithstanding Wolk's argument that the operation of the statute of limitations should have been stayed based on his claim that

> he was unaware of the post until 2009, when he says he first performed a Google search on his own name.
>
> The judge's dismissal of the suit was covered in Law.com/The Legal Intelligencer, the ABA Journal, Legal Ethics Forum, and many other blogs and publications well known to our readers. All of us are grateful to attorneys Michael N. Onufrak and Siobhan K. Cole of White and Williams in Philadelphia, who represented us. Had the judge not ruled in our favor on the threshold statute of limitations issue, we are confident that we would have prevailed based on the post's protected status under the First Amendment. Wolk has filed a notice of appeal in the action.
>
> For readers' protection as well as our own, we are obliged to discourage discussion in our comments section about these developments. We regret the curtailment of free controversy. **More**: Ted at Point of Law.

(*See* Exhibit "9").

53. That article was intended to trigger a pre-arranged and conspired re-publication of the earlier defamatory article with commentary by other sites who, with the encouragement of all the defendants knew it to be false, who knew it was not protected by the First Amendment, who knew that it would engender another lawsuit, and who used it to further incite, encourage and further disparage and defame the plaintiff because their colleagues, like Reason, and Sullum, were as bereft of any intellect, talent and honesty as were Olson, Frank and their encouraging, conspiring and supervising trustees of Manhattan, Enterprise, Cato and Reason.

54. The article by Frank, with its links to other sites that repeated the original Frank article he knew or had reason to know would re-publish the original defamatory article with commentary and was for the sole purpose of having others do what Frank had already been told he should not do which is continue the publishing of the defamatory article. Frank, Olson and the other Internet Bullies and defendants have yet to remove the false and defamatory articles from the internet.

55. What plaintiff did not know and what was revealed on November 22, 2010, only after an exhaustive search of the history of Overlawyered by a Forensic IT expert was that Overlawyered, Frank and Olson manipulated their site and the internet, well within the one year that plaintiff had filed his lawsuit, so that subjects which have nothing to do with the plaintiff were linked to his name. These included links to their false and defamatory articles when one used Google to search out plaintiff's name as a lawyer to represent them in air crash litigation.

56. Dutifully, the Reason defendants, including Sullum and the rest of Internet Bullies, on August 6, 2010 published an article entitled, "Lawyer trying to protect his reputation as an Effective Advocate Misses Deadline for His Libel Suit". (*See* Exhibit "8").

57. That article was intended to hold the plaintiff to false light by sarcastically claiming that he must be a bad lawyer because he missed the deadline for his own lawsuit.

58. What Sullum and his cohorts failed to do, once again, was check the facts. Instead, quoting wholesale from the lies that Overlawyered published, Sullum took it a step further again after doing nothing to investigate anything and said:

> U.S. District Judge Mary McLaughlin did not question the plausibility of this story, which suggests that a notoriously sensitive lawyer who had sued over online criticism back in 2001 did not think of Googling his own name until he learned about this esoteric technique in 2009.

59. This remark without any independent inquiry accused Wolk of lying to the Court when in truth and in fact Wolk, not quite as narcissistic as the defendants, never Googled his name until attending the CLE because Google wasn't his search engine and the other search engines didn't publish the lies about him.

60. Sullum also mischaracterized the Statute of limitations issue by wholly ignoring the Discovery Rule which Wolk asserted and which was the subject of four

Pennsylvania Appellate cases in his favor, totally ignored by Judge McLaughlin even though the Pennsylvania Supreme Court required that question in any case be decided solely by a jury, thus holding Wolk up to false light as if he were inept. Worse, Sullum failed to point out Wolk was represented by counsel, not pro se, thus the arguments made to the court were counsel's arguments not some figment of Wolk's imagination and lastly Sullum ignored what he knew or should have known being an internet manipulator, which was that Overlawyered, Frank and Olson had republished the article with enhanced tags, links and SEOs well within the one year Pennsylvania statute of limitations and that Wolk had filed on time.

61. Sullum wasn't satisfied with his totally false and totally foundationless criticism of Wolk. Sullum claimed further that Wolk had used a defamation suit to bully an aviation news website into a thoroughly abject capitulation and apology for criticizing his $480 million verdict he had won from Cessna.

62. The false innuendo of such a remark was that Wolk somehow bullied a multimillion dollar publishing entity and its controlling editors to settle when they were represented by one of the biggest and toughest Philadelphia law firms was pure fiction. Had Sullum done any research of his own, something he just can't bring himself to do because he isn't an ethical journalist, he would have learned that Wolk had provided proof that his lawsuit was valid and that proof led to an appropriate settlement with all the money paid going to charity. Sullum was wrong on the facts again but he was instead satisfied to ignore the very journalistic principles that any university would have taught him had he attended his class on the required ethics of journalists.

63. Sullum then went on to falsely claim that had Overlawyered not won because Wolk "missed the deadline" "he (Wolk) would have lost the case, since the comments to which he objected are a constitutionally protected combination of fact and opinion."

64. That statement is also false and had Sullum done a stitch of research or contacted a real lawyer instead of one of the ultra right wing anarchists his Reason Foundation likes, he would have learned that as a legal matter a combined fact and opinion, which was never the Overlawyered's libel anyway, is not Constitutionally protected at all and Wolk missed no deadline, rather he learned about the libel too late in one court's opinion. The innuendo was that Wolk is somehow less of a lawyer because of the relative obscurity of the Overlawyered blog that is visited by the fringe element of legal society was too obscure even for Wolk to know about.

65. Had Sullum done anything to research his trash he also would have learned that Judge McLaughlin told Overlawyered's counsel that he would not win on First Amendment grounds as the article was clearly defamatory and that Overlawyered, Olson, Frank and his lawyers White and Williams and Onufrak hid from the federal judge that the article was republished three times within one year of Wolk's suit thus making the statute of limitations defense non-existent and the dismissal a fraud.

66. Hoping against hope that the major damage was over and the Third Circuit would decide to follow Pa. law as it is bound to do or refer the matter to the Pennsylvania Supreme Court for a reaffirmation of its opinion that the "Discovery Rule" applies to "any case" the plaintiff was surprised to see yet another article on Google this time posted by Sullum and Reason at the behest of Olson, Frank and Overlawyered and in conspiracy with all the foundations and their trustees that bring nothing to the American table but denigration, financial manipulation, recession, and joblessness at taxpayer expense.

67. The article was written by Sullum, who like his internet bullying conspirators, fact check nothing, investigate nothing, contact no one but join with the other putative journalists to do evil to the plaintiff who was and is totally innocent and by so doing violate every ethic of journalism.

68. The second Article entitled "Who are you calling Touchy?" (*See* Exhibit "10"), published an e-mail sent by Plaintiff to Sullum to warn him to cease and desist his defamatory actions or face a lawsuit for his false rewriting and republishing of the Overlawyered article. Reason actually has a tag, link or SEO for Overlawyered and Overlawyered for Reason.com so they can readily reciprocate publishing their hatred on the internet.

69. Plaintiff reached out to unethical Sullum and Gillespie to try to understand why they would just pick up on such an obviously false article of Overlawyered and make it even more vicious as if Sullum had done something to investigate further the facts, circumstances and events leading up to article.

70. What Wolk did not know, and could not have known, was that there was never an intention to act in an ethical or honorable way by Gillespie and Sullum but rather they were trying to incite their bloggers to attack Wolk so they could get a blog going that would tear Wolk to shreds, some of whom were affiliated with the Reason Defendants, and whose prearranged libelous attacks were part of the way Reason.com enlarges its audience.

71. Sullum instead published the article again and the libel again but added the plaintiffs description of events and the substance of what the independent lawyers in the Taylor case had written.

72. The entire purpose of the blog entitled "Hit & Run" by Overlawyered is to incite a frenzy of bloggers and then use that frenzy which they publish and republish to bring

fresh energy and more readership to their site, then they run and hide behind their super rich, right wing benefactors. (*See* Exhibit "10").

73. The defendants knew exactly what they were inciting and intended that it would let loose all the inmates from the asylum, knew that it would be picked up by Google and other internet search providers, which Reason.com is not, and the libel would travel the world in a nanosecond which it did. What plaintiff did not and could not have known is that this entire escapade was orchestrated and manipulated by Frank, Olson, Overlawyered and the remaining defendants in a conspiracy of no supervision, carelessness and recklessness for the truth and deliberate encouragement for the financial benefit of all the remaining defendants, and was accomplished either by themselves under pseudonyms or their conspirators at their direction and instigation.

74. The plaintiff Arthur Alan Wolk, a respected lawyer, a resident of Philadelphia for 67 years, a father of two, (one a lawyer himself), and a grandfather, active socially in Philadelphia charities is none of the things he has been accused of by defendants, has been falsely accused of heinous crimes at the instigation, behest and connivance of all these defendants who engage in this for sport, for publicity for their sick causes, to destroy a successful lawyer as one more defense notch in their defense of air crash cases and to enhance the financial condition of the defendants.

75. Wolk immediately warned Sullum and Gillespie that they would be sued and demanded the identities of the anonymous bloggers who hideously libeled Wolk on their site, a request which was refused.

76. The bloggers postings were removed from that article and Wolk once again reached out in an effort to get Reason's counsel to reason with his clients since the damage had been serious and was likely to become even worse to no avail. Instead defense counsel

wanted the plaintiff to write him a legal brief why his clients should comply with plaintiff's reasonable requests which this lawsuit is the first step at compliance.

77. Hopeful once again that the defendants would attempt to act in an honest, ethical and conciliatory fashion after again falsely accusing the plaintiff of selling out his clients, Wolk yet again reached out to the defendants though their lawyer, but Gillespie and Welch, piqued at having to be honorable, honest and fair minded had to put their two cents in by publishing yet another incendiary and totally false article, a true and correct copy of which is attached and marked Exhibit "13".

78. That article, entitled "A Note to Our Commentators", instead of admonishing them for being the filthy animals who violated the criminal savings provisions of the Communications Decency Act and numerous State Criminal Codes, re-incited a riot by stating:

> "A short while back we published two blog posts about attorney Arthur Alan Wolk. We did so because exercising and defending free speech is fundamentally what Reason is about. That especially includes the freedom to criticize lawyers, particularly when their behavior warrants it."

(*See* Exhibit "13").

79. The innuendo of that article was that the selling out of Wolk's client that was previously written about was warranted and the charge that he bullied an aviation site into settling and apologizing to him was also true two charges that are and were entirely false.

80. Worse the entire purpose of that article which was neither necessary nor accurate was to incite their bloggers further, an invitation to take off and kill Wolk, this time either verbally or actually.

81. And kill Wolk they did by repeating on another blog on another article on Reason.com about the First Amendment where they pilloried Wolk just as they knew the article would do with a repeat, but even more vile accusations of heinous crimes, which of course made it to Google's first page. This publication occurred so it would appear on Google over a weekend when Reason's counsel was unavailable for Wolk to reach and indeed it wasn't until the following Tuesday that the sites were cleared and Google cached but by that time the charges of a crime more horrible than any was viewed by tens of millions.

82. These defendants all knew what they were inciting and what they were risking for Wolk that would be entirely unrelated to anything he could possibly be guilty of.

83. These defendants were warned that such statements and unfounded charges would make it impossible for Wolk to live in his community or anywhere else not to mention the impact on his children.

84. Undaunted the defendants all acting in a conspiracy designed to separate plaintiff from his well deserved and well earned reputation for honesty and fair dealing and his success as a lawyer were not satisfied, they needed to erase him as a human being.

85. That article by Gillespie and Welch restates the falsity, confirms that Wolk's "behavior" should be criticized, which is presumably the alleged selling out of Wolk's clients which Sullum and Overlawyered falsely accused him of, and worse.

86. The articles in No Reason, Pope Hat, Law.com, and others were all with the connivance, concerted action, intention to defame, do evil, aggravate the damage to the plaintiff that is the touchstone of the espoused illegal purposes of Manhattan, Enterprise, Cato, the Trustees, Reason Olson, Frank and Overlawyered.

87. But Frank and his pet character assassination rag, Overlawyered, was not to be silent because Olson and Frank didn't want to outdone, so After the decision of Judge McLaughlin which while silent on the issue of First Amendment never addressed on the record their legal obligation to remove the false posting which is one of the subjects of this lawsuit, directed their readers to a "must-read analysis by Jacob Sullum at Reason; further commentary at Popehat; DBKp; Instapundit..." In that article Frank who can't seem get over himself and his utter lack of scholarly peer reviewed anything, claims that Wolk lied to the federal court when he said: "but the plaintiff argued that the statute shouldn't start to run until the plaintiff reads (or, de facto, claims to have read) the blog post."

88. This false statement once again holds Wolk up to false light and claims he lied to the judge without even a hint that such is true, which it isn't. Worse, it was written when these defendants were aware that Wolk had filed his lawsuit on time, and they had lied to a federal judge, to Wolk and to his counsel.

89. Frank made such an statement of fact, his words, without making any effort to see if that were true, never asking for metadata, computer data, search engine information or anything else that would have confirmed that Wolk had never Googled his name before the CLE suggested he do so.

90. The innuendo was that Wolk lied to the Court, that his lawyer lied to the Court, that Wolk was inept for not knowing about the nut ball group that is Overlawyered.com. all of which is just further evidence of Frank's unwarranted sense of self importance, without telling anyone that the article wasn't on Google until within the year Wolk filed his lawsuit.

91. Each time the defendants dirtied the plaintiff's name Wolk made the effort to ask and then demand from the Foundations and their Trustees that the libel be removed and each time he got stonewalled long enough to get counsel involved to encourage the repeat of

the libel as some sort of protected speech when they knew that at least one judge had already said it wasn't.

92. The plaintiff in an effort to mitigate the damage done non-stop by the defendants had to hire a Forensic IT consultant to help clear the internet of the false and damaging postings by the defendants.

93. One such effort was to post a biography on Wikipedia, an internet encyclopedia, which highlighted Wolk's substantial accomplishments to advance aviation safety ironically a career that allows the defendants to fly around the world safely in their private jets at taxpayer expense, another deduction paid for by the Americans whose wealth they stole, which is untouched by defendants' frenzied criticism of Government and its institutions.

94. Olson, and Frank who worked for Manhattan to further its interests in tort reform, with the connivance, assistance and conspiracy of Frank and Overlawyered stalked the plaintiff and when the complementary posting appeared they posted every deleterious and false thing they could dredge up to do even further damage. Conspicuous by its absence however was any mention that Olson, Frank, Overlawyered, White and Williams and Onufrak had lied to the Court to obtain their dismissal by fraud.

95. Plaintiff investigated and learned that the stalking of plaintiff by Olson and Frank and Overlawyered has continued non-stop since 2001 with false and ugly articles posted by them periodically saying falsely that plaintiff bullied Avweb into settling a libel case the monies from which went to charity and belittling every accomplishment Wolk has made since then.

96. Plaintiff, even after all of this hatred was spewed upon him by defendant internet stalkers, hired, paid for, encouraged and published by the other defendants and

encouraged collaborated in permitted and benefitted from by their trustees, tried to warn the trustees of the sham charities that they would be sued if they did not do their legal duties to cause the putative non-profit organizations to stop this ultra vires, unlawful even criminal activity, a copy of which letter is marked Exhibit "14".

97. Even after warning them and appealing to them to stop this damage they arrogantly flaunted their ill-perceived and more ill-begotten power to blow off the plaintiff's demands and encourage the defendants to do more and worse.

98. What plaintiff did not know and could not have known was that while the Underlawyered defendants' lawyers, White and Williams and Onufrak were telling the Federal Court that the defendants were innocent and had only published the article on April 7, 2007, they knew that the defamatory articles had in fact been republished with enhanced tags, links and SEOs within a year of the plaintiff's lawsuit which made even their twisted and legally unfounded Statute of Limitations argument moot. Instead of informing the court, which all the lawyer defendants, Onufrak, Olson and Frank were ethically obligated to do, they got their dismissal under fraudulent and false pretenses.

99. White and Williams and the Overlawyered, knowing that they fraudulently induced the Court to dismiss on grounds that were entirely false, then went on a "Mission Accomplished" campaign in The Legal Intelligencer in Philadelphia, The Philadelphia Business Journal, and on a White and Williams blog touting their victory as well founded in law and fact and ridiculing plaintiff as a lawyer when they knew they had gotten their dismissal by fraud and had lied to the Court.

100. The articles in The Legal Intelligencer, The Philadelphia Business Journal and the White and Williams blog are attached and marked Exhibit "15" and nowhere mention that the Overlawyered articles for which plaintiff had filed suit had been republished with

enhanced tags, links and SEOs which these lawyers knew from legal precedent made such publication a new publication with no protections whatsoever from the "republication rule."

101. The trustees and their organizations, the sham tax exempt organizations, have no doubt investments in the companies that Wolk sues including, Textron Inc., The Boeing Company, Piper Aircraft Company, United Technologies, Honeywell and the many others for whose interests they illegally lobby, illegally make false accusations and use libel of the plaintiff's lawyer as the defense du jour of aircraft crash cases in their further efforts to undermine the civil justice system, exactly what the judges of this court warned in the CLE that began Wolk's inquiry.

The Damages Suffered

102. When Plaintiff's at law suit was dismissed on statute of limitation grounds, falsely obtained as it was and is timely filed, plaintiff filed an Equity action in the Court of Common Pleas of Philadelphia, as he was without a remedy at law.

103. Defendant Sproul and her firm acting for Reason.com and their affiliated defendants falsely removed the case to the federal court, in spite of the utter lack of diversity jurisdiction, and then perjured a defendant to claim he was a resident of Florida and not Pennsylvania where he lives.

104. After an expensive investigation, it turned out that Sproul and her firm perjured that defendant, which in fact he was a full time resident of Pennsylvania, that he voted in Florida through his Pennsylvania address, and that as Judge McLaughlin said, this is just a tax dodge.

105. By fraudulently removing to federal court, Sproul and her firm deliberately delayed plaintiff's opportunity for injunctive relief, which also kept the lying blogs in place for eight months.

106. In addition, Sproul cost plaintiff more than $100,000 to hire investigators to prove what she knew was true at all times, her client was nothing more than a tax cheat, owning six businesses in Pennsylvania, living in a Main Line mansion, and not paying his fair share of Pennsylvania taxes.

107. This lawsuit is brought for the later false and defamatory publication, for which suit was timely brought and with respect to which Overlawyered procured a dismissal since the dismissal was based on the original publication of April 7, 2006, not the actual publication of May 13, 2008, June 2008 and July 2008, thus there has been no dismissal of the claim at Bar.

108. This lawsuit is brought as a substitute for and not in addition to an Equity lawsuit filed once the Federal Court dismissed under false pretenses the original at law complaint.

109. This lawsuit is not brought as a repetitive claim for anything that was actually decided by any court, nor which was subject of a final disposition before its filing.

110. The damages suffered by the plaintiff have been horrific.

111. The plaintiff has been accused of selling out his clients.

112. The "selling out his clients" false accusation has appeared on the internet, on Google, and until the defendants deliberately fanned the flames was not on Yahoo or any other search engine to plaintiff's knowledge.

113. Solely as a result of the concerted action by these defendants the search engines are alive with this false accusation.

114. The defendants have purposefully repeated the libel and enhanced the tags, links and SEOs so that search engine software would pick up the libel and spread it everywhere again and again but to even more diverse audiences than as originally published.

115. The appearance of impropriety for a lawyer who is innocent is unspeakable and fans the flames of hatred by the public, including jurors, for lawyers generally but directed hatred primarily against the plaintiff by name.

116. Clients who would use Google to find more about a lawyer they might hire, would never hire a lawyer who is alleged to have sold out a client and is claimed to be guilty of heinous crimes.

117. Jurors who see that a lawyer is accused of selling out his client have no belief in what the lawyers says in trial.

118. Judges who would Google a lawyer charged even falsely with selling out a client would never believe that lawyer about anything, nor accept his *pro hac vice* which is vital to the plaintiff's nationwide practice.

119. The emotional toll and physical toll has been unspeakable.

120. Plaintiff does not sleep, his back pain from his own airplane crash of some years ago has become on some days disabling, but painful every day, he takes medication for pain and to reduce the highs and lows that this emotional roller coaster has put him on, the plaintiff's post traumatic stress disorder is back with a vengeance and resurgent nightmares and daymares of his crash occur frequently and plaintiff's new business is impacted as well as business relations generally.

121. Plaintiff does not show his face at Bar functions, or social engagements where members of the Bar may be present in numbers.

122. Plaintiff has had to explain to his children that he is innocent and will defend himself and he has incurred hundreds of thousands of dollars in legal fees thus far.

123. Plaintiff's retirement is threatened as his ability to sell his practice to his associates since the defendants have reduced or eliminated its value.

124. Plaintiff has to work harder, incur more expense, and litigate more cases to either trial or very close because defense lawyers are emboldened for what they mistakenly see is a weakened lawyer.

125. Plaintiff must file repeated lawsuits at great personal expense to seek redress from the rapidly deteriorating nature of the internet libel inflamed, instigated and conspired in by all defendants.

126. Plaintiff is unable to clear his name because defendants continue to stalk him on the internet and prevent it being cleansed of their defamation and false light.

127. The defendants have stolen the plaintiff's good reputation personally, impinged upon his professional reputation, attempted to inflict emotional disturbance, interfered with client, juror and judge relations.

128. In a recent incident a seller of an aircraft refused to do business with Wolk because of what he read by defendants on the internet.

129. The defendants, in spite of warnings given, drafted their briefs and filings with the Court for publishing by the internet, not for lawful, legal purposes – the idea being to observe the legal process to excoriate the plaintiff falsely and without regard to what the Court did, published it on the internet so no matter what the outcome on law or equity they could still attain their goal of ruining the plaintiff.

130. Defendants have procured false affidavits, filed false briefs, prolonged the litigation, improperly removed the case to Federal Court, abused civil process, interfered with

criminal prosecutions of internet stalkers, committee obstruction of justice, interfered with plaintiff's actual and prospective client and business relations, have stolen his property.

131. In short, the defendants did what they intended to do, cause emotional upset and physical and economic harm…but that was not enough for them.

132. The stress from the defendants' false and irresponsible accusations have aggravated plaintiff's post traumatic stress disorder, originally caused by an airplane crash in 1996 which he had pretty much under control until this happened.

133. The plaintiff now suffers daily episodes of flashbacks, repetition syndrome, sleep disorder, heightened startle reaction and depression all reinvigorated by the relentless pounding he has and is receiving at the hands of the defendants who intended it, caused it, aggravated it and continue to bring it on.

134. The plaintiff in the same aircraft accident suffered a severe back fracture requiring multiple surgeries which had brought him chronic pain aggravated by stress.

135. Plaintiff wrote a book entitled "Recollections of My Puppy", a book for adults and children, all of the proceeds from which go to animal rescue. The false charges by defendants have utterly killed that book and the charitable purpose Wolk intended.

136. As a sole result of this trauma deliberately delivered, plaintiff has daily unremitting pain and disability related to the stress of having to deal with defendants wicked, malicious, vile and false accusations twisted in multiple forms by multiple associates and affiliates all with the connivance, encouragement, request and concerted action one with another and unchecked by the Trustees who continue to suck the blood of the American people by writing off their contributions to destroy the nations institutions while they enjoy a free ride on the backs of the less fortunate.

Wolk's Irreparable Harm

137. The damages suffered by Wolk have been horrific, but damages are not enough and cannot provide an adequate remedy.

138. Wolk has been falsely accused of selling out his clients, virtually the worst sin a lawyer can commit.

139. Worse, such false allegations have been spread over the internet, and now even a "Googling" of Wolk's name by a client, juror or judge reveals these accusations, which will exist in perpetuity due to the nature of the internet medium. The harm from such accusations may never be fully ascertained.

140. Further still, Reason have purposefully repeated the initial April 8, 2007 defamatory statements and published entirely new defamatory statements, all of which was intended to and did incite a feeding frenzy of blogging activity resulting in anonymous bloggers falsely accusing Wolk of heinous crimes. To this day, accusations linking Wolk to these crimes can still be found on search engines.

141. The defendants refuse to remove their false and defamatory statements, refuse to divulge the identities of those bloggers who falsely accused plaintiff of heinous crimes, refuse to cleanse the internet of their falsities, all of which prevent plaintiff from restoring some of his lost reputation.

142. Wolk has no adequate remedy at law to clear his name, but Equitable Relief. This Court is respectfully requested to order all defendants to immediately remove their false internet postings.

The Causes of Action

FIRST CAUSE OF ACTION

Plaintiff v. Defendants

Libel and False Light

143. Plaintiff incorporates by reference paragraphs 1 through 142 as though set forth at length.

144. The statements of defendants on May 13, 2008, June 2008 and July 2008, and first discovered by plaintiff on November 22, 2010, included:

a. "Wolk settled the underlying case on the condition the order criticizing him be vacated"

b. "Did Wolk's client suffer from a reduced settlement to that his attorney could avoid have the order used against him in other litigation?"

c. "(The discovery violation complaint about (sic) was apparently a repeat occurrence.)"

d. "The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from conflict of interest and was adequately protecting his clients rights was Wolk's representation to the court that the client was alright with the size of the settlement."

e. "That begs the question of whether his client was fully aware of the conflict of interest if as would seem to be the case the N.D. of Georgia failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiff' attorneys before signing off on settlements."

145. In truth and in fact had the defendants fact checked anything, called anyone, verified with independent plaintiffs' counsel in Taylor or done anything that a lawyer or journalist is duty and ethically bound to do they would have found that:

a. Wolk did not and could not settle the underlying case on condition the order criticizing him be vacated since Wolk wasn't the lawyer handling settlement negotiations but had removed himself due to the appearance of a conflict which he recognized and dealt with ethically.

b. Wolk's clients, not client, did not suffer from anything except an excellent settlement with which they were pleased as were the independent lawyers overseeing the settlement negotiations which took place before an independent mediator who in fact recommended significantly less than the amount of the settlement. Nothing was asked for, bargained for, reduced for, or negotiated with regard to the discovery order being vacated in those settlement discussions, period.

c. Wolk was not involved in the discovery in the Taylor case at all, took no depositions nor attended any, drafted nothing in discovery, reviewed nothing and had no role except general supervision. There could not be a repeat occurrence because there was no prior occurrence.

d. The court asked everyone whether the settlement was adequate and approved of and knew the mediator and was aware that the settlement was more than he had recommended and that no conditions were imposed by plaintiff for the amount of the settlement. She also knew Wolk had zero involvement with discovery in the case and upon reflection had to have seen that The Wolk Law Firm made full discovery, cooperated fully in discovery, provided full disclosures and was innocent of her discovery order in any event otherwise she would not have vacated it.

e. Had there been even the slightest investigation the defendants would have learned that the case was settled first by others and then and only then did Wolk in writing ask the clients and their lawyers for a few days to inquire whether the judge would

vacate the discovery order. Everyone, plaintiffs, their lawyers, the defense lawyers and the insurers agreed as well that the request could be made and they would join in it. Only then did the court vacate the order.

146. The entire focus of Overlawyered, and its minions of unethical lawyers and putative journalists, was not to raise a legitimate issue as had Beck and Herman who wrote a fair and balanced article on the same subject. But instead Overlawyered, Olson, Frank's article was written to attack and hold Wolk up to false light and to injure him because he was a lightning rod in his profession due to his success and willingness to fight even if faced with challenges that would cause most lawyers to put their tails between their legs and run home.

147. The message of this internet bullies' article is simple: that Wolk is unethical in the practice of his profession, that he sells out his clients for personal gain, that he is guilty of repeated discovery violations and thus abuses his profession and that he is guilty of the crime of fraud, conflict of interest and misrepresentation to the courts none of which is true.

148. The article as originally published and republished and republished again and again is false, knowingly false and not protected speech and was written and rewritten with utter disregard for its falsity, with nothing done to verify the facts and even less done to fact check it for truthfulness in reckless disregard for the damage it would do to the plaintiff.

149. The publications of the defendants was willful, deliberate, unjustified and nothing but character assassination to harm the plaintiff and enhance the fortunes of a group of people who have anointed themselves as America's intelligencia, but who bring no intelligence to that self laudation.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

SECOND CAUSE OF ACTION

Plaintiff v. Defendants

Conspiracy to Interfere with Actual and Prospective Contractual Relations

150. Plaintiff incorporates by reference paragraphs 1 through 149 as though set forth at length.

151. The entire purpose of these defendants is to enact tort reform by getting rid of the proponents of tort liability, the plaintiff being in the forefront.

152. The plaintiff's work has been highly visible and somewhat controversial because rather than being cowed or bought off by multi-billion dollar corporations like the defendants, plaintiff has fought tirelessly for his clients, supported and schooled more than a 1000 children over his career by making those who have killed their parents pay for their deaths.

153. The plaintiff is well known for never giving up, and for giving every ounce of energy and effort and much of his fortune for his clients.

154. The defendants have no way to defend against this zeal so they have chosen instead to not defend the cases but try to so destroy the plaintiff's reputation so that clients will not come to him, that judges and juries will not believe him, and Courts will not admit him to practice.

155. The entire purpose of engaging in this continuing course of conduct even after being shown that what they have said is totally false can serve no other purpose but to discredit plaintiff at the Bar, ruin his prospective client base, interfere with relationships he has with existing clients, referral sources, other lawyers, jurors and judges and business relations to the plaintiff's detriment all without any legal justification whatsoever.

156. The defendants willful, deliberate and intentional interference with plaintiffs existing and prospective business and client relationships is ill motivated, deliberate, unjustifiable, outrageous and intended to cause economic and emotional harm to the plaintiff and to put him out of business.

157. As a result of the willful, deliberate, outrageous and unjustified conduct by the defendants the plaintiff demands punitive damages.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

THIRD CAUSE OF ACTION

Plaintiff v. Defendants

Conspiracy to Inflict Emotional and Physical Harm

158. Plaintiff incorporates by reference paragraphs 1 through 157 as though set forth at length.

159. The defendants knew or should have known that their continuing efforts to destroy the plaintiffs' reputation given that he has children, a grandchild and a good reputation in his field and in his community would ultimately take a toll on him physically and mentally.

160. The defendants intended that very result when they delivered a message through their lawyers after the federal court opinion that, "Wolk can get fucked, we're not removing anything from the internet". In fact, prior to the Court's decision, Onufrak and White and Williams had falsely represented that regardless of the decision, the defamatory postings would be removed from the internet

161. Aside from the arrogance and filth associated with such a remark, but certainly not unexpected from lawyers who arrogate to themselves to commit fraud on the court and deception and misrepresentation to the Court and the public about the plaintiff. This spoke eloquently for the defendants and just how much credence they gave the federal judge's admonition to get the libel off the internet and common sense and decency that a lawyer is honor bound and ethically required to possess and exercise.

162. In short the defendants did what they intended to do, cause emotional upset and physical harm…but that was not enough for them.

163. The stress from the defendants' false and irresponsible accusations have aggravated plaintiff's post traumatic stress disorder, originally caused by an airplane crash in 1996 which he had pretty much under control until this happened.

164. The plaintiff now suffers daily episodes of flashbacks, repetition syndrome, sleep disorder, heightened startle reaction and depression all reinvigorated by the relentless pounding he has and is receiving at the hands of the defendants who intended it, caused it, aggravated it and continue to bring it on.

165. The plaintiff in the same aircraft accident suffered a severe back fracture requiring multiple surgeries which had brought him chronic pain aggravated by stress.

166. As a sole result of this trauma deliberately delivered, plaintiff has daily unremitting pain and disability related to the stress of having to deal with defendants wicked, malicious, vile and false accusations twisted in multiple forms by multiple associates and affiliates all with the connivance, encouragement, request and concerted action one with another and unchecked by the Trustees who continue to suck the blood of the American people by writing off their contributions to destroy the nations institutions while they enjoy a free ride on the backs of the less fortunate.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

FOURTH CAUSE OF ACTION

Plaintiff v. Defendants

Conspiracy to Commit Assault

167. Plaintiff incorporates by reference paragraphs 1 through 166 as though set forth at length.

168. Assault is the intentional unpermitted touching of one individual by another with the intention to do bodily harm

169. The defendants knew or had reason to know that their continuing conduct would cause severe injury to the plaintiff and knew further that if they didn't stop inciting it others would join in and make it worse.

170. Notwithstanding plaintiffs continuing entreaties to stop inflicting this pain the defendants scoffed and did more, incited more, corrupted more, conspired with more and did more damage.

171. The assault upon the plaintiff was the deliberate infliction of physical and emotional pain by non-stop libeling of him.

172. All the defendants either by agreement, tacit or otherwise, conscious parallelism or otherwise conspiracy or otherwise sought to cause the hurt, inflict the damage and injury and then aggravate it for sport.

173. As a result of the willful deliberate unpermitted touching of the plaintiff with the intent to do harm, by the defendants plaintiff demands punitive damages.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

FIFTH CAUSE OF ACTION

Plaintiff v. Defendants

Conspiracy to Engage in Internet Bullying

174. Plaintiff incorporates by reference paragraphs 1 through 173 as though set forth at length.

175. The internet has the capacity in a computer nanosecond to destroy the reputation credibility and profession of any private person's life if misused.

176. The internet is unique in that unlike other mass media, the internet republishes and renews yesterday's news every time a computer is turned to a search engine or website.

177. Therefore internet defamation is in a class by itself the way it can in an instant wreak havoc with an innocent person and do so continuously.

178. The defendants are internet manipulators, internet wannabees, internet distorters, internet abusers, internet stalkers and internet bullies.

179. The defendants use the internet not as the information superhighway it was intended to be for the world's benefit but instead a means in their own words to "Hit and Run and to "Abuse" the victims they choose for sport.

180. The defendants manipulate the search engine process such that the plaintiff's name will come up even if the inquiry is on an entirely different subject and make it appear that the Plaintiff's identity is somehow relevant. For example, the defendants have manipulated search engines to cause "Arthur Alan Wolk" to come up under categories and incite bloggers to accuse Wolk of heinous crimes (Ex. 10), none of which is true.

181. As a direct result of the use of these multiple tags and categories, search results come up in multiple publications, thereby multiplying the damages to plaintiff and republishing in different form the archived libelous articles they have published about the plaintiff.

182. It was and is the defendants entire purpose to hijack the laudable purpose of the internet and instead use its immense power to instantly transform it as a means to discredit, tarnish, destroy, diminish and interfere with the reputation of innocent people like the plaintiff who may not agree with their twisted goals and their unethical and intellectually vacant means to achieve them.

183. The defendants simply chose the internet to bully, stalk, or at least attempt to, the plaintiff just like other internet bullies, who are just like them, and who bully children until they commit suicide rather than face the abuse.

184. These leaches on our society who take the tax money of the poor, impoverished, less fortunate, those struggling just to make it and use it to achieve their goals to ensure they retain their billions have selected the plaintiff Arthur Alan Wolk as their next victim, a big mistake.

185. These defendants who are bullies in the basest sense have corrupted and continue to misuse the internet to illegally lobby and influence legislation by distorting the record of those like the plaintiff so as to use that distortion to foster their legislative goals, in short lobbying to get tort reform.

186. The illegal and immoral, unethical hijacking of the internet to harm the plaintiff was willful, intentional, outrageous and was solely intended to inflict harm by bullying something that each of the defendants either individually or through their co-conspirators and representatives continue to do all with the idea of harming the plaintiff.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

SIXTH CAUSE OF ACTION

Plaintiff v. Defendants

The Failure to Remove False Information From the Internet and Harassment by Internet

187. Plaintiff incorporates by reference paragraphs 1 through 186 as though set forth at length.

188. The defendants here are nothing but intentional internet bullies and stalkers who incite others by their incendiary articles to further carry out their mission as expressed on their websites to "Hit and Run" and "Abuse" others.

189. These defendants read their e-mail and blogs and control them and eliminate them if they are "irrelevant" to their articles' focus.

190. In these instances all the defendants knew or had reason to know that they were inciting verbal and potentially physical violence against Arthur Alan Wolk and deliberately destroying his reputation in violation of the Rules of Conduct of Google and Yahoo.

191. These defendants knew that by continuing to fan the flames of their compliant trash they would engender unfounded accusations of heinous crimes, client sell-outs and bullying through litigation and more.

192. Notwithstanding actual knowledge of the most atrocious harm being inflicted on an innocent person they have incited, continue to incite, continue the non-stop libel and harassment by internet in violation of the civil and criminal laws.

193. The entire purpose of this conduct has been to cause plaintiff harm and advance the perverted sense of entitlement of the defendants' conservative agenda.

194. For the deliberate, willful, malicious, malevolent attempted destruction of Arthur Alan Wolk, plaintiff demands punitive damages.

WHEREFORE, plaintiff demands judgment against the defendants in an amount in excess of $100,000, attorney's fees, compensatory and punitive damages and costs of suit.

SEVENTH CAUSE OF ACTION

Plaintiff v. Defendants

Request for Injunctive Relief

195. Plaintiff incorporates by reference paragraphs 1 through 194 as though set forth at length.

196. The blog postings by the Reason Defendants on their website www.reason.com were all false and defamatory as to Wolk in that, *inter alia*, the blogs directly stated and implied that:

(a) Wolk was an incompetent lawyer because he missed the deadline for his own suit;

(b) Wolk lied to the District Court as to when he first learned of the April 8, 2007 Overlawyered Blog;

(c) Wolk was guilty of filing a frivolous lawsuit by "bully[ing] an aviation news website into a thoroughly abject capitulation and apology;" and

(d) Most significantly, republished almost the entirety of the utterly false and defamatory April 8, 2007 Overlawyered Blog, once again accusing Wolk of breaching his ethical and fiduciary duties by selling out his client's interest in the Taylor case.

197. Moreover, the Reason Defendants, through their false and defamatory blog postings, intentionally created a forum in which Reason's anonymous bloggers were

encouraged and incited to further defame Wolk, leading to dozens of separate false accusations that Wolk committed the most heinous crimes imaginable.

198. By encouraging and inciting its readers to further defame Wolk, the Reason Defendants have contributed, in whole or in part, to the content of their anonymous bloggers' statements.

199. Wolk has repeatedly demanded that the Reason Defendants remove their defamatory blog postings, and in doing so, he supplied the Reason Defendants will direct proof that their defamatory statements were absolutely false.

200. Nevertheless, the Reason Defendants have refused to remove their defamatory blogs, despite being given actual knowledge that the blogs were false.

201. By refusing to remove the false blogs despite their actual knowledge that they are false, the Reason Defendants have knowingly published falsehoods, and thus have acted with "actual malice."

202. Through their online publications, the Reason Blogs have been disseminated to thousands of individuals and continue to be disseminated to thousands more as they remain on Reason.com and, as a result, the blogs appear prominently when Wolk's name is used as a search term on the enormously popular search engine www.Google.com and other similar search engines.

203. Indeed, although the Reason Defendants claim they removed from their website the postings of their anonymous bloggers who repeatedly accused Wolk of heinous crimes, those same anonymous postings are still visible through the "cache" of search engines, including on Google and Bing.

204. As a direct result of the Reason Defendants' false and defamatory blogs, Wolk has suffered, and continues to suffer, irreparable harm which cannot be fully compensated through money damages.

205. Further, Wolk does not have an adequate remedy at law since the harm to his reputation, his career, and his law practice is difficult to measure.

WHEREFORE, Plaintiff respectfully requests this Court to exercise its equitable powers to remedy the continuing damage caused by the blogs of the Reason Defendants by issuing an injunction ordering the Reason Defendants: (a) to remove the false and defamatory blogs about Wolk appearing on their website www.reason.com; (b) to ensure the defamatory Reason Blogs are also removed from search engines that "cache" or save the historical blogs; and (c) identify all persons who published false and defamatory material about Plaintiff on their sites.

The Court is also requested to award Plaintiff his counsel fees and expenses to obtain this injunctive relief, as he has spent a fortune to correct what Defendants could have easily corrected before Plaintiff incurred any legal expense, but have steadfastly refused despite overwhelming evidence that the blogs were false and their actual knowledge of such falsity.

EIGHTH CAUSE OF ACTION

Plaintiff v. Defendants

Equitable Remedies

206. Plaintiff incorporates by reference paragraphs 1 through 205 as though set forth at length.

207. Plaintiff has no adequate remedy at law because defendants refuse to comply with the law about removing the libel from the internet.

208. Plaintiff has no complete remedy at law because defendants wish to continue to destroy him for sport.

209. Plaintiff has no complete remedy at law because defendants continue to violate non-stop the criminal and civil laws of this nation.

210. Plaintiff has no complete remedy at law because some of the defendants are lawyers and continue to practice without sanction.

211. Plaintiff has no adequate remedy at law because injunctive relief for future conduct may be unsustainable.

212. This Court is asked to refer the actions of the lawyer defendants to their respective Disciplinary Committees for proceedings consistent with the courts findings here.

213. This Court is asked to refer the defendants to the States' Attorneys General and criminal prosecutors in the relevant jurisdictions for criminal prosecution of defendants for internet stalking, harassment and bullying.

214. This Court is requested to appoint receivers for the foundation defendants to change their behavior and to avoid future unethical conduct including a cessation of internet bullying as a means to advance their rabid political agendas and to require the Trustees to fulfill the stated purposes in their foundations' charters and cease and desist from ultra vires defamatory conduct.

215. This Court is asked to ask States Attorneys General to wind up the affairs of these unlawful and non-law abiding foundations and to seek return of monies spent for illegal purposes including internet bullying.

216. Plaintiff requests this Court to fashion such relief as it deems appropriate and warranted under the circumstances, including but not limited to the referral to their respective Supreme Courts Disciplinary Committees concerning the admissions of Onufrak, Olson,

Frank and any other lawyer defendant so that disciplinary proceedings may commence for their intentional, uncivil, fraudulent and criminal activities.

217. Plaintiff requests this Court to order defendants to divulge the identities of all bloggers who accused the plaintiff of a crime.

218. This Court is asked to order the Trustees to cease and desist their abdication of their legal responsibilities to manage and supervise Manhattan and Reason for solely charitable or educational purposes, and to enjoin them from lobbying, acting in an ultra vires manner, or contrary to the mandates of their charters.

219. This Court is asked to order the Trustees, the officers, employees and other defendants to disgorge all identifying information of their contributors and members, to notify the Internal Revenue Service that they have violated the terms of their 501(c)(3) status, and to advise their contributors that they no longer have or qualify for tax deductible status for their contributions.

220. This Court is asked to order all defendants to remove these false, defamatory and accusations of heinous crimes postings about plaintiff.

WHEREFORE, plaintiff prays for such Equitable Relief as this Court deems appropriate under the circumstances.

NINTH CAUSE OF ACTION

Plaintiff v. Defendants

Internet Stalking and Bullying

221. Plaintiff incorporates by reference paragraphs 1 through 220 as though set forth at length.

222. In an effort to reduce the damage from the conduct of the defendants' non-stop libeling of the plaintiff, in October 2010 he hired a Forensic Internet company to place

truthful, favorable information about the plaintiff on the internet including Wikipedia an internet encyclopedia. A true and correct copy of plaintiff's Wikipedia site is attached and marked Exhibit "16".

223. Nothing put on Wikipedia was false or misleading in any way.

224. The defendants, hell bent on torpedoing the Wikipedia attempt to minimize their conduct's impact on the plaintiff's reputation, by themselves or some of their incited adherents or their own employees, including but not limited to Frank and Olson, edited the site with their false and defamatory logs so plaintiff could not effectively restore in some small way his reputation. Defendants created another site on competing internet encyclopedia to trash the plaintiff with all of their false, misleading and false light articles and blogs which multiplied the plaintiff's damages and the impact to his life and risked the further erosion of his reputation and the further risk to his personal safety and well being. A true and correct copy of the Wikademia site is attached as Exhibit "17".

225. The defendants' conduct is a continuous unbroken stream of stalking and willful, outrageous publishing of known false and incendiary conduct to bring down the plaintiff in his profession and to expose him to bodily injury, emotional harm and death and to prevent him from restoring his good reputation.

WHEREFORE, plaintiff demands punitive and compensatory damages in excess of $100,000 attorneys' fees and costs.

TENTH CAUSE OF ACTION

Plaintiff v. Defendants

Intentional Interference with Contractual, Actual and Prospective Business Relations

226. Plaintiff incorporates by reference paragraphs 1 through 225 as though set forth at length.

227. Plaintiff in an effort to mitigate some of the horrendous damage wrought upon him, by the non-stop continuous publication of lies about him hired a forensic internet consultant whose job it was to try to restore plaintiff's good name.

228. One of those efforts was to ask Wikipedia, an internet encyclopedia, to see if it would publish a biography of plaintiff highlighting his distinguished career in aviation and aviation litigation, law school teaching and publications. (*See* Exhibit "16").

229. Wikipedia accepted the biography and it appeared on the first page of Google in the hope that jurors, judges, and prospective clients would read that and ignore the false statements made by the defendants.

230. Defendants, through Theodore Frank and Olson, internet stalkers of plaintiff and the followers' collaborations and those they deliberately incited for some perverted reason without any further investigation, determination of the facts and with the intent to harm the plaintiff even more, to destroy his livelihood and impact judges, juries and prospective clients willfully deliberately and outrageously went to Wikademia, published and republished more of their lies, published matters that had nothing to do with plaintiff's qualifications and reputation, all to destroy the plaintiff. (*See* Exhibit "17").

231. The conduct of these defendants continues non-stop and plaintiff has no remedy at all but to keep suing and keep bringing to courts' attention the relentless and unwarranted personal attacks all orchestrated by Frank and Olson and carried out by his co-conspirators, the malcontents of our society who believe liberty applies only to them, human rights apply only to them, the Constitution as they have warped its interpretation only protects

them, and that regulation that would prevent them from further stealing our economy blind should be prevented at all costs.

232. As a result of the willful deliberate non-stop interference with business and professional relations and the intentional infliction of economic harm plaintiff demands punitive damages.

WHEREFORE, plaintiff demands judgment in excess of One Hundred Thousand Dollars ($100,000.00), and Equitable Relief in the form of an injunction preventing the non-stop interference with business and professional relations and for all defendants to divulge the identities of their collaborators, investigators, financers and bloggers.

ELEVENTH CAUSE OF ACTION

Plaintiff v. Defendants

Extortion

233. Plaintiff incorporates by reference paragraphs 1 through 232 as though set forth at length.

234. The defendants are attempting to extort something of value from the plaintiff, his reputation to enhance the visibility and credibility of their websites and to use that destruction as a means to obtain more illegal tax deductible contributions.

235. They are continuing to libel him so they can cause him to sue them, and thus make them appear as victims on the internet and thus enhance and encourage others to contribute to their tort reform causes.

236. The defendants want to publish the sorrow of their plight being sued repeatedly for their libel so their membership can blog more and more hate against the plaintiff.

237. The hatred they wish to incite, as they have done so many times before, is apparent in the resulting unfounded and false charges. (*See* Exhibit "10").

238. As a direct result of this incitement plaintiff must carry a deadly weapon for his own protection, must increase the security around his home and family and must take other steps to insure that defendants and their nut ball disciples don't carry out their implicit threats.

239. Plaintiffs entire lifestyle has been altered by the willful deliberate and intention attempt to extort from him something they will never get, his unwillingness to fight internet bullies to protect his reputation.

240. As a result of the willful, deliberate and outrageous conduct of the defendants plaintiff demands punitive damages.

WHEREFORE, plaintiff demands punitive and compensatory damages in excess of One Hundred Thousand Dollars ($100,000), plus attorneys' fees and costs.

TWELFTH CAUSE OF ACTION

Plaintiff v. All Defendants

Stalking In Violation of 18 CSA § 2709.1

241. Plaintiff incorporates by reference paragraphs 1 through 240 as though set forth at length.

242. The defendants have engaged in a course of conduct without authority which demonstrates an intention to cause substantial emotional and physical distress and harm and to place the plaintiff in fear of bodily injury by communicating on the internet and exhibiting an intent to stalk the plaintiff and his activities.

243. The conduct of the defendants consisted but is not limited to the following:

a. Following plaintiffs activities in his business or profession with the intent to repeatedly hold him up to false light, to destroy his reputation, to deter clients from using his services, to impact negatively judges and juries, to smear his name before his friends and colleagues, to impact the rights of his clients to a fair trial, to destroy his family and to spread such lies that persons refuse to do business or associate with him, or worse will be motivated to do him physical harm.

b. Stalking plaintiff's efforts to undo some of the damage by willfully and deliberately interfering with his efforts to improve his image on Google destroyed by defendants by applying for Wikipedia representation and then deliberately re-publishing their false and defamatory articles about the plaintiff, so as to do yet further damage to plaintiff, thus aggravating the situation.

c. Consistently and regularly stalking plaintiff's efforts to clear his name of the false light into which defendants have placed him by manipulating the internet so that the negative false and defamatory articles, links, tags and SEOs published by the defendants achieve priority over the truth published in behalf of plaintiff.

d. Stalking the plaintiff's activities so as to continue to harass him, cause him economic and emotional harm and require him to bring lawsuits to prevent such harm from continuing.

244. The plaintiff now must carry a gun to protect himself from the nut balls who are incited by these defendants all with the sole intention of causing the lunatic fringe who are devotees of these defendants from doing him bodily harm.

245. The conduct of the defendants is willful, purposeful and with the sole intention of ruining the plaintiff and making his life burdensome.

WHEREFORE, plaintiff demands judgment against these defendants for compensatory and punitive damages in an amount in excess of One Hundred Thousand Dollars ($100,000), exclusive of interest and costs, attorneys' fees.

THIRTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Harassment in Violation of 18 Pa. C.S. § 2709.
Harassment. (2003)

246. Plaintiff incorporates by reference paragraphs 1 through 245 as though set forth at length.

247. These defendants have violated the provisions of 18 Pa. C.S. § 2709 by engaging in systematic harassment of the plaintiff in violation of this criminal statute, which provides *inter alia:*

> (a) OFFENSE DEFINED – A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:
>
> ...
>
> (4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures

248. The conduct of these defendants has been for the sole purpose of communicating lewd, lascivious, threatening and obscene words and language to the plaintiff, to those who would read their blogs and associate them with the plaintiff, which conduct has occurred more than once, and is a continuing pattern of conduct and course of conduct with respect to the plaintiff.

249. None of the conduct of the defendants serves any legitimate purpose, but to cause emotional harm, pain, damage to the plaintiff's business and profession, and with the intent to harass, annoy and alarm the plaintiff.

250. As a result of the willful and deliberate conduct of the defendants, the plaintiff demands punitive damages.

WHEREFORE plaintiff demands compensatory and punitive damages, attorneys' fees and costs in an amount in excess of One Hundred Thousand Dollars ($100,000.00).

FOURTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Continuous and Repeated Intentional Infliction of Economic Harm

251. Plaintiff incorporates by reference paragraphs 1 through 250 as though set forth at length.

252. The defendants' purpose for repeatedly publishing defamatory articles about the plaintiff is to cause him to file lawsuits against them to stop the conduct.

253. Each time they publish false and defamatory material on the internet, they know that they will do more and more harm which requires plaintiff to file another lawsuit.

254. The defendants know that this imposition on the plaintiff results in his having to incur attorneys' fees, costs and expenses, and will interrupt and distract him from his principal duties of representing clients who have been wronged by the defendants' disciples and clients.

255. This conduct by the defendants is purposeful and that is to achieve through internet harassment, stalking and bullying in violation of Pennsylvania criminal statutes what they cannot achieve through any other means and that is the destruction of plaintiff's practice and profession.

256. The conduct of the defendants has required the plaintiff to file three lawsuits thus far which have cost more than $450,000 because defendants want these suits to be filed so they can use them to further their causes, publish their hate evoking articles, obtain tax deductible contributions (temporarily), to obtain rulings to allow them to say anything they

want on the internet about anyone without fact checking, or limits previously imposed by Courts on defamatory publications.

257. As a result of the willful deliberate unjustified and intentional imposition of economic harm on the plaintiff, he demands punitive damages, attorneys' fees and costs of suit.

WHEREFORE, plaintiff demands compensatory and punitive damages, attorneys' fees and costs in an amount in excess of One Hundred Thousand Dollars ($100,000.00).

FIFTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Civil Conspiracy and Concerted Action

258. Plaintiff incorporates by reference paragraphs 1 through 257 as though set forth at length.

259. The conduct of the defendants have been with the knowledge, connivance, acquiescence, encouragement and concerted action of the other all with the specific and deliberate intent to cause harm to the plaintiff either by themselves and their conduct or the conduct they have incited by others.

260. The Reason defendants, the trustees, Overlawyered, Olson and Frank the internet bullies, stalkers and their trustees officers, employees, including but not limited to Sullum, Gillespie and Welch and foundations in conspiracy all have decided to use the plaintiff's life and career as sport for their destructive and reckless activities all willing to sacrifice plaintiff's clients and their interests which they falsely criticized plaintiff for doing, for their own selfish and unlawful conduct.

261. As a direct result of the concerted action and conspiracy among defendants plaintiff has been damaged and his career and his ability to represent clients seriously eroded.

262. Plaintiff demands punitive damages for the defendants willful, deliberate, vexatious, outrageous and totally unwarranted conduct

WHEREFORE, plaintiff demands compensatory and punitive damages, attorneys' fees and costs in an amount in excess of One Hundred Thousand Dollars ($100,000.00).

SIXTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Trustees' Violations of the Defendant Foundations' By-Laws and Charters

263. Plaintiff incorporates by reference paragraphs 1 through 262 as though set forth at length.

264. All non-profit corporations and foundations have by-laws that control the activities and responsibilities of the organizations and the responsibilities of their trustees.

265. Reason has such by-laws and requirements imposed by the States of incorporation, and organization.

266. Plaintiff is an "interested person" as defined by those statutes and bylaws and therefore is entitled to enforce them against the Trustees

267. Reason has continuously and repeatedly acted ultra vires in that none of its charters or by laws allow it to defame or stalk or bully another by the internet or any other means.

268. It is the responsibility and duty under the law for the Trustees to see to it that the obligations of their foundation is met and its employees do not act in a way that would violate their mandates or legal obligations to the public.

269. The Trustees have the obligation but failed to:

a. Insure and be ultimately responsible for the proper performance of delegated duties.

b. Use proper and due care in the performance of their duties.

c. Perform their duties in good faith and make reasonable inquiries when the circumstances indicate that further information is necessary.

d. Be liable for their failure to exercise care in the performance of their duties.

270. The Trustees of Reason have violated their duties and obligations to interested persons, in this case the plaintiff, by deliberately failing to insure that delegated personnel such as Welch, Sullum and Gillespie, were performing their duties in a lawful manner and consistent with the by-laws of the foundations of which they were Trustees.

271. At all times material, the Trustees in violation of their charge allowed their foundation to engage in criminal activity including internet stalking, engage in defamation, engage in character assassination, make false accusation of heinous crimes, republish knowingly false articles, incite bloggers to commit internet stalking, bullying and to publish salacious materials on the internet, violate the terms of their tax exemptions, falsely permit tax deductible contributions when their actual activities were lobbying, tax evasion, and other misdemeanors and felonies.

272. The willful, deliberate and outrageous abdication of their legal responsibility to control, supervise and insure the lawful activities of their employees, officers and co-conspirators after notice has caused plaintiff unspeakable harm and damages.

273. As a result of the willful, deliberate and outrageous conduct of these Trustees the plaintiff demands punitive damages.

WHEREFORE, plaintiff demands compensatory and punitive damages, attorneys' fees and costs of suit in excess of One Hundred Thousand Dollars ($100,000.00).

SEVENTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Interference with Actual and Prospective Business Relations, Intentional Infliction of Economic Harm, Intentional Infliction of Disturbance to Peace and Enjoyment of Life, Intentional Invasion of Privacy

274. Plaintiff incorporates by reference paragraphs 1 through 273 as though set forth at length.

275. Plaintiff is the author of a book for adults and children entitled Recollections of My Puppy, a book about raising a Golden Retriever puppy all the proceeds from which go to animal shelters. An excerpted copy of the book is attached and marked as Exhibit "18".

276. By falsely accusing Plaintiff of heinous crimes the defendants have eliminated any chance of that book being marketed to children, attending book signings at schools or places where children congregate.

277. One of the purposes of the defendants' conduct was to invade plaintiff's privacy, interfere with every aspect of plaintiff's life, impact his charitable activities, and preventing him from interacting with others to promote and sell his book for charity.

278. The goal of the defendants is to destroy plaintiff professionally and personally as well without any justification under the law or any other reason.

279. The defendants' willful, deliberate, unjustified and outrageous invasion of plaintiff's privacy, interference with his entire life, business and charitable goals is completely outrageous entitling plaintiff to punitive damages.

WHEREFORE, plaintiff demands judgment for compensatory and punitive damages in excess of One Hundred Thousand Dollars ($100,000.00), plus attorneys' fees, interest and costs.

EIGHTEENTH CAUSE OF ACTION

Plaintiff v. Defendants

280. Plaintiff incorporates by reference paragraphs 1 through 279 as though set forth at length.

281. The anonymous defendant internet bloggers have each published defamatory statements on the websites of Reason.com all instigated by the foul, defamatory, false light that was published and republished by Reason defendants and instigated by Overlawyered and after notice not stopped by the Trustees who sat back arrogantly, refused to comply with their obligations under the law after notice and by that inaction fostered, inflamed and encouraged the non-stop libel by the defendants.

282. Defendant Internet Blogger TheZeitgeist accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 3, 5-6).

283. Defendant Internet Blogger AAW accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 6).

284. Defendant Internet Blogger Protefeed accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 6).

285. Defendant Internet Blogger Douglas Fletcher accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 6).

286. Defendant Internet Blogger flye accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 6).

287. Defendant Internet Blogger Fun Fact accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 7).

288. Defendant Internet Blogger Warty accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 7).

289. Defendant Internet Blogger The Gobbler accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 7).

290. Defendant Internet Blogger John accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 4).

291. Defendant Internet Blogger /b/ accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 3).

292. Defendant Internet Blogger Mr. Weebles accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 13).

293. Defendant Internet Blogger planodoc accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 11-12).

294. Defendant Internet Blogger Latter Day Taint accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 2-3).

295. Defendant Internet Blogger waffles accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 2, 4).

296. Defendant Internet Blogger troy accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 3, 4, 10, 11, 12).

297. Defendant Internet Blogger Mr Whipple accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 3, 12).

298. Defendant Internet Blogger Spencer Smith accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at pp. 3-4).

299. Defendant Internet Blogger Shari Lewis accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 4).

300. Defendant Internet Blogger hmm accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 5).

301. Defendant Internet Blogger Not Arthur Wolk accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 8).

302. Defendant Internet Blogger Barely Suppressed Rage accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 9).

303. Defendant Internet Blogger Amakudari accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 9).

304. Defendant Internet Blogger grylliade accused plaintiff of heinous crimes, which accusations were false and defendant knew it. (*See* Exhibit "10" at p. 10).

305. Defendant Wikipedia User Boo the Puppy made the following statement:

> This article reads like a press release. If you Google Arthur Wolk, the top links are about his unsuccessful libel lawsuits; he has sued over thirty different people or organizations for libel, and has never won a libel case in court. I looked up the Wolk article after reading about his threat to sue Reason for writing about his libel lawsuits, and found that the article was nothing but advertising. Two editors (one of whom who has said he is drafting this article on Wolk's behalf) keep deleting my attempt to add well-sourced discussion of his libel lawsuits, which are notable and have received press coverage in multiple sources. They argue that I cite to primary sources (though I cite to secondary sources, too), but the article is full of primary sources and mentions of cases that don't have any secondary sources. I have classes and work and my edits get deleted as soon as I make them by editors who have all day to spend on Wikipedia, so I will drop the issue, but it seems unfair that someone can use Wikipedia to advertise like that. (Note: Boo is a single-purpose account because I don't want Arthur Wolk to sue me for my regular account and Wolk threatens to sue anyone who writes about him.[2] I got accused of a conflict of interest, but the other editor who has done nothing but write

about Wolk on Wolk's behalf hasn't. I'll stop using this account.) Boo the puppy (talk) 12:34, 4 November 2010 (UTC)

This was false and defendant knew it.

306. Every posting by anonymous bloggers was encouraged, fostered or committed by these defendants or agents for them.

307. As a result of the libel committed against plaintiff accusing him of heinous crimes and unprofessional conduct, all false plaintiff demands punitive damages.

WHEREFORE, plaintiff demands judgment for compensatory and punitive damages in excess of One Hundred Thousand Dollars ($100,000.00), plus attorneys' fees, interest and costs.

NINETEENTH CAUSE OF ACTION

Plaintiff v. Defendants

Theft

308. Plaintiff incorporates by reference all preceding and subsequent paragraphs as though set forth at length.

309. Plaintiff built his life and profession on the principles of honesty, integrity and fairness to his clients.

310. Plaintiff has rightfully obtained the respect of his colleagues, hundreds of judges around the country and jurors during the trials of his cases.

311. Plaintiff has never sold out a client, engaged in criminal behavior of any kind, and has deservedly assumed a respected role in his community.

312. Plaintiff profession and practice have a significant value to him built of decades of service and success for his clients.

313. The defendants have conspired in the name of their perverted sense of non-existent Constitutional protection for libel, and furtherance of their bizarre reactionary political goals to steal the plaintiff's life and profession from him, to erase him personally and professionally.

314. The willful deliberate unjustifiable and outrageous theft of plaintiff's profession and place in the community hard earned over years is without foundation in law.

315. As a sole consequence of the defendants conduct all in concert and in conspiracy with each other plaintiff prays for punitive damages.

WHEREFORE, plaintiff demands judgment against all defendants in an amount in excess of One Hundred Thousand Dollars ($100,000), exclusive of interest and costs.

TWENTIETH CAUSE OF ACTION

Plaintiff v. Defendants

Misuse of Process, Use of Process and Legal Proceedings for Unlawful Purposes, Hindrance of Legal Proceedings for Improper Purpose, Internet Stalking and Bullying, and Obstruction of Justice

316. Plaintiff incorporates by reference paragraphs 1 through 315 as though set forth at length.

317. Plaintiff filed an Equity Action in the Court of Common Pleas of Philadelphia County, a copy of which is attached and marked Exhibit "19".

318. The Reason defendants and their lawyers, Levine, Sullivan, Koch & Schultz, LLP through Gayle Sproul, knowing that there was absolutely no federal jurisdiction, removed the case to the Federal Court, indeed to the very same judge who, abandoning forty years of unwavering libel law in Pennsylvania, had dismissed plaintiff's case based on the

fraud committed on her by Overlawyered and their lawyers, White and Williams and Michael Onufrak.

319. Defendants knew that the federal judge would not act on plaintiff's Motion to Remand, and knew that by delaying the process they would deprive the plaintiff his rights guaranteed by the Pennsylvania Constitution to have his case heard in a court where there was unquestionably jurisdiction.

320. The defendants, through their lawyers, Levine, Sullivan, Koch & Schultz, LLP and Gayle Sproul, perjured defendant Thomas E. Beach to claim he was a Florida resident when, in fact, plaintiff established at great expense that the Florida residence was just a tax dodge, thus there was not even a hint of colorable claim of federal jurisdiction.

321. This total abuse of the legal system was in violation of the Rules of Professional Responsibility, and worse in violation of plaintiff's rights under the Pennsylvania Constitution.

322. The entire charade was for the sole purpose of depriving the plaintiff of Equitable relief from the continuing conduct of the defendants with the aim of allowing a wider dissemination of the accusations of heinous crimes against the plaintiff, which they knew were false.

323. This total and absolute abdication of their professional responsibility, together with their misuse of the process for purposes of achieving a goal that is not cognizable under the law, delay and thwarting immediate equitable relief has caused, aggravated and exaggerated the harm to the plaintiff, and will further damage him by allowing the libelous charges to remain on the internet when and while plaintiff tries cases for his clients.

324. Each of the defendants conspired and participated in this fraud on the Court.

325. The damage to the plaintiff was willful, deliberate, entirely unjustified under the law, and has and will cause multiplicity of damages, and will require multiplicity of suits to get relief, all at great expense to plaintiff.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory and punitive damages in an amount in excess of $100,000, plus attorney fees and costs.

TWENTY-FIRST CAUSE OF ACTION

Plaintiff v. Defendants

Subornation of Perjury, False Swearing, and Abuse of Process

326. Plaintiff incorporates by reference paragraphs 1 through 325 as though set forth at length.

327. These defendants falsely and fraudulently removed plaintiff's Equity lawsuit from the Court of Common Pleas of Philadelphia to the United States District Court claiming *inter alia* that the Pennsylvania defendant was not really a resident of Pennsylvania, but rather Florida.

328. Investigation revealed that the certification and brief these defendants filed in that Court was false. For example, these defendants stated: "The plaintiff has incorrectly alleged that I am a citizen of Pennsylvania. I am not. I am a citizen of Florida. I own a home and am registered to vote in Florida." In fact, Beach owns business and residential real estate in Pennsylvania, conducts business here, is an "in-state" member of the Merion Country Club in Pennsylvania, and voted in both the 2010 primary and general elections by way of absentee ballot in Florida elections from Pennsylvania addresses; indeed, he and his wife have never once voted in person in Florida.

329. The sole purpose of the false removal petition was to abuse and misuse the legal system to delay and hinder the plaintiff from getting injunctive relief for the postings on the internet that were false, held plaintiff up to false light, and accused him falsely of the commission of heinous crimes that they knew or had good reason to know he was totally innocent.

330. These defendants went further to promote and encourage amicus Volokh to publish on the internet the very heinous and false accusations once again such that plaintiff then became utterly powerless to remove them.

331. These defendants knew that the court to which she improperly removed the Equity action would not timely act on remand, would not act at all, would not make any effort to afford any relief and by sitting on the Motion to Remand plaintiff would be without a remedy to correct the wrongs committed against him.

332. This conduct by these defendants was not for any recognized legal rights, or for any recognized legal purpose but only to hinder and delay the plaintiff from getting off the internet false accusations which by their time on the internet would one day be virtually impossible to remove.

333. The conduct of these defendants was in violation of lawyers' professional responsibilities, was reckless wanton, intentional and all done for no legal purpose but rather to enhance and enlarge the harm which these defendants directed to plaintiff.

334. As a result of the willful deliberate and fraudulent conduct as well as the subornation of a perjurious affidavit plaintiff has suffered unspeakable damages, incurred legal and investigation fees to demonstrate the falsity of the affidavit and has continued to suffer the appearance on the internet of false allegations.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory and punitive an amount in excess of One Hundred Thousand Dollars ($100,000), plus attorneys fees and costs.

TWENTY-SECOND CAUSE OF ACTION

Plaintiff v. Defendants

Jury Tampering and Nullification
42 Pa. C.S.A. § 4583

335. Plaintiff incorporates by reference paragraphs 1 through 334 as though set forth at length.

336. The defendants have engaged in the crime of jury tampering by attempting to influence juries in cases involving the plaintiff by means outside of evidence and legal argument.

337. The conduct of the defendants, knowing that jurors and judges use the internet to look up the lawyers and parties in cases, are corrupting the internet with lies about the plaintiff, holding him up to false light and humiliation for the sole purpose of influencing the outcome of trials for plaintiff's clients without using evidence or legal argument.

338. The defendants also attempt to nullify the jury, and thus deprive the plaintiff and his clients their right to a jury trial.

339. The criminal conduct complained of has and will cost the plaintiff the opportunity to effectively litigate his cases or increase the cost hideously to accomplish a successful result, all for the unlawful purpose of fixing the cases and thus advancing their bizarre right wing agenda.

340. The conduct of the defendants in failing to remove blogs that they already have ample evidence are false is to further this unlawful enterprise.

341. The defendants have conspired to accomplish this and further undermine the institutions of our Republic.

342. The defendants have also flooded the internet with false and incendiary briefs filed in trial and appellate courts, done for the sole purpose not of winning a legal argument because the briefs are demonstrably false, but also to add to the volumes of false information they have already published in an effort to further discredit the plaintiff before prospective clients, actual clients, courts and jurors.

343. The conduct of the defendants individually and in conspiracy with the others has been willful, deliberate, unjustified and outrageous.

344. Plaintiff demands punitive damages for the defendants' conduct.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory and punitive damages in an amount in excess of $100,000, plus attorney fees and costs.

TWENTY-THIRD CAUSE OF ACTION

Plaintiff v. Defendants

Deprivation of Plaintiff's Rights Guaranteed Under the Pennsylvania Constitution Under Article 1, Section 11

345. Plaintiff incorporates by reference paragraphs 1 through 344 as though set forth at length.

346. All of the defendants conspired or through concerted action achieved a deprivation of the due process guaranteed under the Pennsylvania Constitution to litigate his case and live free from threats and intimidation.

347. The entire purpose of the defendants' conduct is to deprive the plaintiff of his living, separate him from his hard earned reputation and then hold him up to ridicule while

interfering with his guaranteed legal right to bring an action for defamation in the court of his choice with unquestionable jurisdiction to hear his claims to hold those responsible for harming him and taking his property.

348. The willful deliberate and unjustified interference with plaintiff's State Constitutional rights entitles plaintiff to punitive damages.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory and

punitive damages in an amount in excess of $100,000, plus attorney fees and costs.

TWENTY-FOURTH CAUSE OF ACTION

Plaintiff vs. Defendants

Breach of Contract of Settlement

349. Plaintiff incorporates by reference paragraphs 1 through 348 as though set forth at length.

350. On or about June 22, 2011, the parties met with the Honorable John Padova, Judge of the United States District Court for the Eastern District of Pennsylvania, for purposes of discussing settlement.

351. At that meeting, where each lawyer had full authority from his clients to agree to settlement terms, the following agreement was reached:

a. The Reason defendants agreed to remove all blogs about Wolk and to publish the joint statement of Wolk and Overlawyered.

352. Virtually as soon as these agreements were reached with the imprimatur of Judge Padova, the defendants reneged on everything, breaching the contract of settlement.

353. As a direct consequence of the breach of contract of settlement, plaintiff was further harmed because the libel remained on the internet and he incurred $100,000 in additional attorney's fees to continue litigating his case.

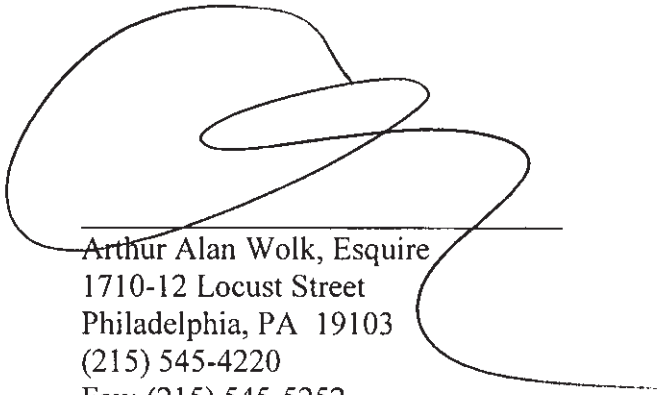
WHEREFORE, plaintiff demands judgment against all defendants in an amount in excess of $100,000, plus attorney fees and costs.

Dated this July 28, 2011

Arthur Alan Wolk, Esquire
1710-12 Locust Street
Philadelphia, PA 19103
(215) 545-4220
Fax: (215) 545-5252
airlaw@airlaw.com
Attorney Pro Se

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.



Arthur Alan Wolk, Esquire
1710-12 Locust Street
Philadelphia, PA 19103
(215) 545-4220
Fax: (215) 545-5252
airlaw@airlaw.com
Attorney Pro Se

Exhibit "1"

Arthur Alan Wolk v. Teledyne Industries, Inc.

by Ted Frank on April 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

Related posts

- Youtube lawsuit of the week: A&P vs. rappers (3)
- You mean it was trillions? (1)
- Wrongs without remedies dept. (1)
- Worst places to get sued, cont'd (0)
- Worst new idea of the day (8)

Tagged as: libel slander and defamation

Exhibit "2"

From: Arthur Alan Wolk
Sent: Thursday, April 09, 2009 9:29 PM
To: tedfrank@gmail.com
Cc: Paul Rosen; Walter DeForest; Cheryl DeLisle; Bradley J. Stoll
Subject: Your false and disparaging statements on the website Overlawyered.com

Mr. Frank:

I have just seen the false and disparaging statements made about on your web site or better said the web said managed, supervised and promoted by those who would deny consumers all rights to sue companies that manufacture defective products, the American Enterprise Institute, a web site run by and for defense lawyers and manufacturers and which by your lead at least made absolutely no effort to investigate the facts.

You don't mention the fact that for example you worked for at least two defense firms against which I have been extremely successful thus your pique over me appears to be related more to my beating your clients backsides than any umbrage over some undefined legal transgression. Absent from your bio is any description of any success anywhere on any subject and with any law firm of substance so it therefore must be easy for you to tear down someone who has a had a forty year success record against the likes of you. Absent from your tirade is my forty years of success and my hundreds and hundreds of cases with not a critical word by a lawyer or a judge.

But more important to me is your false commentary on the Taylor case and your outright libelous statements that make me look like I sold out my clients in that case for a retraction of a false discovery order. Had you investigated the facts you would have seen that it was my firm that made complete discovery and the defense none. In fact it was because the court looked so foolish with nothing to back up her vitriol that she vacated that order and for no other reason.

I have never sold out my clients ever and never will but I will fight to protect my name against people like you who hide behind some phony title like "scholar" bestowed upon yourself. What did the Taylor case settle for? Who were the heirs and what were their damages? What was the liability defense and what were the facts against Teledyne. How many plaintiffs' death verdicts had ever been allowed out of that judge's courtroom? What were the damages recoverable under Georgia law? What considerations as to liability and damages did I make before recommending settlement. What potential for proofs of contributory conduct or even sole causation by immune persons such as the pilots' employer were there as in bad maintenance? What steps did I take to ensure that the settlement was fair and reasonable and like other settlements or even better for similar circumstances in Georgia? Did I contact other Georgia lawyers for their views?

The 11th circuit affirmed the trial court's decision not to hold be in contempt, not to award counsel fees, and not to reinstate the false discovery order. That affirmance had nothing to do with the underlying Taylor case at all so you even got that wrong.

Kindly provide full and complete answers to these questions in writing within twenty-four hours and yes I will sue you for defamation. I know you never contacted me to get answers to these questions so let's learn whom you spoke to.

I will check to see if your late firms represented Teledyne in anything. I know Kirtland and Ellis represented Pratt and Whitney unsuccessfully against me at least once and maybe more. I am attempting to see if you were involved in that debacle.

You see Mr. Frank, if you are going to libel someone you need to understand the facts first and the law and also understand the person you are libeling. This was a big mistake.

By copy of this e-mail I am requesting my counsel, Paul Rosen to immediately institute a lawsuit against you and your organization. When we learn who your contributors are we will sue each and every one of them against whom I have had cases or who motivated you to continue the defense generated effort to damage my reputation.
Also by copy of this e-mail I am requesting counsel for Teledyne to set you straight because if I find they had anything to do with these lies I'll sue them too.
I demand that you immediately remove this and every other article about me from your website. What you wrote is false, shows a complete disregard for the facts and malice, an intent to harm me when you couldn't beat me in court and an effort to destroy the perception of potential clients who would read this and fail to hire me. You have accused me of unethical conduct, fraud and the commission of a crime none of which is true. This is clearly the reason I have found it extremely difficult to gain new business. You will soon find the same.

Arthur Alan Wolk

Exhibit "3"

John Kevin Griffin, P.A.
647 N 2nd Street, Fort Pierce, FL 34950

P.O. Box 4450
Fort Pierce, FL 34948-4450
Office: (772) 468-2525
(888) 693-5203 FAX
Email:griffinlaw@gmail.com

Civil litigation State & Federal Court

John Kevin Griffin * Florida Bar 1990
Veteran United States Marine Corps

August 18, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 00000000000000

Re: Defamation

Dear Mr. Onufrak:

I was just sent the article that your clients published about my client's settlement implying that her interest was compromised in order for Arthur Wolk to get a discovery order vacated. *(Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1 :00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated).*

I was asked by Mr. Wolk to send you a letter so you could inform your clients of the continuing falsity of this statement in their article, which I understand still appears on the internet. That statement is entirely false. My name and contact information can be found on the case docket but your clients didn't attempt to contact me although they could have easily reached me for a comment or verification before publishing this false statement.

There was no selling out or compromising the interests of my client or the Taylors, and any contrary suggestion is not true. To suggest that Mr. Wolk did so is to suggest that I let it happen. I would urge your clients to be very careful about publishing such a false accusation by implication against me and directly against Mr Wolk.

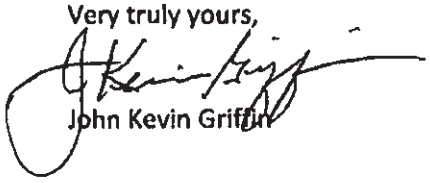
I represented Ann Mauvais in the case of *Taylor, et al vs. Teledyne, et al.* My law firm in Pensacola, Florida was the original firm representing her. The firm of Wolk and Genter assumed the representation of Ms. Mauvais during the *Taylor* proceedings, which I monitored. The discovery in the case was handled by Philip Ford and Catherine Slavin, not Mr. Wolk. I was aware of the discovery order critical of Mr. Wolk individually by name.

Settlement negotiations in the case were handled for us by Richard Genter, not Arthur Wolk, and since the defendants' recommended a settlement figure that was too low Richard Genter rejected it for us and pushed for and obtained a settlement figure hundreds of thousands of dollars more than the settlement number originally recommended. My client was totally satisfied with the settlement figure obtained by Richard Genter and the overall pursuit of her claim against Teledyne et al.

There was a delay in receiving the settlement funds because Teledyne delayed in furnishing us a proposed release for signature. In the mean time Mr. Wolk contacted us and requested a few days to address vacating the discovery order identifying him individually. I conferred with my client and she agreed to the brief extension of time. So the point I'm conveying to you is the very satisfactory settlement figure obtained by Richard Genter for my client had already been agreed upon and the delay in receiving the actual funds was the result of a delay in receiving the proposed release from the Teledyne defendants.

In the interim, between the negotiated settlement where the settlement figure had already been reached and the time for receiving the proposed release from Teledyne for review and signature, the Court agreed to vacate its discovery order. There was never consideration given or a quid pro quo, as implied in your clients' article, offered for vacating the order. Had your clients contacted me before publishing I would have told them what I am telling you, I would not have allowed such a thing to occur as they have stated and implied in the article. I would have warned them not to publish it because it was false.

Very truly yours,



John Kevin Griffin

cc: Arthur Wolk

Exhibit "4"

JASON T. SCHNEIDER, P.C.
ATTORNEY AT LAW

6111 PEACHTREE DUNWOODY ROAD
BUILDING D
ATLANTA, GEORGIA 30328

www.jasonschneiderpc.com

(770)394-0047
FAX (678)623-5271
jason@jasonschneiderpc.com

August 10, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103

Dear Mr. Onufrak:

My name is Jason Schneider. I am an attorney in Atlanta, Georgia. I acted as local counsel for the law firm of Wolk and Genter in the case of Taylor vs. Teledyne.

Arthur Wolk sent me your clients' article claiming that the Taylor clients' claims were compromised so Mr. Wolk could get a critical discovery order vacated. That article and its implications are entirely false.

I attended the mediation along with Richard Genter. Mr. Wolk was not present or consulted by phone during the mediation. Nor was he involved in discovery in that case to my knowledge except for a conference call with the court regarding a discovery dispute between the parties.

A settlement was reached and concluded with a release and the clients never indicated to me they were dissatisfied with the outcome. It was only after the settlement had been agreed to, that Mr. Wolk asked for a one week delay to ask the court to vacate the order. There is no question in my mind that the settlements reached were completely separate from any request to vacate the discovery order. The settlements reached were also well in excess of any sums offered at the mediation. Therefore, to say "it appears" that the clients' interests were somehow compromised to get the discovery order vacated is wrong.

Arthur asked me to write this letter to put you and your clients on notice that what they said is false and it continues to be false on the Overlawyered website. What your clients' article means is I allowed this to happen, and I can assure you and your clients that they are wrong.

My name was on that docket and all they had to do was call me and I could have dispelled their notion before it ever made it to print. They, to this day, have never contacted me to get the facts straight.

Very truly yours,

Jason T. Schneider

cc: Arthur Alan Wolk

Exhibit "5"

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	CIVIL ACTION
v.	:	
WALTER K. OLSON, et al	:	NO. 09-4001

MEMORANDUM

McLaughlin, J. August 2, 2010

The issue before the Court is whether the Pennsylvania Supreme Court would apply the discovery rule to toll the statute of limitations in a mass-media defamation case. The Court holds that it would not.

Arthur Alan Wolk, a well-known aviation attorney, has sued Overlawyered.com for defamation, false light, and intentional interference with prospective contractual relations arising out of an article published on that website. The plaintiff also names as defendants Walter K. Olson, Theodore H. Frank, David M. Nierporent, and The Overlawyered Group.

The defendants move to dismiss the complaint on the ground that the case was not brought within the statute of limitations and the complaint fails to state a claim. The Court will grant the defendant's motion to dismiss on statute of limitations grounds.

I. The Complaint

The plaintiff is perhaps the most prominent aviation attorney in the country. Compl. ¶ 13. Overlawyered.com is a public website that attracts more than 9,000 unique daily visitors, including tens of thousands of lawyers and other professionals. Compl. ¶¶ 22-24, 39.

In 2002, the court in Taylor v. Teledyne Tech., Inc., issued a discovery order critical of the plaintiff's conduct, but the plaintiff was not personally involved in any of the asserted conduct. Compl. ¶ 30. The trial judge subsequently vacated the order and sealed it from publication. Compl. ¶ 31. Thereafter, the parties settled the case. Compl. ¶ 32.

On April 8, 2007, Mr. Frank wrote an article (the "Frank Article") for Overlawyered.com, and Mr. Olson and Mr. Nierporent edited it. Compl. ¶ 37. The article commented on the chain of events leading to settlement in the Taylor case:

> Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? [I]f, as seems to be the case, the N.D. Ga. failed to [disclose a potential conflict of interest], one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements.

Compl. ¶ 38.

In April 2009, the plaintiff discovered the Frank Article. Compl. ¶ 47. He immediately contacted Mr. Frank and demanded that all articles relating to the plaintiff be removed

from Overlawyered.com. Compl. ¶ 48. The defendants refused to retract the Frank Article, which remained accessible on the website at the time the plaintiff filed his complaint. Compl. ¶ 49.

II. Analysis

The plaintiff commenced this suit on May 12, 2009, by filing a praecipe for a writ of summons in the Court of Common Pleas. After removing the case to federal court, the defendant moved for dismissal under Rule 12(b)(6). Under this rule, a court may dismiss an action if the complaint shows facial noncompliance with the statute of limitations. Oshiver v. Levin, Fishbein, Sedran & Berman, 38 F.3d 1380, 1385 n.1 (3d Cir. 1994); see also Jones v. Bock, 549 U.S. 199, 215 (2007).

Pennsylvania's one-year statute of limitations for defamation applies to all three claims.[1] See 42 Pa. Cons. Stat. Ann. § 5523(a) (2010); Menichini v. Grant, 995 F.2d 1224, 1228 n.2 (3d Cir. 1993). The statute began to run from the time of publication. See Dominiak v. Nat'l Enquirer, 266 A.2d 626, 629-30 (Pa. 1970). Mr. Frank published the article on April 8, 2007,

[1] Because the plaintiff's claim for intentional interference with a potential contractual relationship arises from his defamation claim, the one-year statute of limitations applies to the contract claim, even though it would otherwise be subject to a two-year limitations period. Evans v. Philadelphia Newspaper, Inc., 601 A.2d 330, 333-34 (Pa. Super. Ct. 1991) ("[T]he one year statute of limitation for defamation cannot be circumvented by cloaking such a cause of action in other legal raiment.").

with the result that the limitations window closed on April 8, 2008. The plaintiff's action, therefore, was time-barred when he commenced it on May 12, 2009, unless some tolling principle had tolled the statute.

The discovery rule represents a potential tolling principle. It accounts for a plaintiff's "inability . . . despite the exercise of reasonable diligence, to know that he is injured and by what cause." Fine v. Checcio, 870 A.2d 850, 858 (Pa. 2005). The plaintiff claims that the discovery rule should apply to toll the statute of limitations here,[2] but the defendants argue that the rule does not apply to mass-media defamation.

The plaintiff relies on two Pennsylvania Supreme Court cases to support his position. The plaintiff reads these cases too broadly, however. He first cites Fine v. Checcio, in which the Pennsylvania Supreme Court stated that "the discovery rule applies to toll the statute of limitations in any case where a party neither knows nor reasonably should have known of his injury and its cause at the time his right to institute suit arises." 870 A.2d at 859. Although the plaintiff takes from

[2] The plaintiff also asserts that fraudulent concealment tolled the statute. If a defendant causes a plaintiff to relax his vigilance or deviate from a typical standard of inquiry, the doctrine of fraudulent concealment tolls the statute of limitations. Fine, 870 A.2d at 860. The doctrine does not apply here. The plaintiff alleged no facts that would demonstrate that the defendant actively or passively misled the plaintiff or hid from him the existence of the Frank Article.

this that the discovery rule should apply to "any case," the court went on to clarify that the purpose of the rule is to address "an injury that is not immediately ascertainable." Id. at 860.

The plaintiff also cites Wilson v. El-Daief, in which the Pennsylvania Supreme Court held that the discovery rule is a tool of statutory interpretation that determines when a cause of action accrues. 964 A.2d 354, 363 (Pa. 2009). Because the statute of limitations begins to run "from the time the cause of action accrued," the plaintiff infers from Wilson that the discovery rule must be applied in all cases to determine when accrual occurs and the statute begins to run. 42 Pa. Cons. Stat. Ann. § 5502(a) (2010). The decision, however, described a more limited application: "to toll the running of the statute of limitations for latent injuries, or injuries of unknown etiology . . . ." Wilson, 964 A.2d at 356.

Elsewhere, the Pennsylvania Supreme Court has stated that the discovery rule should be employed only for "worthy cases"; it "cannot be applied so loosely as to nullify the purpose for which a statute of limitations exists."[3] Dalrymple

[3] Indeed, the discovery rule is a narrow exception to an otherwise strict limitations standard. For example, Pennsylvania does not toll the statute of limitations for a plaintiff who fails to discover a cause of action due to incarceration or insanity. 42 Pa. Cons. Stat. Ann. § 5533(a) (2010). Likewise, ignorance, mistake or misunderstanding will not toll the statute, even though a plaintiff may not discover an injury until it is too late. See Pocono Int'l Raceway, Inc., v. Pocono Produce, Inc., 468 A.2d 468, 471 (Pa. 1983).

v. Brown, 701 A.2d 164, 167 (Pa. 1997). Taken in their totality, Fine and Wilson agree that not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries.

Consequently, the discovery rule would appear to be inapplicable in this case. If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers.

Moreover, applying the discovery rule here would undermine the purpose of the statute of limitations. If a plaintiff may bring a person into court after a limitations period has expired simply by invoking the discovery rule, and if a court is bound from dismissing the claim no matter how public or ancient the injury may be, then the discovery rule will have nullified the stability and security that the statute of limitations aims to protect. See Schumucker v. Naugle, 231 A.2d 121, 123 (Pa. 1967).

Three other judges from this Court have concluded that the discovery rule does not apply to mass-media defamation. Bradford v. Am. Media Operations, Inc., 882 F. Supp. 1508, 1519 (E.D. Pa. 1995) (holding that the discovery rule could not apply to defamation in the widely distributed Star newspaper); Barrett

v. Catacombs Press, 64 F. Supp. 2d 440, 446 (E.D. Pa. 1999) ("[T]he discovery rule should not be applied where . . . a defendant's alleged defamation was not done in a manner meant to conceal the subject matter of the defamation."); Drozdowski v. Callahan, No. 07-cv-01233-JF, 2008 WL 375110, at *1 (E.D. Pa. Feb. 12, 2008) (declining to apply the discovery rule to defamation published in a book); see also Smith v. IMG Worldwide, Inc., 437 F. Supp. 2d 297, 306 (E.D. Pa. 2006) (distinguishing defamation in a private conversation).

Many other courts have also declined to apply the discovery rule to mass-media defamation. See, e.g., Schweihs v. Burdick, 96 F.3d 917, 920-21 (7th Cir. 1996) (adopting a "mass-media exception" to the discovery rule, explaining that the rule only applies to defamation "in situations where the defamatory material is published in a manner likely to be concealed from the plaintiff, such as credit reports or confidential memoranda"); Rinsley v. Brandt, 446 F. Supp. 850, 852-53 (D. Kan. 1977) ("We would not apply the discovery rule where the defamation is made a matter of public knowledge through such agencies as newspapers or television broadcasts."); Shively v. Bozanich, 80 P.3d 676, 688-89 (Ca. 2003) ("[A]pplication of the discovery rule to statements contained in books and newspapers would undermine the single-publication rule and reinstate the indefinite tolling of the statute of limitations . . . ."); Mullin v. Washington Free Weekly, Inc., 785 A.2d 296, 299 (D.C. 2001) ("[E]very other court

squarely faced with this issue [rejected] application of the discovery rule in mass media defamation claims. We follow these precedents and do likewise here." (citations omitted)); Flynn v. Assoc'd Press, 519 N.E.2d 1304, 1307 (Ma. 1988) ("The discovery rule does not apply to a public libel printed in a newspaper widely available to the public, including the plaintiff."); Clark v. AiResearch Mfg. Co. of Ariz. Inc., 673 P.2d 984, 986-87 (Az. 1983) ("We believe the rule of discovery should be applied in those situations in which the defamation is published in a manner in which it is peculiarly likely to be concealed from the plaintiff . . . ."); Tom Olesker's Exciting World of Fashion, Inc. v. Dun & Bradstreet, Inc., 334 N.E.2d 160, 164 (Il. 1975) (distinguishing defamation in a credit report from defamation in magazines, books, newspapers, and radio and television programs).

The Court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a defamatory statement contained in a book or newspaper or other mass medium. I reach the same conclusion as my colleagues in the Eastern District of Pennsylvania and other jurisdictions: as a matter of law, the discovery rule does not apply to toll the statute of limitations for mass-media defamation.

An appropriate Order will be issued separately.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	CIVIL ACTION
v.	:	
WALTER K. OLSON, et al.	:	NO. 09-4001

ORDER

AND NOW, this 2nd day of August, 2010, upon consideration of the Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) (Docket No. 5), the plaintiff's opposition, the defendants' reply thereto, the Supplemental Brief in Support of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6), the Plaintiff's Sur-Reply in Opposition to the Motion to Dismiss Pursuant to Rule 12(b)(6) of Defendants, and after oral arguments held on June 24, 2010, IT IS HEREBY ORDERED that, for the reasons stated in a Memorandum of today's date, the defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that the defendants' Motion for a Protective Order to Stay Discovery Pursuant to Rule 26(c) (Docket No. 7) is DENIED as moot.

This case is closed.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.

Exhibit "6"

PointofLaw.com
Information and opinion on the U.S. litigation system

FORUM

August 6, 2010

Arthur Alan Wolk v. Olson (E. D. Pa. Aug. 2, 2010)

Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a post about the attorney's unsuccessful libel lawsuit, so he sued the blogger. And the blogger's innocent co-bloggers. Except the post was made in 2007, the lawsuit was filed in 2009, and the Pennsylvania statute of limitations is one year. It should be fairly obvious that the statute of limitations starts to run when a blog post is first published to the Internet, but the plaintiff argued that the statute shouldn't start to run until the plaintiff reads (or, *de facto*, claims to have read) the blog post, which, of course, would destroy the statute of limitations for bloggers. No dice. One wishes the Eastern District of Pennsylvania decision in *Arthur Alan Wolk v. Olson* had also addressed the obvious First Amendment issues, but a good result is a good result, and bloggers everywhere should rejoice that courts continue to refuse to create double-standards. Congratulations to White & Williams, the defendants, and bloggers everywhere. (Shannon Duffy, "Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge", Legal Intelligencer, Aug. 6; White & Williams press release, Aug. 5; Simple Justice blog).

Update, 5:05 PM August 6: Extensive must-read analysis by Jacob Sullum at Reason; further commentary and coverage at Popehat; DBKP; Instapundit; and Phil. Bus. J..

POSTED BY TED FRANK AT 8:53 AM | TRACKBACK (0)
Tags: blogs , First Amendment , libel , Pennsylvania , statute of limitations , watch what you say about lawyers

Exhibit "7"

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	**NO. 2:09-CV-4001**
Plaintiff	:	**CIVIL ACTION**
vs.		
	:	**JURY TRIAL DEMANDED**
WALTER K. OLSON, ESQUIRE		
THEODORE H. FRANK, ESQUIRE	:	
DAVID M. NIEPORENT, ESQUIRE		
THE OVERLAWYERED GROUP	:	
And OVERLAWYERED.COM		
	:	
Defendants		

ORDER

AND NOW, on this _____ day of _____, 2010, upon consideration of Plaintiff's Motion for Relief from the Court's August 2, 2010 Order pursuant to Rules 60(b)(2), (3), and (6) of the Federal Rules of Civil Procedure, it is hereby **ORDERED** that Plaintiff's Motion is **GRANTED**;

IT IS FURTHER ORDERED that the Court's August 2, 2010 Order dismissing Plaintiff's Complain is hereby vacated and Plaintiff is granted leave to file an Amended Complaint as requested in Plaintiff's Motion.

BY THE COURT:

_____
Hon. Mary A. McLaughlin, U.S.D.J.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	**NO. 2:09-CV-4001**
Plaintiff	:	**CIVIL ACTION**
vs.		
	:	**JURY TRIAL DEMANDED**
WALTER K. OLSON, ESQUIRE		
THEODORE H. FRANK, ESQUIRE	:	
DAVID M. NIEPORENT, ESQUIRE		
THE OVERLAWYERED GROUP	:	
And OVERLAWYERED.COM		
	:	
Defendants		

PLAINTIFF'S MOTION FOR RELIEF FROM THE AUGUST 2, 2010 ORDER PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 60(b)(2),(3) AND (6).

Plaintiff, Arthur Alan Wolk, Esquire ("Plaintiff" or "Wolk") respectfully moves this Honorable Court for Relief from the Court's August 2, 2010 Order pursuant to Rules 60(b)(2), (3), and (6) of the Federal Rules of Civil Procedure. The order in question dismissed Plaintiff's defamation lawsuit against Defendants under Federal Rule of Civil Procedure 12(b)(6) upon determining that the case was barred by Pennsylvania' one year statute of limitations governing causes of action for defamation. See 42 Pa.C.S.A. § 5523(1).

This motion for relief from the August 2, 2010 order arises from Plaintiff's recent discovery that the April 8, 2007 defamatory blog in question had been altered, and thereafter republished by defendants on May 13, 2008. Such republication constitutes separate instances of defamation which are independently actionable under Pennsylvania law, even where the original publication is barred and was made by the same defendants. Graham v. Today's Spirit, 468 A.2d 454, 458 (Pa. 1983); See also, Sundance Image Technology, Inc. v. Cone Editions Press, Ltd., No. 02 CV 2258 JM(AJB), 2007 WL 935703 (S.D.Cal. Mar. 7, 2007)(alteration of internet website header constitutes republication for purposes of defamation).

After this Honorable Court entered the August 2, 2010 order, Plaintiff filed a complaint in equity against the defendants and others seeking an injunction compelling the equity defendants to remove all defamatory postings concerning Plaintiff from their internet websites. In connection with the equity lawsuit, Plaintiff hired a forensic internet investigator to evaluate and determine the measures that would be necessary for the equity defendants to cleanse their websites of the defamation. The results of the forensic analysis were stunning and show that Defendants not only maliciously altered the internet *searchability* of the defamatory blog so extensively to thrust it into the forefront of cyberspace immediately after the one year statute of limitations ran, but they deleted the original web page and created a new web page containing the Frank Blog on May 13, 2008. (See Ex. A, Dec. of DeGraff). This, of course, means that Plaintiff's action, filed on May 12, 2009, was filed ***within*** the applicable one (1) year statute of limitations.

Absent performing a full blown forensic analysis of Defendants' website there was no reasonably possible way for Plaintiff to have known of Defendants' extensive internet stalking and the republication of the defamatory blog. Defendants' conduct was secret and known only to them and worse, it was concealed from this Honorable Court during the extensive briefing on the Motion to Dismiss which procured the August 2, 2010 order dismissing Plaintiff's case.[1]

Under the provision of Fed.R.Civ.P. 60 providing for relief where new evidence is discovered and the misconduct of an adversary, Plaintiff respectfully requests relief from the August 2, 2010 Order by allowing Plaintiff to amend the original complaint to assert the facts of republication and internet stalking.

[1] It may well have also been concealed from Defendants' Counsel.

The factual and legal basis for the requested relief under Rule 60 is more fully set forth in the accompanying Memorandum of Law and Exhibits attached hereto, all of which are fully incorporated herein by reference.

WHEREFORE, Plaintiff respectfully requests the Court to grant this Motion for Relief from the Court's August 2, 2010 Order pursuant to Fed.R.C.P. 60(b)(2), (3) and (6).

Respectfully submitted,

/s/George Bochetto

Dated: November 30, 2010 By: _____

George Bochetto, Esquire
David P. Heim, Esquire
BOCHETTO & LENTZ, P.C.
1524 Locust Street
Philadelphia, PA 19102
(215) 735-3900
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	**NO. 2:09-CV-4001**
Plaintiff	:	**CIVIL ACTION**
vs.		
	:	**JURY TRIAL DEMANDED**
WALTER K. OLSON, ESQUIRE		
THEODORE H. FRANK, ESQUIRE	:	
DAVID M. NIEPORENT, ESQUIRE		
THE OVERLAWYERED GROUP	:	
And OVERLAWYERED.COM		
	:	
Defendants		

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF HIS MOTION FOR RELIEF FROM THE AUGUST 2, 2010 ORDER PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 60(b)(2), (3), AND (6).

Plaintiff, Arthur Alan Wolk, Esquire ("Plaintiff" or "Wolk") respectfully files this memorandum of law in support of his Motion for Relief from the August 2, 2010 Order, pursuant to Rules 60(b)(2), (3), and (6) of the Federal Rules of Civil Procedure.

I. INTRODUCTION

The results of a recently executed forensic analysis[2] of Defendants' "overlawyered.com" website brings to light with absolute clarity that Defendants misrepresented and concealed the actual publication date of the defamatory Blog (hereafter "the Frank Blog"). While the Frank Blog bears a date of April 8, 2007, the webpage upon which it exists was actually published on May 13, 2008, in an entirely separate and distinct publication. (Ex. A Dec. of DeGraff ¶ 5-7). This entirely separate and distinct publication date is within the one year statute of limitations provided by 42 Pa. C.S.A. § 5523(1) as Plaintiff's cause of action was filed by a Writ of

[2] Plaintiff was precluded from conducting any discovery in this matter, and only first had an opportunity to learn of these facts after the Court's dismissal of his case and upon hiring – at great expense – a forensic specialist who could analyze the true antecedents of defendants' internet conduct.

Summons on May 12, 2009. (Ex. B). The defendants' briefing and representations to this Honorable Court regarding the first publication were false by concealing this crucial fact. (See Motion to Dismiss Dkt. 9 at pg. 5 stating **"[t]he Frank article was published on April 8, 2007.** (Complaint ¶¶ 37-38) Consequently, any claim for defamation or false light Wolk may have had expired in April, 2008."). The cited paragraphs of the complaint say **nothing** about publication. The alleged date of publication being April 8, 2007 was created solely by the false representations of defendants.

In addition to procuring the August 2, 2010 Dismissal Order by fraud, these Defendants have wildly touted over the internet the Opinion as a rallying cry against Wolk. In the aftermath of the August 2, 2010 Opinion, Defendants incited a rash of anti-Wolk internet propaganda by claiming Wolk negligently missed a statute of limitations, despite knowing that he did not, implying that Wolk's discovery rule argument was false, linking the original false Frank Blog to numerous new websites, and by further creating websites memorializing the opinion with false commentary. In fact, Defendants have "search engine optimized" their own website to ensure that virtually any combination of search terms with "Arthur Alan Wolk" on *Google* will produce high ranking results from Overlawyered.com. Thus, anyone searching for articles about Plaintiff on *Google* will now also receive the defamatory Overlawyered blogs. (Ex. A, Decl. of DeGraff at ¶ 18-27.) Moreover, Defendants' affiliated blog site (www.reason.com) have incited its readership to blog about Wolk, calling him [redacted] and accusing him of [redacted][3]

[3] Plaintiff wishes not to place the evidence of these horrible accusations in the public record, and will submit them to the Court under seal.

A. Plaintiff's Discovery of Defendants' False Representations and Concealment of the True Publication Date of the Defamatory Blog

This Honorable Court's August 2, 2010 Order dismissed Plaintiff's Complaint under Rule 12(b)(6), reasoning that the one year statute of limitations precluded any cause of action for defamation based on the publication of the original defamatory blog on April 8, 2007. The true publication date of May 13, 2008, however, was concealed by Defendants, who litigated their motion to dismiss as if the only publication was April 8, 2007, without informing the Court or Plaintiff of this material fact which belied their arguments. (See Dkt. 5 pg. 5 quoted above).

In October of 2010, Plaintiff retained an expert internet website designer and cyberspace forensic analyst to assist him in battling the flurry of assaults against his name and reputation that have post-dated this Court's August 2, 2010 Order, to determine the means necessary to cleanse the internet of the defamation, and to track negative postings concerning Plaintiff on the internet, and in particular, from defendants or incited by their conduct. (Dec. DeGraff ¶ 1-3). Indeed, the Defendants and their cohorts have touted this Court's August 2, 2010 Order as a "victory for bloggers everywhere" and have incited a wrath of fury from a host of irresponsible co-bloggers who have falsely accused Plaintiff of such outrageous and random criminal acts [redacted] (Ex. C under seal). As Plaintiff is helpless to seek redress for damages incited by Defendants and their cohorts fury of attacks as his remedy at law has been deemed barred by the statute of limitations by this Court's August 2, 2010 order, he contacted several trustees of various non-profit corporations of which defendants are affiliated and by whom defendants are controlled and requested they remove all defamatory postings under their control (Ex. D). Plaintiff's efforts were met with refusal, and a cause of action in equity was filed and is currently

pending before this Honorable Court, having been removed from the state Court of Common Pleas on or about October 29, 2010.[4]

The forensic internet investigation of Defendants' website, initiated to battle the aforementioned host of deplorable conduct levied under the purported protection offered by this Court's August 2, 2010 Order, yielded a startling discovery which proves that Defendants' entire basis for seeking dismissal was false as it concealed crucial information from Plaintiff and this Honorable Court. In its simplest explanation, the original April 8, 2007 Frank blog, as it was posted on the internet by Overlawyered.com, no longer exists. The URL for that original April 8, 2007 blog was:

www.overlawyered.com/2007/04/aurthur_alan_wolk_v_teledyne_in.html

(Dec. of DeGraff ¶ 6, attaching Ex. C). That website no longer exists, but rather a new website published on May 13, 2008 exists at:

www.overlawyered.com/2007/04/arthur-alan-wolk-v-teledyne-industries-inc/

(Dec. of DeGraff ¶ 5, attaching Ex. B). This new website was created on May 13, 2008, which is 364 days before Plaintiff instituted this lawsuit on May 12, 2008, and therefore, not subject to the one year statute of limitations upon which Defendants' persuaded this Honorable Court to dismiss Plaintiff's original Complaint. (Dec. of DeGraff ¶ 5-7, 16.) Indeed, it was this latter blog upon which Plaintiffs' original Complaint was based. (See Ex B Complaint attaching the latter Frank blog as Ex. A). Plaintiff reminds the Court that his request for pre-complaint discovery was denied and the only date of publication known to him was the date identified on the Frank blog.

[4] A Motion to Remand that matter back to state court was filed with this Court on November 29, 2010.

The significance of the new May 13, 2008 publication is overwhelming as this new post, not the original April 8, 2007 post, had the necessary hyphens, tags, and URL to be "search engine optimized" so that it was thrust to the forefront of all internet search engine results and infiltrated every search performed of Plaintiff by anyone. (Dec. of DeGraff ¶ 7-16). This re-posting was an intentional manipulation of the original website and intentional publication of an entirely new website that was "search engine optimized." (Dec. of DeGraff ¶ 16). The key words for the April 2007 Frank Blog were ***not*** search engine optimized as they were separated by an underscore "_" as opposed to a hyphen "-", unlike the Current Frank Blog, which uses the search engine optimized hyphen to separate the URL's key words. (Dec. of DeGraff ¶ 8). Thus, the current Frank Blog contains "search engine optimization" built onto the blog or web page to enhance its presence on the internet and search engine ranking, unlike the April 2007 Frank Blog. (Dec. of DeGraff ¶ 10). Because the current Frank Blog uses key words in its URL address -- "arthur-alan-wolk-v-teledyne-industries-inc" – and the key words are separated by hyphens "-" as opposed to underscores "_," the search engine ranking of the blog has been exponentially increased. (Dec. of DeGraff ¶ 7-8). When URLs separate key words with an underscore in a format like "word1_word1," (as did the April 2007 Frank Blog), a search engine like *Google* will only return that page if the user searchers for "word1_word1" in that exact order. (Dec. of DeGraff ¶ 8). However, using hyphens in the URL in a format like "word1-word1" (as did the new May 13, 2008 Frank Blog) returns searches for either of the words in any order. (Dec. of DeGraff ¶ 8).

The search engine optimization was an intentional and calculated effort these defendants took at the expiration of the one year statute of limitations which optimized the *searchability* of the Frank Blog and thrust it into the forefront of Google-like search returns. Before that date, a

user would have to type in the exact words in the exact order to gain the result, but after the republication of the May 13, 2008 Frank Blog, now ***any*** combination works. Thus, Defendants' representations that "[t]he Frank Article was posted to Overlawyerd.com on April 8, 2007, where it became instantaneously available to anyone with internet access" (Dkt. 5 p.9) and

> Given that Wolk has a history of initiating defamation claims, and the fact that a simple internet search using Wolk's name instantaneously produces the Frank Article, it is inconceivable that Wolk could not reasonably have discovered his injury within the limitations period.

(Dkt. 5 p. 11) were utterly false and misleading. Indeed, at oral argument, suggesting that concealment of the blog could trigger the discovery rule, defense counsel claimed:

> If there was an allegation in the complaint that somehow Walter Olson and Ted Frank had hid this or that it had gone to a select e-mail group to – to get at Arthur Alan Wolk – if it went to the aviation attorneys, it – if it went – as apparently it did in one of the other defamation cases Mr. Wolk filed – but it went to all defense counsel who would face off – but, there – there's no allegation like that.

(6/24/10 Hearing p. 32:4-11). That is exactly what happened; defendants optimized the search capability of the blog ***after*** the one year period expired, but did so by creating an entirely new web page.

The new URL is an entirely new web page from the original April 2007 blog. (Dec. of DeGraff ¶ 5-8.) In fact, the old URL no longer exists on the internet. A search for the old URL for the April 2007 blog on an internet browser yields the following result from Overlawyered.com:

> **Our lawyers probably made us take that down ...**
>
> At any rate, we can't find it -- it's a 404 Not Found. Check the spelling of the URL carefully, try searching the site for content you know is on the page, or just proceed back to Overlawyered.com's top page. And consider telling us about any broken links that led you to this page: editor - [at] - this-domain-name - dot - com.

(Ex. E). The Frank Blog, however, currently exists at the latter URL posted on May 13, 2008. Plaintiff had no idea that the latter URL was created within the one year statute of limitations. Not only was the fact of the new publication unknown to Plaintiff, but the significance of the alteration of the key word tags of the original Frank blog was unknown to Plaintiff until he retained a forensic expert.

The Defendants intentionally posted an entirely new web page as part of a process called "Search Engine Optimization" or "SEO," whereby "tags" and "links" are built onto a particular blog or web page, allowing the website creator to exponentially increase the number of times the original post appears on the internet which enhances the likelihood of a search engine (such as *Google*) ranking the web page higher. (Dec. of DeGraff ¶ 9). It is no coincidence that the passing of the one year statute of limitations for Plaintiffs' claim of defamation for the April 8, 2007 blog coincided with a major search engine optimization of the defamatory Frank Blog coupled with its republication on an entirely new internet web page on May 13, 2008. (Dec. of DeGraff ¶ 5-6). This republication was associated with major revisions to the Overlawyered site and the Frank Blog which involved altering the genetic makeup of the site and "URL" addresses of the blogs to greatly enhance the search engine ranking of Overlawyered's site and blogs. (Dec. of DeGraff ¶ 7).

In simple terms, after the one year statute of limitations passed, the Defendants created a brand new web page for the Frank Blog in order to place its defamatory posts at the top of search engine results, when before they were buried in morass of cyberspace. In order to do this, they published the Frank Blog on an entirely new web page with a different URL and eliminated the old web page. To draw an analogy, Defendants took the defamatory material from a lesser

circulated publication, and republished it into a mainstream periodical that had much wider circulation.

B. Defendants Fraud Upon this Court has Fostered Their Continued Malicious Onslaught of Attacks Against Plaintiff.

Wolk never did anything to these Defendants to provoke their wrath against him. Yet these Defendants have singled him out as their public enemy number one and have used their success in this Court as the spring board to launch an entirely new campaign of attacks -- as if this Court's August 2, 2010 legitimized their cause. There is no plausible excuse for these Defendants to have concealed the true publication date of the Frank Blog from this Court. ***Plaintiffs' original complaint did not aver the date of publication, but rather only identified the date listed on the Frank Blog***. No discovery was afforded to Plaintiff, and Defendants took full advantage of that absence of information by falsely representing to this Court that the Frank Blog's publication date was April 8, 2007, when the webpage housing the Frank Blog presented in Plaintiff's Complaint was created on May 13, 2008.

The motivation for this fraud runs deep and was calculated not just to win the dismissal of the complaint, but to harm Wolk in a number of additional ways. For example, the exoneration, which these Defendants have claimed through the August 2, 2010 Order, followed with subsequent defamatory publications and Defendants' affiliated blogging sites inciting their subscribers to attack Wolk. Defendants have passed the torch to their affiliates who have spread the message of Defendants' hate mongering and the news of the August 2, 2010 Order. (Ex. F). These affiliates have accused Wolk, a preeminent, nationally recognized attorney, of making a mistake unforgivable even to a first year law student: missing a statute of limitations deadline. (Ex. G). Defendant Ted Frank has also stalked Plaintiff on the internet by spoiling a positive web page on *Wikepedia* documenting Wolk's career. (Ex. A, Dec of DeGraff ¶ 28-36).

Completely new web pages have also been created to memorialize the Court's August 2, 2010 opinion and cast Plaintiff in a false light under the apparent protections of the opinion. (Ex. H wikademia.com).

This Court's August 2, 2010 opinion, which defendants' procured through fraud, has rendered Plaintiff helpless to seek redress for these hateful attacks. Plaintiff contacted the trustees who are in control of the defendant "think tank" institutions and disclosed the attacks and their falsity. (Ex. D). Despite full knowledge of the falsity of the actions of these not for profit corporations and their henchmen, the trustees have refused Wolk's simple request that the false information be removed from the internet. What was once a blog on a webpage has infiltrated cyberspace through Defendants' stalking to such an extent that its removal may never be an option. (Dec. of DeGraff ¶ 27).

Even Defendants' Counsel has created an editorial on their firm's website, claiming a statute of limitations victory without any mention of the true publication date of the false Frank Blog. (Ex. I). Defense Counsel has also given statements to newspapers about the Court's August 2, 2010 Opinion, touting their victory as well founded in law and fact and ridiculing plaintiff as a lawyer. (Ex. J).

II. PLAINTIFF IS ENTITLED TO RELIEF FROM THE AUGUST 2, 2010 ORDER OF DISMISSAL UNDER RULES 60(b)(2), (3), AND (6)

Plaintiff respectfully requests relief from the August 2, 2010 Order which dismissed his case on the basis that the defamatory Frank Blog was actually posted on April 8, 2007, when in fact new evidence has shown that the defamatory Frank Blog was posted on May 13, 2008 on an entirely new website. Relief is appropriate under the newly discovered evidence provision of Rule 60(b)(2), the misconduct of an opponent provision of Rule 60(b)(3), and the extraordinary circumstances provision of Rule 60(b)(6).

A. The Evidence Uncovered In a Forensic Internet Analysis of Defendants' Defamatory Blog Justifies Relief under Rule 60(b)(2)

Rule 60(b)(2) provides in relevant part, that a motion for relief from a judgment or order may be granted based on "newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b)." F. R. Civ. P. 60(b)(2). A District Court may afford relief under Rule 60(b)(2) when the proceeding at issue was a dispositive motion brought under Rule 12(b). Payne v. DeLuca, No. CA 02-1927, 2007 WL 1029756 (W.D.Pa. Apr. 2, 2007).

In order to receive relief from a judgment under Rule 60(b)(2), the movant must demonstrate that "(1) the newly discovered evidence [is] of facts that existed at the time of trial or other dispositive proceeding, (2) the [party seeking relief] must have been justifiably ignorant of [the evidence] despite due diligence, (3) the evidence must be admissible and of such importance that it probably would have changed the outcome, and (4) the evidence must not be merely cumulative or impeaching." Lightfoot v. District of Columbia, 555 F.Supp.2d 61, 68 (D.D.C. 2008)(citations omitted); Payne, 2007 WL 1029756 *2; See also Stridiron v. Stridiron, 698 F.2d 204 (3d Cir. 1983).

Here, the evidence uncovered in Plaintiff's forensic internet analysis is entirely new, which uncovered facts that existed at the time of Defendants' motion to dismiss. The only fact visible to a reader of the Frank blog is its original posting date of April 8, 2007. The Frank Blog says nothing about when its URL header was changed on May 13, 2008, and only a complex forensic analysis of the website, using software capable of recreating the website as it existed on April 8, 2007, uncovered this fact. As it pertains to the internet, Plaintiff is a lay person and should not and cannot be charged with the hyper-technical knowledge of a forensic internet investigator. See Bohus v. Beloff, 950 F.2d 919, 929-30 (3d Cir. 1991)(explaining that a lay

person should not be charged with expert knowledge). Here, not only was Plaintiff unaware of the fact that the Frank Blog was published on May 13, 2008, but he was unaware of the significance of the alteration. Moreover, the original Frank Blog published on April 8, 2007, no longer existed as of May 13, 2008 and the original blog could only be uncovered using a website which can travel back in time to see a snapshot of the original blog and its URL. Furthermore, the opportunity to learn this information, through pre-complaint discovery, was denied to Plaintiff.

Adding to the impossibility of a lay person like Plaintiff to discover the true date of publication without a forensic expert investigation, Defendants through their counsel presented the Rule 12(b)(6) motion to this Court which misrepresented the publication date to the Court and concealed the actual publication date for the web page attached to Plaintiff's Complaint. The lawyers that make up the Overlawyered.com defendants, Frank and Olsen, were duty bound to inform this court that their Rule 12(b)(6) Motion to Dismiss was predicated on false information. They instead played the Motion to Dismiss out as if the effective date was April 8, 2007, when Defendants knew it was not; that plaintiff never saw the publication posted anywhere near that date and that it had tricked the court like the plaintiff into thinking so.

Given the clear prohibition against such conduct, Plaintiff could not have reasonably expected the arguments authorized by Defendants – themselves officers of the Court -- were false. "A lawyer is . . . . an officer of the legal system and a public citizen having special responsibility for the quality of justice" and as part of this "special responsibility" an attorney must comport himself in a manner that ensures fairness and justice to all parties to litigation. Com. v. Lambert, 723 A.2d 684, 691 (Pa. Super. 1998). The governing ethical rules applied to

the attorney defendants as Rule 8.4 prohibits any attorney from knowingly assisting another to "engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

The evidence of the true publication date of the Frank Blog would have required the denial of Defendants' Rule 12(b)(6) Motion. Pennsylvania law is clear that the subsequent publication of defamatory material, even by the same defendants, is independently actionable from the original publication. Graham v. Today's Spirit, 468 A.2d 454, 458 (Pa. 1983). In Graham, the Pennsylvania Supreme Court interpreted the Uniform Single Publication Act[5] and the meaning of the concept of "single publication" where two different magazines, operated by the same publishing company, contained the same defamatory article. The Supreme Court explained the dispute as follows:

> The parties present diverse definitions of "single publication". The Appellees suggest that "single publication" occurs if identical articles are published notwithstanding that the articles appeared in seemingly different newspapers. Thus, the Appellees contend that there is but one publication since the news articles were identical, regardless of the fact that the articles appeared in separate newspapers. Conversely, the Appellants contend that the newspapers are separate and distinct, requiring that each article be designated as a separate, defamatory communication.

Id. at 457. Ultimately, the Court held that the plaintiff had two causes of action for defamation as the same defamatory article was published in two different publications:

> Applying these principles to this case in its present posture, it is evident that the Appellants have alleged two separate causes of action. The first tortious act occurred when the defamatory article was published in the *Today's Post* in Montgomery County, while the second tortious act occurred when the defamatory article was published in *Today's Spirit*. It is irrelevant that Montgomery Publishing Company publishes both newspapers, for the tortious act is in the separate communications of the alleged defamatory article. The legal relationship of Montgomery Publishing Company to *Today's Post* and *Today's Spirit* is of no

[5] The Act of July 9, 1976, P.L. 586 No 142 § 2 codified at 42 Pa.C.S.A. § 8341. This Act limits a Plaintiff to one cause of action for a defamatory statement published in a single publication, but distributed on a wide scale basis. Originally at common law, a plaintiff had a cause of action for each and every publication of a single defamatory statement.

> importance in determining whether distinct and separate communications have occurred. Accordingly, the trial court erred in granting the demurrer and dismissing the complaint.

Id. Significantly, the Supreme Court found it irrelevant that the same publishing company published both magazines and the identical defamatory article. Id.

Like the Plaintiff in Graham, Plaintiff here has two causes of action against defendants; one for the April 7, 2007 publication of the Frank Blog on its first website, and a second for the May 13, 2008 separate and distinct publication of the Frank Blog on the second website. As for damages arising from the former publication, that matter is on appeal in light of this Court's August 2, 2010 order. As for the latter publication on May 13, 2008, that cannot be subject to a statute of limitations defense as it is an entirely new publication under the precedent of Graham, and the fact that the same defendants published the same language as before, is of no moment under the same precedent.

Nor may Defendants claim protection from the fact that the new website merely reiterated the same language from the time barred website. For example, courts have allowed defamation claims to arise from the publication of paperback versions of books where the original hard copy is time barred. Rinaldi v. Viking Penguin, Inc., 420 N.E.2d 377 (N.Y. 1981). In Renaldi, the Viking Press published a hard cover book claiming the plaintiff, a retired judge, had catered to mafia bosses. Id. at 378-79. While the plaintiff's cause of action based on the publication of the hard cover was time barred, the subsequent publishing of the book in paperback containing the same language was deemed to be a "new edition" and was not time barred. Id. at 382.

Furthermore, the new URL header for the May 13, 2008 defamatory blog is an entirely new website subject to a brand new statute of limitations calculation; it is essentially a "new

edition" of the original defamation. In a case applying the single publication rule to a claim of internet defamation, the Southern District of California found that the new website header constituted a new publication. Sundance Image Technology, Inc. v. Cone Editions Press, Ltd., No. 02 CV 2258 JM(AJB), 2007 WL 935703 (S.D.Cal. Mar. 7, 2007). In Sundance Image, the website containing the defamatory material underwent a header change from "Piezography BW" to "Piezography Bwicc" Id. at *7. The district court found that "[a] rational trier of fact could find that the header change, which was made because Defendants wanted to promote BW ICC and stop promoting its original product ... could constitute a new edition of the website since it appears the change was made deliberately and for a substantive purpose...". Id. at *8.

So too here, the original Frank Blog was deleted and republished for a substantive purpose of making it search engine optimized. In other words, it was modified to cause more harm to Plaintiff than the original website which was not search engine optimized. The Frank Blog attached to Plaintiff's complaint was the "new edition" of the original blog which was search engine optimized and capable of causing far more damage than then original.

B. The Evidence Uncovered In a Forensic Internet Analysis of Defendants' Defamatory Blog Justifies Relief under Rule 60(b)(3)

Rule 60(b)(3)'s fraud and misconduct provisions are just as applicable as its provisions for after discovered evidence. Under this rule, a party is entitled to relief from judgment or dismissal where there has been "fraud ..., misrepresentation, or other misconduct of an adverse party." F.R.Civ.P. 60(b)(3). To prevail, the movant must establish that the adverse party engaged in fraud or other misconduct, and that this conduct prevented the moving party from fully and fairly presenting his case. Stridiorn v. Stridiron, 698 F.2d 204, 207 (3d Cir. 1983). In Stridiron, the Third Circuit held that the failure to disclose evidence in response to a discovery request was sufficient to justify relief under the rule. Id.

The false representations contained in Defendants' Motion to Dismiss were a fraud on Plaintiff and this Honorable Court in blatant violation of the Rules of Professional Conduct 3.3 and 3.4.[6] Defendants have used this fraud to compound the outrageousness of their conduct and need only the most harsh punishment this court can deliver. At the least, Defendants' deceitful misconduct in misrepresenting the date of publication of the Frank Blog compels the vacating of the August 2, 2010 Order, but of course this Court may also assess costs and fees for their misconduct or order judgment in Plaintiff's favor.

Making misrepresentations of fact is inexcusable. In Hendon v. Ramsey, 2007 WL 1120375 (S.D. Cal. 2007), the district court condemned the litigants misconduct of arguing an issue and concealing adverse facts and law from the court. In that case, the defendant argued that the Plaintiff had not exhausted certain remedies and that his complaint should be dismissed. The Court noted, however, that exhibits attached to the complaint showed that the plaintiff had exhausted all remedies. The Court condemned this misleading argument as follows:

> Based on the second level review appeal memorandum (dated 3/25/05) attached to Plaintiff's complaint and the Ninth Circuit holding in *Brown*, Defendants' argument that Plaintiff did not properly exhaust his administrative remedies not only fails, but is completely misleading. The Court reminds counsel of his duty of candor to the Court, *see e.g.* Cal. Rules Prof. Conduct, Rule 5-200(B) (counsel shall not mislead the court regarding the facts or the law) and ABA Model Rules Prof. Conduct 3.3 (lawyer shall not knowingly fail to disclose to the tribunal legal authority in the controlling jurisdiction know to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel) and cautions counsel that he may be subject to disciplinary action for violation of these rules.

Id. *10 at n.3 (citations omitted).

The Defendants here cannot truthfully say that they thought Plaintiff was suing for the original April 8, 2007 blog when the exhibit attached to his complaint was the May 13, 2008 blog. These Defendants had undeniable knowledge that they deleted the original blog and

[6] Defendants' conduct may well have also been a fraud on their Counsel.

republished it on May 13, 2008. They had a duty to inform the Court of this information, and by concealing the information, they procured the dismissal of Plaintiff's case by fraud.

C. The Evidence Uncovered In a Forensic Internet Analysis of Defendants' Defamatory Blog Justifies Relief under Rule 60(b)(6)

The "catch-all provision" of Rule 60(b)(6)"gives [this Court] broad latitude to relieve a party from a judgment for 'any other reason justifying relief from the operation of a judgment' " not specified in the five preceding subsections. Richardson v. Nat'l R.R. Passenger Corp., 49 F.3d 760, 765 (D.C.Cir.1995); Fed.R.Civ.P. 60(b)(6). Relief under Rule 60(b)(6) may therefore be granted in "extraordinary circumstances." Ackermann v. United States, 340 U.S. 193, 199-200, 71 S.Ct. 209, 95 L.Ed. 207 (1950). Extraordinary circumstances may exist "[w]hen a party timely presents a previously undisclosed fact so central to the litigation that it shows the initial judgment to have been manifestly unjust ... even though the original failure to present that information was inexcusable." Good Luck Nursing Home, 636 F.2d at 577. Moreover, the moving party must demonstrate that its case is "not the ordinary one" in order to obtain relief under 60(b)(6). Computer Professionals for Social Responsibility v. U.S. Secret Service, 72 F.3d 897, 903 (D.C.Cir.1996).

The circumstances presented here are unique: Defendants concealed crucial information about the publication of defamatory publication and procured an order dismissing Plaintiff's case. The URL of the internet website and the forensic investigation Plaintiff performed are extraordinary measures which uncovered an undetectable secret in the Rule 12(b) Motion practice, which consequently was limited to the pleadings. Thus, as the motion practice was limited to the pleadings, Defendants concealed the true date of publication known only to them and corrupted the judicial process. The Defendants' stalking of Plaintiff on the internet has been

both relentless and ruthless. They have now used this Court's August 2, 2010 Order as a shield to incite the most horrific of allegations by co-bloggers.

This case calls for justice. Plaintiff is at the mercy of these internet bullies whose conduct has resulted in the creation of new websites boasting of Defendants' success in front of this Court. (See Ex. H Wikademia.com). Plaintiff is helpless to stop these assaults, and appeals to this Court's sense of justice to provide relief from an order that was procured by fraud.

III. CONCLUSION

Defendants cannot honestly represent that they did not know that the website page attached to Plaintiff's complaint was published on May 13, 2008. The fact that the defendants did not present a verified Answer attesting to the date of the publication exposes the misleading and false arguments in the motion to dismiss as they touted the date of the Frank Blog as its publication. Defendants' concealment from this Court of the true date of publication is a fraud and justifies relief under Rule 60.[7]

Plaintiff should have his day in Court against these internet bullies whose malice against him has infected the internet and Plaintiff's good name to such an extent that it may not be able to be undone. Plaintiff's forty-two year career in aviation litigation has saved countless lives and resulted in technological changes in aviation that would never have been implemented without his efforts. Plaintiff has single handedly exposed defects in Boeing 737 aircraft that have been subject to design changes to prevent any more than the 1,000 deaths it had already caused. Plaintiff's advocacy has prompted advanced design changes in engine fuel delivery systems and aircraft seat structures. His career is deserving of praise, not of the heinous accusations the

[7] This Court should also consider – given the institutional nature of the Defendant and the lawyer status of the individual defendants – ordering the parties to engage in fact finding to determine exactly who knew what and when, and who was or was not made aware of the true facts, and when.

Defendants and their blogging cohorts have heaped upon him. Plaintiff is a father, a grandfather, and is involved in many charitable organizations, and is undeserving of the human indecency levied upon him in this case.

Plaintiff respectfully requests this Court to exercise its fair sense of justice and expose the false arguments these Defendants and their counsel made to procure the August 2, 2010 order and their lack of concern for truth and fairness. The Defendants themselves are each lawyers and have brought disrepute to their practice and the profession by concealing information from this Honorable Court to procure an order, and then, taking that order and flaunting it everywhere at the expense of Mr. Wolk.

Respectfully submitted,

/s/George Bochetto

Dated: November 30, 2010 By: _____

George Bochetto, Esquire
David P. Heim, Esquire
BOCHETTO & LENTZ, P.C.
1524 Locust Street
Philadelphia, PA 19102
(215) 735-3900
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, George Bochetto, Esquire, hereby certify that I caused to be served a true and correct copy of the foregoing Plaintiff's Motion for Relief from the August 2, 2010 Order Pursuant to Federal Rules of Civil Procedure 60(b)(2), (3) and (6) upon the following counsel via electronic filing and first-class mail:

Michael N. Onufrak, Esquire
Siobhan K. Cole, Esquire
White & Williams, LLP
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103-7395

Gayle Chatilo Sproul, Esquire
Levine Sullivan & Koch, LLP
2112 Walnut Street, Third Floor
Philadelphia, PA 19103

BOCHETTO & LENTZ, P.C.

/s/George Bochetto
By:_____
George Bochetto, Esquire

Dated: November 30, 2010

EXHIBIT A

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE Plaintiff,	**CIVIL ACTION NO.** 2:09-cv-04001-MAM
v.	
OVERLAWYERED.COM, et al.	
Defendants.	

DECLARATION OF CHRISTINE DeGRAFF

I, Christine DeGraff, hereby declare the following to be true and correct to the best of my knowledge, information and belief:

1. I am a partner in the company *Websketching, LLC.*, which specializes in website design, Internet marketing and content management. One of my areas of expertise includes creating websites that are "search engine optimized."

2. I have eleven years experience as a web programmer and Internet marketer. I have worked as a web programmer and developer for Comcast Spectacor, RealTime Media, and Sovereign Bank. A copy of my most recent curriculum vitae is attached as Exhibit "A."

3. Websketching was hired by Mr. Arthur Alan Wolk on or about October 2010 to assist in online marketing, to monitor and track negative postings appearing on websites such as www.overlaywered.com and www.reason.com, and to determine the means necessary to cleanse the Internet of these negative postings.

4. As part of the project, I conducted an extensive forensic analysis of the website www.overlawyered.com and the blogs concerning Mr. Wolk appearing on that site. One of the blogs I analyzed was the blog titled *Arthur Alan Wolk v. Teledyne Industries, Inc.*, posted by Ted Frank, dated "April 8, 2007." ("Frank Blog").

5. From my forensic review, I determined that the web page currently home to the Frank Blog was published on the Internet on May 13, 2008 at the URL address:

www.overlawyered.com/2007/04/arthur-alan-wolk-v-teledyne-industries-inc/

This web page is a completely different web page and is located at a completely different website address than the one which was home to the original April 7, 2007 Frank Blog. I've attached the current Frank Blog as Ex. "B."

6. The URL for that original April 7, 2007 Frank Blog was:

www.overlawyered.com/2007/04/aurthur_alan_wolk_v_teledyne_in.html

This web page no longer exists. The original Frank Blog is attached as Ex. "C."

7. The new May 13, 2008 Frank Blog web page is a substantial revision of the original web page which involved altering the makeup of the page and URL address of the blog to greatly enhance the search engine ranking of Overlawyered's website. Of particular importance are the keywords used in the current Frank Blog's URL and the fact that each word is separated by a hyphen "-" which ensures a more search engine optimized web page.

8. The original Frank Blog used underscores to separate its keywords. When URLs use a format like "word1_word2", a search engine like *Google* will only return that page if the user searches for "word1_word2" in that exact order. However, using hyphens in a URL in a format like "word1-word2" returns searches for either of the words in any order.

9. This process of creating a new web page with enhanced searching features is part of the process called "Search Engine Optimization" or "SEO," whereby "tags" and "links" are built into a particular blog or web page, allowing the website creator to exponentially increase the number of times the original post appears on the Internet which enhances the likelihood of a search engine (such as *Google*) ranking the web page higher.

10. The current Frank Blog has gone through a detailed and extensive SEO process. It also contains multiple internal "tags" and internal and external "links" built into the blog's web page to enhance its presence on the Internet and search engine ranking which were not present in the original web page.

11. These "tags" are keywords located on the blog which, if clicked by a reader, would direct the reader to additional blogs within the Overlawyered website. In this regard, one of the blogs regarding Mr. Wolk was tagged so it would appear under other blogs as "Related Posts". This tag caused a link containing Mr. Wolk's name linking to the blog to appear on over 60 additional pages of the overlawyered website and all of the pages have been indexed by *Google*. The blog is also "tagged" under a heading "libel slander and defamation." *See* Exhibit "B," current version of Frank Blog.

12. The current Frank Blog contains external links to source material outside of Overlawyered's website, which, if clicked by a reader, would redirect the reader to the outside source material.

13. Building such an elaborate web of internal and external "tags" and "links" such as those existing on the current Frank Blog is the chief way a website creator ensures content on the site is ranked higher on popular search engines such as *Google*, *Bing* and others.

14. While the current version of the Frank Blog has clearly gone through a detailed SEO process, my analysis revealed that the original Frank Blog as published on April 8, 2007 was ***not*** search engine optimized.

15. I obtained a copy of the original Frank Blog by using a database known in my field on a website called the *Way Back Machine*, www.waybackmachine.org. The *Way Back Machine* is essentially a digital time capsule of the Internet created by a non-profit organization that sponsors the website www.waybackmachine.org. The *Way Back Machine's* site allows users to access archived versions of web pages as they existed in the past.

16. In my opinion, stated to a reasonable degree of professional certainty, it is indisputable that the original April 7, 2007 Frank Blog web page was deleted from cyberspace and was replaced with an entirely new web page on two separate occasions ending with the current Frank Blog as posted on May 13, 2008. The current Frank Blog web page is materially different from the original Frank Blog as it has been search engine optimized and contains important distinguishing features discussed above which were not included in the original web page.

17. Furthermore, the current Frank Blog shows no indication of when it was published on the Internet. The only identifying feature is the date "April 7, 2007" which is not the date the web page was created or published.

18. Indeed, the search engine optimization of overlawyered.com was a major event in its development. In reviewing the historical archived blog postings by Mr. Walter Olson, the creator of the Overlawyered site, I uncovered statements by him posted during the time the new website

was republished in May 2008, wherein he announced to Overlawyered's readers that the new, redesigned site was received favorable by *Google New's* indexing system and that the archived files were being treated as newly published. (See attached Ex. "D").

19. There seems to be little questioning that Overlawyered's extensive SEO techniques concerning Mr. Wolk have been effective. To this day, a search on *Google* for "Arthur Wolk" produces a search with Overlawyered's Frank Blog ranked # 1 at the very top of the search engine list. A copy of such a *Google* search is attached as Exhibit "E."

20. In fact, the measures Overlawyered has taken as discussed above have caused the proliferation in the Internet with its smearing of Mr. Wolk's name to an astounding level.

21. Due to Overlawyered's SEO techniques, searches using Mr. Wolk's name or his name and almost any other phrase or keyword will invariably bring up Overlawyered in the search results.

22. A search in *Google* for "Arthur Wolk", "Arthur Alan Wolk", or Mr. Wolk's name and other keywords that a potential client might search for such as "Aviation Attorney", "Attorney", "experience", "credentials", "background" etc. will produce the blog titled *Arthur Alan Wolk v. Teledyne Industries, Inc.*, posted by Ted Frank, dated "April 8, 2007," often in the top 10 results and many times even above Mr. Wolk's firm or personal websites:

Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney; opponent attorney mails opinion ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ -

Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about **attorney**; opponent **attorney** mails opinion ... on Mr. Wolk for his lawsuits against commenters at an **aviation** website that ...
overlawyered.com/.../**arthur-alan-wolk**-v-teledyne-industries-inc/ -

Relevant samples of such *Google* searches are attached as Exhibit "F."

23. Another blog titled *Wolk v. Olson: Overlawyered in the news*, posted by Walter Olson, dated August 9, 2010 appears in *Google* searches for "Arthur Alan Wolk Philadelphia Lawyer," "Arthur Alan Wolk Philadelphia Aviation Lawyer":

Wolk v. Olson: Overlawyered in the news
Aug 9, 2010 ... U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by **Philadelphia** aviation **lawyer Arthur Alan Wolk** against ...
overlawyered.com/2010/.../wolk-v-olson-overlawyered-in-the-news/ -

Relevant samples of such *Google* searches are attached as Exhibit "G."

24. Likewise, upon conducting a search for "Settlements by Arthur Wolk," the following is returned by *Google:*

Arthur Alan **Wolk** v. Teledyne Industries, Inc.
Apr 8, 2007 ... **Arthur** Alan **Wolk** v. Teledyne Industries, Inc. ... Did **Wolk's** client suffer from a reduced **settlement** so that his attorney could avoid having ...
overlawyered.com/.../**arthur**-alan-**wolk**-v-teledyne-industries-inc/

This *Google* search is attached as Exhibit "H."

24. From reviewing Overlawyered's site and the elaborate network of links, tags and archives built on the site, it is obvious that the individuals controlling Overlawyered's website have performed extensive SEO to enhance the blogs search engine ranking.

25. SEO is not self-executing. In other words, the links, tags and archiving do not automatically appear. Someone in control of the site purposely built the links, tags and archives, the main purpose of which is to enhance the search engine ranking.

26. Clearly, Overlawyered's extensive SEO techniques have worked concerning Mr Wolk. The blog that appears most frequently is over 3 ½ years old; yet it continues to rank over his numerous websites, press releases, social media sites, and Internet marketing efforts by Websketching and previous companies that Mr. Wolk has hired in an attempt to repair the

damage his reputation has suffered due to Overlawyered.com. His name has become so intertwined with Overlawyered's website due to the way in which Overlawyered has constructed its site and publishes its blogs that the damage may not be repairable no matter how much effort is expended.

27. As an example, on October 14, 2010, Websketching began researching and writing a biography about Mr. Wolk for *Wikipedia*. It was published on October 18, 2010 after considerable reviews by Wikipedia editors. (http://en.wikipedia.org/wiki/Arthur_Alan_Wolk)

28. On November 3, 2010, an anonymous user "Boo the puppy" edited the *Wikipedia* article, adding an entire section about the *Arthur Alan Wolk v. Teledyne Industries, Inc.* case with links to the blog on Overlawyered.com, the archived blog and other websites. "Boo the puppy" also made multiple other changes to the article removing almost any favorable reference regarding Mr. Wolk. This resulted in a back and forth "edit war" between "Boo the puppy" and Websketching before other editors stepped in to resolve the conflict on a discussion page.

29. In the meantime, "Boo the puppy" published another page on *Wikipedia* "*Arthur Alan Wolk v. Walter Olson*" (http://en.wikipedia.org/wiki/Arthur_Alan_Wolk_v._Walter_Olson). At this time, I sent an email stating that I represent Mr. Wolk and requesting that "Boo the puppy's" article be deleted and that Boo the puppy be banned as a user on *Wikepedia* due to his obvious conflict of interest as his username was apparently a mock of Mr. Wolk's Golden Retriever puppy, "Boo" and Boo the puppy's user description was listed as "I am a lovable golden retriever with no assets. Woof! I live in California and am familiar with California anti-SLAPP law."

30. Ultimately, both Websketching's and Boo the puppy's *Wikepedia* articles were

"nominated" for deletion and many editors began to give their opinions on whether or not to keep or delete the articles from *Wikepedia*. Long discussions followed.

31. One of the users on *Wikepedia* with a username "THF" posted a comment to the deletion discussions as follows: "I have no opinion on whether this is autobiography or public relations, but I relay the following facts: Christine deGraff says she represents Arthur Wolk and makes a legal threat regarding "posting information not relevant to Mr. Wolk's area of expertise." Ms. deGraff works for "Websketching." User:Lawrencewarwick also works for Websketching, but perhaps that's a coincidence. (My COI disclosure: Wolk has sued me. Twice. I hereby request that no one write about Arthur Wolk without Arthur Wolk's permission. If you do write about Arthur Wolk without his permission, you do so against my express wishes, and Arthur Wolk should not sue me a third time for "inciting" you to write about him.)" THF (talk) 18:38, 4 November 2010 (UTC). A copy of "THF's" comment on *Wikepedia* is attached as Exhibit "I."

32. From the content of THF's comment we believe THF is actually Theodore (Ted) Frank, the author of the Frank Blog.

33. Although declaring that he had no opinion regarding the debate as to whether the *Wikepedia* articles should be deleted, THF (i.e., Mr. Frank) continued to post on both discussion boards on *Wikipedia*, stating he had a "serious concern that Wolk will sue Wikipedia and Wikipedia editors if his Wikipedia presence is not to his liking." This caused a flurry of concern and more discussion towards deleting the biography. A copy of this subsequent posting by THF is attached as Exhibit "J."

34. Mr. Frank continued to comment on the discussion boards of *Wikepedia*. Some of his further comments include:

"As a defendant in the case people are talking about, and as a defendant in another case where Arthur Wolk has accused me of "inciting" people to write about the case, I request that you please do not write about this case without Arthur Wolk's permission. I make this request so that Arthur Wolk knows that if you write about this case, you do so against my wishes, and that I cannot be held legally responsible for anything you write."

"I am a defendant in this case. Also, I have been sued (along with twelve other parties) a second time under an accusation that I have "incited" others to defame Wolk whenever someone writes about this lawsuit."

"You should be aware of this recent lawsuit, where Wolk has requested IP addresses. As a defendant in a case where Arthur Wolk has accused me of "inciting" people to write about him"

A copy of these further comments by THF (Ted Frank) are attached as Exhibit "K."

35. The above discussions on *Wikepedia,* particularly Ted Frank's interference with Mr. Wolk's *Wikepedia* article is yet one more obstacle in our path towards our attempts to repair the damage to Mr. Wolk's reputation.

Dated: 11/30/10

Christine DeGraff

CHRISTINE DeGRAFF

Exhibit A

CHRISTINE DEGRAFF

440 Whig Lane Rd., Pilesgrove, NJ, 08098 | 856.237.9860 | cdegraff@websketching.com

OCCUPATION/EMPLOYMENT HISTORY

Websketching, LLC., Woodstown, NJ
Partner/Founder — **January 2007 – Present**
Developed a content management system (CMS) to manage a website's content that is flexible enough to allow Websketching to offer customized website solutions to our clients rather than website templates. Developed, programmed and search engine optimized over 150 custom websites in less than four years. Developed over 15 online directories in order to sell online advertising to generate recurring revenue for Websketching. Developed and donated 7 websites to the community over the past several years; held several fundraising events in 2010, raising and donating over $10,000 for charitable causes.

Comcast Spectacor, Philadelphia, PA
Web Programmer — **June 2004 – April 2007**
Lead web programmer for NHL and AHL Hockey Teams Philadelphia Flyers and Philadelphia Phantoms. Programmed custom applications for websites. Search engine optimized websites. Developed mobile websites for teams.

RealTime Media, Wynnewood, PA
Web Developer/Programmer — **March 2001 – May 2004**
Developed and programmed web-based sweepstakes and instant win games for clients including: Maybelline, MasterCard, Old Navy, Kodak & The Philadelphia Eagles. Programmed viral marketing campaigns including text messaging via a website to allow friends to tell their friends to further promote clients' sweepstakes to gain extra entries.

Sovereign Bank, Toms River, NJ
Web Developer — **September 2000 – March 2001**
Implemented a new system of designing and updating website to improve quality and efficiency. Trained existing seven members of web team to use new software and on how to manage updates to a website in a team environment. Search engine optimized website and trained staff on basic techniques of search engine optimization.

Emaxed, Somers Point, NJ
Jr. Web Developer — **October 1999 – August 2000**
Updated client websites.

RECOGNITIONS & AWARDS FOR WEBSKETCHING

Finalist 2009 NJBIZ Business of the Year Award in the category "Emerging Business of the Year"
Rackspace's "2007 FANATI Award" for Outstanding Customer Service
"Best Website Designer/Webmaster in Salem County" 2008, 2009, 2010

EDUCATION

Richard Stockton College of New Jersey
94 credits completed — **1999**
Phi Theta Kappa National Honor Society; Senator, Student Government Association;
Received Numerous Scholarships including Full-Tuition Scholarship from Hite's Foundation

AREAS OF EXPERTISE

Database/Web Technologies: SQL Server, Access, ASP, VBScript, Javascript, CSS, HTML
Graphics/Web Development Programs: Adobe Illustrator, Photoshop, Dreamweaver
Related Works: Search Engine Optimization, Technical Writing, Training
Marketing & Advertising: Copywriting & Proofreading, Press Releases

Exhibit B

Arthur Alan Wolk v. Teledyne Industries, Inc.

by TED FRANK on APRIL 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jan. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

Related posts

- Youtube lawsuit of the week: A&P vs. rappers (3)
- You mean it was trillions? (1)
- Wrongs without remedies dept. (1)
- Worst places to get sued, cont'd (0)
- Worst new idea of the day (8)

Tagged as: libel slander and defamation

SEARCH
To search, type and hit enter.

MEDIA BLOGGERS ASSOCIATION
MBA

RECENT COMMENTS

Ian on Loco parentis: schools to send parents "your kid's too fat" notes

Jack Wilson on New York regulates household employment

Small government guy on Loco parentis: schools to send parents "your kid's too fat" notes

mojo on Loco parentis: schools to send parents "your kid's too fat" notes

Jeff on Loco parentis: schools to send parents "your kid's too fat" notes

Mannie on New York regulates household employment

Melinda on Loco parentis: schools to send parents "your kid's too fat" notes

Mannie on "Cell Phones and Brain Cancer: What Was The New York Times Thinking?"

kimsch on Loco parentis: schools to send parents "your kid's too fat" notes

William Nuesslein on "Police! Step Away From the Chess Table"

FAVORITES

*Best of
AAJ/ATLA
ADA and disability rights
ADA filing mills
Chasing clients
Class actions
Competition through litigation
CPSIA
CPSIA and books
CPSIA and resale
Deep Pocket Files
Defensive medicine
Dickie Scruggs
Feeing frenzy
Finger in the chili
Ford Pinto
Free speech
Grand Theft Auto: Class Action
John Edwards
Junk science
Kentucky fen-phen fraud
Lawyers' nastygrams

Exhibit C

- Updating Nov. 3 entry: Ninth Circuit vacates and will en banc review ludicrous Reinhardt decision in *Smith v. Baldwin* (Legal Pad)

Posted by Ted Frank at 12:29 PM | Permalink | Comments (0)

ARTHUR ALAN WOLK V. TELEDYNE INDUSTRIES, INC.

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jan. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

Posted by Ted Frank at 12:02 PM | Permalink

KCET ON PROP 65 ABUSE

At the "Life and Times" department of the Southern California public broadcasting station, reporter Val Zavala examines a problem often discussed in this space (May 26, Apr. 5, Apr. 29, and Dec. 26, 2006, among many others):

> This story is about a long-standing soda-pop store in Highland Park, Calif., that was hit with a legal notice telling them that they are selling hazardous product. The owner says that they don't make the product, but that they have informed the public according to the Proposition 65 law. But the law allows them to be sued anyway. Their only choice? Settle or go to court. As Val Zavala reports, some attorneys are making millions abusing Proposition 65.

The ten-minute video has expired, but the station's blog entry about the show has links and discussion (Feb. 28).

Posted by Walter Olson at 10:27 AM | Permalink | Comments (0)

WALKS LIKE A CONTINGENCY, QUACKS LIKE A CONTINGENCY

An article in the West Virginia Record discusses a survey of physicians complaining about questionable expert witnesses in medical malpractice cases. For some reason, physicians seem to think that experts will say whatever they're paid to say. But the president of the West Virginia Trial Lawyers Association denounces the survey, including the doctors' complaints about experts being paid on contingency:

> "And you can't have contingency experts. I abhor that, anyway. There are State Bar rules are [sic] against that."

In fact, pretty much everyone agrees that it's unethical to pay expert witnesses on a contingency fee basis. Most states seem to have explicit ethical rules against it; New Jersey certainly does.

But how effective do you think those rules are? They didn't stop Nagel Rice and Mazie, a New Jersey plaintiff's law firm, from trying to weasel out of paying its expert witness recently for his work on a med-mal case, leading the expert to sue the firm for his fees. Why did Nagel try to get out of paying? Because, as Nagel admitted in his testimony in that case, they had lost the med-mal lawsuit:

> And I said, "And in addition to that, we lost the case. It's cost my firm over $100,000 in out-of-pockets." I said, "So, I want you to consider two things: one, it was your first time on the stand; two, I think your 17 hours is really heavy-handed; and,

Exhibit D

Archives; welcome Google News readers; tags
by Walter Olson on May 19, 2008

I've now succeeded in transferring the site's pre-2003 archives to the new WordPress platform, which means they'll be indexed along with more recent posts; no more having to do separate searches in each of two indexes. Moreover, I've gotten the old URLs of those archives to redirect seamlessly to the new. Coming up soon: getting the old URLs of the MT-based 2003-2008 archives to redirect to the new, as much as possible.

One unexpected result of the archive changeover: Google News interpreted the arrival of the archived files on WordPress as if they'd been newly published, which has (temporarily) much expanded our presence on that site. Fortunately, the archives are prominently marked as such, which should keep readers from mistaking them for recent reportage.

Also, Ted and I have been busy tagging a selection of recent and older posts. Tags display on the post itself, and those most used appear in a "tag cloud" toward the bottom of the rightmost column. Bear in mind that we've only made a small start toward tagging past posts, so if you follow the "California" tag, for instance, it will lead you to only seven California-related posts as of the moment.

Finally, the little gavel favicon in the navigation bar is back.

Tagged as: about the site, Google, WordPress

Exhibit E

Google

Arthur Wolk Search

About 252,000 results (0.23 seconds) Advanced search

Everything
Images
News
More

New York, NY
Change location

Any time
Past 2 months
All results
Sites with images
More search tools

Arthur Alan Wolk v. Teledyne Industries, Inc. ☆ - 3 visits - Oct 21
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney; opponent attorney mails opinion ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar

Images for Arthur Wolk - Report images

The Wolk Law Firm - Aviation Litigation ☆
The Wolk Law Firm – Determining responsibility behind air crashes and ... At The Wolk Law Firm, Aviation Safety Is Our Profession – Arthur Alan Wolk ...
www.airlaw.com/ - Cached - Similar

Airlaw / News - Arthur Wolk Honored at Temple Law Founder's Day ... ☆
Temple University's Beasley School of Law recently honored Philadelphia ...
www.airlaw.com/news_temple_law_founders_day.htm - Cached

Show more results from airlaw.com

Arthur Wolk Air Safety Expert ☆
Arthur Alan Wolk is an attorney and the founding partner of The Wolk Law Firm in Philadelphia, PA. An expert in aviation law and air crash litigation for ...
www.squidoo.com/arthur-alan-wolk - Cached

bigsight | Arthur Wolk - Featured in news reports on networks such ... ☆
bigsight profile for Arthur Wolk - Philadelphia, Pennsylvania - Featured in news reports on networks such as CNN and in publications like USA Today, ...
bigsight.org/arthur_wolk - Cached

Arthur Wolk- A resident of Philadelphia, Pennsylvania, attorney ... ☆
Arthur Wolk - A resident of Philadelphia, Pennsylvania, attorney and aviation expert Arthur Wolk brings a long and storied tradition to his wo ...
www.peoplepond.com/arthurwolk - Cached

Arthur Alan Wolk - Wikipedia, the free encyclopedia ☆
Arthur Alan Wolk (born October 25, 1943) is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in ...
en.wikipedia.org/wiki/Arthur_Alan_Wolk - Cached

Arthur Wolk, AIRLAW ☆
Oct 15, 2010 ... Founding partner Arthur Alan Wolk, a top attorney in the US for aviation law and ... Arthur Wolk is an airline transport-rated pilot and jet ...
www.webskatching.com/News/archive/38.asp - Cached

Reflections of My Puppy By Arthur Wolk - A chronicle of the first ... ☆
Recollections of My Puppy is a poignant, funny, and sometimes tear evoking chronicle of the first year of the life of Boo, a Golden Retriever, with her Dad, ...
boos-books.com/ - Cached - Similar

Arthur Wolk - Founding Partner, The Wolk Law Firm - Philadelphia ... ☆
Arthur Wolk - View my professional profile and contact me on Naymz!
www.naymz.com/arthur_wolk_2800445 - Cached

Searches related to Arthur Wolk
arthur wolk alan
arthur wolk bio
peoplepond arthur wolk
arthur wolk founding partner

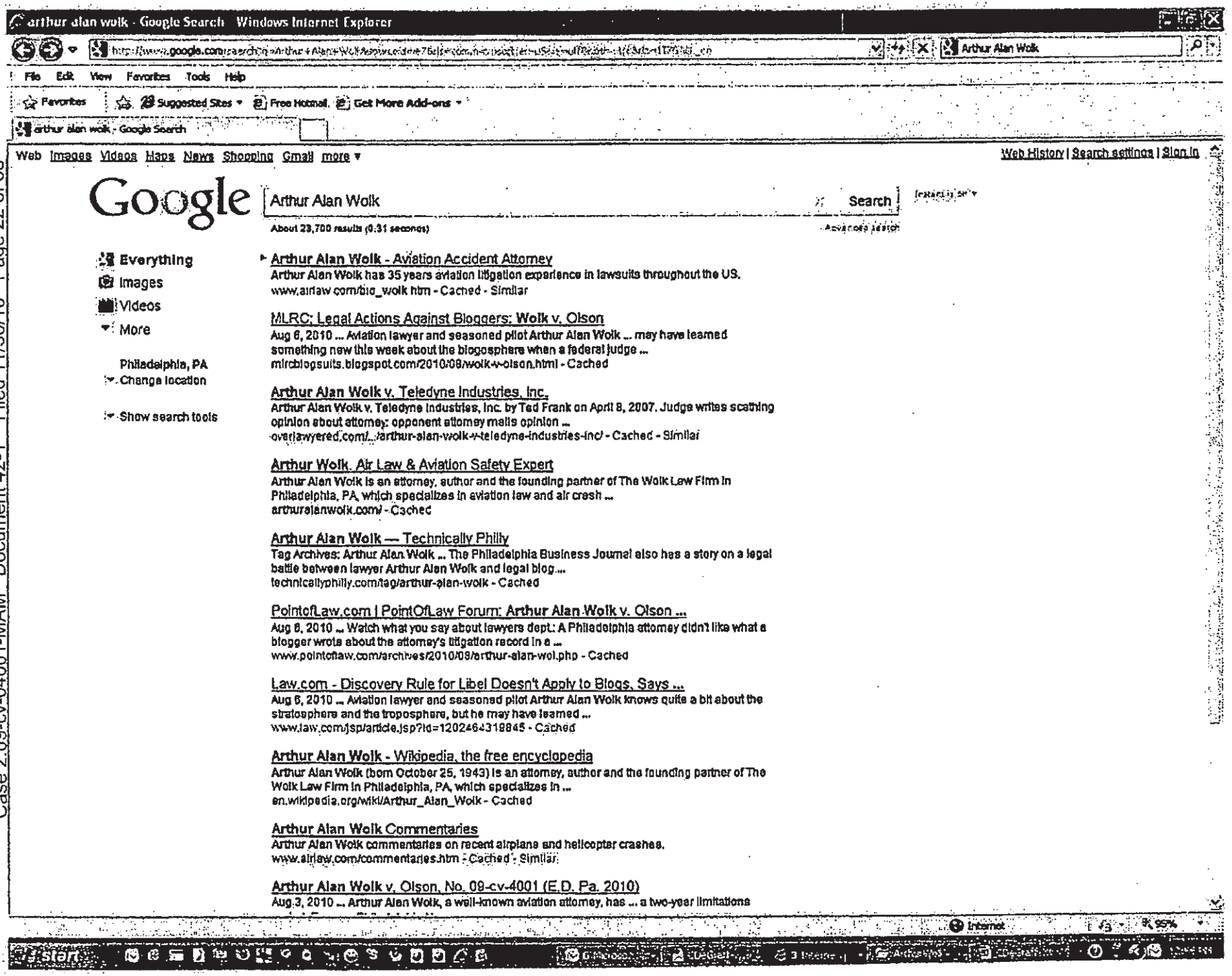
1 2 3 4 5 6 7 8 9 10 Next

Arthur Wolk Search

View customizations Search within results Search Help Give us feedback

Google Home Advertising Programs Business Solutions Privacy About Google

Exhibit F


arthur alan wolk - Google Search Windows Internet Explorer
Arthur Alan Wolk
File Edit View Favorites Tools Help
Favorites
Suggested Sites
Free Hotmail
Get More Add-ons
arthur alan wolk - Google Search
Web Images Videos Maps News Shopping Gmail more
Web History | Search settings | Sign in
Google
Arthur Alan Wolk
Search
About 23,700 results (0.31 seconds)
Everything
Images
Videos
More
Philadelphia, PA
Change location
Show search tools
Arthur Alan Wolk - Aviation Accident Attorney
Arthur Alan Wolk has 35 years aviation litigation experience in lawsuits throughout the US.
www.airlaw.com/bio_wolk.htm - Cached - Similar
MLRC: Legal Actions Against Bloggers: Wolk v. Olson
Aug 6, 2010 ... Aviation lawyer and seasoned pilot Arthur Alan Wolk ... may have learned something new this week about the blogosphere when a federal judge ...
mlrcblogsuits.blogspot.com/2010/08/wolk-v-olson.html - Cached
Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney opponent attorney mails opinion ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar
Arthur Wolk, Air Law & Aviation Safety Expert
Arthur Alan Wolk is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in aviation law and air crash ...
arthuralanwolk.com/ - Cached
Arthur Alan Wolk — Technically Philly
Tag Archives: Arthur Alan Wolk ... The Philadelphia Business Journal also has a story on a legal battle between lawyer Arthur Alan Wolk and legal blog ...
technicallyphilly.com/tag/arthur-alan-wolk - Cached
PointofLaw.com | PointOfLaw Forum: Arthur Alan Wolk v. Olson ...
Aug 6, 2010 ... Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a ...
www.pointoflaw.com/archives/2010/08/arthur-alan-wol.php - Cached
Law.com - Discovery Rule for Libel Doesn't Apply to Blogs, Says ...
Aug 6, 2010 ... Aviation lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned ...
www.law.com/jsp/article.jsp?id=1202464319845 - Cached
Arthur Alan Wolk - Wikipedia, the free encyclopedia
Arthur Alan Wolk (born October 25, 1943) is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in ...
en.wikipedia.org/wiki/Arthur_Alan_Wolk - Cached
Arthur Alan Wolk Commentaries
Arthur Alan Wolk commentaries on recent airplane and helicopter crashes.
www.airlaw.com/commentaries.htm - Cached - Similar
Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... a two-year limitations
Internet
start

arthur alan wolk aviation attorney - Google Search - Windows Internet Explorer

http://www.google.com/search?q=Arthur+Alan+Wolk+Aviation+Attorney&...

Arthur Alan Wolk Aviation Attorney

File Edit View Favorites Tools Help

Favorites | Suggested Sites | Free Hotmail | Get More Add-ons

arthur alan wolk aviation attorney - Google Search

seasoned courtroom skills, aviation industry savvy, ...
www.airlaw.com/experience.htm - Cached - Similar

Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... The plaintiff is perhaps the most prominent aviation attorney in the country. ...
www.scribd.com/.../Arthur-Alan-Wolk-v-Olson-No-09-cv-4001-E-D-Pa-2010 - Cached

Arthur Alan Wolk and The Wolk Law Firm lauded again for ...
Oct 15, 2010 ... As a testament to that reputation, Arthur Alan Wolk has been ... At The Wolk Law Firm, aviation safety always has and always will be their ...
www.pr-inside.com/arthur-alan-wolk-and-the-wolk-r2181297.htm - Cached

Arthur Alan Wolk - Lawyer in Philadelphia, Pennsylvania (PA ...
Arthur Alan Wolk is a lawyer in Philadelphia, Pennsylvania focusing on various areas of law. ... Airplane Crash Litigation; Products Liability; Aviation ...
www.lawyers.com/Pennsylvania/.../Arthur-Alan-Wolk-1550336-a.html - Cached

The Wolk Law Firm - Law Firm in Philadelphia, Pennsylvania (PA ...
The Wolk Law Firm was established in 1973 as Arthur Alan Wolk Associates, ...
www.lawyers.com/.../The-Wolk-Law-Firm-1550333-f.html - Cached - Similar

Show more results from lawyers.com

Arthur Wolk, AIRLAW
Oct 15, 2010 ... Founding partner Arthur Alan Wolk, a top attorney in the US for aviation law and an expert in the field with more than 40 years experience, ...
www.websketching.com/News/archive/36.asp - Cached

Arthur Wolk on Aviation Law and Air Safety: Arthur Alan Wolk ...
Nov 19, 2010 ... Arthur Alan Wolk is an expert in aviation law and air safety, frequently appearing on national TV as an expert in air crash causes. ...
arthurwolk.blogspot.com/.../arthur-alan-wolk-commentary-tsa-has-its.html - Cached

Court Said Arthur Alan Wolk and The Wolk Law Firm Acted "Honestly ...
Mar 7, 2007 ... Court Said Arthur Alan Wolk and The Wolk Law Firm Acted "Honestly ... aviation attorney Arthur Alan Wolk made public today the fact that he ...
eon.businesswire.com/news/eon/20070307106220/en - Cached

Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney; opponent attorney mails opinion ... on Mr. Wolk for his lawsuits against commenters at an aviation website that ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar

◄ Goooooooooogle ►

Previous 1 2 3 4 5 6 7 8 9 10 11 Next

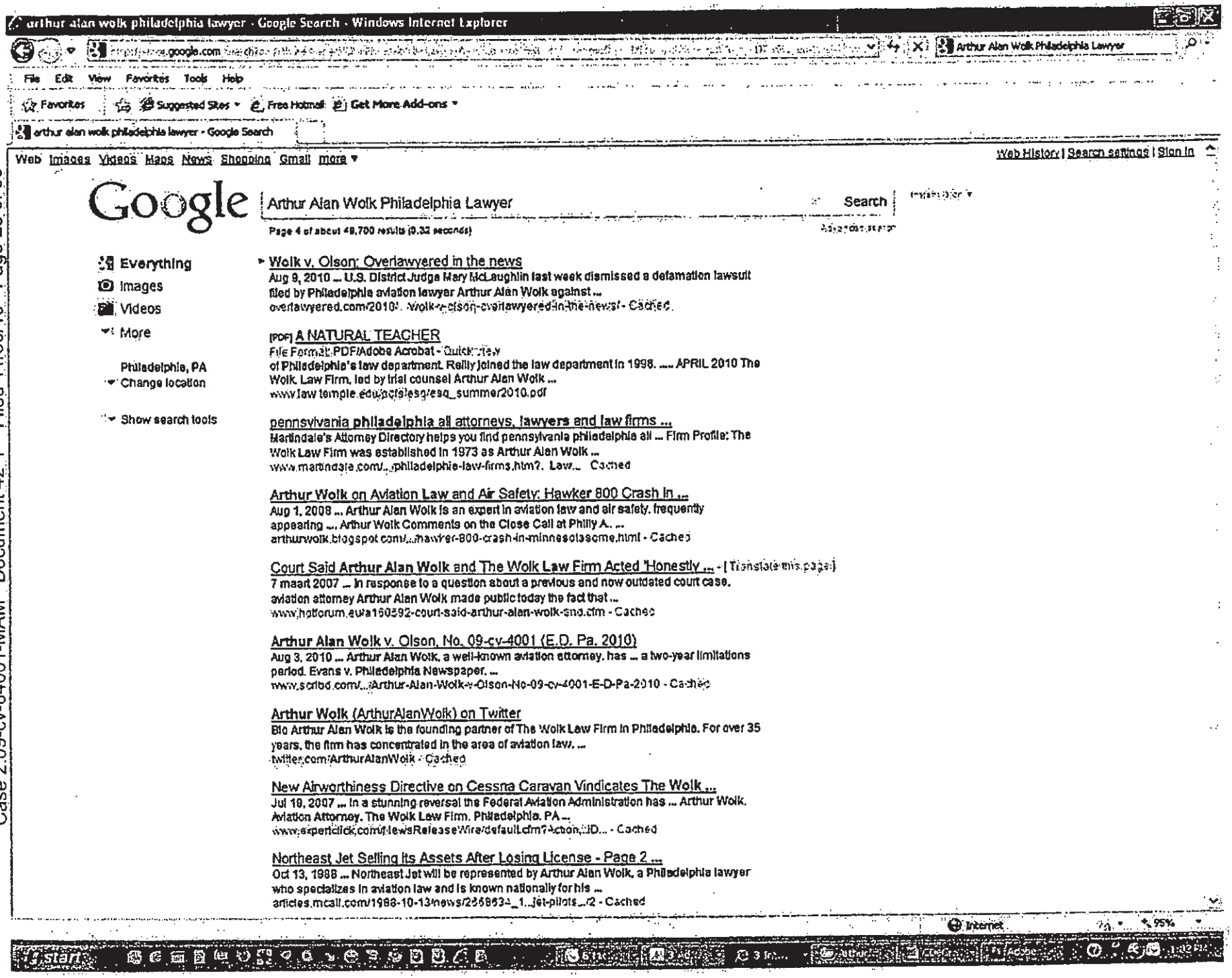
Search Help Give us feedback

Google Home Advertising Programs Business Solutions Privacy About Google

Internet 95%

Start

Exhibit G



arthur alan wolk philadelphia lawyer - Google Search - Windows Internet Explorer

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

arthur alan wolk philadelphia lawyer - Google Search

Web Images Videos Maps News Shopping Gmail more

Web History | Search settings | Sign In

Google Arthur Alan Wolk Philadelphia Lawyer Search

Page 4 of about 49,700 results (0.32 seconds)

Everything
Images
Videos
More

Philadelphia, PA
Change location

Show search tools

Wolk v. Olson: Overlawyered in the news
Aug 9, 2010 ... U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against ...
overlawyered.com/2010/.../wolk-v-olson-overlawyered-in-the-news/ - Cached

[PDF] A NATURAL TEACHER
File Format: PDF/Adobe Acrobat - Quick View
of Philadelphia's law department. Reilly joined the law department in 1998. ..... APRIL 2010 The Wolk Law Firm, led by trial counsel Arthur Alan Wolk ...
www.law.temple.edu/pdf/esq/esq_summer2010.pdf

pennsylvania philadelphia all attorneys, lawyers and law firms ...
Martindale's Attorney Directory helps you find pennsylvania philadelphia all ... Firm Profile: The Wolk Law Firm was established in 1973 as Arthur Alan Wolk ...
www.martindale.com/.../philadelphia-law-firms.htm?... Law... - Cached

Arthur Wolk on Aviation Law and Air Safety: Hawker 800 Crash in ...
Aug 1, 2008 ... Arthur Alan Wolk is an expert in aviation law and air safety, frequently appearing ... Arthur Wolk Comments on the Close Call at Philly A. ...
arthurwolk.blogspot.com/.../hawker-800-crash-in-minnesotasome.html - Cached

Court Said Arthur Alan Wolk and The Wolk Law Firm Acted 'Honestly' ... - [Translate this page]
7 maart 2007 ... In response to a question about a previous and now outdated court case, aviation attorney Arthur Alan Wolk made public today the fact that ...
www.hotforum.eu/a150592-court-said-arthur-alan-wolk-and.cfm - Cached

Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... a two-year limitations period. Evans v. Philadelphia Newspaper, ...
www.scribd.com/.../Arthur-Alan-Wolk-v-Olson-No-09-cv-4001-E-D-Pa-2010 - Cached

Arthur Wolk (ArthurAlanWolk) on Twitter
Bio Arthur Alan Wolk is the founding partner of The Wolk Law Firm in Philadelphia. For over 35 years, the firm has concentrated in the area of aviation law. ...
twitter.com/ArthurAlanWolk - Cached

New Airworthiness Directive on Cessna Caravan Vindicates The Wolk ...
Jul 19, 2007 ... In a stunning reversal the Federal Aviation Administration has ... Arthur Wolk, Aviation Attorney, The Wolk Law Firm, Philadelphia, PA ...
www.experclick.com/NewsReleaseWire/default.cfm?Action=ID... - Cached

Northeast Jet Selling Its Assets After Losing License - Page 2 ...
Oct 13, 1988 ... Northeast Jet will be represented by Arthur Alan Wolk, a Philadelphia lawyer who specializes in aviation law and is known nationally for his ...
articles.mcall.com/1988-10-13/news/2356834_1_...jet-pilots_...2 - Cached

Internet 95%

start

Exhibit H

11/18/88

settlements by arthur wolk - Google Search - Windows Internet Explorer

google.com

Settlements by Arthur Wolk

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

settlements by arthur wolk - Google Search

Web Images Videos Maps News Shopping Gmail more

Web History | Search settings | Sign in

Google

Settlements by Arthur Wolk

Search

About 302,000 results (0.22 seconds)

Advanced search

Everything
Images
Videos
More

Philadelphia, PA
Change location

All results
Timeline

More search tools

We Buy Your Settlement 1 (888) 360 2306
JG Wentworth Buys Settlements For Cash. Free Settlement Quote Now.
JGWentworth.com/Settlement

MLRC: Legal Actions Against Bloggers: Wolk v. Olson
Aug 6, 2010 ... Aviation lawyer and seasoned pilot Arthur Alan Wolk ... may have learned something new this week about the blogosphere when a federal judge ...
mlrcblogsuits.blogspot.com/2010/08/wolk-v-olson.html - Cached

The Wolk Law Firm - Aircraft Disaster Verdicts and Settlements
All other settlements were very favorable to the families of the victims. Arthur Wolk was on the Plaintiffs' Steering Committee and, before his settlements ...
www.airlaw.com/verdicts.htm - Cached - Similar

Arthur Alan Wolk - Aviation Accident Attorney
Arthur Alan Wolk has 35 years aviation litigation experience in lawsuits ...
www.airlaw.com/bio_wolk.htm - Cached - Similar

Show more results from airlaw.com

Arthur Wolk- A resident of Philadelphia, Pennsylvania, attorney ...
Notable courtroom victories and settlements won by Arthur Wolk include EgyptAir Flight 990, United Airlines Flight 232, and Swissair Flight 111. ...
www.peoplepond.com/arthurwolk - Cached

Arthur Alan Wolk - Wikipedia, the free encyclopedia
Arthur Alan Wolk (born October 25, 1943) is an attorney, author and the founding ... a b The Wolk Law Firm - Aircraft Disaster Verdicts and Settlements ...
en.wikipedia.org/wiki/Arthur_Alan_Wolk - Cached

Arthur Wolk Widely Credited With EgyptAir 990 Settlement, - PR ...
Jan 29, 2001 ... Arthur Wolk Widely Credited With EgyptAir 990 Settlement from PR Newswire. HighBeam Research – FREE Trial
www.highbeam.com › ... › January-March 2001 › Monday, January 29 - Cached

Arthur Wolk Air Safety Expert
Arthur Wolk is also an author, editor and lecturer on aviation law and air safety ... Wolk has personally generating verdicts and settlements of over $1 ...
www.squidoo.com/arthur-alan-wolk - Cached

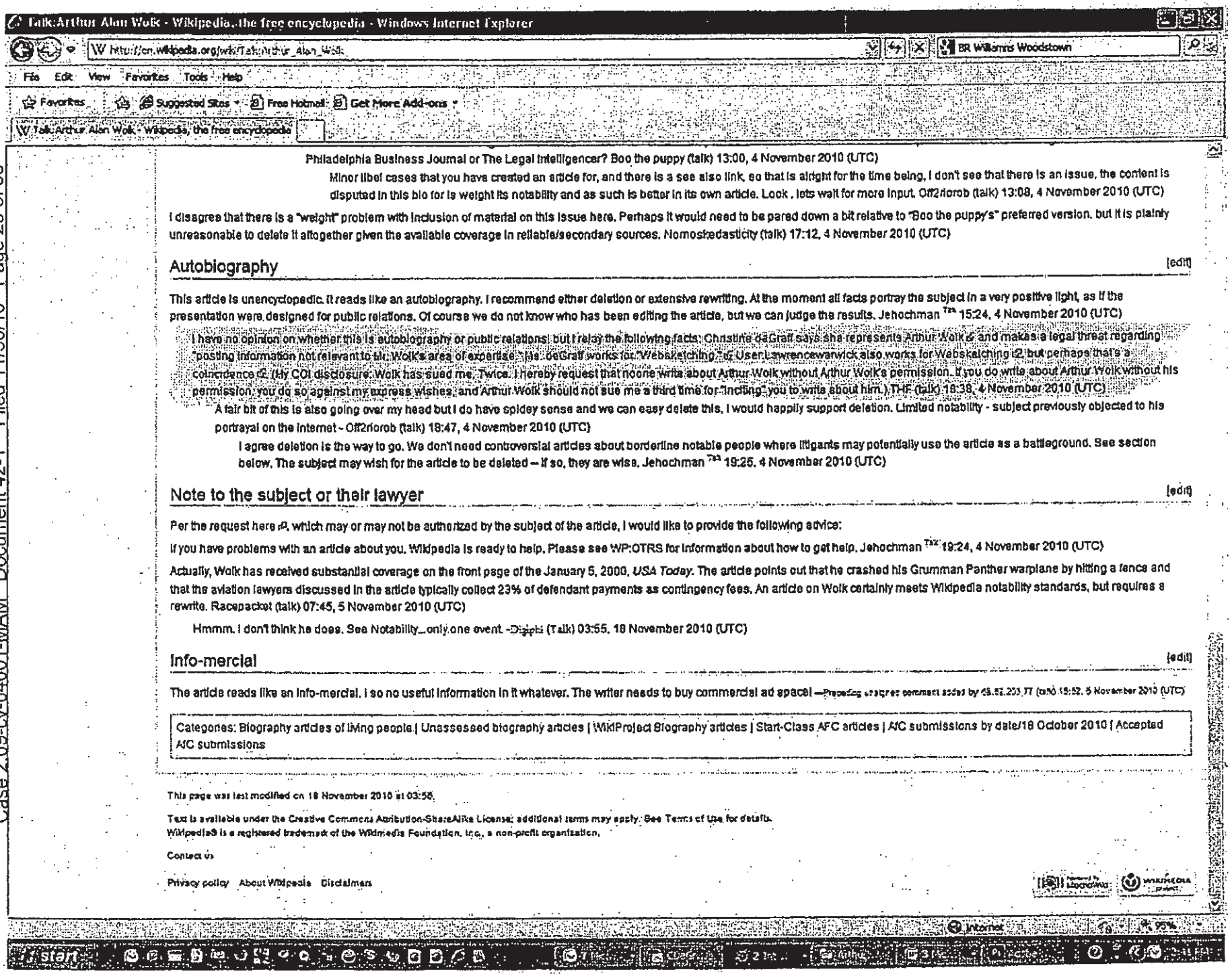
Arthur Alan Wolk v. Teledyne Industries, Inc.
Apr 8, 2007 ... Arthur Alan Wolk v. Teledyne Industries, Inc. ... Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar

Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)

Internet 95%

Start

Exhibit I



Talk:Arthur Alan Wolk - Wikipedia, the free encyclopedia - Windows Internet Explorer

http://en.wikipedia.org/wiki/Talk:Arthur_Alan_Wolk

BR Williams Woodstown

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

Talk:Arthur Alan Wolk - Wikipedia, the free encyclopedia

Philadelphia Business Journal or The Legal Intelligencer? Boo the puppy (talk) 13:00, 4 November 2010 (UTC)

Minor libel cases that you have created an article for, and there is a see also link, so that is alright for the time being, I don't see that there is an issue, the content is disputed in this bio for is weight its notability and as such is better in its own article. Look , lets wait for more input. Off2riorob (talk) 13:08, 4 November 2010 (UTC)

I disagree that there is a "weight" problem with inclusion of material on this issue here. Perhaps it would need to be pared down a bit relative to "Boo the puppy's" preferred version, but it is plainly unreasonable to delete it altogether given the available coverage in reliable/secondary sources. Nomoskedasticity (talk) 17:12, 4 November 2010 (UTC)

Autobiography [edit]

This article is unencyclopedic. It reads like an autobiography. I recommend either deletion or extensive rewriting. At the moment all facts portray the subject in a very positive light, as if the presentation were designed for public relations. Of course we do not know who has been editing the article, but we can judge the results. Jehochman [Talk] 15:24, 4 November 2010 (UTC)

I have no opinion on whether this is autobiography or public relations, but I relay the following facts: Christine deGraff says she represents Arthur Wolk & and makes a legal threat regarding "posting information not relevant to Mr. Wolk's area of expertise." Ms. deGraff works for "Webskatching," & User:Lawrencewarwick also works for Webskatching ©, but perhaps that's a coincidence ©. (My COI disclosure: Wolk has sued me, Twice. I hereby request that noone write about Arthur Wolk without Arthur Wolk's permission. If you do write about Arthur Wolk without his permission, you do so against my express wishes, and Arthur Wolk should not sue me a third time for "inciting" you to write about him.) THF (talk) 18:38, 4 November 2010 (UTC)

A fair bit of this is also going over my head but I do have spidey sense and we can easy delete this, I would happily support deletion. Limited notability - subject previously objected to his portrayal on the internet - Off2riorob (talk) 18:47, 4 November 2010 (UTC)

I agree deletion is the way to go. We don't need controversial articles about borderline notable people where litigants may potentially use the article as a battleground. See section below. The subject may wish for the article to be deleted – if so, they are wise. Jehochman [Talk] 19:25, 4 November 2010 (UTC)

Note to the subject or their lawyer [edit]

Per the request here ©, which may or may not be authorized by the subject of the article, I would like to provide the following advice:

If you have problems with an article about you, Wikipedia is ready to help. Please see WP:OTRS for information about how to get help. Jehochman [Talk] 19:24, 4 November 2010 (UTC)

Actually, Wolk has received substantial coverage on the front page of the January 5, 2000, *USA Today*. The article points out that he crashed his Grumman Panther warplane by hitting a fence and that the aviation lawyers discussed in the article typically collect 23% of defendant payments as contingency fees. An article on Wolk certainly meets Wikipedia notability standards, but requires a rewrite. Racepacket (talk) 07:45, 5 November 2010 (UTC)

Hmmm. I don't think he does. See Notability_only one event. -Diggi (Talk) 03:55, 18 November 2010 (UTC)

Info-mercial [edit]

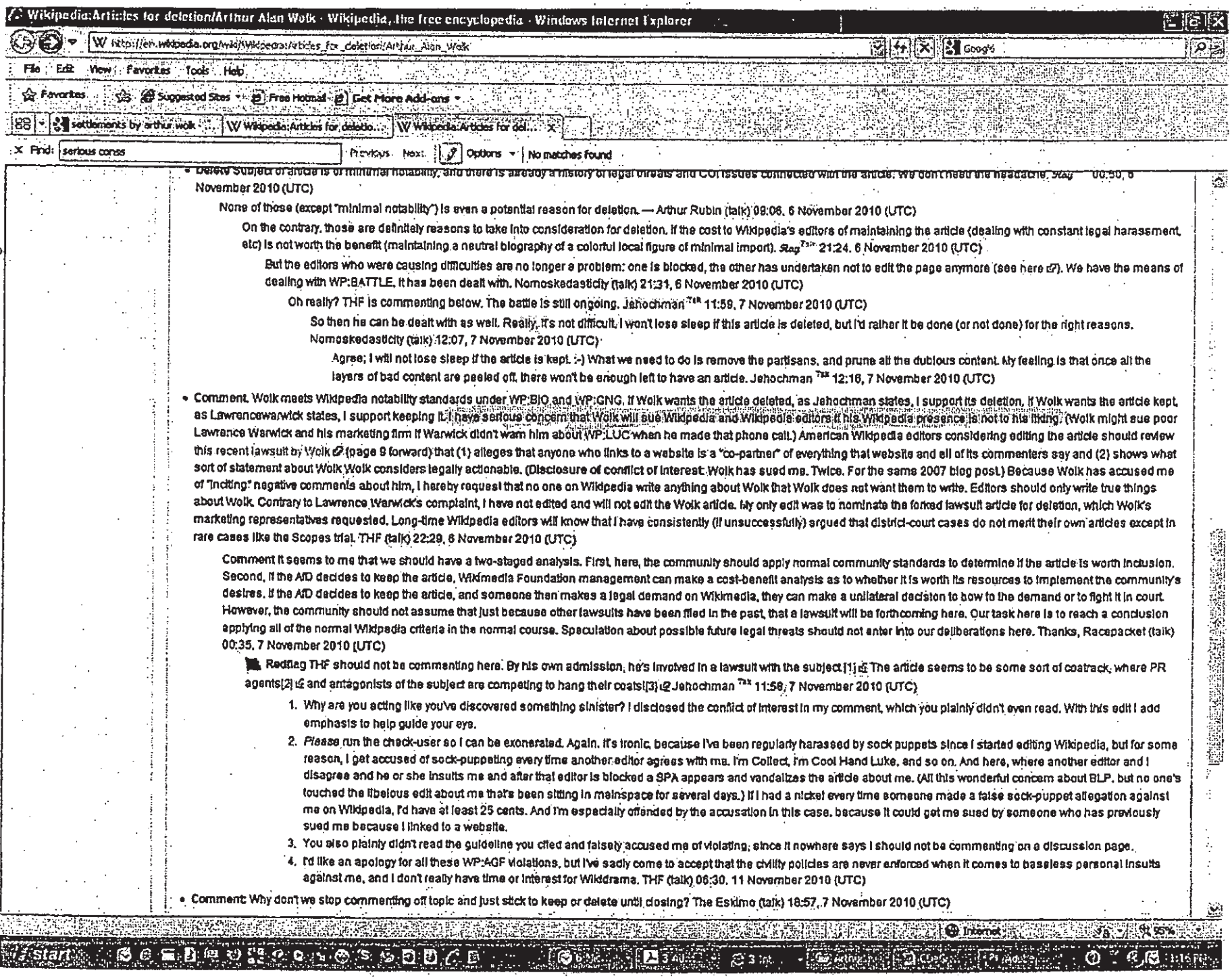
The article reads like an info-mercial. I so no useful information in it whatever. The writer needs to buy commercial ad space! —Preceding unsigned comment added by 65.82.253.77 (talk) 19:52, 5 November 2010 (UTC)

Categories: Biography articles of living people | Unassessed biography articles | WikiProject Biography articles | Start-Class AFC articles | AfC submissions by date/18 October 2010 | Accepted AfC submissions

Internet 95%

start

Exhibit J



Wikipedia:Articles for deletion/Arthur Alan Wolk - Wikipedia, the free encyclopedia - Windows Internet Explorer

http://en.wikipedia.org/wiki/Wikipedia:Articles_for_deletion/Arthur_Alan_Wolk

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

settlements by arthur wolk ... | Wikipedia:Articles for deletio... | Wikipedia:Articles for del...

Find: serious concs Previous Next Options No matches found

- Delete Subject of article is of minimal notability, and there is already a history of legal threats and COI issues connected with the article. We don't need the headache. Stay 00:50, 6 November 2010 (UTC)

None of those (except "minimal notability") is even a potential reason for deletion. — Arthur Rubin (talk) 09:06, 6 November 2010 (UTC)

On the contrary, those are definitely reasons to take into consideration for deletion. If the cost to Wikipedia's editors of maintaining the article (dealing with constant legal harassment, etc) is not worth the benefit (maintaining a neutral biography of a colorful local figure of minimal import). Stay 21:24, 6 November 2010 (UTC)

But the editors who were causing difficulties are no longer a problem: one is blocked, the other has undertaken not to edit the page anymore (see here). We have the means of dealing with WP:BATTLE, it has been dealt with. Nomoskedasticity (talk) 21:31, 6 November 2010 (UTC)

Oh really? THF is commenting below. The battle is still ongoing. Jehochman 11:59, 7 November 2010 (UTC)

So then he can be dealt with as well. Really, it's not difficult. I won't lose sleep if this article is deleted, but I'd rather it be done (or not done) for the right reasons. Nomoskedasticity (talk) 12:07, 7 November 2010 (UTC)

Agree; I will not lose sleep if the article is kept. :-) What we need to do is remove the partisans, and prune all the dubious content. My feeling is that once all the layers of bad content are peeled off, there won't be enough left to have an article. Jehochman 12:16, 7 November 2010 (UTC)

- Comment. Wolk meets Wikipedia notability standards under WP:BIO and WP:GNG. If Wolk wants the article deleted, as Jehochman states, I support its deletion. If Wolk wants the article kept, as Lawrencewarwick states, I support keeping it. I have serious concern that Wolk will sue Wikipedia and Wikipedia editors if his Wikipedia presence is not to his liking. (Wolk might sue poor Lawrence Warwick and his marketing firm if Warwick didn't warn him about WP:LUC when he made that phone call.) American Wikipedia editors considering editing the article should review this recent lawsuit by Wolk (page 9 forward) that (1) alleges that anyone who links to a website is a "co-partner" of everything that website and all of its commenters say and (2) shows what sort of statement about Wolk Wolk considers legally actionable. (Disclosure of conflict of interest: Wolk has sued me. Twice. For the same 2007 blog post.) Because Wolk has accused me of "inciting" negative comments about him, I hereby request that no one on Wikipedia write anything about Wolk that Wolk does not want them to write. Editors should only write true things about Wolk. Contrary to Lawrence Warwick's complaint, I have not edited and will not edit the Wolk article. My only edit was to nominate the forked lawsuit article for deletion, which Wolk's marketing representatives requested. Long-time Wikipedia editors will know that I have consistently (if unsuccessfully) argued that district-court cases do not merit their own articles except in rare cases like the Scopes trial. THF (talk) 22:29, 6 November 2010 (UTC)

Comment It seems to me that we should have a two-staged analysis. First, here, the community should apply normal community standards to determine if the article is worth inclusion. Second, if the AfD decides to keep the article, Wikimedia Foundation management can make a cost-benefit analysis as to whether it is worth its resources to implement the community's desires. If the AfD decides to keep the article, and someone then makes a legal demand on Wikimedia, they can make a unilateral decision to bow to the demand or to fight it in court. However, the community should not assume that just because other lawsuits have been filed in the past, that a lawsuit will be forthcoming here. Our task here is to reach a conclusion applying all of the normal Wikipedia criteria in the normal course. Speculation about possible future legal threats should not enter into our deliberations here. Thanks, Racepacket (talk) 00:35, 7 November 2010 (UTC)

Redflag THF should not be commenting here. By his own admission, he's involved in a lawsuit with the subject.[1] The article seems to be some sort of coatrack, where PR agents[2] and antagonists of the subject are competing to hang their coats![3] Jehochman 11:59, 7 November 2010 (UTC)

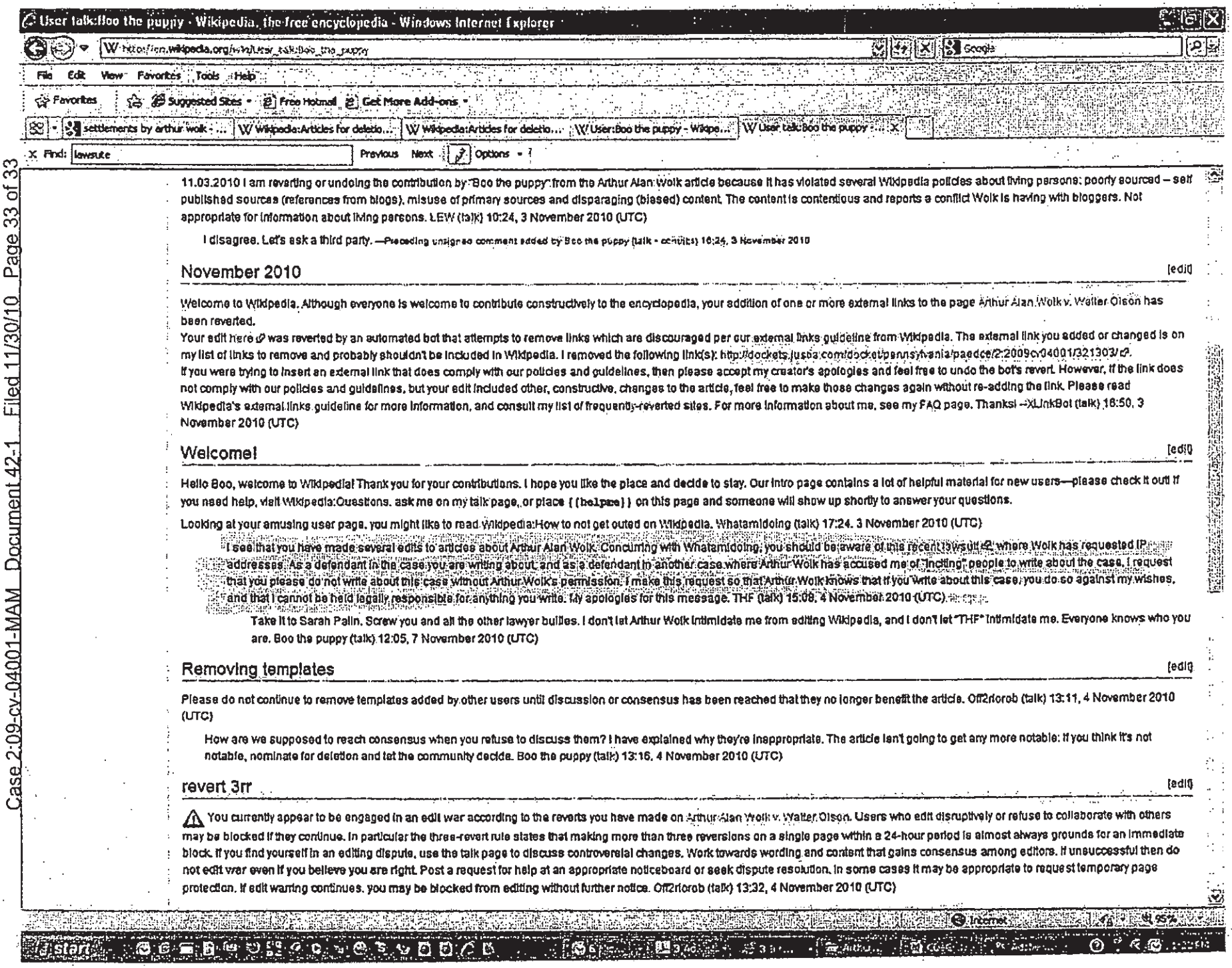
1. Why are you acting like you've discovered something sinister? I disclosed the conflict of interest in my comment, which you plainly didn't even read. With this edit I add emphasis to help guide your eye.
2. *Please* run the check-user so I can be exonerated. Again, it's ironic, because I've been regularly harassed by sock puppets since I started editing Wikipedia, but for some reason, I get accused of sock-puppeting every time another editor agrees with me. I'm Collect, I'm Cool Hand Luke, and so on. And here, where another editor and I disagree and he or she insults me and after that editor is blocked a SPA appears and vandalizes the article about me. (All this wonderful concern about BLP, but no one's touched the libelous edit about me that's been sitting in mainspace for several days.) If I had a nickel every time someone made a false sock-puppet allegation against me on Wikipedia, I'd have at least 25 cents. And I'm especially offended by the accusation in this case, because it could get me sued by someone who has previously sued me because I linked to a website.
3. You also plainly didn't read the guideline you cited and falsely accused me of violating, since it nowhere says I should not be commenting on a discussion page.
4. I'd like an apology for all these WP:AGF violations, but I've sadly come to accept that the civility policies are never enforced when it comes to baseless personal insults against me, and I don't really have time or interest for Wikidrama. THF (talk) 06:30, 11 November 2010 (UTC)

- Comment Why don't we stop commenting off topic and just stick to keep or delete until closing? The Eskimo (talk) 18:57, 7 November 2010 (UTC)

Internet 95%

start

Exhibit K



User talk:Boo the puppy - Wikipedia, the free encyclopedia - Windows Internet Explorer

http://en.wikipedia.org/w/index.php?title=User_talk:Boo_the_puppy

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

settlements by arthur wolk - ... | Wikipedia:Articles for deletio... | Wikipedia:Articles for deletio... | User:Boo the puppy - Wikpe... | User talk:Boo the puppy - ...

Find: lawsuit Previous Next Options

11.03.2010 I am reverting or undoing the contribution by "Boo the puppy" from the Arthur Alan Wolk article because it has violated several Wikipedia policies about living persons: poorly sourced – self published sources (references from blogs), misuse of primary sources and disparaging (biased) content. The content is contentious and reports a conflict Wolk is having with bloggers. Not appropriate for information about living persons. LEW (talk) 10:24, 3 November 2010 (UTC)

I disagree. Let's ask a third party. —Preceding unsigned comment added by Boo the puppy (talk • contribs) 16:24, 3 November 2010

November 2010 [edit]

Welcome to Wikipedia. Although everyone is welcome to contribute constructively to the encyclopedia, your addition of one or more external links to the page Arthur Alan Wolk v. Walter Olson has been reverted.
Your edit here was reverted by an automated bot that attempts to remove links which are discouraged per our external links guideline from Wikipedia. The external link you added or changed is on my list of links to remove and probably shouldn't be included in Wikipedia. I removed the following link(s): http://dockets.justia.com/docket/pennsylvania/paedce/2:2009cv04001/321303/. If you were trying to insert an external link that does comply with our policies and guidelines, then please accept my creator's apologies and feel free to undo the bot's revert. However, if the link does not comply with our policies and guidelines, but your edit included other, constructive, changes to the article, feel free to make those changes again without re-adding the link. Please read Wikipedia's external links guideline for more information, and consult my list of frequently-reverted sites. For more information about me, see my FAQ page. Thanks! –XLinkBot (talk) 16:50, 3 November 2010 (UTC)

Welcome! [edit]

Hello Boo, welcome to Wikipedia! Thank you for your contributions. I hope you like the place and decide to stay. Our intro page contains a lot of helpful material for new users—please check it out! If you need help, visit Wikipedia:Questions, ask me on my talk page, or place {{helpme}} on this page and someone will show up shortly to answer your questions.

Looking at your amusing user page, you might like to read Wikipedia:How to not get outed on Wikipedia. Whatamidoing (talk) 17:24, 3 November 2010 (UTC)

I see that you have made several edits to articles about Arthur Alan Wolk. Concurring with Whatamidoing, you should be aware of this recent lawsuit where Wolk has requested IP addresses. As a defendant in the case you are writing about, and as a defendant in another case where Arthur Wolk has accused me of "inciting" people to write about the case, I request that you please do not write about this case without Arthur Wolk's permission. I make this request so that Arthur Wolk knows that if you write about this case, you do so against my wishes, and that I cannot be held legally responsible for anything you write. My apologies for this message. THF (talk) 15:09, 4 November 2010 (UTC)

Take it to Sarah Palin. Screw you and all the other lawyer bullies. I don't let Arthur Wolk intimidate me from editing Wikipedia, and I don't let "THF" intimidate me. Everyone knows who you are. Boo the puppy (talk) 12:05, 7 November 2010 (UTC)

Removing templates [edit]

Please do not continue to remove templates added by other users until discussion or consensus has been reached that they no longer benefit the article. Off2riorob (talk) 13:11, 4 November 2010 (UTC)

How are we supposed to reach consensus when you refuse to discuss them? I have explained why they're inappropriate. The article isn't going to get any more notable: if you think it's not notable, nominate for deletion and let the community decide. Boo the puppy (talk) 13:16, 4 November 2010 (UTC)

revert 3rr [edit]

⚠ You currently appear to be engaged in an edit war according to the reverts you have made on Arthur Alan Wolk v. Walter Olson. Users who edit disruptively or refuse to collaborate with others may be blocked if they continue. In particular the three-revert rule states that making more than three reversions on a single page within a 24-hour period is almost always grounds for an immediate block. If you find yourself in an editing dispute, use the talk page to discuss controversial changes. Work towards wording and content that gains consensus among editors. If unsuccessful then do not edit war even if you believe you are right. Post a request for help at an appropriate noticeboard or seek dispute resolution. In some cases it may be appropriate to request temporary page protection. If edit warring continues, you may be blocked from editing without further notice. Off2riorob (talk) 13:32, 4 November 2010 (UTC)

Internet 95%

start

EXHIBIT B

SPECTOR GADON & ROSEN, P.C.
By: Paul R. Rosen, Esquire
Attorney I.D. No. 13396
prosen@lawsgr.com
By: Andrew J. DeFalco, Esquire
Attorney I.D. No. 84360
adefalco@lawsgr.com
Seven Penn Center Plaza
1635 Market Street, 7th Floor
Philadelphia, PA 19103
(215) 241-8888

Attorneys for Plaintiffs

ARTHUR ALAN WOLK, ESQUIRE
1710-12 Locust Street
Philadelphia, PA 19103

Plaintiffs

vs.

WALTER K. OLSON, ESQUIRE
875 King Street
Chappaqua, NY 10514-3430

And

THEODORE H. FRANK, ESQUIRE
901 North Monroe Street, Apt. 1007
Arlington, VA 22201-2353

And

DAVID M. NIEPORENT, ESQUIRE
155 Tillotson Road
Fanwood, NJ 07023

And

THE OVERLAWYERED GROUP
875 King Street
Chappaqua, NY 10514-3430

And

OVERLAWYERED.COM
318 State Street
Santa Barbara, CA 93101-2361

And

THIS IS NOT AN ARBITRATION CASE

AN ASSESSMENT OF DAMAGES IS NOT REQUIRED

CIVIL ACTION – LAW

NO.:

JURY TRIAL DEMANDED
Civil

JOHN DOE

And

JANE DOE

Defendants

PRAECIPE TO ISSUE WRIT OF SUMMONS
2L – Libel and Slander

TO THE PROTHONOTARY:

Kindly issue a Writ of Summons – Civil Action, to (1) Walter K. Olson, Esquire, (2) Theodore H. Frank, Esquire, (3) David M. Nieporent, Esquire, (4) The Overlawyered Group, and (5) Overlawyered.com, in the above-captioned matter.

Respectfully submitted,

Paul R. Rosen, Esquire
Andrew J. DeFalco, Esquire
SPECTOR GADON & ROSEN, P.C.
1635 Market Street, 7th Floor
Philadelphia, Pennsylvania 19103
(215) 241-8888 (Main)
(215) 241-8844 (Fax)

Counsel for Plaintiffs

Date: 5/12/08

SUMMONS

Commonwealth of Pennsylvania

CITACION

CITY AND COUNTY OF PHILADELPHIA
COURT OF COMMON PLEAS

ARTHUR ALAN WOLK, ESQUIRE
1710-12 Locust Street, Philadelphia, PA 19103
vs.
WALTER K. OLSON, ESQUIRE
875 King Street, Chappaqua, NY 10514-3430

Term, Yr.

No.

THEODORE H. FRANK, ESQUIRE
901 North Monroe Street, Apt. 1007, Arlington, VA 22201-2353

DAVID M. NIEPORENT, ESQUIRE
155 Tillotson Road, Fanwood, NJ 07023

THE OVERLAWYERED GROUP
875 King Street, Chappaqua, NY 10514-3430

OVERLAWYERED.COM
318 State Street, Santa Barbara, CA 93101-2361

To:[1] WALTER K. OLSON, ESQUIRE
875 King Street, Chappaqua, NY 10514-3430

THEODORE H. FRANK, ESQUIRE
901 North Monroe Street, Apt. 1007, Arlington, VA 22201-2353

DAVID M. NIEPORENT, ESQUIRE
155 Tillotson Road, Fanwood, NJ 07023

THE OVERLAWYERED GROUP
875 King Street, Chappaqua, NY 10514-3430

OVERLAWYERED.COM
318 State Street, Santa Barbara, CA 93101-2361

You are notified that the Plaintiff[2]
Arthur Alan Wolk, Esquire
Usted esta avisado que el demandante[2]
Has (have) commenced an action against you.
Ha (han) iniciado una accion en contra suya.

JOSEPH H. EVERS
Prothonotary

BY

Date

PROTHONOTARY - PHILADELPHIA
090501489
13 MAY 2009 11:34 am
M. TIERNEY
JUDICIAL DISTRICT OF PENNSYLVANIA

[1]Name(s) of Defendant(s)
[2]Name(s) of Plaintiff(s)
463844v1

554199-1

Case ID: 090501489

COURT OF COMMON PLEAS

_____, 20____ No. _____

ARTHUR ALAN WOLK, ESQUIRE
1710-12 Locust Street, Philadelphia, PA 19103

vs.

WALTER K. OLSON, ESQUIRE
875 King Street, Chappaqua, NY 10514-3430

THEODORE H. FRANK, ESQUIRE
901 North Monroe Street, Apt. 1007, Arlington, VA 22201-2353

DAVID M. NIEPORENT, ESQUIRE
155 Tillotson Road, Fanwood, NJ 07023

THE OVERLAWYERED GROUP
875 King Street, Chappaqua, NY 10514-3430

OVERLAWYERED.COM
318 State Street, Santa Barbara, CA 93101-2361

SUMMONS

Attorney for Plaintiff:
Paul R. Rosen, Esquire
Andrew J. DeFalco, Esquire
Spector Gadon & Rosen P.C.
1635 Market Street
Philadelphia, PA 19103

554199-1

EXHIBIT C

(FILED UNDER SEAL)

EXHIBIT D

Last Name	First Name	Company Name	Address Line1	Address Line2	City	State	Zip Code
Alissi	Mike	Vice President, Operat		3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Asness, Ph	Clifford S.	AQR Capital Managem	Two Greenwich Plaza	3rd Floor	Greenwich,	CT	06830
Beagh	Thomas E.	Beach Investment Cou	300 Barr Harbor Drive		W. Conshohocken,	PA	19428-2998
Binder	Gordon M.	Managing Director	Coastview Capital, LLC	2121 Santa Monica Blvd	Los Angeles,	CA	90025
Brooks, Jr.	Arthur C.	American Enterprise I	1150 Seventeenth Street		Washington,	DC	20036
Chase, Jr.	Derwood S.	Chase Investment Cou	300 Preston Avenue	Suite 500	Charlottesville,	VA	22902-5096
Cheney	Richard B.	The Heritage Foundati	214 Massachusetts Ave.		Washington,	DC	20002-4999
Crow	Harlan	Chairman & CEO	Crow Holdings	3819 Maple Avenue	Dallas,	TX	75219-3913
Curley	James R.	Financial Consortium I	318 W. Adams Street	Suite 1200	Chicago,	IL	60606
D'Aniello	Daniel A.	Co-Founder & Managi	The Carlyle Group	1001 Pennsylvania Ave	Washington,	DC	20004-2505
Dunn	William A.	DUNN Capital Manage	DUNN Building	389 SE Osceola Street,	Stuart,	FL	34994
Faraci	John V.	Chairman & CEO	International Paper Co	6400 Poplar Avenue	Memphis,	TN	38197
Fedak	Michael J.	Manhattan Institute fo	52 Vanderbilt Avenue		New York,	NY	10017
Fleming	David W.	Counsel, Latham & Wa	100 Universal City Plaz	Building 4m	Universal City,	CA	91608
Friedman	Tully M.	Chairman & CEO	Friedman Fleischer & L	One Maritime Plaza, 2	San Francisco,	CA	94111
Galvin, Ch	Christopher B.	Harrison Street Capital	71 South Wacker Drive	Suite 3575	Chicago,	IL	60606
Gillespie	Nick	Vice President, Online	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Gilmartin	Raymond V.	Harvard Business Scho	Soldiers Field		Boston,	MA	02163
Graff	Jon.	Secretary & Treasurer	Reason Foundation	3415 S. Sepulveda Blvd,	Los Angeles,	CA	90034
Greenhill	Robert R.	Founder & Chairman	Greenhill & Co., Inc.	300 Park Avenue	New York,	NY	10022
Jameson	James D.		399 Park Avenue	15th Floor	New York,	NY	10022
Klausner	Manuel S.	Law Offices of Manuel	601 West Fifth Street		Los Angeles,	CA	90071
Koch	David H.	Koch Industries, Inc.	P.O. Box 2256		Wichita,	KS	67201-2256

LastName	FirstName	Company Name	Address Line1	Address Line2	City	State	ZipCode
Kovner, C.	Bruce	Caxton Associates, LP	731 Alexander Road	Bldg. 2	Princeton,	NJ	08540
Lintott	James	Sterling Foundation M	2325 Dulles Corner Blv	Suite 670	Herndon,	VA	20171
Modzelew	Stephen	Maple Engine, LP	1578 River Road		New Hope,	PA	18938-9367
Moore	Adrian	Vice President, Resear	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Nott	David	Reason Foundation	3415 S. Sepulveda Blvd.	Suite 400	Los Angeles,	CA	90034
Olinstrom	George F.	Olinstrom Foundation	101 Park Avenue	35th Floor	New York,	NY	10178-0061
Poole, Jr.	Robert W.	Reason Foundation	3415 S. Sepulveda Blvd.	Suite 400	Los Angeles,	CA	90034
Rollins	Kevin B.	Chairman, Senior Advi	TPG Capital	345 California Street, S	San Francisco,	CA	94104
Rust, Jr.	Edward B.	Chairman & CEO	State Farm Insurance	One State Farm Plaza	Bloomington,	IL	61710
Singer	Paul E.	Elliott Associates, L.P.	712 5th Avenue	36th Floor	New York,	NY	10019-4108
Smith	Vernon L.	Chapman University	One University Drive		Orange,	CA	92866
Taylor	Wilson H.	CIGNA Corporation	Two Liberty Place	1601 Chestnut Street	Philadelphia,	PA	19192
Wallace	Richard A.	Freedom Communicati	17666 Fitch Street		Irvine,	CA	92614-6022
Weismann	Dietrich	Weismann Associates,	339 Central Avenue	2nd Floor	Lawrence,	NY	11559
Welch	Matt	Vice President, Magazi	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Zappacost	Pierluigi	Sierra Sciences Inc.	250 S. Rock Blvd.	Suite 130	Reno,	Nevada	89502

THE WOLK LAW FIRM
AIRLAW®

1710-12 Locust Street
Philadelphia, PA 19103
215-545-4220 Fax 215-545-5252
E-mail: airlaw@airlaw.com
www.airlaw.com

Arthur Alan Wolk
Philip J. Ford
Bradley J. Stoll
Cynthia Devers Lamb

October 22, 2010

Dear Sir:

I am an attorney for forty-one years out of Philadelphia. I do air crash litigation.

Unbeknownst to me, in 2007 your affiliate Overlawyered.com wrote an article that accused me of selling out my clients in a case called *Taylor v. Teledyne* in exchange for the court withdrawing a highly critical discovery order. I found that Overlawyered website quite by accident after I attended a CLE seminar in 2009 and it was suggested by judges there that everyone Google themselves because jurors do and judges do as well.

I immediately contacted Overlawyered, explained why their posting was totally false. One of the defense lawyers told them as well, and I have since provided letters from independent counsel in the *Taylor* case who likewise point out that the case was settled before I asked permission of the clients and their lawyers for the false order be lifted, as I was not involved in the case except in a minor unrelated way. I am attaching a copy of these communications for your information. As of today, the blog remains posted.

Both Walter Olson and Ted Frank claim they are either fellows or scholars of your organization and use that mantra as their credibility for continuing to post a false article about me. This has and will continue to damage me, and I have explained that. I sued Olson and Frank and their website. However, because I did not learn about the posting until the one year statute of limitations passed, the court dismissed my case. It is on appeal. Fortunately for me, and unfortunately for them, they published anew their false article through Popehat.com, Law.com and other sites with which they are affiliated. They will not now be able to avail themselves of the statute of limitations defense.

THE WOLK LAW FIRM
AIR LAW

You will be interested to know that your scholars and fellows did nothing to verify what they were writing about me was true, indeed called no one, checked no documents, asked no client or the defense lawyers, but rather just accused me of selling out the clients with no evidence or verification whatsoever. Indeed, the judge who threw the case out told the lawyers that the article was clearly defamatory and should be removed from the internet. They have not.

Since publishing the lies about me, yours and their other affiliated sites have published and republished and incited your blogger supplicants to publish the following quotes about me, which are also false but even more disparaging.

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]

All of this made it to Google first page under my name thanks to your utter lack of supervision over your scholars and fellows and their affiliates like Reason.com, Pope Hat, Law.com, and others all listed on each others' sites as affiliated.

Now, that puts me in an expensive dilemma. I have already paid more than $200,000 in counsel fees, and all I asked was that a false article, which they know to be false, be removed from the internet. I never asked for any money, just removal. I am about to pay much more. I am sure you can understand why I will not and cannot allow this to happen to me. Aside from the professional reasons, I have children and a grandchild, and I will not permit this to live in eternity on the web.

Which brings me to why I am writing this letter. You are an officer or trustee of the organization which promotes and encourages Overlawyered.com to do your hatcheting of those whom you believe negatively impact your tort reform lobbying. That is a violation of your 501(c)(3) IRS exemption. You have, therefore, falsely told your contributors that they may deduct contributions. I have prepared and will shortly file a Qui Tam lawsuit to recover the taxes, interest and penalties for your blatant violations of the exemption.

Now the effort to destroy me in my business and profession is a violation of Civil RICO and may be a violation of criminal RICO as well. I am meeting with the U.S. Attorney here to deal with

THE WOLK LAW FIRM
AIRLAW

this. In addition, this posting and the utter hatred it has engendered all across the internet, including the other affiliated blogs, has caused your classless bloggers to accuse me of a series of heinous crimes. As you can understand, I will not allow that to go unchallenged either.

As far as I am concerned, everything Overlawyered started and continues to fan the flames of was done either at your direction, at your control, at your behest, and as your agent and that of the American Enterprise Institute, The Manhattan Institute for Policy Research, and The Reason Foundation.

Remember, when the civil and criminal lawsuits are over, all I asked for was a lie being removed from the internet by people claiming to be your scholars and fellows. You are internet bullies and must be stopped because reasoning with you doesn't seem to work.

Therefore, since three lawsuits will be filed shortly, and all the Trustees and Officers of The American Enterprise Institute, Reason Foundation, and The Manhattan Institute will be defendants, I am demanding that certain documents be retained so it will not be necessary to file separate actions for the obstruction of justice and the like, and since criminal statutes may be involved so that the crime of Obstruction of Justice is not committed by you, your lawyers, your scholars or fellows.

You are hereby directed to retain, and not destroy or alter all electronic communications of any kind that concern or relate to Arthur Alan Wolk, Overlawyered.com, Walter Olson and Ted Frank. You are warned that you are not to alter, destroy or modify either the electronic data, the metadata or any component of any computer used to transmit any of the information on the foregoing subjects.

You are cautioned to retain all communications with anyone with respect to which Arthur Alan Wolk is the subject and to retain all hard copy and electronic forms of such data, including all communications with anyone who influenced, assisted, suggested, discussed or encouraged the false and defamatory articles, blogs and incendiary commentaries.

You are cautioned not to destroy, alter or manipulate any electronic data concerning your investigation of the truth of any article written about Arthur Alan Wolk, any attempted verification of any facts alleged or comments or blogs made.

You are directed to retain in a form that can be used for trial purposes all e-mails, electronic transmittals, collections of information, communications of any kind with anyone at any time about Arthur Alan Wolk, including your counsel.

You are warned that the destruction of any of this information may constitute the wilful interference or obstruction of justice, both civilly and criminally. You are cautioned that your conduct and that of your colleagues may constitute both civil and criminal RICO, and therefore your spoliation, destruction or manipulation of this information or the electronic data from which it is derived may constitute the crime of obstruction of justice.

You are further cautioned to retain all communications with any of your affiliates, including any trustees of your Reason Foundation or any of their trustees, officers, counsel, Overlawyered.com, The American Enterprise Institute and the Manhattan Institute. You are warned that the destruction of any information that relates to your actual activities in lobbying and influencing legislation through various arms may constitute the willful destruction of evidence and obstruction of justice in the face of an investigation of your activities by the Internal Revenue Service of your abuse of your charitable activities.

You are further cautioned to retain in hard drive form all such information and to retain and not replace any hard drive or destroy any information on any computer that might have any such information requested.

You are also requested to retain and not destroy, alter or manipulate all justifications for your 501(c)(3) applications to the IRS, the list of donors and how much they donated, the tax deduction letters you gave to your donors, and reports to the IRS and any other authority concerning the amount and source of income and the tax deductions afforded. Any destruction, alteration or disposal of such information may constitute the crime of obstruction of justice and spoliation of evidence.

You are also instructed to retain all information from which the identity of all bloggers on any site you have an interest in that concerns or relates to Arthur Alan Wolk in particular, including but not limited to those who falsely accused Wolk of pedophilia.

You are instructed to maintain in all forms both electronically and in hard copy and document that constitutes your independent verification of the assertions of the heinous crime of pedophilia, and what steps were taken after being notified to remove it from your site.

You are directed to advise your staff, trustees and affiliates to retain all electronic information on the above subjects as well.

This list is not dispositive, but Federal Authorities will be contacted to pursue criminal RICO and Civil RICO will be brought by law firms engaged by me against you and your affiliated organizations and the people involved in this deliberate attempt to destroy Arthur Alan Wolk.

THE WOLK LAW FIRM
AIRLAW

Now, before you spend millions of dollars with big shot New York, Washington or other lawyers, I am unconcerned and unafraid as I beat them all the time. I have nothing to lose any more so go for it, please. My request is simple; get the lies off the internet that is posted with your name attached to it.

I will get my counsel fees from all of you, but if you persist, I will get much more from you and your contributors, instigators, officers, trustees and your organization funded by taxpayers who are trying to get a job while you spend their money attacking people and bullying them with lies on the internet. You are, therefore, warned.

Separate civil lawsuits will be filed for any destruction of any file, document, electronic information or otherwise, and criminal prosecutions will be sought since such destruction in the face of this warning that a complaint to Federal criminal authorities will be made may constitute obstruction of justice.

You are cautioned that any attempt to further harass, intimidate and destroy the reputation of Arthur Alan Wolk will be met with suits by everyone affected by your conduct. In the event a judge or juror reports that he or she has seen your blogs and an adverse result is obtained as a consequence, a lawsuit for each of those adverse results will be filed.

At the end of the day, all I asked was that you remove a lie from the internet without the payment of money. Don't say I didn't ask.

You see, I am old but I have won a billion dollars in verdicts and settlements, so I am not stupid. I was going to retire, but now I will have to remain in practice to pay my lawyers. Interesting irony. So what you have done is keep me in practice suing your contributors for the money necessary to get a lies off the internet that they paid you to put on there in the first place.

I hope in the end you think it was worth it.

Very truly yours,

ARTHUR ALAN WOLK

AAW/cd
Enclosures

-----Original Message-----
From: Walter DeForest [mailto:deforest@dkykb.com]
Sent: Thu 4/16/2009 10:08 AM
To: Ronald Coleman
Cc: Paul Rosen, Esquire
Subject: Overlawyered.com

Re: Overlawyered.com

Dear Mr. Coleman:

I have been receiving copies of various emails between Mr. Arthur Alan Wolk and you or your client regarding a web article entitled "Arthur Alan Wolk v. Teledyne Industries, Inc."

Although I was not involved in the underlying Taylor case in the Northern District of Georgia, I represented the various Teledyne related entities in the suit of Arthur Alan Wolk v. Teledyne Industries, Inc., in the Eastern District of Pennsylvania.

This is to confirm that as part of the resolution of that suit in the Eastern District of Pennsylvania, Mr. Wolk and my clients agreed that in the event any claims or challenges of unprofessional conduct are made against Mr. Wolk based in whole or in part on the Taylor Decisions or his actions in the Taylor Case, Mr. Wolk may state that he and the Teledyne related entities who were my clients agreed, without any party admitting any fault or liability, to move forward as though the Taylor Decisions had never been issued and do not agree that the Taylor Decisions or Mr. Wolk's actions in the Taylor Case would support a basis for disqualification or any negative action against Mr. Wolk in response to such claims or challenges of unprofessional conduct; in the foregoing situation of claims or challenges of unprofessional conduct made against Mr. Wolk based in whole or in part on the Taylor Decisions or his actions in the Taylor Case or based upon a case that cites the Taylor Decisions or Judge Carnes' criticism of Mr. Wolk's actions in the Taylor Case, Mr. Wolk may disclose what I have just set forth in this paragraph.

I provide this information to you for your consideration.

Walter P. DeForest, Esquire
DeForest Koscelnik Yokitis Kaplan & Berardinelli 3000 Koppers Building

JASON T. SCHNEIDER, P.C.
ATTORNEY AT LAW

6111 PEACHTREE DUNWOODY ROAD
BUILDING D
ATLANTA, GEORGIA 30328

www.jasonschneiderpc.com

(770)394-0047
FAX (678)623-5271
jason@jasonschneiderpc.com

August 10, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103

Dear Mr. Onufrak:

My name is Jason Schneider. I am an attorney in Atlanta, Georgia. I acted as local counsel for the law firm of Wolk and Genter in the case of Taylor vs. Teledyne.

Arthur Wolk sent me your clients' article claiming that the Taylor clients' claims were compromised so Mr. Wolk could get a critical discovery order vacated. That article and its implications are entirely false.

I attended the mediation along with Richard Genter. Mr. Wolk was not present or consulted by phone during the mediation. Nor was he involved in discovery in that case to my knowledge except for a conference call with the court regarding a discovery dispute between the parties.

A settlement was reached and concluded with a release and the clients never indicated to me they were dissatisfied with the outcome. It was only after the settlement had been agreed to, that Mr. Wolk asked for a one week delay to ask the court to vacate the order. There is no question in my mind that the settlements reached were completely separate from any request to vacate the discovery order. The settlements reached were also well in excess of any sums offered at the mediation. Therefore, to say "it appears" that the clients' interests were somehow compromised to get the discovery order vacated is wrong.

Arthur asked me to write this letter to put you and your clients on notice that what they said is false and it continues to be false on the Overlawyered website. What your clients' article means is I allowed this to happen, and I can assure you and your clients that they are wrong.

My name was on that docket and all they had to do was call me and I could have dispelled their notion before it ever made it to print. They, to this day, have never contacted me to get the facts straight.

Very truly yours,

Jason T. Schneider

cc: Arthur Alan Wolk

John Kevin Griffin, P.A.
647 N 2nd Street, Fort Pierce, FL 34950

P.O. Box 4450
Fort Pierce, FL 34948-4450
Office: (772) 468-2525
(888) 693-5203 FAX
Email:griffinlaw@gmail.com

Civil litigation State & Federal Court

John Kevin Griffin * Florida Bar 1990
Veteran United States Marine Corps

August 18, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 00000000000000

Re: Defamation

Dear Mr. Onufrak:

I was just sent the article that your clients published about my client's settlement implying that her interest was compromised in order for Arthur Wolk to get a discovery order vacated. *(Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1 :00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated).*

I was asked by Mr. Wolk to send you a letter so you could inform your clients of the continuing falsity of this statement in their article, which I understand still appears on the internet. That statement is entirely false. My name and contact information can be found on the case docket but your clients didn't attempt to contact me although they could have easily reached me for a comment or verification before publishing this false statement.

There was no selling out or compromising the interests of my client or the Taylors, and any contrary suggestion is not true. To suggest that Mr. Wolk did so is to suggest that I let it happen. I would urge your clients to be very careful about publishing such a false accusation by implication against me and directly against Mr Wolk.

I represented Ann Mauvais in the case of *Taylor, et al vs. Teledyne, et al.* My law firm in Pensacola, Florida was the original firm representing her. The firm of Wolk and Genter assumed the representation of Ms. Mauvais during the *Taylor* proceedings, which I monitored. The discovery in the case was handled by Philip Ford and Catherine Slavin, not Mr. Wolk. I was aware of the discovery order critical of Mr. Wolk individually by name.

Settlement negotiations in the case were handled for us by Richard Genter, not Arthur Wolk, and since the defendants' recommended a settlement figure that was too low Richard Genter rejected it for us and pushed for and obtained a settlement figure hundreds of thousands of dollars more than the settlement number originally recommended. My client was totally satisfied with the settlement figure obtained by Richard Genter and the overall pursuit of her claim against Teledyne et al.

There was a delay in receiving the settlement funds because Teledyne delayed in furnishing us a proposed release for signature. In the mean time Mr. Wolk contacted us and requested a few days to address vacating the discovery order identifying him individually. I conferred with my client and she agreed to the brief extension of time. So the point I'm conveying to you is the very satisfactory settlement figure obtained by Richard Genter for my client had already been agreed upon and the delay in receiving the actual funds was the result of a delay in receiving the proposed release from the Teledyne defendants.

In the interim, between the negotiated settlement where the settlement figure had already been reached and the time for receiving the proposed release from Teledyne for review and signature, the Court agreed to vacate its discovery order. There was never consideration given or a quid pro quo, as implied in your clients' article, offered for vacating the order. Had your clients contacted me before publishing I would have told them what I am telling you, I would not have allowed such a thing to occur as they have stated and implied in the article. I would have warned them not to publish it because it was false.

Very truly yours,

John Kevin Griffin

cc: Arthur Wolk

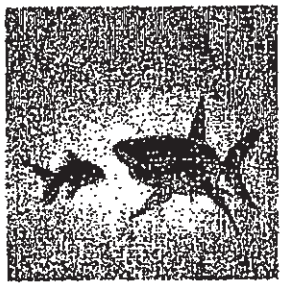
EXHIBIT E

Overlawyered

Chronicling the high cost of our legal system

Our lawyers probably made us take that down...

At any rate, we can't find it -- it's a 404 Not Found. Check the spelling of the URL carefully, try searching the site for content you know is on the page, or just proceed back to Overlawyered.com's top page. And consider telling us about any broken links that led you to this page: editor - [at] - this-domain-name - dot - com.



- **Recent Comments**
  - John Burgess on In which we are cited
  - Advice Goddess Blog on Schools cancel shop classes to avoid liability risk
  - David Smith on In which we are cited
  - Smart Dude on Annals of prosecutorial stunts
  - Jack Wilson on Annals of prosecutorial stunts
  - captnhal on Annals of prosecutorial stunts
  - William Nuesslein on "R.I.P. Cabell County Swing Sets"
  - Justin on Another "too-hot-looking" employment plaintiff
  - kimsch on "San Francisco overrides mayoral veto, bans Happy Meals with toys"
  - Hans Bader on Back to the campus speech code wars?
- **Recent Posts**
  - November 26 roundup
  - In which we are cited
  - Annals of prosecutorial stunts
  - November 24 roundup
  - For livestock and poultry producers, more lawsuits ahead?

- "Thanksgiving in 1810, 1910, and 2010"
- "San Francisco overrides mayoral veto, bans Happy Meals with toys"
- Great moments in judicial conduct
- Another "too-hot-looking" employment plaintiff
- Back to the campus speech code wars?

- **Point of Law**
  - TSA "Opt-Out Day" tremendous success
    You'll see a lot of press about how noone opted out; the TSA Twitter account is retweeting like mad all the people happy about how quickly the lines went Wednesday. A closer review reveals that the the TSA turned off... [...]
    Ted Frank
  - Around the web, November 25
    Happy Thanksgiving! Prosecution of silicosis attorney who bribed insurance company officials to settle cases proceeds without "honest services" claims. [law.com; United States v. Hoeffner (5th Cir. 2010)] Taxpayers pay government to sue itself in environmental cases. [Ciano @ Daily Caller]... [...]
    Ted Frank
  - RIP Greg S. Coleman
    Greg S. Coleman, a great appellate attorney and name partner in Yetter Coleman who successfully argued the Ricci and NAMUDNO cases in the Supreme Court the same month, has died last night in a plane crash while attempting to land... [...]
    Ted Frank
  - Unintended consequences department: canceled flights
    Congress recently decided that it knew how to run airlines for passengers' convenience better than airlines did, and instituted fines for permitting passengers to wait on the tarmac for more than three hours at a time. And now the New... [...]
    Ted Frank
  - Litigation v. Regulation roundtable
    The GMU Law & Economics Center has papers and videos from its recent roundtable.... [...]
    Ted Frank

- **Search**

To search, type and hit e

- **Media Bloggers Association**

- **Favorites**
  - *Best of
  - AAJ/ATLA
  - ADA and disability rights
  - ADA filing mills
  - Chasing clients

- Class actions
- Competition through litigation
- CPSIA
- CPSIA and books
- CPSIA and resale
- Deep Pocket Files
- Defensive medicine
- Dickie Scruggs
- Feeing frenzy
- Finger in the chili
- Ford Pinto
- Free speech
- Grand Theft Auto: Class Action
- John Edwards
- Junk science
- Kentucky fen-phen fraud
- Lawyers' nastygrams
- Legal extortion
- Libel, slander, and defamation
- Loser pays
- McDonald's hot coffee & Stella Liebeck
- Other hot coffee cases
- Personal responsibility
- Politics
- Prop 65
- RIAA and file sharing
- Robert F. Kennedy, Jr.
- Roy Pearson's $54 million pants
- Scandals
- Schools
- Schools for Misrule
- Skylights and falling burglars
- Sudden acceleration
- Sued if you do, sued if you don't
- Things not to do
- Third-party liability for crime
- Tobacco settlement
- UK
- Wacky warnings
- Watch what you say about lawyers
- William Lerach
- Wrongful birth and wrongful life

- **Learn More/Reform**

  - AEI Legal Center
  - Cato
  - Cato at Liberty
  - Center for Class Action Fairness
  - Common Good
  - Liability reform sites
  - Manhattan Institute

- Point of Law
- Schools for Misrule

- **Misc.**
  - Early years of site
  - General links
  - Google News
- **Navigation**
  - About
  - Accolades
  - Cato at Liberty
  - Contact
  - Social
  - Tags
- **Other blogs**
  - Alkon
  - Althouse
  - Amend the CPSIA
  - Arts & Letters Daily
  - Business Insider
  - Cato at Liberty
  - Coyote
  - Evil HR Lady
  - Fountain
  - Free-Range Kids
  - IGF
  - Kausfiles
  - KevinMD
  - Malkin
  - MargRev
  - Mark Perry
  - McArdle
  - Memeorandum
  - NAM
  - NRO Corner
  - Obscure Store
  - Open Market
  - OpinionJournal Federation
  - Popehat
  - Postrel
  - Reason "Hit and Run"
  - Respectful Insolence
  - Reynolds
  - Romenesko
  - Room for Debate (NYT)
  - Secular Right
  - Seeking Alpha
  - Shafer

- Sullivan
- Taranto
- Teachout
- Volokh
- White Coat

- **Other law blogs**
  - Above the Law
  - Bainbridge
  - Cal Biz Lit
  - Center for Class Action Fairness
  - Citizen Media Law Project
  - Concurring Opinions
  - D & O Diary
  - Drug & Device Law
  - Employer's Lawyer
  - FedSoc Blog
  - Greenfield
  - Hochfelder
  - Kennerly
  - Legal Blog Watch
  - Legal Pulse (WLF)
  - Likelihood of Confusion
  - Lowering the Bar
  - OnPoint News
  - Parloff
  - Pero
  - Point of Law
  - Prawfsblawg
  - Russell Jackson
  - Schwartz
  - TortsProf
  - Trask
  - Truth on the Market
  - Turkewitz
  - Volokh
  - WSJ law blog
- **Archives**

  Select Month
- **Meta**
  - Log in
  - Entries RSS
  - Comments RSS
  - WordPress.org

Get smart with the Thesis WordPress Theme from DIY Themes.

WordPress Admin

EXHIBIT F

DBKP FLASH Headline News

Breaking News from DBKP

Arthur Wolk: Overlawyered 1, Smack-Talking Lawyer 0

By Mondo, 08/06/2010

Prof. Glenn Reynolds cites the following as proof not to "mess with bloggers."

We agree.

An aviation lawyer and pilot, Arthur Alan Wolk, sued Overlawyered's Ted Frank, for defamation. But the statute of limitations had run out, the judge ruled. Wolk's lawyers have appealed.

From Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge:

> "Unlike mass media print defamation claims, where the publication is pervasive for a short time, but soon becomes yesterday's news, the Internet is a different animal," Rosen said.
>
> "In cases such as Mr. Wolk's, involving a blog that is relatively obscure, but which published a false statement that may appear on any Google type search, the discovery rule is of particular importance," Rosen said.

Having read Overlawyered for years, I'd say that Rosen's statement constitutes, if not outright defamation, then smack-talk of a sort that's liable to start a flame war–if Rosen had a blog.

Wolk's defamation case is the type of posts addressed by Overlawyered's crew on a daily basis.

So, maybe Rosen had reason to talk a a little smack?

by Mondo Frazier
image: what's on iPhone

Bookmark and Share:

Sphere: Related Content

NEWS

Leave a Reply

Name (required)

Mail (will not be published) (required)

Website

Add your Reply

- **DBKP Front Page**

Simple Justice

A New York Criminal Defense Blog

SCOTT H. GREENFIELD, ESQ.

For more info, click here

Nothing in this blog constitutes legal advice. This is free. Legal advice you have to pay for.

Click here to Email

Back to Main Page

What Do You Think?

I love thoughtful comments, but please keep it civil and respectful. I reserve the right to delete or edit any/all comments. Links are not permitted in comments and will be deleted.

SHG

Also on twitter @SimpleJustice

Quick Search

Search only in titles:

Search

Advanced Search

My All-Time Favorite Lawyer Ad

Recent Comments

Joey on The Price of Avvo Honor
8/12/2010:

SHG on The Price of Avvo Honor
8/12/2010:

Brian Tannebaum on The Price of Avvo Honor
8/12/2010:

SHG on The Price of Avvo Honor
8/12/2010:

Brian Tannebaum on The Price of Avvo Honor
8/12/2010:

SHG on The Price of Avvo Honor
8/12/2010:

SHG on The Rhetoric of Rights
8/12/2010:

Jon E. Lewis on The Price of Avvo Honor
8/12/2010:

Blind Guy on The Blackletter Won't Get The Message
8/12/2010:

Ron Coleman on The Rhetoric of Rights
8/12/2010:

Recent Entries

The Price of Avvo Honor
Thursday, August 12, 2010:

Are Lawyers Professional Pirahnas?
Thursday, August 12, 2010:

The Blackletter Won't Get The Message
Thursday, August 12, 2010:

Don't Mess With Overlawyered

They don't call him Walloping Wally Olson for nothing, you know. No, sir-ee.

> Avvo's lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned something new this week about the blogosphere when a federal judge tossed out his libel suit against the bloggers at Overlawyered.com.
>
> A U.S. District Judge Mary A. McLaughlin ruled it's tough to identify the blogs as any other "mass media," meaning that any libel lawsuit filed against a blog in Pennsylvania must meet its way to court within one year.

According to Wolk, as repeated in Judge McLaughlin's decision, he's the "most prominent aviation lawyer in the country." That doesn't say much for aviation lawyers. It seems that Ted Frank, Walter Olson's evil twin, posted a story about a case of Wolk's on April 6, 2007. Wolk happened to find out about the post sometime in April, 2009. He became very angry. Grrr.

The problem is that the statute of limitations was one year. Maine to Wolk: Read Overlawyered daily. Tsk.

Wolk tried to get around the statute via the Discovery Rule, that the libel doesn't accrue until the alleged defamation is discovered. No dice, Judge McLaughlin ruled.

> This court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a 'defamatory statement' contained in a book or newspaper or other mass medium.

That's right. We a mass medium.

"Not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries," McLaughlin wrote:

> "If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers," McLaughlin wrote.

But Wolk's lawyer, Paul Rosen, did not take the loss gracefully.

> "While many media print defamatory claims where the publication is pervasive but short lived, but soon becomes yesterday's news, the Internet is a different animal," Rosen said.
>
> "In cases such as Mr. Wolk's, involving a blog that is relatively obscure, but which published a false statement that may appear on any Google type search, the discovery rule is of particular importance," Rosen said.

In the trenches of the blawgosphere, Overlawyered is a relatively obscure, indeed, it's not only been around for a long time, extremely well known and well-regarded, but as it typically read by most lawyers with internet access and half a brain.

And lest anyone be overly concerned, chances are slim that the loss on statute of limitations grounds does, Wolk any harm, as his likelihood of prevailing on the merits was even slimmer.

Congratulations to Walter, Ted and all the elves in the backroom at Overlawyered.

H/T The vaccinating Turk, who just can't let go of his iPhone.

Posted by SHG at 8/6/2010 6:47 AM
Categories: Uncategorized

Trackbacks

TrackBack ping URL for this entry:

8/6/2010 10:45 AM PointOfLaw.Forum wrote:
Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a post about the attorney's unsuccessful libel lawsuit, so he sued the blogger. And the blogger's innocent co-bloggers...

Comments

Display comments as (Linear | Threaded)

Ron Coleman wrote: 8/6/2010 1:14 PM
I know some of those elves. Believe me, the level of self-incrimination in the run-up to this case matches the preposterousness of the claim against our boys...

What a bunch of morons.
Reply to this

Turk wrote: 8/6/2010 6:39 PM
The part about being "relatively obscure" is a gem.

I wonder how much damage was done to the client by bringing a losing suit, as opposed to the original

PointofLaw.com
Information and opinion on the U.S. litigation system

FORUM

« ANTI-PROP 8, ANTI-PERRY | SOCIAL SCIENCE AND THE CONSTITUTION »

August 6, 2010:

Arthur Alan Wolk v. Olson (E.D. Pa. Aug. 2, 2010)

Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a post about the attorney's unsuccessful libel lawsuit, so he sued the blogger. And the blogger's innocent co-bloggers. Except the post was made in 2007, the lawsuit was filed in 2009, and the Pennsylvania statute of limitations is one year. It should be fairly obvious that the statute of limitations starts to run when a blog post is first published to the Internet, but the plaintiff argued that the statute shouldn't start to run until the plaintiff reads (or, *de facto*, claims to have read) the blog post, which, of course, would destroy the statute of limitations for bloggers. No dice. One wishes the Eastern District of Pennsylvania decision in *Arthur Alan Wolk v. Olson* had also addressed the obvious First Amendment issues, but a good result is a good result, and bloggers everywhere should rejoice that courts continue to refuse to create double-standards. Congratulations to White & Williams, the defendants, and bloggers everywhere. (Shannon Duffy, "Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge", Legal Intelligencer, Aug. 6; White & Williams press release, Aug. 5; Simple Justice blog).

Update, 5:05 PM August 6: Extensive must-read analysis by Jacob Sullum at Reason; further commentary and coverage at Popehat; DBKP; Instapundit; and Phil. Bus. J..

POSTED BY TED FRANK AT 8:53 AM | TRACKBACK (0)
Tags: blogs, First Amendment, libel, Pennsylvania, statute of limitations, watch what you say about lawyers

Published by the Manhattan Institute

CLP
CENTER FOR LEGAL POLICY
AT THE MANHATTAN INSTITUTE

EXHIBIT G

http://reason.com/blog/2010/08/06/lawyer-trying-to-protect-his-r

Lawyer Trying to Protect His Reputation As an Effective Advocate Misses Deadline for His Libel Suit

Jacob Sullum | August 6, 2010

On April 8, 2007, *Overlawyered* writer Ted Frank blogged about an aviation attorney named Arthur Alan Wolk, prompted by an item on another legal blog about the dismissal of a ridiculous lawsuit Wolk had filed. Frank's summary of Wolk's case: "Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation." Frank noted that when Wolk settled the original case (the one that gave rise to the judicial rebuke), one condition was suppression of that embarrassing opinion. Frank suggested this demand created a conflict of interest:

> Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the [court] failed to [make sure the client knew about the conflict], one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements.

This was not Wolk's first appearance at *Overlawyered*. A 2002 post noted how he had used a defamation suit to bully an aviation news website into a "a thoroughly abject capitulation and apology" for criticizing a $480 million verdict he had won from Cessna. The appeasement included an astonishing promise not to "characterize matters in such a way as to bring apparent discredit upon anyone," lest such characterizations instigate *other people* to commit libel. As *Overlawyered* put it, "The consequences of such a formula for the future of hard-hitting journalism can be imagined." The post concluded: "Among the lessons many observers will draw, we think, will be the old one: watch what you say about lawyers."

You probably can guess what happened next. The touchy lawyer with a history of suing his online critics into submission sued Frank, along with *Overlawyered* editors Walter Olson (a *Reason* contributing editor) and David Nieporent*, citing the 2007 comment about Wolk's conflict of

interest. But he did not get around to doing so until two years after the post appeared. Unfortunately for Wolk, Pennsylvania, where he filed his case, generally requires that defamation lawsuits be filed within one year of the injury. According to *Law.com*, Wolk argued that the court should let the statute of limitations slide, since he had not discovered Frank's allegedly defamatory post until April 2009, when he supposedly performed a Google search on his name after being advised to do so at a "seminar on client relations in early 2009."

U.S. District Judge Mary McLaughlin did not question the plausibility of this story, which suggests that a notoriously sensitive lawyer who had sued over online criticism back in 2001 did not think of Googling his own name until he learned about this esoteric technique in 2009. But in a decision (PDF) issued this week, she dismissed Wolk's suit, ruling that under Pennsylvania law plaintiffs can escape the one-year limit only if the alleged defamation was difficult to discover—e.g., because it occurred in a credit report or a confidential memorandum. McLaughlin said that exception does not apply if the offending statement was published in a "mass medium" such as a website that is well-known among attorneys and that "attracts more than 9,000 unique daily visitors, including tens of thousands of lawyers and other professionals."

In a sense, then, Frank, Olson, and Nieporent were saved by the conspicuousness of the forum in which they dissed Wolk. Even if Wolk had not missed the deadline, it seems likely he would have lost the case, since the comments to which he objected are a constitutionally protected combination of fact and opinion. But before losing, he would have succeeded in punishing his critics by inflicting the anxiety, inconvenience, and cost of litigation on them. One really wishes courts would do more to protect the First Amendment rights of writers who offend rich people with thin skins.

Law.com reports that "Wolk has already filed a notice of appeal to challenge McLaughlin's ruling."

[*Spelling corrected. His name was misspelled in McLaughlin's ruling.]

Overlawyered

Chronicling the high cost of our legal system

You searched for:

Arthur Alan Wolk

Wolk v. Olson: Overlawyered in the news

by Walter Olson on August 9, 2010

While I was away in recent days, a news story about this site drew wide coverage in the press. U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against me, Overlawyered, and co-bloggers Ted Frank and David Nieporent over a blog post that Ted published on this site in 2007. Judge McLaughlin ruled (PDF) that the claim was time-barred, notwithstanding Wolk's argument that the operation of the statute of limitations should have been stayed based on his claim that he was unaware of the post until 2009, when he says he first performed a Google search on his own name.

The judge's dismissal of the suit was covered in Law.com/The Legal Intelligencer, the ABA Journal, Legal Ethics Forum, and many other blogs and publications well known to our readers. All of us are grateful to attorneys Michael N. Onufrak and Siobhan K. Cole of White and Williams in Philadelphia, who represented us. Had the judge not ruled in our favor on the threshold statute of limitations issue, we are confident that we would have prevailed based on the post's protected status under the First Amendment. Wolk has filed a notice of appeal in the action.

For readers' protection as well as our own, we are obliged to discourage discussion in our comments section about these developments. We regret the curtailment of free controversy. More: Ted at Point of Law.

Tagged as: about the site, libel slander and defamation, Philadelphia

(0 comments)

Arthur Alan Wolk v. Teledyne Industries, Inc.

by Ted Frank on April 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

Tagged as: libel slander and defamation

Conspiracy to keep you scared and silent?

by Walter Olson on October 30, 2003

Economics commentator Donald Luskin, who operates a website entitled The Conspiracy to Keep You Poor and Stupid, is known for his furious and unremitting attacks on New York Times op-ed columnist Paul Krugman. So furious and unremitting have these attacks been as to raise the question of whether Luskin was actually daring Krugman to sue for defamation, as when Luskin declared on "Hannity and Colmes" Oct. 27 that Krugman "masquerades as an economic scientist" (whatever one thinks of his politics, Krugman is exceptionally well credentialed as an academic economist; by comparison, columnist Robert Novak let himself in for years of hard-fought litigation when he printed an assertion that Bertell Ollman, a much less well-known economic scholar, "has no status within the profession"). And two months ago Luskin alleged ("Lights-out economics", National Review Online, Aug. 20) that a statement by Krugman about the Northeast electrical blackout was "one of the few truthful statements I can ever recall him uttering" — inevitably recalling, for defamation-law buffs, Mary McCarthy's talk-show gibe at Lillian Hellman, which led to one of the American literary world's most bitter and celebrated lawsuits: "Every word she writes is a lie, including 'and' and 'the.'"

Now, however, it seems that Luskin pictures himself appearing in court as a plaintiff rather than a defendant. Recently he was verbally savaged in the comments section of the left-wing anony blog "Eschaton" (http://atrios.blogspot.com) and now attorney Jeffrey J. Upton, claiming to represent Luskin, has ("http://atrios.blogspot.com/2003_10_26_atrios_archive.html, scroll to Oct. 29) written to that site's proprietor ("Atrios") demanding that the entire comments section in question be taken down within 72 hours on pain of "further legal action". The threat has provoked a widespread outcry in the blog world, with dozens of sites commenting since yesterday (examples: Mark A.R. Kleiman, Armed Liberal, David Neiwert, Anti-Idiotarian Rottweiler). We don't know how much money Luskin has made on Wall Street, but we would be nervous on behalf of his prospective targets if his pockets prove as deep as those of aviation lawyer Arthur Alan Wolk, who successfully went after AVWeb after being criticized in *its* comments section a couple of years back (see Sept. 7 and Oct. 12-14, 2001; Sept. 16-17, 2002). More: Jack Balkin points out that courts

have found website proprietors not liable for hosting outsiders' libels in their comments section, which leaves us wondering all the more about what happened to AVWeb, above. Stuart Levine discusses possible homeowner's insurance coverage. (& welcome Curmudgeonly Clerk readers) **Update** Nov. 5: dispute settled. (& letter to the editor Aug. 16, 2004).

Tagged as: bloggers and the law, libel slander and defamation, online speech

{ 2 comments }

September 2002 archives, part 2

by Walter Olson on September 20, 2002

September 20-22 – How sharper than a serpent's tooth it is/To have a precociously musical child. "James Brown's daughters have filed a federal lawsuit against the Godfather of Soul, seeking more than $1 million in back royalties and damages for 25 songs they say they co-wrote.... Even though they were children when the songs were written – 3 and 6 when 'Get Up Offa That Thing' was a hit in 1976 – Brown's daughters helped write them, said their attorney, Gregory Reed." ("Singer James Brown Sued by Daughters", AP/Milwaukee *Journal Sentinel*, Sept. 18). (DURABLE LINK)

September 20-22 – "Patient pays price of suing over cold". Salutary effects of loser-pays, cont'd: "A patient who claimed £227 damages from his doctor, insisting that she had given him her cold during an examination, was ordered to pay almost £1,000 in costs yesterday after his case was thrown out by a court. Trevor Perry, 47, sued Dr Helen Young for personal injury, stating that he went down with a sore throat, runny nose and a headache after a consultation with her when she had a cold." (Stewart Payne, "Patient pays price of suing over cold", *Daily Telegraph* (U.K.), Sept. 19). And don't miss the very curious addendum to the case on the question of why Mr. Perry was observed running from the court with a jacket over his head ("The Broadsheets: Cold comfort", Anorak, Sept. 19). (DURABLE LINK)

September 20-22 – *Times* on 9/11 fund. The New York *Times* editorially defends the federal 9/11 compensation fund from charges that its awards are inadequate in a way "especially prejudicial to high-income families", who may be offered only a few million dollars of taxpayers' money each. It is entirely legitimate, the paper believes, to seek to avoid "extravagant awards at the top". We might add that if top-earning families want to feel secure in their living standards in case of disaster, the logical (and socially desirable) course is for them to make provision in advance through privately purchased insurance — which we suspect most of the higher-ups at places like Cantor Fitzgerald did in fact have in place. ("The Perils of Valuing Lives" (editorial), New York *Times*, Sept. 19). (DURABLE LINK)

September 18-19 – Claims docs should have done more to help woman quit smoking and lose weight. "A Wilkes-Barre woman is suing several doctors at the Department of Veterans Affairs Medical Center, saying the physicians did not do enough to assist her in making life changes — including quitting smoking and losing weight — that might have prevented a debilitating heart attack she suffered." Kathleen Ann McCormick's suit "says the physicians knew she had multiple risk factors to develop heart disease" but dismissed her symptoms as "basically normal and non-life threatening" and failed to put her on aggressive anti-cholesterol medication, as well as failing to help her with the smoking and weight issues. (Terrie Morgan-Besecker, "Woman suing VA doctors", Wilkes-Barre (Pa.) *Times-Leader*, Sept. 11). (DURABLE LINK)

September 18-19 – Voltaire spinning in grave. If you disagree with what someone says, but would defend to the death his right to say it, chances are you aren't running things in today's France. Prominent French author Michel Houllebecq (pronounced "Wellbeck") went on trial this week for "inciting racial hatred" on the

grounds that he had aimed contemptuous comments at Islam. The case, which evokes parallels with that of author Salman Rushdie, is "being brought by the largest mosques in Paris and Lyon, the National Federation of French Muslims (FNMN) and the World Islamic League. France's Human Rights League has also joined them, saying that Mr Houellebecq's comments amount to 'Islamophobia'" (see Aug. 23-25) (Charles Bremner, "I attack ... I insult", *The Times* (London), Sept. 18; "French author denies racial hatred", BBC, Sept. 17). More: Christopher Hitchens on the case ("The stupidest religion", *Free Inquiry*, v. 21, #4). **Update** Oct. 25-27: Houellebecq acquitted. **(DURABLE LINK)**

September 18-19 – Canada: "Woman freezes, sues city, cabbie". "A Winnipeg woman who nearly froze to death after a night of drinking is suing the city, emergency personnel and the taxi driver who dropped her at home." Emergency workers left Kim Simon at her residence but "she was later found outside with her pants pulled down, her winter jacket open and a cut on her lip. The woman claims that emergency personnel and the taxi driver should have made sure Simon was safely inside her house before leaving." (Canadian Press/Canada.com, Sept. 16). **(DURABLE LINK)**

September 18-19 – Mississippi: eyeing the exits. Washington Mutual, the giant lender and the nation's largest thrift institution, "is in the process of suspending all its lending channels in the state of Mississippi due to litigation risk and other factors. 'We are evaluating the litigation environment and business climate in the state,' WaMu senior vice president and associate general counsel Jim Garner told MortgageWire. 'That is why we are suspending loan originations.'" Last year a Mississippi jury hit one of the company's subsidiaries with a $71 million verdict. (*Origination News* — will scroll off site's front page soon). **(DURABLE LINK)**

September 18-19 – AVweb case and chatroom liability. Eugene Volokh (his site) comments regarding the litigation referenced below: "Incidentally, not supervising one's chat room is *not* actionable, even if the chatters make libelous statements and you could have stepped in to stop them; that's what 47 U.S.C. sec. 230 says, see also Zeran v. America Online (4th Cir.) (both available on Findlaw)." See also ChillingEffects.org, Mar. 8; summary of Zeran case, TechLawJournal. **(DURABLE LINK)**

September 16-17 – Free speech & web litigation: the theory.... Los Angeles *Times* columnist Norah Vincent, the target of a remarkably silly recent smear (summarized and refuted by, among others, Stuart Buck, Juan Non-Volokh and Megan McArdle) got so angry at her online attackers that she wondered aloud whether she should think of suing them for defamation. Our editor wrote in at her suggestion (Sept. 13) to offer some reasons why, no, she shouldn't. **(DURABLE LINK)**

September 16-17 – Free speech & web litigation: AVweb capitulates to defamation suit. Which reminds us of an update we should have posted earlier; readers will recall the defamation lawsuits filed last year by aviation plaintiff's attorney Arthur Alan Wolk against two editors and four subscribers of the aviation-news website AVweb, all of whom had sharply criticized him after he won a $480 million verdict against Cessna (Sept. 7 and Oct. 12-14, 2001). On July 19 the website rendered to Wolk a thoroughly abject capitulation and apology in connection with his agreement to drop his suit against it. Its statement to readers (link now dead) includes a number of passages which deserve to be read with great care by those to whom the Internet still represents some sort of idealized sanctuary for untrammeled discussion [*Italicized comments ours*]:

"One of Mr. Wolk's complaints was that we did not supervise our chat room to prevent libelous comments about him being published by our subscribers. We have corrected that. Another of Mr. Wolk's complaints was that our characterizations instigated some of our subscribers to libel him. We will no longer characterize matters in such a way as to bring apparent discredit upon anyone." [*The consequences of such a formula for the future of hard-hitting journalism can be imagined. And the mind reels at what is involved in the task of avoiding all characterizations which, whether or not libelous themselves, might* instigate others *to commit that offense. – ed.*]

"While the defense of Mr. Wolk's lawsuit has been expensive, he nonetheless has been gracious enough to settle with us for a payment to charity. In fact, even in settlement negotiations, when there was a demand for money, it was always to be contributed to charity, none for Mr. Wolk himself. He steadfastly insisted that his lawsuit was not about money and we have come to believe him." [*Why would it be thought surprising that the aim of such a lawsuit might be more to silence certain critics than to obtain cash from them?* – ed.]

As we say, read the whole thing, which lays out at considerable length Mr. Wolk's reasons for considering himself libeled. AVweb then goes on to publish a sort of protracted advertisement for Mr. Wolk's services, in the form of tributes and testimonials from grateful clients he has represented in litigation, as well as others. Also included is the painfully self-abasing apology of one of the reader-posters who found himself individually sued by the powerful lawyer — outgunned in every way, and facing who knows what sort of prolonged personal exposure to the cost of litigation. Among the lessons many observers will draw, we think, will be the old one: watch what you say about lawyers. (DURABLE LINK)

September 16-17 – Right to break workplace rules and then return. This summer the Ninth Circuit ruled that it was an unlawful violation of the Americans with Disabilities Act for a company to follow an otherwise neutral policy barring the rehire of employees who had been terminated (or resigned in lieu of termination) over violations of company rules. In the case at hand, an employee had resigned after testing positive for cocaine, had completed a rehabilitation program, and now wanted to return to the company. Although Hughes Missiles Systems' rule did not bar the hiring of rehabilitated drug users as such, the court nonetheless ruled that "Hughes' unwritten policy against rehiring former employees who were terminated for any violation of its misconduct rules, although not unlawful on its face, violates the ADA as applied to former drug addicts whose only work-related offense was testing positive because of their addiction. If Hernandez is in fact no longer using drugs and has been successfully rehabilitated, he may not be denied re-employment simply because of his past record of drug addiction." (*Hernandez* v. *Hughes Missiles Systems*, No. 01-15512, June 11, 2002, write-up at Jackson Lewis site). Update Dec. 13, 2003: Supreme Court rules in favor of employer. (DURABLE LINK)

September 16-17 – Dave Barry on tobacco settlement, round III. Okay, maybe it's easy to satirize (rounds I and II), but he still does it so well. "The underlying moral principle of these lawsuits was: 'You are knowingly selling a product that kills tens of thousands of our citizens each year. We want a piece of that action!'" ("In War On Tobacco, money goes up in smoke", Miami *Herald*, Sept. 15) (DURABLE LINK)

September 13-15 – Patriotic, or promotional? Mickey Kaus nominates this "Patriot Troll" and this "Twin Towers handbag" (appears as popup ad when link is clicked) as among the tackiest commercial tie-ins to arise from 9/11. We might also call to his attention this billboard from a personal injury law firm in Schenectady, New York (photographed by reader Steve Furlong) which isn't going to win prizes for either taste or subtlety. (DURABLE LINK)

September 13-15 – "Epileptic ordered to pay £3,500 for contorted face". "A man who suffers from epilepsy has been ordered to pay compensation to a student who was upset by his contorted face during a seizure. In a case described by an epilepsy charity as 'like something you would see on the Ally McBeal show', Edwin Young has been told to pay £3,500 to Yvonne Rennie for the mild post-traumatic stress that she suffered. Mrs Rennie sued after Mr Young suffered an epileptic fit while driving four years ago and crashed into her car at traffic lights in Perth." In addition to awarding Mrs. Rennie £1,500 for slight personal injuries and £1,000 for a fear of driving that she had developed, the magistrate accepted that she had suffered emotional injuries from observing the contorted look on Mr. Young's face during his fit, which made her think he was going to die. "Epilepsy Action Scotland described the case as 'bizarre'." (Auslan Cramb, *Daily Telegraph* (U.K.), Sept. 9).

Addendum: one of our less sympathetic readers calls to our attention this Sept. 13-dated press release and article from Epilepsy Action Scotland (EAS), describes it as proving that the above report is "not true", and

EXHIBIT H

Search results

From Wikademia

You searched for **Arthur Alan Wolk v Walter Olson** (all pages starting with "Arthur Alan Wolk v Walter Olson" | all pages that link to "Arthur Alan Wolk v Walter Olson")

No page title matches

There is no page titled "Arthur Alan Wolk v Walter Olson". You can create this page.

For more information about searching Wikademia, see Help.

Arthur Alan Wolk v Walter Olson Search

No page text matches

Note: Only some namespaces are searched by default. Try prefixing your query with *all:* to search all content (including talk pages, templates, etc), or use the desired namespace as prefix.

Advanced search

Search in namespaces:

☑ (Main)	☐ Talk	☐ File	☐ File talk	☐ Help	☐ Help talk
☐ User	☐ User talk	☐ MediaWiki	☐ MediaWiki talk	☐ Category	☐ Category talk
☐ Meta	☐ Meta talk	☐ Template	☐ Template talk	☐ Archive	☐ Archive talk

☐ Meta	☐ Meta talk	☐ Scratch	☐ Scratch talk
☐ Beta	☐ Beta talk	☐ Paper	☐ Paper talk
☐ Alpha	☐ Alpha talk		

☐ List redirects

Search for Arthur Alan Wolk v Walter Olson Advanced search

Retrieved from "http://www.wikademia.org/Special:Search"

Arthur Alan Wolk v. Walter Olson

From English Wikademia

Arthur Alan Wolk v. Walter Olson is a notable[1][2][3] 2010 Internet libel case where the United States District Court for the Eastern District of Pennsylvania ruled that the same rule for mass media applies to the Internet when calculating a statute of limitations.

Contents

Background

On September 30, 2002, in a lawsuit in federal court in the United States District Court for the Northern District of Georgia, *Taylor v. Teledyne*, Judge Julie E. Carnes sanctioned Arthur Alan Wolk for "intentionally disobeying the orders and directives of the Court."[4] As part of the settlement of the case in 2003, the court agreed to vacate the order critical of Wolk.[1][4] Wolk unsuccessfully sought the impeachment of Judge Carnes in retaliation for her order critical of him.[5]

After the settlement, Wolk sued Teledyne and its attorneys, Lord Bissell & Brook, for libel because they transmitted "a United Stated District Court order that was valid, binding, and publicly available at the time it was transmitted."[6] In 2007, Judge Norma Levy Shapiro of the United States District Court for the Eastern District of Pennsylvania dismissed the lawsuit as without legal merit.[1][6]

In 2007, Ted Frank wrote a blog for Overlawyered critical of Wolk's conduct in the *Wolk v. Teledyne* and *Taylor v. Teledyne* litigation.[1][7]

Lawsuit

In 2009, Wolk sued Overlawyered editor Walter Olson, Frank, Overlawyered, and Overlawyered blogger David Nieporent, claiming that the blog libeled him.[7] According to the complaint, Wolk did not discover the article until April 2009.[7] In a notable decision in 2010, Judge Mary A. McLaughlin of the United States District Court for the Eastern District of Pennsylvania dismissed the lawsuit for failure

to comply with the one-year statute of limitations on the grounds that a blog is mass media and the statute of limitations runs from the date of publication.[1][2][3][7]

Aftermath

Wolk has appealed his loss.[1][2]

When *Reason* wrote about the lawsuit, Wolk threatened to sue *Reason*.[8]

References

1. ↑ 1.0 1.1 1.2 1.3 1.4 1.5 Jacob Sullum, *Reason*, "Lawyer Trying to Protect His Reputation As an Effective Advocate Misses Deadline for His Libel Suit" (http://reason.com/blog/2010/08/06/lawyer-trying-to-protect-his-r) , August 6, 2010
2. ↑ 2.0 2.1 2.2 Shannon P. Duffy, *The Legal Intelligencer*, Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge (http://www.law.com/jsp/article.jsp?id=1202464319845) , August 6, 2010
3. ↑ 3.0 3.1 Jeff Blumenthal, *Philadelphia Business Journal*, Overlawyered blog case testing statute of limitations for defamation (http://www.bizjournals.com/philadelphia/blogs/law/2010/08/overlawyered_blog_case_testing_sta August 6, 2010
4. ↑ 4.0 4.1 Taylor v. Teledyne (http://scholar.google.com/scholar_case?case=10732480973753870380)
5. ↑ Wolk v. United States (http://scholar.google.com/scholar_case?case=1985348583634262494)
6. ↑ 6.0 6.1 Wolk v. Teledyne (http://scholar.google.com/scholar_case?case=3373776095983930739)
7. ↑ 7.0 7.1 7.2 7.3 Wolk v. Olson (http://www.paed.uscourts.gov/documents/opinions/10D0758P.pdf)
8. ↑ "Who You Calling Touchy?" (http://reason.com/blog/2010/09/16/who-you-calling-touchy)

External links

- *Arthur Alan Wolk v. Walter Olson (http://www.paed.uscourts.gov/documents/opinions/10D0758P.pdf)*
- Docket (http://dockets.justia.com/docket/pennsylvania/paedce/2:2009cv04001/321303/)

Retrieved from "http://en.wikademia.org/Arthur_Alan_Wolk_v._Walter_Olson"

- Last edited on November 5, 2010
- Copyrights

EXHIBIT I

White and Williams LLP

www.whiteandwilliams.com

Publications

Legal News and Information

COURT DISMISSES DEFAMATION CLAIM AGAINST LEGAL BLOG

Philadelphia - The United States District Court for the Eastern District of Pennsylvania, Judge Mary A. McLaughlin, recently dismissed a mass-media defamation claim against the legal weblog Overlawyered.com, defended by White and Williams.

In the suit, Arthur Alan Wolk, a well-known aviation attorney, sued Overlawyered.com, Walter Olson, Theodore Frank, and David Nieporent for defamation, false light, and intentional interference with prospective contractual relations allegedly arising from an article published on the Overlawyered website in 2007. Wolk filed suit in May 2009, claiming that he did not discover the article until April of that year.

White and Williams attorneys Michael N. Onufrak and Siobhan K. Cole - on behalf of the defendants - moved to dismiss the complaint on the grounds that the case was not brought within the statute of limitations (one-year in Pennsylvania for defamation) and therefore, the complaint failed to state a claim. Wolk countered the motion by arguing that Pennsylvania's discovery rule tolled the statute of limitations until Wolk became aware of the article in 2009.

The threshold issue before the District Court, therefore, was whether Pennsylvania's discovery rule applies in a defamation case, such that the statute of limitations would be tolled until the plaintiff had actual notice, where the allegedly defamatory statements were published and widely available. The District Court held that it must not.

While noting the absence of any decision from the Pennsylvania Supreme Court on the precise issue of whether the discovery rule applies to mass media defamation claims, the District Court relied upon the Pennsylvania Supreme Court's instruction that "the discovery rule should be employed only for 'worthy cases'; it 'cannot be applied so loosely as to nullify the purpose for which a statute of limitations exists.'" (McLaughlin Opinion, Pg. 5) (quoting Dalrymple v. Brown, 701 A.2d 164, 167 (Pa. 1997)); (further citing 42 Pa. Cons. Stat. Ann. § 5533(a) (2010) and Pocono Int'l Raceway, Inc. v. Pocono Produce, Inc., 468 A. 2d 468, 471 (Pa. 1983) for the proposition that ignorance, mistake or misunderstanding will not toll a statute of limitations, even though a plaintiff may not discover an injury until it is too late.)

Judge McLaughlin's Opinion further cites numerous opinions from other jurisdictions and three from the Eastern District of Pennsylvania, all of which held that the discovery rule does not apply to mass-media defamation.

Despite the Court's unequivocal opinion, and the wealth of case law upon which it rests, Wolk immediately appealed the District Court's decision, and the issue will now be presented to the Third Circuit. Defendants and their counsel remain convinced that the District Court's opinion is infallible, and look forward to affirmation from the Third Circuit on this important issue so closely tied to the rights of free speech and press.

Mr. Onufrak, a partner in the firm's Commercial Litigation Department, served as the lead attorney on the case. Siobhan Cole, an associate in the Commercial Litigation Department, assisted with the case.

EXHIBIT J

LAW.COM

Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge

Shannon P. Duffy

08-06-2010

Aviation lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned something new this week about the blogosphere when a federal judge tossed out his libel suit against the bloggers at Overlawyered.com.

As U.S. District Judge Mary A. McLaughlin sees it, a blog is legally the same as any other "mass media," meaning that any libel lawsuit filed against a blog in Pennsylvania must make its way to court within one year.

Wolk was hoping for a break on the strict time limit. His lawyers — Paul R. Rosen and Andrew J. DeFalco of Spector Gadon & Rosen — argued that the "discovery rule" should apply to toll the statute of limitations until the target of an allegedly libelous blog entry discovers it.

But McLaughlin found that blogs, by virtue of publishing on the Internet, qualify as mass media that simply cannot be subjected to the discovery rule.

"The court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a defamatory statement contained in a book or newspaper or other mass medium," McLaughlin wrote in her nine-page opinion in *Wolk v. Olson*.

McLaughlin said she followed the lead of several of her colleagues on the Eastern District of Pennsylvania bench, as well as numerous courts around the country, in holding that "as a matter of law, the discovery rule does not apply to toll the statute of limitations for mass-media defamation."

In court papers, Wolk said he first learned of the existence of the allegedly defamatory article on Overlawyered when he was advised at a seminar on client relations in early 2009 to perform a Google search of his own name.

It was only then, Wolk claims, that he found the April 2007 blog entry by Overlawyered's Theodore Frank that allegedly included false allegations about Wolk's handling of a case in Georgia.

"The discovery rule in Pennsylvania is a rule of statutory construction applicable to all cases," Rosen and DeFalco argued.

But Overlawyered's lawyers — Michael N. Onufrak and Siobhan K. Cole of White & Williams — argued that the discovery rule simply cannot apply to any defamation suit that stems from a "published" statement.

McLaughlin agreed and found that Rosen and DeFalco were asking the court to stretch the discovery rule beyond its intended scope.

"Not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries,"

McLaughlin wrote.

"If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers," McLaughlin wrote.

Applying the discovery rule in Wolk's case would also "undermine the purpose" of the statute of limitations, McLaughlin found.

"If a plaintiff may bring a person into court after a limitations period has expired simply by invoking the discovery rule, and if a court is bound from dismissing the claim no matter how public or ancient the injury may be, then the discovery rule will have nullified the stability and security that the statute of limitations aims to protect," McLaughlin wrote.

McLaughlin cited a string of decisions that followed the same logic, including *Schwelhs v. Burdick*, a 1996 decision in which the 7th U.S. Circuit Court of Appeals adopted a "mass-media exception" to the discovery rule, explaining that the rule only applies to defamation "in situations where the defamatory material is published in a manner likely to be concealed from the plaintiff, such as credit reports or confidential memoranda."

Wolk has already filed a notice of appeal to challenge McLaughlin's ruling.

Rosen said he believed that McLaughlin had erred by failing to apply recent Pennsylvania Supreme Court decisions that say the discovery rule tolls the statute of limitations until an "awakening event."

The Internet, Rosen said, poses "unique challenges" for the courts in the field of defamation.

"Unlike mass media print defamation claims, where the publication is pervasive for a short time, but soon becomes yesterday's news, the Internet is a different animal," Rosen said.

"In cases such as Mr. Wolk's, involving a blog that is relatively obscure, but which published a false statement that may appear on any Google type search, the discovery rule is of particular importance," Rosen said.

Onufrak said that if his clients had not won the case on statute-of-limitations grounds, he was confident that they would have won on First Amendment grounds because the blog entry was not defamatory and would have been considered protected opinion.

Exhibit "8"

http://reason.com/blog/2010/08/06/lawyer-trying-to-protect-his-r

Lawyer Trying to Protect His Reputation As an Effective Advocate Misses Deadline for His Libel Suit

Jacob Sullum | August 6, 2010

On April 8, 2007, *Overlawyered* writer Ted Frank blogged about an aviation attorney named Arthur Alan Wolk, prompted by an item on another legal blog about the dismissal of a ridiculous lawsuit Wolk had filed. Frank's summary of Wolk's case: "Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation." Frank noted that when Wolk settled the original case (the one that gave rise to the judicial rebuke), one condition was suppression of that embarrassing opinion. Frank suggested this demand created a conflict of interest:

> Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the [court] failed to [make sure the client knew about the conflict], one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements.

This was not Wolk's first appearance at *Overlawyered*. A 2002 post noted how he had used a defamation suit to bully an aviation news website into a "a thoroughly abject capitulation and apology" for criticizing a $480 million verdict he had won from Cessna. The appeasement included an astonishing promise not to "characterize matters in such a way as to bring apparent discredit upon anyone," lest such characterizations instigate *other people* to commit libel. As *Overlawyered* put it, "The consequences of such a formula for the future of hard-hitting journalism can be imagined." The post concluded: "Among the lessons many observers will draw, we think, will be the old one: watch what you say about lawyers."

You probably can guess what happened next. The touchy lawyer with a history of suing his online critics into submission sued Frank, along with *Overlawyered* editors Walter Olson (a *Reason* contributing editor) and David Nieporent*, citing the 2007 comment about Wolk's conflict of

interest. But he did not get around to doing so until two years after the post appeared. Unfortunately for Wolk, Pennsylvania, where he filed his case, generally requires that defamation lawsuits be filed within one year of the injury. According to *Law.com*, Wolk argued that the court should let the statute of limitations slide, since he had not discovered Frank's allegedly defamatory post until April 2009, when he supposedly performed a Google search on his name after being advised to do so at a "seminar on client relations in early 2009."

U.S. District Judge Mary McLaughlin did not question the plausibility of this story, which suggests that a notoriously sensitive lawyer who had sued over online criticism back in 2001 did not think of Googling his own name until he learned about this esoteric technique in 2009. But in a decision (PDF) issued this week, she dismissed Wolk's suit, ruling that under Pennsylvania law plaintiffs can escape the one-year limit only if the alleged defamation was difficult to discover—e.g., because it occurred in a credit report or a confidential memorandum. McLaughlin said that exception does not apply if the offending statement was published in a "mass medium" such as a website that is well-known among attorneys and that "attracts more than 9,000 unique daily visitors, including tens of thousands of lawyers and other professionals."

In a sense, then, Frank, Olson, and Nieporent were saved by the conspicuousness of the forum in which they dissed Wolk. Even if Wolk had not missed the deadline, it seems likely he would have lost the case, since the comments to which he objected are a constitutionally protected combination of fact and opinion. But before losing, he would have succeeded in punishing his critics by inflicting the anxiety, inconvenience, and cost of litigation on them. One really wishes courts would do more to protect the First Amendment rights of writers who offend rich people with thin skins.

Law.com reports that "Wolk has already filed a notice of appeal to challenge McLaughlin's ruling."

[*Spelling corrected. His name was misspelled in McLaughlin's ruling.]

Exhibit "9"

Wolk v. Olson: Overlawyered in the news
by Walter Olson on August 9, 2010

While I was away in recent days, a news story about this site drew wide coverage in the press. U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against me, Overlawyered, and co-bloggers Ted Frank and David Nieporent over a blog post that Ted published on this site in 2007. Judge McLaughlin ruled (PDF) that the claim was time-barred, notwithstanding Wolk's argument that the operation of the statute of limitations should have been stayed based on his claim that he was unaware of the post until 2009, when he says he first performed a Google search on his own name.

The judge's dismissal of the suit was covered in Law.com/The Legal Intelligencer, the ABA Journal, Legal Ethics Forum, and many other blogs and publications well known to our readers. All of us are grateful to attorneys Michael N. Onufrak and Siobhan K. Cole of White and Williams in Philadelphia, who represented us. Had the judge not ruled in our favor on the threshold statute of limitations issue, we are confident that we would have prevailed based on the post's protected status under the First Amendment. Wolk has filed a notice of appeal in the action.

For readers' protection as well as our own, we are obliged to discourage discussion in our comments section about these developments. We regret the curtailment of free controversy.
More: Ted at Point of Law.

Exhibit "10"

Who You Calling Touchy?

Jacob Sullum | September 16, 2010

Last month I wrote a blog post criticizing a lawyer, Arthur Alan Wolk, who has been known to sue people for criticizing him online. Guess what happened? Wolk recently emailed me, threatening to sue me and *Reason* unless I delete the post:

> Remove it because it is false and you get a free pass. If you don't I will sue you because you like your buds at Overlawyered did nothing to fact check anything before you wrote your blog. In fact had you read my lawsuit you would have known that what you were about to publish and republish was false but instead you recklessly failed to do anything to verify if what you were writing about had any merit or truth whatsoever. Guess what, you need to check the statute of limitations because it won't apply to you. I am giving you the opportunity you didn't give me, and set the record straight and to do the right thing. Please remove your lies from the internet.
>
> This false and defamatory publication jeopardizes Reason.com's foundation status and I have already retained tax counsel to challenge the tax exempt status of all these public interest organizations who are nothing more than lobbyists for tort reform, a violation of the tax exempt status they claim. If you think for even a moment that my forty-one years of practice will be defined by lies on the internet you need to do a little more research. Please do not make me cause you and your officers to join your friends in Philadelphia. I just want lies about me off the web.

Although Wolk's reaction to my post reinforces the point I was trying to make, he reasonably complains that I did not include his response to the *Overlawyered* post that was the subject of one of his defamation suits. He says he avoided any conflict of interest in *Taylor v. Teledyne* by not participating in the settlement negotiations and by not asking the judge to vacate a discovery order that criticized him until after an agreement had been reached. He cites letters from two other plaintiffs' attorneys who were involved in the case, who confirm this account. Wolk also says the judge's criticism was unfair, in part because other lawyers at his firm handled discovery in that case.

— Will Cutting Public Worker Pay Make... | Main | Los Angeles: Home of the $5...

See all 125 comments | Leave a comment

Old Mexican | 9.16.10 @ 3:30PM | #

I don't understand - are you posting the above to avoid a lawsuit or is Reason going to tell Wolk to "Fuck off!", as he rightly deserves?

Reply to this

Spencer Smith | 9.16.10 @ 3:44PM | #

I believe this has alleviated any (real) threat. They have now printed his response, and follow ups to the story. This is a snarky, snarky, correction- as you often get in the face of such a threat.

reply to this

aeronathan | 9.16.10 @ 4:10PM | #

Any way you cut it, legal threats and especially "cease and desist" are guaranteed ways to make things live forever on the internet.

reply to this

sage | 9.16.10 @ 3:30PM | #

What's the difference between a hooker and a lawyer?

The hooker stops screwing you after you're dead.

reply to this

Brandybuck | 9.16.10 @ 3:42PM | #

There are some things a hooker won't screw for money.

reply to this

Ska | 9.16.10 @ 3:55PM | #

Lawyers are cocksuckers, but hookers give better head.

reply to this

Virginia | 9.16.10 @ 4:25PM | #

A hooker can give you AIDS, but a lawyer will really mess up your life.

reply to this

fish | 9.16.10 @ 4:28PM | #

Not if the estate is structured properly!

reply to this

The Gobbler | 9.16.10 @ 4:52PM | #

"Not if the estate is structured properly!"

^^THIS^^

reply to this

Mr Whipple | 9.16.10 @ 5:44PM | #

Two lawyers are walking down the street. They walk by a beautiful woman and one lawyer says to the other, "I'd really like to fuck her". The other lawyer replies, "out of what?"

reply to this

Latter Day Taint | 9.16.10 @ 3:31PM | #

I haven't read Arthur Alan Wolk's law suit, but I wonder if someone who has can tell me if there is any mention [redacted]

reply to this

waffles | 9.16.10 @ 3:45PM | #

[redacted]

reply to this

PapayaSF | 9.16.10 @ 4:13PM | #

You're missing a trick here, waffles. When discussing if someone may or not be a sleepfucker, make sure Google knows who you're talking about. I don't know if he is a sleepfucker, though.

reply to this

troy | 9.16.10 @ 4:35PM | #

[redacted]

reply to this

TheZeitgeist | 9.16.10 @ 4:55PM | #
As someone who was born in Montana and therefore an expert on these types of things, [redacted]

Goats too...

reply to this

Dumpster Baby | 9.16.10 @ 3:45PM | #
Bravo! That'll teach him to threaten Reason and its gifted and witty commentariat.

reply to this

rriord | 9.16.10 @ 3:47PM | #
I am just waiting for Steve Smith.

reply to this

Steve Smith | 9.16.10 @ 3:51PM | #
STEVE SMITH AFRAID OF BANHAMMER!

reply to this

Latter Day Taint | 9.16.10 @ 3:53PM | #
It goes in their butts, stevo.

reply to this

Mr Whipple | 9.16.10 @ 5:46PM | #
[redacted]
the little baby lamb sheep, and even the male sheep.

reply to this

P'Brooks | 9.16.10 @ 3:32PM | #
all these public interest organizations who are nothing more than lobbyists for tort reform

Tort reform!?

Oh, *horror*!

reply to this

/b/ | 9.16.10 @ 3:34PM | #
[redacted]

That's what I've heard.

reply to this

Latter Day Taint | 9.16.10 @ 3:37PM | #
[redacted]

reply to this

Spencer Smith | 9.16.10 @ 3:41PM | #

[redacted]

It is a possibility, yes.

reply to this

prolefeed | 9.16.10 @ 3:49PM | #

[redacted]

reply to this

Latter Day Taint | 9.16.10 @ 3:52PM | #
Are we no longer free to question in America???

reply to this

Spencer Smith | 9.16.10 @ 3:53PM | #

[redacted]

I believe that this possibility is an irrefutable fact.

reply to this

waffles | 9.16.10 @ 4:07PM | #

[redacted]

reply to this

Shari Lewis | 9.16.10 @ 4:17PM | #

[redacted]

BASTARD!!!

http://www.stuffedlegends.com/images/lambchop.jpg

reply to this

Latter Day Taint | 9.16.10 @ 4:18PM | #
That the link goes to stuffedlegends.com if fucking priceless.

reply to this

troy | 9.16.10 @ 4:37PM | #

[redacted]

reply to this

John | 9.16.10 @ 4:14PM | #

[redacted]

reply to this

Hugh Akston | 9.16.10 @ 3:34PM | #
I guess they don't teach writing in law school.

reply to this

Greer | 9.16.10 @ 4:31PM | #
I was thinking the same thing

"In fact had you read my lawsuit you would have known that what you were about to publish and republish was false but instead you recklessly failed to do anything to verify if what you were writing about had any merit or truth whatsoever."

I think the English language would confess to anything after that torture.

reply to this

wylie | 9.16.10 @ 4:31PM | #
Or he hires out his 15yr old son/daughter to do his writing for him.

reply to this

hmm | 9.17.10 @ 10:59AM | #
[redacted]

reply to this

Spencer Smith | 9.16.10 @ 3:40PM | #
Um,

Had this guy not cared, this story would have died and these "lies" on the internet would have faded into obscurity.

Plus, I'm no lawyer, but

reply to this

sage | 9.16.10 @ 3:41PM | #
...but he is?

reply to this

Spencer Smith | 9.16.10 @ 3:52PM | #
Sorry, I got a feeling that I would be sued if I continued that sentence.

reply to this

Patrick | 9.16.10 @ 3:43PM | #
Time to end the legal cartel...

reply to this

Apogee | 9.17.10 @ 4:38AM | #
Yes. If the point of the C&D was to turn people against tort reform, then he's easily and completely achieved the opposite.

reply to this

rrlord | 9.16.10 @ 3:44PM | #
He's a lawyer? His writing ability is awful. Seriously, looking at his writing, one wonders how he got through law school, let alone university.

reply to this

Latter Day Taint | 9.16.10 @ 3:51PM | #
He could be old enough that he only had to an apprentice in order to get law license. An old friend of mine who graduated Harvard law told me that's how his father got into the biz. He also said his father told him that the sheepskins of today aren't worth a fuck.

reply to this

Andrew S. | 9.16.10 @ 4:17PM | #
As a current lawyer (only trudging through tax and securities laws, never will see a courtroom in my career), I can tell you that law degrees mean zero. It wasn't until I was in my third year as a lawyer that I knew what I was doing.

reply to this

TheZeitgeist | 9.16.10 @ 4:59PM | #
Based on Mr. Wolk's writing examples, I would surmise he attained a high level of achievement in letters at his alma mater, Antarctica State.

program in the world.

Goats too...

reply to this

Apogee | 9.17.10 @ 2:43AM | #
Your poor first and second year clients.

reply to this

AAW | 9.16.10 @ 4:26PM | #
the sheepskins of today aren't worth a fuck.

Are you implying, Sir, that I have stopped fucking sheep?

reply to this

protefeed | 9.16.10 @ 7:00PM | #
No, he is implying that you are into neurophiliac sheepfucking, possibly with some lamb pedophilia.

You, sir, might be one sick fuck.

Not saying you are, just that it can't be incontrovertibly ruled out that you are into fucking dead underaged sheep.

reply to this

Douglas Fletcher | 9.16.10 @ 3:55PM | #
He communicates very well that's he's angry little prick.

reply to this

flye | 9.16.10 @ 4:18PM | #

reply to this

cynical | 9.16.10 @ 4:36PM | #
Isn't John a lawyer?

reply to this

Barely Suppressed Rage | 9.16.10 @ 4:40PM | #
I think about a third of the regulars here are lawyers.

Which makes me wonder how they're makign their billable hours goals.

reply to this

protefeed | 9.16.10 @ 7:02PM | #
Post comments on HNR, charge the time spent to some client's billable hours.

You're new to this, aren't you?

reply to this

R C Dean | 9.16.10 @ 4:48PM | #
Billable hours, pish. In-house, baby!

reply to this

John | 9.16.10 @ 4:49PM | #
My writing is fine. I just don't edit it. It is an internet forum for God's sake. It doesn't have to be letter perfect. And I am not the only one who has ever forgotten a word or used the wrong form of a word on here. People just like to pick on me about it because for whatever reason what I write gets under some people's skin more than what other people write.

reply to this

The Gobbler | 9.16.10 @ 4:55PM | #
I've got ewe, under my skin.

reply to this

Tulpa | 9.16.10 @ 5:23PM | #
My hygiene is fine, I just don't always wipe after I dump when I'm home alone. Who cares?

reply to this

The Gobbler | 9.16.10 @ 5:36PM | #
Thanks for sharing. Here's a bottle of hot sauce.

reply to this

cynical | 9.16.10 @ 10:18PM | #
Also, because you not only make more typos than the average person, but they are occasionally amusing and unintentionally insightful. You're sort of a Yogi Berra figure here, but with spelling and grammar instead of logic.

reply to this

Tulpa | 9.16.10 @ 5:26PM | #
I wouldn't be surprised if he edited the Harvard Law Review.

reply to this

Pope Jimbo | 9.16.10 @ 3:57PM | #
Lat,

That is why scientists invented latex condoms. No need to rely on sheepskins in this day and age.

reply to this

Fun Fact | 9.16.10 @ 3:59PM | #
"No need to rely on sheepskins in this day and age."

But they're what holds the sheep's bones and innards in place.

reply to this

Fun Fact | 9.16.10 @ 3:57PM | #
[redacted]

reply to this

Not AA Wolk, Esq. | 9.16.10 @ 4:07PM | #
My penis is so dry and hungry for ewe.

reply to this

Joel Pile | 9.16.10 @ 4:32PM | #
The line starts over there.

reply to this

Rrabbit | 9.16.10 @ 4:09PM | #
Arthur Alan Wolk, meet the Streisand effect.

reply to this

Warty | 9.16.10 @ 4:21PM | #
[redacted]

reply to this

John | 9.16.10 @ 4:31PM | #
[redacted]

reply to this

Warty | 9.16.10 @ 4:33PM | #
I really wish I had taken a screenshot of the Lonewackopalypse.

reply to this

Ballchinian | 9.16.10 @ 5:23PM | #
You could always just link to it.

reply to this

The Gobbler | 9.16.10 @ 5:36PM | #
It's been disappeared.

reply to this

Ballchinian | 9.16.10 @ 5:40PM | #
Feh

reply to this

pmains | 9.16.10 @ 5:51PM | #
Was that where he was threatening to sue people, and wanted help finding the right people to sue?

reply to this

Warty | 9.16.10 @ 6:34PM | #
More or less.

reply to this

Pip | 9.16.10 @ 4:33PM | #
Good one. :)

reply to this

The Gobbler | 9.16.10 @ 4:34PM | #
[redacted]

reply to this

John | 9.16.10 @ 4:41PM | #
We can neither confirm nor deny that.

reply to this

Not Arthur Wolk | 9.16.10 @ 4:26PM | #
Jarsh, your last sentence is incorrect. The defamation judge did not "accept" that Wolk did not engage in the asserted conduct. The judge simply *assumed* that to be true because it was a 12(b)(6) motion and a judge assumes a plaintiff's allegations to be true when deciding a motion to dismiss. I
[redacted]

reply to this

henry | 9.16.10 @ 4:30PM | #
I guess you're his bitch now.

reply to this

Ghost of Sheep Fuckers Past | 9.16.10 @ 4:35PM | #
You mean 'ewe'.

reply to this

JFG | 9.16.10 @ 4:38PM | #
If he doesn't like what people say about him, he should fly a jumbo jet into a skyscraper, and then

Steven Breyer will rule that making fun of him is not protected speech.

reply to this

troy | 9.16.10 @ 4:44PM | #
+1000

reply to this

Dolly. | 9.16.10 @ 4:38PM | #
Arthur Alan Wolk? Arthur Alan Wolk?

Why does that name sound familier?

reply to this

Barely Suppressed Rage | 9.16.10 @ 4:39PM | #
[redacted]

Couldn't be.

reply to this

joshua corning | 9.16.10 @ 6:45PM | #
Does Arthur Alan Wolk = lonewako?

reply to this

Barely Suppressed Rage | 9.16.10 @ 4:38PM | #
Great, now I need to figure out how to clean off all his old man spittle from the inside of my screen.

I seriously could just picture the flecks of foam in the corners of his withered old cakehole while he was frantically typing that rant.

reply to this

The Gobbler | 9.16.10 @ 4:57PM | #
Wait until he reads all of this shit.

reply to this

Mike Laursen | 9.16.10 @ 4:40PM | #
Poor schlub, Wolk, don't realize he's messing with the Kochtopus!

reply to this

Amakudari | 9.16.10 @ 4:40PM | #
So, seriously, how do you not try politely first? "I saw you posted ____, and I've been trying to get these falsehoods off the internet for ____ reasons."

Yet you send a cease-and-desist letter? Isn't it the obligation of site operators to post those for public ridicule? He seems to be even taunting the Internet. The Internet don't take kindly to his type (which [redacted].

Am I missing something here?

reply to this

Ballhbilian | 9.16.10 @ 5:27PM | #
What you're missing is that people frequently go from an undergraduate program through three years of law school and straight into practice without ever having developed basic social skills employed by normal humans.

I worked 15 years in IT before becoming an attorney. It continues to astonish me how socially retarded many lawyers are compared to even the computer nerds I used to work with.

reply to this

Ska | 9.16.10 @ 5:33PM | #
Try public accountancy for bonus social retardation.

reply to this

Bâlthinlan | 9.16.10 @ 5:39PM | #
Are CPAs prone to being raging assholes? I ask because I honestly don't know.

reply to this

hmm | 9.17.10 @ 11:08AM | #
Depends on when they finished their accounting degree. The later the degree the higher the probability of being nothing more than a code regurgitating moron. Accounting programs have followed the path of Law programs, pumping out morons with degrees who have skills in their field comparable to my cat. I pray for the day the tax code, SEC code, and the ton of financial legal requirements disappear and most CPAs are digging ditches, where they should be.

reply to this

Mr Weebles | 9.16.10 @ 4:41PM | #
[redacted]

As you were.

reply to this

proleteed | 9.16.10 @ 7:07PM | #
[redacted]

reply to this

creech | 9.16.10 @ 5:00PM | #
Are we allowed to draw disrepectful cartoons of Lawyer Wolk?

reply to this

troy | 9.16.10 @ 5:01PM | #
[redacted]

reply to this

gryllade | 9.16.10 @ 5:01PM | #
[redacted]

reply to this

Arthur Alan Wolk | 9.16.10 @ 5:04PM | #
Hello everyone. I am a sheep fucker.

reply to this

Sheep Fuckers Anonymous | 9.16.10 @ 5:10PM | #
Hi, Authur.

reply to this

Mr Whipple | 9.16.10 @ 5:58PM | #
1. We admitted we were powerless over ~~alcohol~~ sheepfucking—that our lives had become unmanageable.

2. Came to believe that a Power greater than ~~ourselves~~ sheep could restore us to sanity.

3. Made a decision to turn our will and our lives over to the care of God as we understood Him..

...

reply to this

Mr Whipple | 9.16.10 @ 5:58PM | #

1. We admitted we were powerless over ~~alcohol~~ sheepfucking—that our lives had become unmanageable.

2. Came to believe that a Power greater than ~~ourselves~~ sheep could restore us to sanity.

3. Made a decision to turn our will and our lives over to the care of God as we understood Him..

...

reply to this

hellet | 9.16.10 @ 5:09PM | #

Why is Reason bending over for this douchebag? Not a single sentence that Jacob Sullum wrote was false. All the disputed material was reported as things that Ted Frank said. You should remove this addendum since you have not made any false statements and you have no obligation to publish anything Wolk tells you.

reply to this

Tulpa | 9.16.10 @ 5:25PM | #

If they remove it, everyone will forget about this story. So having this post serves to remind everyone about the controversy surrounding Herr Wolk.

reply to this

hellet | 9.16.10 @ 6:42PM | #

I said remove the addendum, not the post.

reply to this

troy | 9.16.10 @ 5:10PM | #

[redacted]

reply to this

For the Children | 9.16.10 @ 5:13PM | #

You put your big dick in,
You pull your big dick out,
You put your big dick in,
Then you shake it all about.
You do the sheepy-pee-pee,
and you give yourself a shout,
That's what it's all about!

reply to this

Sen. McCarthy | 9.16.10 @ 5:15PM | #

Are you now or have you ever been a member of the Sheep Fucker party?

reply to this

Chris Hansen | 9.16.10 @ 5:16PM | #

Mr. Wolk, why don't you have a seat right over there.

reply to this

planodoc | 9.16.10 @ 5:26PM | #

According to Arthur Alan Wolk's website,

> Arthur Alan Wolk has been appointed by the National Transportation Safety Board to serve on steering committees for every airline disaster in which the firm has represented

[illegible]

[illegible]

[redacted]

reply to this

troy | 9/16/2010 @ [illegible] | #

[illegible] research.

[redacted]

reply to this

[illegible] | 9/16/2010 @ [illegible] | #

[redacted]

reply to this

[illegible] | 9/16/2010 @ [illegible] | #

[illegible] everywhere!

http://www.[illegible]

reply to this

[illegible] | 9/16/2010 @ 6:20PM | #

[illegible]

reply to this

[illegible] | 9/16/2010 @ [illegible] | #

[illegible]

reply to this

[illegible] | 9/16/2010 @ 7:00PM | #

[illegible]

reply to this

[illegible] | 9/16/2010 @ 7:11PM | #

[illegible]

[redacted]

reply to this

[illegible] | 9/17/10 @ [illegible] AM | #

[illegible]

reply to this

[illegible] | 9/16/2010 @ [illegible] | #

[illegible]

reply to this

[illegible] | 9/17/2010 @ [illegible] AM | #

[illegible]!

reply to this

[illegible] | 9/17/2010 @ [illegible] | #

[illegible]

reply to this

hmm | 9.17.10 @ 11:12AM | #
I get the odd feeling that while this post appears as a correction on its face, the true focus was always meant to the comments and the sheep fucking their in.

reply to this

jane | 9.19.10 @ 12:14PM | #
Why? would you try to destroy the reputation of a man?

Why knowingly you maliciously republish a defamation?

why would you then publish another article in that malicious manner?

why would you try to incite these obtuse, sick comments?

Why? ONLY if your interests are affected by him or is it your bosses?

or is it REASON.ORG trustees and officers financial interests?

reply to this

young mexican | 9.19.10 @ 12:24PM | #
Arthur Wolk is the best aviation lawyer in the country. He has a lifelong reputation of legal achievements, he is a well respected man.
You are dirt.

reply to this

double hmm | 9.19.10 @ 12:29PM | #
Obviously Sullum needs to pray on a reputable man to get noticed.
He had NO correction intentions, he maliciously posted his article with this result in mind.

reply to this

Leave a Comment

* NAME:

EMAIL:

WEBSITE:

REMEMBER NAME, EMAIL, AND WEBSITE ON THIS COMPUTER FOR 30 DAYS?

* COMMENT:

preview submit

Exhibit "11"

Google

Arthur Wolk Search

About 252,000 results (0.23 seconds) Advanced search

Everything
Images
News
More

New York, NY
Change location

Any time
Past 2 months
All results
Sites with images
More search tools

Arthur Alan Wolk v. Teledyne Industries, Inc. ☆ - 3 visits - Oct 21
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney; opponent attorney mails opinion ...
overlawyered.com/...arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar

Images for Arthur Wolk - Report images

The Wolk Law Firm - Aviation Litigation
The Wolk Law Firm – Determining responsibility behind air crashes and ... At The Wolk Law Firm, Aviation Safety is Our Profession – Arthur Alan Wolk ...
www.airlaw.com/ - Cached - Similar

Airlaw / News - Arthur Wolk Honored at Temple Law Founder's Day ...
Temple University's Beasley School of Law recently honored Philadelphia ...
www.airlaw.com/news_temple_law_founders_day.htm - Cached

Show more results from airlaw.com

Arthur Wolk Air Safety Expert
Arthur Alan Wolk is an attorney and the founding partner of The Wolk Law Firm in Philadelphia, PA. An expert in aviation law and air crash litigation for ...
www.squidoo.com/arthur-alan-wolk - Cached

bigsight | Arthur Wolk - Featured in news reports on networks such ...
bigsight profile for Arthur Wolk - Philadelphia, Pennsylvania - Featured in news reports on networks such as CNN and in publications like USA Today, ...
bigsight.org/arthur_wolk - Cached

Arthur Wolk- A resident of Philadelphia, Pennsylvania, attorney ...
Arthur Wolk - A resident of Philadelphia, Pennsylvania, attorney and aviation expert Arthur Wolk brings a long and storied tradition to his wo ...
www.peoplepond.com/arthurwolk - Cached

Arthur Alan Wolk - Wikipedia, the free encyclopedia
Arthur Alan Wolk (born October 25, 1943) is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in ...
en.wikipedia.org/wiki/Arthur_Alan_Wolk - Cached

Arthur Wolk, AIRLAW
Oct 15, 2010 ... Founding partner Arthur Alan Wolk, a top attorney in the US for aviation law and ... Arthur Wolk is an airline transport-rated pilot and jet ...
www.websketching.com/News/archive/38.asp - Cached

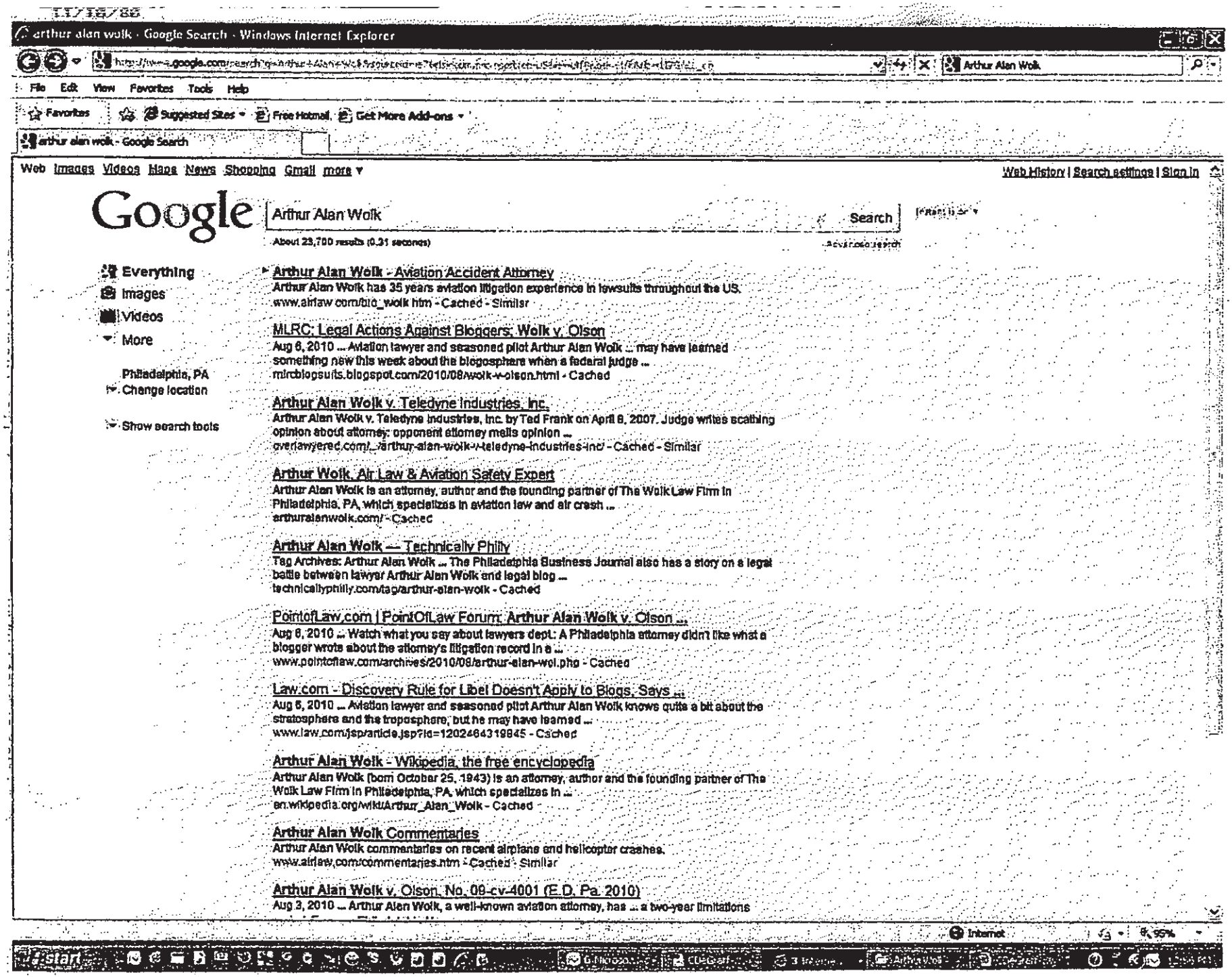
Reflections of My Puppy By Arthur Wolk - A chronicle of the first ...
Recollections of My Puppy is a poignant, funny, and sometimes tear evoking chronicle of the first year of the life of Boo, a Golden Retriever, with her Dad, ...
boos-books.com/ - Cached - Similar

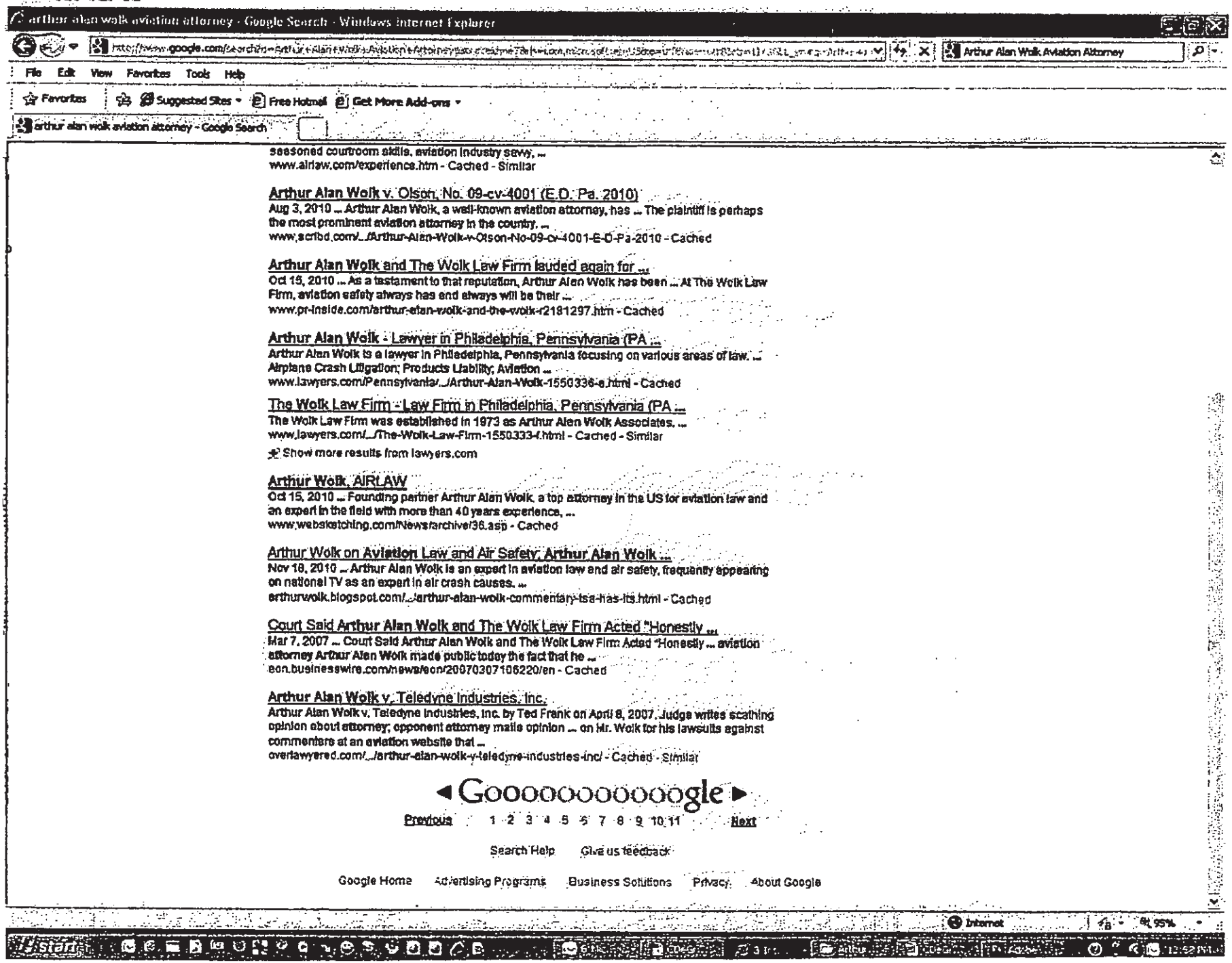
Arthur Wolk - Founding Partner, The Wolk Law Firm - Philadelphia ...
Arthur Wolk - View my professional profile and contact me on Naymz!
www.naymz.com/arthur_wolk_2800445 - Cached

Searches related to Arthur Wolk
arthur wolk alan
arthur wolk bio
peoplepond arthur wolk
arthur wolk founding partner

1 2 3 4 5 6 7 8 9 10 Next

Arthur Wolk Search


arthur alan wolk - Google Search - Windows Internet Explorer
File Edit View Favorites Tools Help
Favorites
Suggested Sites
Free Hotmail
Get More Add-ons
arthur alan wolk - Google Search
Web Images Videos Maps News Shopping Gmail more
Web History | Search settings | Sign In
Google
Arthur Alan Wolk
Search
About 23,700 results (0.31 seconds)
Advanced search
Everything
Images
Videos
More
Philadelphia, PA
Change location
Show search tools
Arthur Alan Wolk - Aviation Accident Attorney
Arthur Alan Wolk has 35 years aviation litigation experience in lawsuits throughout the US.
www.airlaw.com/bio_wolk.htm - Cached - Similar
MLRC: Legal Actions Against Bloggers: Wolk v. Olson
Aug 6, 2010 ... Aviation lawyer and seasoned pilot Arthur Alan Wolk ... may have learned something new this week about the blogosphere when a federal judge ...
mlrcblogsuits.blogspot.com/2010/08/wolk-v-olson.html - Cached
Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney opponent attorney mails opinion ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar
Arthur Wolk, Air Law & Aviation Safety Expert
Arthur Alan Wolk is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in aviation law and air crash ...
arthuralanwolk.com/ - Cached
Arthur Alan Wolk — Technically Philly
Tag Archives: Arthur Alan Wolk ... The Philadelphia Business Journal also has a story on a legal battle between lawyer Arthur Alan Wolk and legal blog ...
technicallyphilly.com/tag/arthur-alan-wolk - Cached
PointofLaw.com | PointOfLaw Forum: Arthur Alan Wolk v. Olson ...
Aug 6, 2010 ... Watch what you say about lawyers dept: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a ...
www.pointoflaw.com/archives/2010/08/arthur-alan-wol.php - Cached
Law.com - Discovery Rule for Libel Doesn't Apply to Blogs, Says ...
Aug 6, 2010 ... Aviation lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned ...
www.law.com/jsp/article.jsp?id=1202464319845 - Cached
Arthur Alan Wolk - Wikipedia, the free encyclopedia
Arthur Alan Wolk (born October 25, 1943) is an attorney, author and the founding partner of The Wolk Law Firm in Philadelphia, PA, which specializes in ...
en.wikipedia.org/wiki/Arthur_Alan_Wolk - Cached
Arthur Alan Wolk Commentaries
Arthur Alan Wolk commentaries on recent airplane and helicopter crashes.
www.airlaw.com/commentaries.htm - Cached - Similar
Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... a two-year limitations
Internet
start


arthur alan wolk aviation attorney - Google Search - Windows Internet Explorer

http://www.google.com/search?q=arthur+alan+wolk+aviation+attorney&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a

Arthur Alan Wolk Aviation Attorney

File Edit View Favorites Tools Help

Favorites Suggested Sites Free Hotmail Get More Add-ons

arthur alan wolk aviation attorney - Google Search

seasoned courtroom skills, aviation industry savvy, ...
www.airlaw.com/experience.htm - Cached - Similar

Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... The plaintiff is perhaps the most prominent aviation attorney in the country. ...
www.scribd.com/.../Arthur-Alan-Wolk-v-Olson-No-09-cv-4001-E-D-Pa-2010 - Cached

Arthur Alan Wolk and The Wolk Law Firm lauded again for ...
Oct 15, 2010 ... As a testament to that reputation, Arthur Alan Wolk has been ... At The Wolk Law Firm, aviation safety always has and always will be their ...
www.pr-inside.com/arthur-alan-wolk-and-the-wolk-r2181297.htm - Cached

Arthur Alan Wolk - Lawyer in Philadelphia, Pennsylvania (PA ...
Arthur Alan Wolk is a lawyer in Philadelphia, Pennsylvania focusing on various areas of law. ... Airplane Crash Litigation; Products Liability; Aviation ...
www.lawyers.com/Pennsylvania/.../Arthur-Alan-Wolk-1550336-a.html - Cached

The Wolk Law Firm - Law Firm in Philadelphia, Pennsylvania (PA ...
The Wolk Law Firm was established in 1973 as Arthur Alan Wolk Associates. ...
www.lawyers.com/.../The-Wolk-Law-Firm-1550333-f.html - Cached - Similar

Show more results from lawyers.com

Arthur Wolk, AIRLAW
Oct 15, 2010 ... Founding partner Arthur Alan Wolk, a top attorney in the US for aviation law and an expert in the field with more than 40 years experience, ...
www.websketching.com/News/archive/36.asp - Cached

Arthur Wolk on Aviation Law and Air Safety: Arthur Alan Wolk ...
Nov 18, 2010 ... Arthur Alan Wolk is an expert in aviation law and air safety, frequently appearing on national TV as an expert in air crash causes. ...
arthurwolk.blogspot.com/.../arthur-alan-wolk-commentary-tsa-has-its.html - Cached

Court Said Arthur Alan Wolk and The Wolk Law Firm Acted "Honestly ...
Mar 7, 2007 ... Court Said Arthur Alan Wolk and The Wolk Law Firm Acted "Honestly ... aviation attorney Arthur Alan Wolk made public today the fact that he ...
eon.businesswire.com/news/eon/20070307106220/en - Cached

Arthur Alan Wolk v. Teledyne Industries, Inc.
Arthur Alan Wolk v. Teledyne Industries, Inc. by Ted Frank on April 8, 2007. Judge writes scathing opinion about attorney; opponent attorney mails opinion ... on Mr. Wolk for his lawsuits against commenters at an aviation website that ...
overlawyered.com/.../arthur-alan-wolk-v-teledyne-industries-inc/ - Cached - Similar

◄ Goooooooooooogle ►

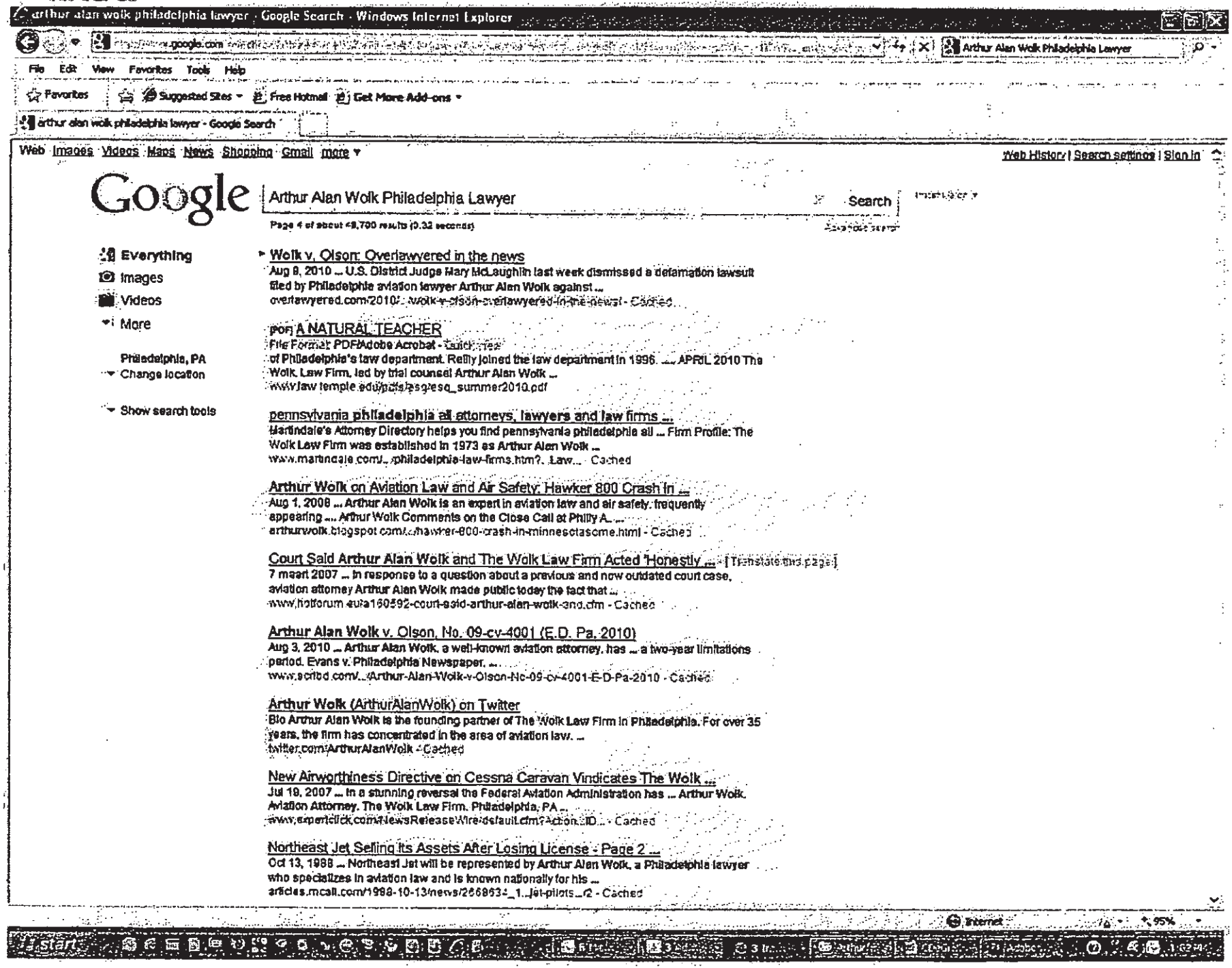
Previous 1 2 3 4 5 6 7 8 9 10 11 Next

Search Help Give us feedback

Google Home Advertising Programs Business Solutions Privacy About Google

Internet 95%

Start


arthur alan wolk philadelphia lawyer - Google Search - Windows Internet Explorer
File Edit View Favorites Tools Help
Favorites
Suggested Sites
Free Hotmail
Get More Add-ons
arthur alan wolk philadelphia lawyer - Google Search
Web Images Videos Maps News Shopping Gmail more
Web History | Search settings | Sign in
Google
Arthur Alan Wolk Philadelphia Lawyer
Search
Page 4 of about 48,700 results (0.32 seconds)
Everything
Images
Videos
More
Philadelphia, PA
Change location
Show search tools
Wolk v. Olson: Overlawyered in the news
Aug 9, 2010 ... U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against ...
overlawyered.com/2010/.../wolk-v-olson-overlawyered-in-the-news/ - Cached
[PDF] A NATURAL TEACHER
File Format: PDF/Adobe Acrobat - Quick View
of Philadelphia's law department. Reilly joined the law department in 1996. ... APRIL 2010 The Wolk Law Firm, led by trial counsel Arthur Alan Wolk ...
www.law.temple.edu/pdfs/pasgresq_summer2010.pdf
pennsylvania philadelphia all attorneys, lawyers and law firms ...
Martindale's Attorney Directory helps you find pennsylvania philadelphia all ... Firm Profile: The Wolk Law Firm was established in 1973 as Arthur Alan Wolk ...
www.martindale.com/.../philadelphia-law-firms.htm?... Law... - Cached
Arthur Wolk on Aviation Law and Air Safety: Hawker 800 Crash in ...
Aug 1, 2008 ... Arthur Alan Wolk is an expert in aviation law and air safety, frequently appearing ... Arthur Wolk Comments on the Close Call at Philly A ...
arthurwolk.blogspot.com/.../hawker-800-crash-in-minnesotasome.html - Cached
Court Said Arthur Alan Wolk and The Wolk Law Firm Acted "Honestly ... | Translate this page
7 maart 2007 ... In response to a question about a previous and now outdated court case, aviation attorney Arthur Alan Wolk made public today the fact that ...
www.hotforum.eu/a160592-court-said-arthur-alan-wolk-and.cfm - Cached
Arthur Alan Wolk v. Olson, No. 09-cv-4001 (E.D. Pa. 2010)
Aug 3, 2010 ... Arthur Alan Wolk, a well-known aviation attorney, has ... a two-year limitations period. Evans v. Philadelphia Newspaper, ...
www.scribd.com/.../Arthur-Alan-Wolk-v-Olson-No-09-cv-4001-E-D-Pa-2010 - Cached
Arthur Wolk (ArthurAlanWolk) on Twitter
Bio Arthur Alan Wolk is the founding partner of The Wolk Law Firm in Philadelphia. For over 35 years, the firm has concentrated in the area of aviation law. ...
twitter.com/ArthurAlanWolk - Cached
New Airworthiness Directive on Cessna Caravan Vindicates The Wolk ...
Jul 19, 2007 ... In a stunning reversal the Federal Aviation Administration has ... Arthur Wolk, Aviation Attorney, The Wolk Law Firm, Philadelphia, PA ...
www.expertclick.com/NewsReleaseWire/default.cfm?Action=ID... - Cached
Northeast Jet Selling Its Assets After Losing License - Page 2 ...
Oct 13, 1988 ... Northeast Jet will be represented by Arthur Alan Wolk, a Philadelphia lawyer who specializes in aviation law and is known nationally for his ...
articles.mcall.com/1988-10-13/news/2668934_1_jet-pilots_2 - Cached
Internet
95%
start

11/16/88

Exhibit "12"

The Volokh Conspiracy

Is There a Duty To Take Down One's Recent Defamatory Allegations, Once One Knows They Are False?

Eugene Volokh • March 11, 2011 2:19 pm

A question arose in connection with the Brandon Darby / *New York Times* controversy: Say that a newspaper (or some other entity) posts its own article on its site, believing it to be true, and not having serious doubts about its truth. At that point, even if some allegations in the article are actually false, the publisher has not libeled any public figure mentioned in the article, because the publisher was not acting with what the law calls "actual malice" — knowledge of falsity, or reckless disregard of a known serious risk of falsity. Likewise, the publisher has not libeled any private figure mentioned in the article, if the publisher *reasonably* believes the article to be true, because the publisher was not acting with negligence (the standard for private figures). (Note: This is an oversimplification, but sufficient for our purposes.)

But say that the publisher later learns that the statements are false. Is it liable for failing to remove the allegations, at that point, on the theory that it is *now* acting with "actual malice" (or negligently, if the plaintiff is a private figure)?

The answer appears to be yes. The Restatement (Second) of Torts — not a statute, but an influential summary of court decisions — announces this general principle in § 577(2):

> One who intentionally and unreasonably fails to remove defamatory matter that he knows to be exhibited on land or chattels in his possession or under his control is subject to liability for its continued publication.
>
> Comment: ... p.... The basis of the liability is his duty not to permit the use of his land or chattels for a purpose damaging to others outside of the land.... So far as the cases thus far decided indicate, the duty arises only when the defendant knows that the defamatory matter is being exhibited on his land or chattels, and he is under no duty to police them or to make inquiry as to whether such a use is being made. He is required only to exercise reasonable care to abate the defamation, and he need not take steps that are unreasonable if the burden of the measures outweighs the harm to the plaintiff. In extreme cases, as when, for example, the defamatory matter might be carved in stone in letters a foot deep, it is possible that the defendant may not be required to take any action at all. But when, by measures not unduly difficult or onerous, he may easily remove the defamation, he may be found liable if he intentionally fails to remove it.
>
> Illustration: 15. A writes on the wall of the men's washroom in B's tavern a statement that C is an unchaste woman. B fails to discover the writing for an hour. After he

> discovers it, he fails to remove it for another hour, although he has ample opportunity to do so. During the second hour the writing is read by several men. B is subject to liability for the continued publication of the libel during the second hour, although not for the original publication. [There's an actual California court case on that. –EV]

The logic of this provision seems to apply to Web sites owned by the publisher, especially when they are on servers owned by the publisher (since such servers would be the publisher's chattels), though I think it would also extend even to the Web sites as a form of intangible chattel. (The Restatement is a summary of court cases, not a statute, so one can apply it by analogy even to situations that may fall outside its literal words.) A 2007 federal district court case has indeed applied this principle to Web sites, and a 2008 South Carolina case seems to have endorsed this principle as to Web sites, but concluded it was inapplicable on the facts (since the failure to remove was only negligent and not deliberate). I know of no case that has rejected it as to Web sites. For an opinion on a related issue by a Texas appellate court — the Darby case has been filed in Texas and will likely be decided under Texas law (since Darby is a Texas resident) — see this case. The opinion is a dissent, but the majority simply didn't discuss this theory, rather than rejecting it expressly.

Note that this principle only applies to the publisher's own stories. If the story is not the publisher's own, then the publisher will likely be be immune under 47 U.S.C. § 230. And again, note that I don't know what the facts are in the Darby / *Times* controversy; I am just setting forth the likely general legal principle.

Note also that the publisher will generally not be liable once the statute of limitations (generally a year or longer) has run since the original post. At that point, under the "single publication rule" — which is generally accepted in most states, and has generally been applied to the Internet in the cases that have considered the issue — no further lawsuits can be brought based on the original post, even if the publisher eventually learns that the post is false. [UPDATE: A commenter was confused by my initial, briefer treatment of this issue, so I added this paragraph and moved my briefer reference to the statute of limitations out of an earlier paragraph.]

You might ask: Does this mean that traditional libraries and booksellers had a duty to remove libelous material from their stacks and shelves, once they were aware that it is libelous (assuming there's no statute of limitations problem, of the sort discussed in the preceding paragraph)? The answer appears to be yes as to booksellers, see *Spence v. Flynt*, 647 F. Supp. 1266, 1274 (D. Wyo. 1986) (which applies well-established though rarely litigated rules related to "distributor liability" for defamation), and logically this suggests the same result would be true as to libraries. There are plausible policy arguments in either direction on this, so perhaps courts might have reached a different result as to libraries; but at least a credible claim could have been made against them. Finally, note that Lexis and similar services would not have such a duty, but only because of the federal immunity for Internet distributors secured by 47 U.S.C. § 230.

Exhibit "13"

http://reason.com/blog/2010/09/24/a-note-to-our-commenters

A Note to Our Commenters

Matt Welch & Nick Gillespie | September 24, 2010

A short while back, we published two blog posts about attorney Arthur Alan Wolk. We did so because exercising and defending free speech is fundamentally what Reason is about. That especially includes the freedom to criticize lawyers, particularly when their behavior warrants it.

As a result, we are now facing another threat of a groundless yet potentially expensive and time-consuming lawsuit. We do not intend to retract our posts.

A small number of commenters - or more accurately, a number of small commenters - have repeatedly published comments on this site that, even though Reason has absolutely no legal responsibility whatsoever for the content of those comments, have made the situation we face only more difficult, more expensive, and more time-consuming. To those commenters we say: You are hijacking our resources, so please stop. As is our prerogative, we have deleted many of those comments, just as we regularly delete comments when it is brought to our attention that they are abusive, harassing, and add no value to the discussion.

As you all know, we provide an exceptionally open forum for discussion at Reason.com, one that you cannot find at most journals of political opinion or high-trafficked blogs. The behavior by these commenters is threatening our ability to keep comments enabled at Hit & Run. We do not have the resources to continue playing Whack-a-Mole and because we'd rather spend our time doing journalism than deleting comments, there will be none on this post, either.

Exhibit "14"

THE WOLK LAW FIRM
AIRLAW

1710-12 Locust Street
Philadelphia, PA 19103
215-545-4220 Fax 215-545-5252
E-mail: airlaw@airlaw.com
www.airlaw.com

Arthur Alan Wolk
Philip J. Ford
Bradley J. Stoll
Cynthia Devers Lamb

October 22, 2010

Dear Sir:

I am an attorney for forty-one years out of Philadelphia. I do air crash litigation.

Unbeknownst to me, in 2007 your affiliate Overlawyered.com wrote an article that accused me of selling out my clients in a case called *Taylor v. Teledyne* in exchange for the court withdrawing a highly critical discovery order. I found that Overlawyered website quite by accident after I attended a CLE seminar in 2009 and it was suggested by judges there that everyone Google themselves because jurors do and judges do as well.

I immediately contacted Overlawyered, explained why their posting was totally false. One of the defense lawyers told them as well, and I have since provided letters from independent counsel in the *Taylor* case who likewise point out that the case was settled before I asked permission of the clients and their lawyers for the false order be lifted, as I was not involved in the case except in a minor unrelated way. I am attaching a copy of these communications for your information. As of today, the blog remains posted.

Both Walter Olson and Ted Frank claim they are either fellows or scholars of your organization and use that mantra as their credibility for continuing to post a false article about me. This has and will continue to damage me, and I have explained that. I sued Olson and Frank and their website. However, because I did not learn about the posting until the one year statute of limitations passed, the court dismissed my case. It is on appeal. Fortunately for me, and unfortunately for them, they published anew their false article through Popehat.com, Law.com and other sites with which they are affiliated. They will not now be able to avail themselves of the statute of limitations defense.

You will be interested to know that your scholars and fellows did nothing to verify what they were writing about me was true, indeed called no one, checked no documents, asked no client or the defense lawyers, but rather just accused me of selling out the clients with no evidence or verification whatsoever. Indeed, the judge who threw the case out told the lawyers that the article was clearly defamatory and should be removed from the internet. They have not.

Since publishing the lies about me, yours and their other affiliated sites have published and republished and incited your blogger supplicants to publish the following quotes about me, which are also false but even more disparaging.

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]

All of this made it to Google first page under my name thanks to your utter lack of supervision over your scholars and fellows and their affiliates like Reason.com, Pope Hat, Law.com, and others all listed on each others' sites as affiliated.

Now, that puts me in an expensive dilemma. I have already paid more than $200,000 in counsel fees, and all I asked was that a false article, which they know to be false, be removed from the internet. I never asked for any money, just removal. I am about to pay much more. I am sure you can understand why I will not and cannot allow this to happen to me. Aside from the professional reasons, I have children and a grandchild, and I will not permit this to live in eternity on the web.

Which brings me to why I am writing this letter. You are an officer or trustee of the organization which promotes and encourages Overlawyered.com to do your hatcheting of those whom you believe negatively impact your tort reform lobbying. That is a violation of your 501(c)(3) IRS exemption. You have, therefore, falsely told your contributors that they may deduct contributions. I have prepared and will shortly file a Qui Tam lawsuit to recover the taxes, interest and penalties for your blatant violations of the exemption.

Now the effort to destroy me in my business and profession is a violation of Civil RICO and may be a violation of criminal RICO as well. I am meeting with the U.S. Attorney here to deal with

this. In addition, this posting and the utter hatred it has engendered all across the internet, including the other affiliated blogs, has caused your classless bloggers to accuse me of a series of heinous crimes. As you can understand, I will not allow that to go unchallenged either.

As far as I am concerned, everything Overlawyered started and continues to fan the flames of was done either at your direction, at your control, at your behest, and as your agent and that of the American Enterprise Institute, The Manhattan Institute for Policy Research, and The Reason Foundation.

Remember, when the civil and criminal lawsuits are over, all I asked for was a lie being removed from the internet by people claiming to be your scholars and fellows. You are internet bullies and must be stopped because reasoning with you doesn't seem to work.

Therefore, since three lawsuits will be filed shortly, and all the Trustees and Officers of The American Enterprise Institute, Reason Foundation, and The Manhattan Institute will be defendants, I am demanding that certain documents be retained so it will not be necessary to file separate actions for the obstruction of justice and the like, and since criminal statutes may be involved so that the crime of Obstruction of Justice is not committed by you, your lawyers, your scholars or fellows.

You are hereby directed to retain, and not destroy or alter all electronic communications of any kind that concern or relate to Arthur Alan Wolk, Overlawyered.com, Walter Olson and Ted Frank. You are warned that you are not to alter, destroy or modify either the electronic data, the metadata or any component of any computer used to transmit any of the information on the foregoing subjects.

You are cautioned to retain all communications with anyone with respect to which Arthur Alan Wolk is the subject and to retain all hard copy and electronic forms of such data, including all communications with anyone who influenced, assisted, suggested, discussed or encouraged the false and defamatory articles, blogs and incendiary commentaries.

You are cautioned not to destroy, alter or manipulate any electronic data concerning your investigation of the truth of any article written about Arthur Alan Wolk, any attempted verification of any facts alleged or comments or blogs made.

You are directed to retain in a form that can be used for trial purposes all e-mails, electronic transmittals, collections of information, communications of any kind with anyone at any time about Arthur Alan Wolk, including your counsel.

You are warned that the destruction of any of this information may constitute the wilful interference or obstruction of justice, both civilly and criminally. You are cautioned that your conduct and that of your colleagues may constitute both civil and criminal RICO, and therefore your spoliation, destruction or manipulation of this information or the electronic data from which it is derived may constitute the crime of obstruction of justice.

You are further cautioned to retain all communications with any of your affiliates, including any trustees of your Reason Foundation or any of their trustees, officers, counsel, Overlawyered.com, The American Enterprise Institute and the Manhattan Institute. You are warned that the destruction of any information that relates to your actual activities in lobbying and influencing legislation through various arms may constitute the willful destruction of evidence and obstruction of justice in the face of an investigation of your activities by the Internal Revenue Service of your abuse of your charitable activities.

You are further cautioned to retain in hard drive form all such information and to retain and not replace any hard drive or destroy any information on any computer that might have any such information requested.

You are also requested to retain and not destroy, alter or manipulate all justifications for your 501(c)(3) applications to the IRS, the list of donors and how much they donated, the tax deduction letters you gave to your donors, and reports to the IRS and any other authority concerning the amount and source of income and the tax deductions afforded. Any destruction, alteration or disposal of such information may constitute the crime of obstruction of justice and spoliation of evidence.

You are also instructed to retain all information from which the identity of all bloggers on any site you have an interest in that concerns or relates to Arthur Alan Wolk in particular, including but not limited to those who falsely accused Wolk of pedophilia.

You are instructed to maintain in all forms both electronically and in hard copy and document that constitutes your independent verification of the assertions of the heinous crime of pedophilia, and what steps were taken after being notified to remove it from your site.

You are directed to advise your staff, trustees and affiliates to retain all electronic information on the above subjects as well.

This list is not dispositive, but Federal Authorities will be contacted to pursue criminal RICO and Civil RICO will be brought by law firms engaged by me against you and your affiliated organizations and the people involved in this deliberate attempt to destroy Arthur Alan Wolk.

Now, before you spend millions of dollars with big shot New York, Washington or other lawyers, I am unconcerned and unafraid as I beat them all the time. I have nothing to lose any more so go for it, please. My request is simple; get the lies off the internet that is posted with your name attached to it.

I will get my counsel fees from all of you, but if you persist, I will get much more from you and your contributors, instigators, officers, trustees and your organization funded by taxpayers who are trying to get a job while you spend their money attacking people and bullying them with lies on the internet. You are, therefore, warned.

Separate civil lawsuits will be filed for any destruction of any file, document, electronic information or otherwise, and criminal prosecutions will be sought since such destruction in the face of this warning that a complaint to Federal criminal authorities will be made may constitute obstruction of justice.

You are cautioned that any attempt to further harass, intimidate and destroy the reputation of Arthur Alan Wolk will be met with suits by everyone affected by your conduct. In the event a judge or juror reports that he or she has seen your blogs and an adverse result is obtained as a consequence, a lawsuit for each of those adverse results will be filed.

At the end of the day, all I asked was that you remove a lie from the internet without the payment of money. Don't say I didn't ask.

You see, I am old but I have won a billion dollars in verdicts and settlements, so I am not stupid. I was going to retire, but now I will have to remain in practice to pay my lawyers. Interesting irony. So what you have done is keep me in practice suing your contributors for the money necessary to get a lies off the internet that they paid you to put on there in the first place.

I hope in the end you think it was worth it.

Very truly yours,

ARTHUR ALAN WOLK

AAW/cd
Enclosures

Last Name	First Name	Company Name	Address Line 1	Address Line 2	City	State	ZIP Code
Alissi	Mike	Vice President, Operat		3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Asness, Ph	Clifford S.	AQR Capital Managem	Two Greenwich Plaza	3rd Floor	Greenwich,	CT	06830
Beach	Thomas E.	Beach Investment Cou	300 Barr Harbor Drive		W. Conshohocken,	PA	19428-2998
Binder	Gordon M.	Managing Director	Coastview Capital, LLC	1111 Santa Monica Blvd	Los Angeles,	CA	90025
Brooks, Pr	Arthur C.	American Enterprise I	1150 Seventeenth Street		Washington,	DC	20036
Chase, Jr.	Derwood S.	Chase Investment Cou	300 Preston Avenue	Suite 500	Charlottesville,	VA	22902-5096
Cheney	Richard B.	The Heritage Foundati	214 Massachusetts Ave		Washington,	DC	20002-4999
Crow	Harlan	Chairman & CEO	Crow Holdings	3819 Maple Avenue	Dallas,	TX	75219-3913
Curley	James R.	Financial Consortium I	318 W. Adams Street	Suite 1200	Chicago,	IL	60606
D'Aniello	Daniel A.	Co-Founder & Managi	The Carlyle Group	1001 Pennsylvania Ave	Washington,	DC	20004-2505
Dunn	William A.	DUNN Capital Manage	DUNN Building	309 SE Osceola Street,	Stuart,	FL	34994
Faraci	John V.	Chairman & CEO	International Paper Co	6400 Poplar Avenue	Memphis,	TN	38197
Fedak	Michael J.	Manhattan Institute fo	52 Vanderbilt Avenue		New York,	NY	10017
Fleming	David W.	Counsel, Latham & Wa	100 Universal City Plaz	Building 4111	Universal City,	CA	91608
Friedman	Tully M.	Chairman & CEO	Friedman Fleischer & L	One Maritime Plaza, 2	San Francisco,	CA	94111
Galvin, Ch	Christopher B.	Harrison Street Capital	71 South Wacker Drive	Suite 3575	Chicago,	IL	60606
Gillespie	Nick	Vice President, Online	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Gilmartin	Raymond V.	Harvard Business Scho	Soldiers Field		Boston,	MA	02163
Graff	Jon	Secretary & Treasurer	Reason Foundation	3415 S. Sepulveda Blvd,	Los Angeles,	CA	90034
Greenhill	Robert F.	Founder & Chairman	Greenhill & Co., Inc.	300 Park Avenue	New York,	NY	10022
Jameson	James D.		399 Park Avenue	15th Floor	New York,	NY	10022
Klausner	Manuel S.	Law Offices of Manuel	601 West Fifth Street		Los Angeles,	CA	90071
Koch	David H.	Koch Industries, Inc.	P.O. Box 2256		Wichita,	KS	67201-2256

Last Name	First Name	Company Name	Address Line 1	Address Line 2	City	State	ZIP Code
Kovner, C	Bruce	Caxton Associates, LP	731 Alexander Road	Bldg. 2	Princeton,	NJ	08540
Lintott	James	Sterling Foundation M	2325 Dulles Corner Blv	Suite 670	Herndon,	VA	20171
Modzelew	Stephen	Maple Engine, LP	1578 River Road		New Hope,	PA	18938-9267
Moore	Adrian	Vice President, Resear	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Nott	David	Reason Foundation	3415 S. Sepulveda Blvd.	Suite 400	Los Angeles,	CA	90034
Ohrstrom	George F.	Ohrstrom Foundation	101 Park Avenue	35th Floor	New York,	NY	10178-0061
Poole, Jr.	Robert W.	Reason Foundation	3415 S. Sepulveda Blvd.	Suite 400	Los Angeles,	CA	90034
Rollins	Kevin B.	Chairman, Senior Advi	TPG Capital	345 California Street, S	San Francisco,	CA	94104
Rust, Jr.	Edward B.	Chairman & CEO	State Farm Insurance	One State Farm Plaza	Bloomington,	IL	61710
Singer	Paul E.	Elliott Associates, L.P.	712 5th Avenue	36th Floor	New York,	NY	10019-4108
Smith	Vernon L.	Chapman University	One University Drive		Orange,	CA	92866
Taylor	Wilson H.	CIGNA Corporation	Two Liberty Place	1601 Chestnut Street	Philadelphia,	PA	19192
Wallace	Richard A.	Freedom Communicati	17666 Fitch Street		Irvine,	CA	92614-6022
Weismann	Dietrich	Weismann Associates,	335 Central Avenue	2nd Floor	Lawrence,	NY	11559
Welch	Matt	Vice President, Magazi	Reason Foundation	3415 S. Sepulveda Blvd.	Los Angeles,	CA	90034
Zappacost	Pierluigi	Sierra Sciences Inc.	250 S. Rock Blvd.	Suite 130	Reno,	Nevada	89502

Exhibit "15"

White and Williams LLP

www.whiteandwilliams.com

Publications

Legal News and Information

COURT DISMISSES DEFAMATION CLAIM AGAINST LEGAL BLOG

Philadelphia - The United States District Court for the Eastern District of Pennsylvania, Judge Mary A. McLaughlin, recently dismissed a mass-media defamation claim against the legal weblog Overlawyered.com, defended by White and Williams.

In the suit, Arthur Alan Wolk, a well-known aviation attorney, sued Overlawyered.com, Walter Olson, Theodore Frank, and David Nieporent for defamation, false light, and intentional interference with prospective contractual relations allegedly arising from an article published on the Overlawyered website in 2007. Wolk filed suit in May 2009, claiming that he did not discover the article until April of that year.

White and Williams attorneys Michael N. Onufrak and Siobhan K. Cole - on behalf of the defendants - moved to dismiss the complaint on the grounds that the case was not brought within the statute of limitations (one-year in Pennsylvania for defamation) and therefore the complaint failed to state a claim. Wolk countered the motion by arguing that Pennsylvania's discovery rule tolled the statute of limitations until Wolk became aware of the article in 2009.

The threshold issue before the District Court, therefore, was whether Pennsylvania's discovery rule applies in a defamation case, such that the statute of limitations would be tolled until the plaintiff had actual notice, where the allegedly defamatory statements were published and widely available. The District Court held that it must not.

While noting the absence of any decision from the Pennsylvania Supreme Court on the precise issue of whether the discovery rule applies to mass media defamation claims, the District Court relied upon the Pennsylvania Supreme Court's instruction that "the discovery rule should be employed only for 'worthy cases'; it 'cannot be applied so loosely as to nullify the purpose for which a statute of limitations exists.'" (McLaughlin Opinion, Pg. 5) (quoting Dalrymple v. Brown, 701 A.2d 164, 167 (Pa. 1997)); (further citing 42 Pa. Cons. Stat. Ann. § 5533(a) (2010) and Pocono Int'l Raceway, Inc., v. Pocono Produce, Inc., 468 A. 2d 468, 471 (Pa. 1983) for the proposition that ignorance, mistake or misunderstanding will not toll a statute of limitations, even though a plaintiff may not discover an injury until it is too late.)

Judge McLaughlin's Opinion further cites numerous opinions from other jurisdictions and three from the Eastern District of Pennsylvania, all of which held that the discovery rule does not apply to mass-media defamation.

Despite the Court's unequivocal opinion, and the wealth of case law upon which it rests, Wolk immediately appealed the District Court's decision, and the issue will now be presented to the Third Circuit. Defendants and their counsel remain convinced that the District Court's opinion is infallible, and look forward to affirmation from the Third Circuit on this important issue so closely tied to the rights of free speech and press.

Mr. Onufrak, a partner in the firm's Commercial Litigation Department, served as the lead attorney on the case. Siobhan Cole, an associate in the Commercial Litigation Department, assisted with the case.

LAW.COM

Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge

Shannon P. Duffy

08-06-2010

Aviation lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned something new this week about the blogosphere when a federal judge tossed out his libel suit against the bloggers at Overlawyered.com.

As U.S. District Judge Mary A. McLaughlin sees it, a blog is legally the same as any other "mass media," meaning that any libel lawsuit filed against a blog in Pennsylvania must make its way to court within one year.

Wolk was hoping for a break on the strict time limit. His lawyers -- Paul R. Rosen and Andrew J. DeFalco of Spector Gadon & Rosen -- argued that the "discovery rule" should apply to toll the statute of limitations until the target of an allegedly libelous blog entry discovers it.

But McLaughlin found that blogs, by virtue of publishing on the Internet, qualify as mass media that simply cannot be subjected to the discovery rule.

"The court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a defamatory statement contained in a book or newspaper or other mass medium," McLaughlin wrote in her nine-page opinion in *Wolk v. Olson*.

McLaughlin said she followed the lead of several of her colleagues on the Eastern District of Pennsylvania bench, as well as numerous courts around the country, in holding that "as a matter of law, the discovery rule does not apply to toll the statute of limitations for mass-media defamation."

In court papers, Wolk said he first learned of the existence of the allegedly defamatory article on Overlawyered when he was advised at a seminar on client relations in early 2009 to perform a Google search of his own name.

It was only then, Wolk claims, that he found the April 2007 blog entry by Overlawyered's Theodore Frank that allegedly included false allegations about Wolk's handling of a case in Georgia.

"The discovery rule in Pennsylvania is a rule of statutory construction applicable to all cases," Rosen and DeFalco argued.

But Overlawyered's lawyers -- Michael N. Onufrak and Siobhan K. Cole of White & Williams -- argued that the discovery rule simply cannot apply to any defamation suit that stems from a "published" statement.

McLaughlin agreed and found that Rosen and DeFalco were asking the court to stretch the discovery rule beyond its intended scope.

"Not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries,"

McLaughlin wrote.

"If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers," McLaughlin wrote.

Applying the discovery rule in Wolk's case would also "undermine the purpose" of the statute of limitations, McLaughlin found.

"If a plaintiff may bring a person into court after a limitations period has expired simply by invoking the discovery rule, and if a court is bound from dismissing the claim no matter how public or ancient the injury may be, then the discovery rule will have nullified the stability and security that the statute of limitations aims to protect," McLaughlin wrote.

McLaughlin cited a string of decisions that followed the same logic, including *Schweihs v. Burdick*, a 1996 decision in which the 7th U.S. Circuit Court of Appeals adopted a "mass-media exception" to the discovery rule, explaining that the rule only applies to defamation "in situations where the defamatory material is published in a manner likely to be concealed from the plaintiff, such as credit reports or confidential memoranda."

Wolk has already filed a notice of appeal to challenge McLaughlin's ruling.

Rosen said he believed that McLaughlin had erred by failing to apply recent Pennsylvania Supreme Court decisions that say the discovery rule tolls the statute of limitations until an "awakening event."

The Internet, Rosen said, poses "unique challenges" for the courts in the field of defamation.

"Unlike mass media print defamation claims, where the publication is pervasive for a short time, but soon becomes yesterday's news, the Internet is a different animal," Rosen said.

"In cases such as Mr. Wolk's, involving a blog that is relatively obscure, but which published a false statement that may appear on any Google type search, the discovery rule is of particular importance," Rosen said.

Onufrak said that if his clients had not won the case on statute-of-limitations grounds, he was confident that they would have won on First Amendment grounds because the blog entry was not defamatory and would have been considered protected opinion.

Simple Justice

A New York Criminal Defense Blog

SCOTT H. GREENFIELD, ESQ.

For more info, click here

Back to Main Page

What Do You Think?

I invite thoughtful comments, but please keep it civil and respectful. I reserve the right to delete or edit any/all comments. Links are not permitted in comments and will be deleted.

SHG

Also on twitter @ScottGreenfield

Quick Search

Search only in titles:

Search

Advanced Search

My All-Time Favorite Lawyer Ad

Recent Comments

Jdog on The Price of Avvo Honor
8/12/2010

SHG on The Price of Avvo Honor
8/12/2010

Brian Tannebaum on The Price of Avvo Honor
8/12/2010

SHG on The Price of Avvo Honor
8/12/2010

Brian Tannebaum on The Price of Avvo Honor
8/12/2010

SHG on The Price of Avvo Honor
8/12/2010

SHG on The Rhetoric of Rights
8/12/2010

Jon E. Lewis on The Price of Avvo Honor
8/12/2010

Blind Guy on The Blackosie Won't Get The Message
8/12/2010

Ron Coleman on The Rhetoric of Rights
8/12/2010

Recent Entries

The Price of Avvo Honor
Thursday, August 12, 2010

Are Lawyers Professional Plagiarists?
Thursday, August 12, 2010

The Blackosie Won't Get The Message
Thursday, August 12, 2010

Don't Mess With Overlawyered

They don't call him Walloping Wally Olson for nothing, you know. Via Law.com:

> Aviation lawyer and seasoned pilot Arthur Alan Wolk knows quite a bit about the stratosphere and the troposphere, but he may have learned something new this week about the blogosphere when a federal judge tossed out his libel suit against the bloggers at Overlawyered.com.
>
> As U.S. District Judge Mary A. McLaughlin sees it, a blog is legally the same as any other "mass media," meaning that any libel lawsuit filed against a blog in Pennsylvania must make its way to court within one year.

According to Wolk, as repeated in Judge McLaughlin's decision, he's the "most prominent aviation lawyer in the country." That doesn't say much for aviation lawyers. It seems that Ted Frank, Walter Olson's evil twin, posted a story about a case of Wolk's on April 6, 2007. Wolk happened to find out about the post sometime in April, 2009. He became very angry. Grrr.

The problem is that the statute of limitations was one year. Memo to Wolk: Read Overlawyered daily. I do.

Wolk tried to get around the statute via the Discovery Rule, that the time doesn't accrue until the alleged defamation is discovered. No dice, Judge McLaughlin ruled.

> The court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a defamatory statement contained in a book or newspaper or other mass medium.

That's right. We a mass medium.

"Not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries," McLaughlin wrote.

> "If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers," McLaughlin wrote.

But Wolk's lawyer, Paul Rosen, did not take the loss gracefully.

> "Unlike mass media print defamation claims, where the publication is pervasive for a short time, but soon becomes yesterday's news, the Internet is a different animal," Rosen said.
>
> "In cases such as Mr. Wolk's, involving a blog that is relatively obscure, but which published a false statement that may appear on any Google type search, the discovery rule is of particular importance," Rosen said.

In the scheme of the blawgosphere, Overlawyered is anything but "relatively obscure." Indeed, it's not only been around for a long time, extremely well known and well-regarded, but it's a favorite read of most lawyers with internet access and half a brain.

And lest anyone be overly concerned, chances are slim that this loss on statute of limitations grounds does Wolk any harm, as his likelihood of prevailing on the merits was even slimmer.

Congratulations to Walter, Ted and all the elves in the backroom at Overlawyered.

H/T The vacationing Turk, who just can't let go of his iPhone.

Posted by SHG at 8/6/2010 8:47 AM
Categories: uncategorized

Trackbacks

Trackback specific URL for this entry

8/6/2010 10:48 AM PointOfLaw Forum wrote:
Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a post about the attorney's unsuccessful libel lawsuit, so he sued the blogger. And the blogger's innocent co-bloggers....

Comments

Display comments as (Linear | Threaded)

Ron Coleman wrote: *8/6/2010 1:14 PM*
I know some of those elves. Believe me, the level of self-beclowning in the run-up to this case matches the preposterousness of the claim against our boys...

What a bunch a' maroons.
Reply to this

Turk wrote: *8/6/2010 6:30 PM*
The part about being "relatively obscure" is a gem.

I wonder how much damage was done to the client by bringing a losing suit, as opposed to the original

11/15/88

Exhibit "16"

11/16/88

Exhibit "17"

Arthur Alan Wolk v. Walter Olson

From English Wikademia

Arthur Alan Wolk v. Walter Olson is a notable[1][2][3] 2010 Internet libel case where the United States District Court for the Eastern District of Pennsylvania ruled that the same rule for mass media applies to the Internet when calculating a statute of limitations.

Contents

Background

On September 30, 2002, in a lawsuit in federal court in the United States District Court for the Northern District of Georgia, *Taylor v. Teledyne*, Judge Julie E. Carnes sanctioned Arthur Alan Wolk for "intentionally disobeying the orders and directives of the Court."[4] As part of the settlement of the case in 2003, the court agreed to vacate the order critical of Wolk.[1][4] Wolk unsuccessfully sought the impeachment of Judge Carnes in retaliation for her order critical of him.[5]

After the settlement, Wolk sued Teledyne and its attorneys, Lord Bissell & Brook, for libel because they transmitted "a United Stated District Court order that was valid, binding, and publicly available at the time it was transmitted."[6] In 2007, Judge Norma Levy Shapiro of the United States District Court for the Eastern District of Pennsylvania dismissed the lawsuit as without legal merit.[1][6]

In 2007, Ted Frank wrote a blog for Overlawyered critical of Wolk's conduct in the *Wolk v. Teledyne* and *Taylor v. Teledyne* litigation.[1][7]

Lawsuit

In 2009, Wolk sued Overlawyered editor Walter Olson, Frank, Overlawyered, and Overlawyered blogger David Nieporent, claiming that the blog libeled him.[7] According to the complaint, Wolk did not discover the article until April 2009.[7] In a notable decision in 2010, Judge Mary A. McLaughlin of the United States District Court for the Eastern District of Pennsylvania dismissed the lawsuit for failure

to comply with the one-year statute of limitations on the grounds that a blog is mass media and the statute of limitations runs from the date of publication.[1][2][3][7]

Aftermath

Wolk has appealed his loss.[1][2]

When *Reason* wrote about the lawsuit, Wolk threatened to sue *Reason*.[8]

References

1. ↑ 1.0 1.1 1.2 1.3 1.4 1.5 Jacob Sullum, *Reason*, "Lawyer Trying to Protect His Reputation As an Effective Advocate Misses Deadline for His Libel Suit" (http://reason.com/blog/2010/08/06/lawyer-trying-to-protect-his-r) , August 6, 2010
2. ↑ 2.0 2.1 2.2 Shannon P. Duffy, *The Legal Intelligencer*, Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge (http://www.law.com/jsp/article.jsp?id=1202464319845) , August 6, 2010
3. ↑ 3.0 3.1 Jeff Blumenthal, *Philadelphia Business Journal*, Overlawyered blog case testing statute of limitations for defamation (http://www.bizjournals.com/philadelphia/blogs/law/2010/08/overlawyered_blog_case_testing_sta August 6, 2010
4. ↑ 4.0 4.1 Taylor v. Teledyne (http://scholar.google.com/scholar_case?case=10732480973753870380)
5. ↑ Wolk v. United States (http://scholar.google.com/scholar_case?case=1985348583634262494)
6. ↑ 6.0 6.1 Wolk v. Teledyne (http://scholar.google.com/scholar_case?case=3373776095983930739)
7. ↑ 7.0 7.1 7.2 7.3 Wolk v. Olson (http://www.paed.uscourts.gov/documents/opinions/10D0758P.pdf)
8. ↑ "Who You Calling Touchy?" (http://reason.com/blog/2010/09/16/who-you-calling-touchy)

External links

- *Arthur Alan Wolk v. Walter Olson (http://www.paed.uscourts.gov/documents/opinions/10D0758P.pdf)*
- Docket (http://dockets.justia.com/docket/pennsylvania/paedce/2:2009cv04001/321303/)

Retrieved from "http://en.wikademia.org/Arthur_Alan_Wolk_v._Walter_Olson"

- Last edited on November 5, 2010
- Copyrights

Exhibit "18"

EXHIBIT G

http://reason.com/blog/2010/08/06/lawyer-trying-to-protect-his-r

Lawyer Trying to Protect His Reputation As an Effective Advocate Misses Deadline for His Libel Suit

Jacob Sullum | August 6, 2010

On April 8, 2007, *Overlawyered* writer Ted Frank blogged about an aviation attorney named Arthur Alan Wolk, prompted by an item on another legal blog about the dismissal of a ridiculous lawsuit Wolk had filed. Frank's summary of Wolk's case: "Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation." Frank noted that when Wolk settled the original case (the one that gave rise to the judicial rebuke), one condition was suppression of that embarrassing opinion. Frank suggested this demand created a conflict of interest:

> Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the [court] failed to [make sure the client knew about the conflict], one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements.

This was not Wolk's first appearance at *Overlawyered*. A 2002 post noted how he had used a defamation suit to bully an aviation news website into a "a thoroughly abject capitulation and apology" for criticizing a $480 million verdict he had won from Cessna. The appeasement included an astonishing promise not to "characterize matters in such a way as to bring apparent discredit upon anyone," lest such characterizations instigate *other people* to commit libel. As *Overlawyered* put it, "The consequences of such a formula for the future of hard-hitting journalism can be imagined." The post concluded: "Among the lessons many observers will draw, we think, will be the old one: watch what you say about lawyers."

You probably can guess what happened next. The touchy lawyer with a history of suing his online critics into submission sued Frank, along with *Overlawyered* editors Walter Olson (a *Reason* contributing editor) and David Nieporent", citing the 2007 comment about Wolk's conflict of

interest. But he did not get around to doing so until two years after the post appeared. Unfortunately for Wolk, Pennsylvania, where he filed his case, generally requires that defamation lawsuits be filed within one year of the injury. According to *Law.com*, Wolk argued that the court should let the statute of limitations slide, since he had not discovered Frank's allegedly defamatory post until April 2009, when he supposedly performed a Google search on his name after being advised to do so at a "seminar on client relations in early 2009."

U.S. District Judge Mary McLaughlin did not question the plausibility of this story, which suggests that a notoriously sensitive lawyer who had sued over online criticism back in 2001 did not think of Googling his own name until he learned about this esoteric technique in 2009. But in a decision (PDF) issued this week, she dismissed Wolk's suit, ruling that under Pennsylvania law plaintiffs can escape the one-year limit only if the alleged defamation was difficult to discover—e.g., because it occurred in a credit report or a confidential memorandum. McLaughlin said that exception does not apply if the offending statement was published in a "mass medium" such as a website that is well-known among attorneys and that "attracts more than 9,000 unique daily visitors, including tens of thousands of lawyers and other professionals."

In a sense, then, Frank, Olson, and Nieporent were saved by the conspicuousness of the forum in which they dissed Wolk. Even if Wolk had not missed the deadline, it seems likely he would have lost the case, since the comments to which he objected are a constitutionally protected combination of fact and opinion. But before losing, he would have succeeded in punishing his critics by inflicting the anxiety, inconvenience, and cost of litigation on them. One really wishes courts would do more to protect the First Amendment rights of writers who offend rich people with thin skins.

Law.com reports that "Wolk has already filed a notice of appeal to challenge McLaughlin's ruling."

[*Spelling corrected. His name was misspelled in McLaughlin's ruling.]

EXHIBIT H

Overlawyered

Chronicling the high cost of our legal system

Wolk v. Olson: Overlawyered in the news

by Walter Olson on August 9, 2010

While I was away in recent days, a news story about this site drew wide coverage in the press. U.S. District Judge Mary McLaughlin last week dismissed a defamation lawsuit filed by Philadelphia aviation lawyer Arthur Alan Wolk against me, Overlawyered, and co-bloggers Ted Frank and David Nieporent over a blog post that Ted published on this site in 2007. Judge McLaughlin ruled (PDF) that the claim was time-barred, notwithstanding Wolk's argument that the operation of the statute of limitations should have been stayed based on his claim that he was unaware of the post until 2009, when he says he first performed a Google search on his own name.

The judge's dismissal of the suit was covered in Law.com/The Legal Intelligencer, the ABA Journal, Legal Ethics Forum, and many other blogs and publications well known to our readers. All of us are grateful to attorneys Michael N. Onufrak and Siobhan K. Cole of White and Williams in Philadelphia, who represented us. Had the judge not ruled in our favor on the threshold statute of limitations issue, we are confident that we would have prevailed based on the post's protected status under the First Amendment. Wolk has filed a notice of appeal in the action.

For readers' protection as well as our own, we are obliged to discourage discussion in our comments section about these developments. We regret the curtailment of free controversy. **More**: Ted at Point of Law.

Related posts

- Worst places to get sued, cont'd (0)
- "The Worst Places To Get Sued in America" (1)
- WHYY Philadelphia, "Radio Times" (1)
- Wherein we deny all robot-related activity (10)
- When a judge sues for defamation, cont'd (0)

Tagged as: about the site, libel slander and defamation, Philadelphia

{ 0 comments… add one now }

Leave a Comment

Name *

E-mail *

Website

You can use these HTML tags and attributes: <a href="" title=""> <abbr title=""> <acronym title=""> <b> <blockquote cite=""> <cite> <code> <del datetime=""> <i> <q cite=""> <strike>

Submit

- **Recent Comments**
  - KDP on "Government finds no electronic defects in runaway Toyotas 'so far'"
  - Dennis on Travel writer's legal nightmare continues
  - PointOfLaw Forum on "Government finds no electronic defects in runaway Toyotas 'so far'"
  - wfjag on Offering to trade legal services for sexual favors
  - wfjag on Travel writer's legal nightmare continues
  - Bill Poser on Travel writer's legal nightmare continues
  - "Government finds no electronic defects in runaway Toyotas 'so far'" on On the new Toyota findings
  - Bumper on Why JetBlue can't crack a smile
  - Frank on On trial for vehicular homicide, sues family she killed
  - Beagles on "Family of man hit by train suing railroad, canoe company"
- **Recent Posts**
  - August 12 roundup
  - Travel writer's legal nightmare continues
  - "Government finds no electronic defects in runaway Toyotas 'so far'"
  - Why JetBlue can't crack a smile

Case ID: 101003053

- Newsweek on the ADA's effects
- August 11 roundup
- Offering to trade legal services for sexual favors
- NYC bus drivers' union in court
- August 10 roundup
- A reminder: anti-arbitration is anti-consumer

- **Point of Law**

  - Penn & Teller Thursday on vaccines
    Penn & Teller's unmentionably named show on the Showtime network does a great job debunking all sorts of matters; tomorrow, they'll turn their attention to the trial-lawyer-driven vaccine controversy that has needlessly put thousands of children at risk.... [...]
    Ted Frank
  - Death of Proximate Causation? Viewer of Child Pornography Found Liable to Victim
    It's hard to have any sympathy at all for viewers of child pornography -- the author of this note finds such people despicable and deserving of criminal punishment. What about tort liability, though? Does a viewer of a film of... [...]
    Michael Krauss
  - Judge Walter lambastes Lerach
    In 2008, I wrote:In today's NY Times, Joe Nocera lambastes Bill Lerach's lack of remorse and notes that his crimes weren't victimless. To which I would add: given that Lerach's Portfolio defense of his crimes demonstrates that he lied in... [...]
    Ted Frank
  - Good Budds with President Obama
    President Obama attended a Democratic Senatorial Campaign Committee fundraiser Monday at the Highland Park, Texas, home of Russell Budd, president of Baron & Budd P.C., one of the nation's premier plaintiff's firms. Baron & Budd is also one of the premier law firms trying... [...]
    Carter Wood
  - AT&T Mobility v. Concepcion
    The Ninth Circuit's holding in Concepcion v. AT&T Mobility, barring an arbitration clause that prohibits class actions as "unconscionable," rests upon a belief in the exceptionalism of class actions, namely, that they are a uniquely superior form of dispute resolution... [...]
    Ted Frank

- **Search**

To search, type and hit e

- **Media Bloggers Association**

- **Favorites**

  - *Best of
  - AAJ/ATLA
  - ADA and disability rights
  - ADA filing mills

- Chasing clients
- Class actions
- Competition through litigation
- CPSIA
- CPSIA and books
- CPSIA and resale
- Deep Pocket Files
- Defensive medicine
- Dickie Scruggs
- Feeing frenzy
- Finger in the chili
- Ford Pinto
- Free speech
- Grand Theft Auto: Class Action
- John Edwards
- Junk science
- Kentucky fen-phen fraud
- Lawyers' nastygrams
- Legal extortion
- Libel, slander, and defamation
- Loser pays
- McDonald's hot coffee & Stella Liebeck
- Other hot coffee cases
- Personal responsibility
- Politics
- Prop 65
- RIAA and file sharing
- Robert F. Kennedy, Jr.
- Roy Pearson's $54 million pants
- Scandals
- Schools
- Schools for Misrule
- Skylights and falling burglars
- Sudden acceleration
- Sued if you do, sued if you don't
- Things not to do
- Third-party liability for crime
- Tobacco settlement
- UK
- Wacky warnings
- Watch what you say about lawyers
- William Lerach
- Wrongful birth and wrongful life

- **Learn More/Reform**

  - AEI Legal Center
  - Cato
  - Cato at Liberty
  - Center for Class Action Fairness
  - Common Good
  - Liability reform sites

- Manhattan Institute
- Point of Law
- Schools for Misrule

- **Misc.**
  - Early years of site
  - General links
  - Google News
- **Navigation**
  - About
  - Accolades
  - Cato at Liberty
  - Contact
  - Social
  - Tags
- **Other blogs**
  - Alkon
  - Althouse
  - Amend the CPSIA
  - Arts & Letters Daily
  - Business Insider
  - Cato at Liberty
  - Coyote
  - Evil HR Lady
  - Fountain
  - Free-Range Kids
  - IGF
  - Kausfiles
  - KevinMD
  - Malkin
  - MargRev
  - Mark Perry
  - McArdle
  - Memeorandum
  - NAM
  - NRO Corner
  - Obscure Store
  - Open Market
  - OpinionJournal Federation
  - Popehat
  - Postrel
  - Reason "Hit and Run"
  - Respectful Insolence
  - Reynolds
  - Romenesko
  - Room for Debate (NYT)
  - Secular Right
  - Seeking Alpha

- Shafer
- Sullivan
- Taranto
- Teachout
- Volokh
- White Coat

- **Other law blogs**
  - Above the Law
  - Bainbridge
  - Cal Biz Lit
  - Center for Class Action Fairness
  - Citizen Media Law Project
  - Concurring Opinions
  - D & O Diary
  - Drug & Device Law
  - Employer's Lawyer
  - Greenfield
  - Hochfelder
  - Kennerly
  - Legal Blog Watch
  - Legal Pulse (WLF)
  - Likelihood of Confusion
  - Lowering the Bar
  - OnPoint News
  - Parloff
  - Pero
  - Point of Law
  - Prawfsblawg
  - Russell Jackson
  - Schwartz
  - TortsProf
  - Truth on the Market
  - Turkewitz
  - Volokh
  - WSJ law blog
- **Archives**

Select Month

- **Meta**
  - Log in
  - Entries RSS
  - Comments RSS
  - WordPress.org

Get smart with the Thesis WordPress Theme from DIY Themes.

WordPress Admin

EXHIBIT

I

Who You Calling Touchy?

by Jeff Sullum | September 16, 2010

Last month I wrote a blog post criticizing a lawyer, Arthur Alan Wolk, who has been known to sue people for criticizing him online. Guess what happened? Wolk recently emailed me, threatening to sue me and *Reason* unless I delete the post:

> Remove it because it is false and you get a free pass. If you don't I will sue you because you like your buds at Overlawyered did nothing to fact check anything before you wrote your blog. In fact had you read my lawsuit you would have known that what you were about to publish and republish was false but instead you recklessly failed to do anything to verify if what you were writing about had any merit or truth whatsoever. Guess what, you need to check the statute of limitations because it won't apply to you. I am giving you the opportunity you didn't give me, and set the record straight and to do the right thing. Please remove your lies from the internet.
>
> This false and defamatory publication jeopardizes Reason.com's foundation status and I have already retained tax counsel to challenge the tax exempt status of all these public interest organizations who are nothing more than lobbyists for tort reform, a violation of the tax exempt status they claim. If you think for even a moment that my forty-one years of practice will be defined by lies on the internet you need to do a little more research. Please do not make me cause you and your officers to join your friends in Philadelphia. I just want lies about me off the web.

Although Wolk's reaction to my post reinforces the point I was trying to make, he reasonably complains that I did not include his response to the *Overlawyered* post that was the subject of one of his defamation suits. He says he avoided any conflict of interest in *Taylor v. Teledyne* by not participating in the settlement negotiations and by not asking the judge to vacate a discovery order that criticized him until after an agreement had been reached. He cites letters from two other plaintiffs' attorneys who were involved in the case, who confirm this account. Wolk also says the judge's criticism was unfair, in part because other lawyers at his firm handled discovery in that case.

Bill Merkin | 9.16.10 @ 3:30PM | #

I don't understand - are you posting the above to avoid a lawsuit or is Reason going to tell Wolk to "Fuck off!", as he rightly deserves?

EXHIBIT
J
(Filed Under Seal)

EXHIBIT
K
(Filed Under Seal)

EXHIBIT
L
(Filed Under Seal)

VERIFICATION

I, Arthur Alan Wolk, Esquire, verify that the statements made in Plaintiff's Complaint are, to the best of my knowledge, true and correct. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

10/22/10
Date

Arthur Alan Wolk, Esquire


PROTHONOTARY
Filed and Attested by
PROTHONOTARY
25 OCT 2010 09:38 am
S. GARRETT
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

EXHIBIT

A

Arthur Alan Wolk v. Teledyne Industries, Inc.

by Ted Frank on April 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

Related posts

- Youtube lawsuit of the week: A&P vs. rappers (3)
- You mean it was trillions? (1)
- Wrongs without remedies dept. (1)
- Worst places to get sued, cont'd (0)
- Worst new idea of the day (8)

Tagged as: libel slander and defamation

EXHIBIT B

From: Arthur Alan Wolk
Sent: Thursday, April 09, 2009 9:29 PM
To: tedfrank@gmail.com
Cc: Paul Rosen; Walter DeForest; Cheryl DeLisle; Bradley J. Stoll
Subject: Your false and disparaging statements on the website Overlawyered.com

Mr. Frank:

I have just seen the false and disparaging statements made about on your web site or better said the web said managed, supervised and promoted by those who would deny consumers all rights to sue companies that manufacture defective products, the American Enterprise Institute, a web site run by and for defense lawyers and manufacturers and which by your lead at least made absolutely no effort to investigate the facts.

You don't mention the fact that for example you worked for at least two defense firms against which I have been extremely successful thus your pique over me appears to be related more to my beating your clients backsides than any umbrage over some undefined legal transgression. Absent from your bio is any description of any success anywhere on any subject and with any law firm of substance so it therefore must be easy for you to tear down someone who has a had a forty year success record against the likes of you. Absent from your tirade is my forty years of success and my hundreds and hundreds of cases with not a critical word by a lawyer or a judge.

But more important to me is your false commentary on the Taylor case and your outright libelous statements that make me look like I sold out my clients in that case for a retraction of a false discovery order. Had you investigated the facts you would have seen that it was my firm that made complete discovery and the defense none. In fact it was because the court looked so foolish with nothing to back up her vitriol that she vacated that order and for no other reason.

I have never sold out my clients ever and never will but I will fight to protect my name against people like you who hide behind some phony title like "scholar" bestowed upon yourself. What did the Taylor case settle for? Who were the heirs and what were their damages? What was the liability defense and what were the facts against Teledyne. How many plaintiffs' death verdicts had ever been allowed out of that judge's courtroom? What were the damages recoverable under Georgia law? What considerations as to liability and damages did I make before recommending settlement. What potential for proofs of contributory conduct or even sole causation by immune persons such as the pilots' employer were there as in bad maintenance? What steps did I take to ensure that the settlement was fair and reasonable and like other settlements or even better for similar circumstances in Georgia? Did I contact other Georgia lawyers for their views?

The 11th circuit affirmed the trial court's decision not to hold be in contempt, not to award counsel fees, and not to reinstate the false discovery order. That affirmance had nothing to do with the underlying Taylor case at all so you even got that wrong.

Kindly provide full and complete answers to these questions in writing within twenty-four hours and yes I will sue you for defamation. I know you never contacted me to get answers to these questions so let's learn whom you spoke to.

I will check to see if your late firms represented Teledyne in anything. I know Kirtland and Ellis represented Pratt and Whitney unsuccessfully against me at least once and maybe more. I am attempting to see if you were involved in that debacle.

You see Mr. Frank, if you are going to libel someone you need to understand the facts first and the law and also understand the person you are libeling. This was a big mistake.

By copy of this e-mail I am requesting my counsel, Paul Rosen to immediately institute a lawsuit against you and your organization. When we learn who your contributors are we will sue each and every one of them against whom I have had cases or who motivated you to continue the defense generated effort to damage my reputation.
Also by copy of this e-mail I am requesting counsel for Teledyne to set you straight because if I find they had anything to do with these lies I'll sue them too.
I demand that you immediately remove this and every other article about me from your website. What you wrote is false, shows a complete disregard for the facts and malice, an intent to harm me when you couldn't beat me in court and an effort to destroy the perception of potential clients who would read this and fail to hire me. You have accused me of unethical conduct, fraud and the commission of a crime none of which is true. This is clearly the reason I have found it extremely difficult to gain new business. You will soon find the same.

Arthur Alan Wolk

EXHIBIT C

John Kevin Griffin, P.A.
647 N 2nd Street, Fort Pierce, FL 34950

Civil litigation State & Federal Court

P.O. Box 4450
Fort Pierce, FL 34948-4450
Office: (772) 468-2525
(888) 693-5203 FAX
Email:griffinlaw@gmail.com

John Kevin Griffin * Florida Bar 1990
Veteran United States Marine Corps

August 18, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 00000000000000

Re: Defamation

Dear Mr. Onufrak:

I was just sent the article that your clients published about my client's settlement implying that her interest was compromised in order for Arthur Wolk to get a discovery order vacated. *(Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1 :00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated).*

I was asked by Mr. Wolk to send you a letter so you could inform your clients of the continuing falsity of this statement in their article, which I understand still appears on the internet. That statement is entirely false. My name and contact information can be found on the case docket but your clients didn't attempt to contact me although they could have easily reached me for a comment or verification before publishing this false statement.

There was no selling out or compromising the interests of my client or the Taylors, and any contrary suggestion is not true. To suggest that Mr. Wolk did so is to suggest that I let it happen. I would urge your clients to be very careful about publishing such a false accusation by implication against me and directly against Mr Wolk.

I represented Ann Mauvais in the case of *Taylor, et al vs. Teledyne, et al.* My law firm in Pensacola, Florida was the original firm representing her. The firm of Wolk and Genter assumed the representation of Ms. Mauvais during the *Taylor* proceedings, which I monitored. The discovery in the case was handled by Philip Ford and Catherine Slavin, not Mr. Wolk. I was aware of the discovery order critical of Mr. Wolk individually by name.

Settlement negotiations in the case were handled for us by Richard Genter, not Arthur Wolk, and since the defendants' recommended a settlement figure that was too low Richard Genter rejected it for us and pushed for and obtained a settlement figure hundreds of thousands of dollars more than the settlement number originally recommended. My client was totally satisfied with the settlement figure obtained by Richard Genter and the overall pursuit of her claim against Teledyne et al.

There was a delay in receiving the settlement funds because Teledyne delayed in furnishing us a proposed release for signature. In the mean time Mr. Wolk contacted us and requested a few days to address vacating the discovery order identifying him individually. I conferred with my client and she agreed to the brief extension of time. So the point I'm conveying to you is the very satisfactory settlement figure obtained by Richard Genter for my client had already been agreed upon and the delay in receiving the actual funds was the result of a delay in receiving the proposed release from the Teledyne defendants.

In the interim, between the negotiated settlement where the settlement figure had already been reached and the time for receiving the proposed release from Teledyne for review and signature, the Court agreed to vacate its discovery order. There was never consideration given or a quid pro quo, as implied in your clients' article, offered for vacating the order. Had your clients contacted me before publishing I would have told them what I am telling you, I would not have allowed such a thing to occur as they have stated and implied in the article. I would have warned them not to publish it because it was false.

Very truly yours,

John Kevin Griffin

cc: Arthur Wolk

EXHIBIT D

JASON T. SCHNEIDER, P.C.
ATTORNEY AT LAW

6111 PEACHTREE DUNWOODY ROAD
BUILDING D
ATLANTA, GEORGIA 30328

www.jasonschneiderpc.com

(770)394-0047
FAX (678)623-5271
jason@jasonschneiderpc.com

August 10, 2010

Michael N. Onufrak, Esq.
WHITE AND WILLIAMS
1650 Market Street
One Liberty Place, Suite 1800
Philadelphia, PA 19103

Dear Mr. Onufrak:

My name is Jason Schneider. I am an attorney in Atlanta, Georgia. I acted as local counsel for the law firm of Wolk and Genter in the case of Taylor vs. Teledyne.

Arthur Wolk sent me your clients' article claiming that the Taylor clients' claims were compromised so Mr. Wolk could get a critical discovery order vacated. That article and its implications are entirely false.

I attended the mediation along with Richard Genter. Mr. Wolk was not present or consulted by phone during the mediation. Nor was he involved in discovery in that case to my knowledge except for a conference call with the court regarding a discovery dispute between the parties.

A settlement was reached and concluded with a release and the clients never indicated to me they were dissatisfied with the outcome. It was only after the settlement had been agreed to, that Mr. Wolk asked for a one week delay to ask the court to vacate the order. There is no question in my mind that the settlements reached were completely separate from any request to vacate the discovery order. The settlements reached were also well in excess of any sums offered at the mediation. Therefore, to say "it appears" that the clients' interests were somehow compromised to get the discovery order vacated is wrong.

Arthur asked me to write this letter to put you and your clients on notice that what they said is false and it continues to be false on the Overlawyered website. What your clients' article means is I allowed this to happen, and I can assure you and your clients that they are wrong.

My name was on that docket and all they had to do was call me and I could have dispelled their notion before it ever made it to print. They, to this day, have never contacted me to get the facts straight.

Very truly yours,

Jason T. Schneider

cc: Arthur Alan Wolk

EXHIBIT
E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	CIVIL ACTION
v.	:	
WALTER K. OLSON, et al	:	NO. 09-4001

MEMORANDUM

McLaughlin, J. August 2, 2010

The issue before the Court is whether the Pennsylvania Supreme Court would apply the discovery rule to toll the statute of limitations in a mass-media defamation case. The Court holds that it would not.

Arthur Alan Wolk, a well-known aviation attorney, has sued Overlawyered.com for defamation, false light, and intentional interference with prospective contractual relations arising out of an article published on that website. The plaintiff also names as defendants Walter K. Olson, Theodore H. Frank, David M. Nierporent, and The Overlawyered Group.

The defendants move to dismiss the complaint on the ground that the case was not brought within the statute of limitations and the complaint fails to state a claim. The Court will grant the defendant's motion to dismiss on statute of limitations grounds.

I. The Complaint

The plaintiff is perhaps the most prominent aviation attorney in the country. Compl. ¶ 13. Overlawyered.com is a public website that attracts more than 9,000 unique daily visitors, including tens of thousands of lawyers and other professionals. Compl. ¶¶ 22-24, 39.

In 2002, the court in Taylor v. Teledyne Tech., Inc., issued a discovery order critical of the plaintiff's conduct, but the plaintiff was not personally involved in any of the asserted conduct. Compl. ¶ 30. The trial judge subsequently vacated the order and sealed it from publication. Compl. ¶ 31. Thereafter, the parties settled the case. Compl. ¶ 32.

On April 8, 2007, Mr. Frank wrote an article (the "Frank Article") for Overlawyered.com, and Mr. Olson and Mr. Nierporent edited it. Compl. ¶ 37. The article commented on the chain of events leading to settlement in the Taylor case:

> Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? [I]f, as seems to be the case, the N.D. Ga. failed to [disclose a potential conflict of interest], one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements.

Compl. ¶ 38.

In April 2009, the plaintiff discovered the Frank Article. Compl. ¶ 47. He immediately contacted Mr. Frank and demanded that all articles relating to the plaintiff be removed

from Overlawyered.com. Compl. ¶ 48. The defendants refused to retract the Frank Article, which remained accessible on the website at the time the plaintiff filed his complaint. Compl. ¶ 49.

II. Analysis

The plaintiff commenced this suit on May 12, 2009, by filing a praecipe for a writ of summons in the Court of Common Pleas. After removing the case to federal court, the defendant moved for dismissal under Rule 12(b)(6). Under this rule, a court may dismiss an action if the complaint shows facial noncompliance with the statute of limitations. Oshiver v. Levin, Fishbein, Sedran & Berman, 38 F.3d 1380, 1385 n.1 (3d Cir. 1994); see also Jones v. Bock, 549 U.S. 199, 215 (2007).

Pennsylvania's one-year statute of limitations for defamation applies to all three claims.[1] See 42 Pa. Cons. Stat. Ann. § 5523(a) (2010); Menichini v. Grant, 995 F.2d 1224, 1228 n.2 (3d Cir. 1993). The statute began to run from the time of publication. See Dominiak v. Nat'l Enquirer, 266 A.2d 626, 629-30 (Pa. 1970). Mr. Frank published the article on April 8, 2007,

[1] Because the plaintiff's claim for intentional interference with a potential contractual relationship arises from his defamation claim, the one-year statute of limitations applies to the contract claim, even though it would otherwise be subject to a two-year limitations period. Evans v. Philadelphia Newspaper, Inc., 601 A.2d 330, 333-34 (Pa. Super. Ct. 1991) ("[T]he one year statute of limitation for defamation cannot be circumvented by cloaking such a cause of action in other legal raiment.").

with the result that the limitations window closed on April 8, 2008. The plaintiff's action, therefore, was time-barred when he commenced it on May 12, 2009, unless some tolling principle had tolled the statute.

The discovery rule represents a potential tolling principle. It accounts for a plaintiff's "inability . . . despite the exercise of reasonable diligence, to know that he is injured and by what cause." Fine v. Checcio, 870 A.2d 850, 858 (Pa. 2005). The plaintiff claims that the discovery rule should apply to toll the statute of limitations here,[2] but the defendants argue that the rule does not apply to mass-media defamation.

The plaintiff relies on two Pennsylvania Supreme Court cases to support his position. The plaintiff reads these cases too broadly, however. He first cites Fine v. Checcio, in which the Pennsylvania Supreme Court stated that "the discovery rule applies to toll the statute of limitations in any case where a party neither knows nor reasonably should have known of his injury and its cause at the time his right to institute suit arises." 870 A.2d at 859. Although the plaintiff takes from

[2] The plaintiff also asserts that fraudulent concealment tolled the statute. If a defendant causes a plaintiff to relax his vigilance or deviate from a typical standard of inquiry, the doctrine of fraudulent concealment tolls the statute of limitations. Fine, 870 A.2d at 860. The doctrine does not apply here. The plaintiff alleged no facts that would demonstrate that the defendant actively or passively misled the plaintiff or hid from him the existence of the Frank Article.

this that the discovery rule should apply to "any case," the court went on to clarify that the purpose of the rule is to address "an injury that is not immediately ascertainable." Id. at 860.

The plaintiff also cites Wilson v. El-Daief, in which the Pennsylvania Supreme Court held that the discovery rule is a tool of statutory interpretation that determines when a cause of action accrues. 964 A.2d 354, 363 (Pa. 2009). Because the statute of limitations begins to run "from the time the cause of action accrued," the plaintiff infers from Wilson that the discovery rule must be applied in all cases to determine when accrual occurs and the statute begins to run. 42 Pa. Cons. Stat. Ann. § 5502(a) (2010). The decision, however, described a more limited application: "to toll the running of the statute of limitations for latent injuries, or injuries of unknown etiology . . . ." Wilson, 964 A.2d at 356.

Elsewhere, the Pennsylvania Supreme Court has stated that the discovery rule should be employed only for "worthy cases"; it "cannot be applied so loosely as to nullify the purpose for which a statute of limitations exists."[3] Dalrymple

[3] Indeed, the discovery rule is a narrow exception to an otherwise strict limitations standard. For example, Pennsylvania does not toll the statute of limitations for a plaintiff who fails to discover a cause of action due to incarceration or insanity. 42 Pa. Cons. Stat. Ann. § 5533(a) (2010). Likewise, ignorance, mistake or misunderstanding will not toll the statute, even though a plaintiff may not discover an injury until it is too late. See Pocono Int'l Raceway, Inc., v. Pocono Produce, Inc., 468 A.2d 468, 471 (Pa. 1983).

v. Brown, 701 A.2d 164, 167 (Pa. 1997). Taken in their totality, Fine and Wilson agree that not all cases are worthy of the discovery rule. Worthy cases are those pertaining to hard-to-discern injuries.

Consequently, the discovery rule would appear to be inapplicable in this case. If the rule is intended for hard-to-discern injuries, it would be at odds with a cause of action based upon a defamatory statement disseminated through a mass medium, like a website, and received by tens of thousands of readers.

Moreover, applying the discovery rule here would undermine the purpose of the statute of limitations. If a plaintiff may bring a person into court after a limitations period has expired simply by invoking the discovery rule, and if a court is bound from dismissing the claim no matter how public or ancient the injury may be, then the discovery rule will have nullified the stability and security that the statute of limitations aims to protect. See Schumucker v. Naugle, 231 A.2d 121, 123 (Pa. 1967).

Three other judges from this Court have concluded that the discovery rule does not apply to mass-media defamation. Bradford v. Am. Media Operations, Inc., 882 F. Supp. 1508, 1519 (E.D. Pa. 1995) (holding that the discovery rule could not apply to defamation in the widely distributed Star newspaper); Barrett

v. Catacombs Press, 64 F. Supp. 2d 440, 446 (E.D. Pa. 1999) ("[T]he discovery rule should not be applied where . . . a defendant's alleged defamation was not done in a manner meant to conceal the subject matter of the defamation."); Drozdowski v. Callahan, No. 07-cv-01233-JF, 2008 WL 375110, at *1 (E.D. Pa. Feb. 12, 2008) (declining to apply the discovery rule to defamation published in a book); see also Smith v. IMG Worldwide, Inc., 437 F. Supp. 2d 297, 306 (E.D. Pa. 2006) (distinguishing defamation in a private conversation).

Many other courts have also declined to apply the discovery rule to mass-media defamation. See, e.g., Schweihs v. Burdick, 96 F.3d 917, 920-21 (7th Cir. 1996) (adopting a "mass-media exception" to the discovery rule, explaining that the rule only applies to defamation "in situations where the defamatory material is published in a manner likely to be concealed from the plaintiff, such as credit reports or confidential memoranda"); Rinsley v. Brandt, 446 F. Supp. 850, 852-53 (D. Kan. 1977) ("We would not apply the discovery rule where the defamation is made a matter of public knowledge through such agencies as newspapers or television broadcasts."); Shively v. Bozanich, 80 P.3d 676, 688-89 (Ca. 2003) ("[A]pplication of the discovery rule to statements contained in books and newspapers would undermine the single-publication rule and reinstate the indefinite tolling of the statute of limitations . . . ."); Mullin v. Washington Free Weekly, Inc., 785 A.2d 296, 299 (D.C. 2001) ("[E]very other court

squarely faced with this issue [rejected] application of the discovery rule in mass media defamation claims. We follow these precedents and do likewise here." (citations omitted)); Flynn v. Assoc'd Press, 519 N.E.2d 1304, 1307 (Ma. 1988) ("The discovery rule does not apply to a public libel printed in a newspaper widely available to the public, including the plaintiff."); Clark v. AiResearch Mfg. Co. of Ariz. Inc., 673 P.2d 984, 986-87 (Az. 1983) ("We believe the rule of discovery should be applied in those situations in which the defamation is published in a manner in which it is peculiarly likely to be concealed from the plaintiff . . . ."); Tom Olesker's Exciting World of Fashion, Inc. v. Dun & Bradstreet, Inc., 334 N.E.2d 160, 164 (Il. 1975) (distinguishing defamation in a credit report from defamation in magazines, books, newspapers, and radio and television programs).

The Court is not aware of any case in which the discovery rule has been applied to postpone the accrual of a cause of action based upon the publication of a defamatory statement contained in a book or newspaper or other mass medium. I reach the same conclusion as my colleagues in the Eastern District of Pennsylvania and other jurisdictions: as a matter of law, the discovery rule does not apply to toll the statute of limitations for mass-media defamation.

An appropriate Order will be issued separately.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR ALAN WOLK, ESQUIRE	:	CIVIL ACTION
v.	:	
WALTER K. OLSON, et al.	:	NO. 09-4001

ORDER

AND NOW, this 2nd day of August, 2010, upon consideration of the Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) (Docket No. 5), the plaintiff's opposition, the defendants' reply thereto, the Supplemental Brief in Support of Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6), the Plaintiff's Sur-Reply in Opposition to the Motion to Dismiss Pursuant to Rule 12(b)(6) of Defendants, and after oral arguments held on June 24, 2010, IT IS HEREBY ORDERED that, for the reasons stated in a Memorandum of today's date, the defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that the defendants' Motion for a Protective Order to Stay Discovery Pursuant to Rule 26(c) (Docket No. 7) is DENIED as moot.

This case is closed.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.

EXHIBIT F

FORUM

« ANTI-PROP 8. ANTI-PERRY. | SOCIAL SCIENCE AND THE CONSTITUTION »

August 6, 2010

Arthur Alan Wolk v. Olson (E. D. Pa. Aug. 2, 2010)

Watch what you say about lawyers dept.: A Philadelphia attorney didn't like what a blogger wrote about the attorney's litigation record in a post about the attorney's unsuccessful libel lawsuit, so he sued the blogger. And the blogger's innocent co-bloggers. Except the post was made in 2007, the lawsuit was filed in 2009, and the Pennsylvania statute of limitations is one year. It should be fairly obvious that the statute of limitations starts to run when a blog post is first published to the Internet, but the plaintiff argued that the statute shouldn't start to run until the plaintiff reads (or, *de facto*, claims to have read) the blog post, which, of course, would destroy the statute of limitations for bloggers. No dice. One wishes the Eastern District of Pennsylvania decision in *Arthur Alan Wolk v. Olson* had also addressed the obvious First Amendment issues, but a good result is a good result, and bloggers everywhere should rejoice that courts continue to refuse to create double-standards. Congratulations to White & Williams, the defendants, and bloggers everywhere. (Shannon Duffy, "Discovery Rule for Libel Doesn't Apply to Blogs, Says Federal Judge", Legal Intelligencer, Aug. 6; White & Williams press release, Aug. 5; Simple Justice blog).

Update, 5:05 PM August 6: Extensive must-read analysis by Jacob Sullum at Reason; further commentary and coverage at Popehat; DBKP; Instapundit; and Phil. Bus. J..

POSTED BY TED FRANK AT 8:53 AM | TRACKBACK (0)
Tags: blogs , First Amendment , libel , Pennsylvania , statute of limitations , watch what you say about lawyers

CATEGORIES:
Miscellaneous

Share |

The Abominable Mr. Bill Bigfoot

by Arthur Alan Wolk

Dear Kate,
What a great year with Dad! I can't wait to email you.

Love,

Boo

I wish to acknowledge the assistance of five great people.

Cheryl, my right hand, whose loyal encouragement to adopt Boo made me succeed.
Debbie, my personal assistant, who helps take care of Boo and me.
Kate, of Southwind Goldens, who bred the perfect puppy.
Paula, who drew the beautiful illustrations.
Scott, of Conant Corporation, whose design and layout contributed immensely to the charm of this book.

Arthur Alan Wolk

All pastel illustrations by Paula Crisci van Horn
ArthurWolk@aintaw.com

ISBN: 978-0-615-28588-7

Recollections of My Puppy is a poignant, funny and sometimes tear evoking chronicle of the first year of hero Boo, a Golden Retriever with her Dad, Arthur. It begins when Boo, then eight weeks old, comes to live in Dad's home and ends one year later when Boo leaves baby hood and becomes an adolescent.

The chronicles are in the form of e-mails from Boo to her breeder Kate but since Dad has helped her write them the messages are chockfull of Boo's experiences written through her Dad's eyes.

When the messages begin, Boo is but an eight pound ball of fur and when they end she is 71 pounds of sweet lovable sunshine.

Arthur, Dad, is a recently retired lawyer who has decided to dedicate his life to his dog, engages dog trainers Colleen the Meanie and Ground Hawk to make Boo the perfect dog. Boo has a mind of her own and lets Kate know what she likes and dislikes about being a dog with all of these helpers. Dad's personal assistant Debbee plays a key role in Boo's development but in the end it's Boo's relationship with Dad that is the focus of this book.

Many of the messages convey useful information about raising Boo that will help any new puppy owner and be warmly received by those who already own dogs. Recollections of My Puppy is one of the warmest, kindest books about a dog's first year of life and will bring tears of laughter and joy to all who read it.

"Dad has committed all the proceeds from the sale of Recollections of My Puppy to animal rescue."

Boo

About the Author

Preface

Why would some lawyer write a book that's about his dog e-mailing her breeder? Well it's really because Boo taught me so much about what's important and what's not that I thought everyone should know that there's hope even for a those of us who have spent generations failing to appreciate the bottom line of life.

You see I could never own a dog. I wouldn't put up with the mess, the slobber, the poop and the wee wee and the inconvenience to my life. Everything had to be in place and in order or I wasn't happy. What Boo has done is teach me that a lick on my face isn't dirty, it's just a lick. A little slobber means an expectation of a treat and poopy isn't that disgusting as long as you're picking it up with a plastic bag around your hand.

Now having an animal in my bed was an impossibility. I remember my mother refusing me a dog because they were dirty and you don't sleep with an animal she would say. My Mom never met some of my dates but a dog is different.

A wonderful lawyer friend when he met Boo said, "Arthur you will never know the happiness of owning a dog until she sleeps in your bed." I of course thought he was some kind of freak but one night as I was leaving Boo to go to sleep and she looked at me with those big brown eyes and that forlorn face that said "Why can't I come with you?", I realized that I needed to try it once.

Boo now occupies her share of my bed but kindly allows me to have a little spot for myself. Of course in the morning she wiggles over to me, looks at me like," Dad it's time to get up and feed me," and then she goes outside to wee wee while I make her breakfast all the while peering through the door glass to make sure I'm getting her food ready.

While I write this preface Boo is with me in my library, snuggled in her chair hanging out with me as always. Isn't that really the simple lesson that dogs teach us? For love and companionship we humans will adapt to anyone and anything. At the end of the day, we're pack animals too and like dogs we will change to accommodate our surroundings and our companions so long as they make our lives more worthwhile even if that companionship requires some inconvenience and sacrifice.

I now feel that my life is complete because when I say, "Boo, eyes," my Boo comes over so I can pick the sleep out of the corner of her eyes with my fingers or when she has a mouth full of sod or stones or God knows what living or formerly living thing, I say, "Boo, open," and find myself with my fingers down her throat pulling out what I would rather not look at.

I remember once saying to myself when I extracted a bird from Boo's locked up jaws that I didn't sign on for this but in retrospect, I did, and now I wouldn't have it any other way.

So that's why I wrote this book. So you could enjoy the happiness my doggie, Boo Boo, has given me in her first year and at the same time help other less fortunate doggies who benefit from the proceeds all of which go to animal shelters. Boo would like that and I do too.

Arthur Alan Wolk

Exhibit "19"

ARTHUR ALAN WOLK
1710-12 Locust Street
Philadelphia, PA 19103

Plaintiff,

v.

OVERLAWYERED.COM
318 State Street
Santa Barbara, CA 93101-2361

and

THE OVERLAWYERED GROUP
875 King Street
Chappaqua, NY 10514-3430

and

WALTER K. OLSON, ESQUIRE
875 King Street
Chappaqua, NY 10514-3430

and

THEODORE H. FRANK, ESQUIRE
901 North Monroe Street, Apt. 1007
Arlington, VA 22201

and

REASON.COM
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

THE REASON MAGAZINE
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

OCTOBER TERM, 2010

NO. _____

EQUITY ACTION

and

THE REASON FOUNDATION
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

DAVID NOTT, President
The Reason Foundation
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

THOMAS E. BEACH
Beach Investment Council
300 Barr Harbor Drive
West Conshohocken, PA 19428

and

JACOB SULLUM
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

NICK GILLESPIE
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

and

MATTHEW WELCH
3415 S. Sepulveda Boulevard
Suite 400
Los Angeles, CA 90034

Defendants.

AVISO

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th floor
Philadelphia, PA 19107
Telephone: (215) 238 - 6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparesencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requier que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion De Licenciados De Filadelfia
SERVICIO De Referencia E Informacion Legal
1101 Market Street, 11th floor
Filadelfia, Pennsylvania 19107
TELEFONO: (215) 238 - 6333

COMPLAINT IN EQUITY FOR INJUNCTIVE RELIEF (21500)

Plaintiff, Arthur Alan Wolk ("Plaintiff" or "Wolk"), by and through his undersigned counsel, Bochetto & Lentz, P.C., brings the following equity action seeking both preliminary and permanent injunction relief mandating the removal of the tortious and defamatory internet blog postings from the various websites on which they appear, which impugn Wolk's character, reputation and integrity; disparage his professional abilities; and cast him in a false light and falsely accuse him of heinous crimes.

The Parties

1. Plaintiff, Arthur Alan Wolk, is an individual, citizen and resident of the Commonwealth of Pennsylvania, who has been an attorney since 1968, and whose practice is limited to representing victims of air crash litigation with offices at 1710-12 Locust Street Philadelphia, Pennsylvania.

2. Defendant, Overlawyered.com ("Overlawyered"), is a California business entity with its home office and principal place of business located at 318 State Street, Santa Barbara, California 93101-2361. Overlawyered operates, owns and/or controls a blogging website www.Overlawyered.com.

3. Defendant, The Overlawyered Group ("Overlawyered Group"), is a New York business entity with its home office and principal place of business located at 875 King Street, Chappaqua, New York 10514-3430.

4. Defendant, Walter K. Olson, Esquire ("Olson"), is an individual, citizen and resident of the State of New York, with an address located at 875 King Street, Chappaqua, New York 10514-3430. Olson is the founder and editor of Defendant Overlawyered.com and is, or was during relevant periods, also a senior fellow at The Manhattan Institute for Policy Research

("MI"), a right wing conservative lobbyist for Tort Reform, an alleged charitable organization, and The American Enterprise Institute ("AEI"), a similar organization.

5. Defendant, Theodore H. Frank, Esquire ("Frank"), is an individual, citizen and resident of the State of Virginia, with an address located at 901 North Monroe Street, Apartment 1007, Arlington, Virginia 22201-2353. Frank is a contributor to Defendant Overlawyered.com, and is the individual who wrote and posted at least two of the false and defamatory blog postings at issue, who is currently an editor at MI and/or AEI. Sometimes Overlawyered, the Overlawyered Group, Olson and Frank are collectively referred to as the "Overlawyered Defendants."

6. Defendant Reason.com ("Reason") is another blogging internet website organized under the laws of the State of California, with its principal place of business located at 3415 S. Sepulveda Boulevard, Los Angeles, California. Reason operates, owns and/or controls a blogging website known as www.Reason.com, which has a co-partnership and/or co-promotion relationship with Overlawyered. The Reason and Overlawyered websites appear to monitor and promote each other, forming a type of co- partnering relationship, whereby blogs and comments published on one website trigger the others to re-publish the same comments and make other comments, thereby creating a swell of defamatory blogging statements compounding the impact of the initial defamation.

7. Defendant, The Reason Magazine a/k/a Reason.com ("Reason Magazine"), is upon information and belief the magazine publication arm of Reason, but also exercises authority, control and has responsibility over the content appearing on the website www.Reason.com.

8. Defendant, the Reason Foundation ("Reason Foundation"), is upon information and belief organized and existing under the Laws of the State of California as a charitable foundation, with its principal place of business in Los Angeles, California. The Reason Foundation and its "trustees," upon information and belief, directly fund and control Reason.com and Reason Magazine, including the content published by such entities such as the false, malicious and defamatory website postings described herein.

9. Defendant, David Nott ("Nott"), is an individual, citizen and resident of the State of California, and is the President and a Trustee of The Reason Foundation. As an Officer and Trustee of the Reason Foundation, Defendant Nott has authority, control and is charged with the legal responsibility to supervise and control the content appearing on Reason's website at www.Reason.com and Reason Magazine.

10. Defendant, Thomas E. Beach ("Beach"), is an individual, citizen and resident of the Commonwealth of Pennsylvania, and is a Trustee of The Reason Foundation. As a Trustee of the Reason Foundation, Defendant Beach has authority, control and is charged with the legal responsibility to supervise and control the content appearing on Reason's website at www.Reason.com and Reason Magazine.

11. Defendant, Jacob Sullum ("Sullum"), is an individual, citizen and resident of Texas, who is a putative journalist Reason, Reason Magazine and Reason Foundation responsible for posting defamatory blog postings on www.Reason.com concerning Wolk as more fully described herein.

12. Defendant, Nick Gillespie ("Gillespie"), is an individual, and, upon information and belief, a citizen and resident of the State of California, and a putative journalist, an officer and editor of Reason.com and its Magazine who, along with Sullum, Overlawyered and the

other contributors to Reason.com, joined a conspiracy to destroy the good name and reputation of Wolk by inciting a feeding frenzy of internet defamation for the sole purpose of destroying Wolk's reputation and advancing the political and social agendas of Reason.

13. Defendant, Matthew Welch ("Welch"), is an individual, a citizen and resident of the State of California, and putative journalists for Reason.com and Reason Magazine, who published false and defamatory blog postings concerning Plaintiff on www.Reason.com.

14. Defendants Reason, Reason Magazine, Reason Foundation, Nott, Beach, Sullum, Gillespie and Welch are collectively responsible for and control the content of material appearing on www.Reason.com, including the false and defamatory blog postings about Wolk more fully described herein. Such Defendants are sometimes collectively referred to herein as the "Reason Defendants."

15. In furtherance of their collective interest in tort reform legislation, and anti-plaintiff, anti-trial lawyers agendas, Defendants have collectively conspired to discredit Wolk a relentless barrage of internet blogs described herein which attack Wolk's character, integrity and commitment to his clients and cast him in a false light.

Jurisdiction And Venue

16. Subject matter jurisdiction over the Defendants with respect to these claims and causes of action is conferred upon this Court pursuant to 42 Pa.C.S. § 931 and 42 Pa.C.S. § 8341 *et seq.*

17. This Court has personal jurisdiction over Defendant Beach because he is a resident of and/or is domiciled in this Commonwealth. This Court also has personal jurisdiction over the Overlawyered Defendants and Reason Defendants under 42 Pa.C.S. § 5322 (a) – (b), because these Defendants, jointly and severally, do business in this Commonwealth, committed

intentional torts against Plaintiff, a Philadelphia resident, harming him in the Philadelphia community, *inter alia*, where they know Plaintiff conducts his legal practice and in which community his reputation is most valued.

18. Venue is proper in this Court pursuant to Pennsylvania Rule of Civil Procedure 1006(a), because Plaintiff's offices are headquartered in Philadelphia County, and the conduct at issue resulted in damages here in Philadelphia County.

The Background of This Lawsuit

19. Wolk is 67 years old, and he has been a prominent member of the Bar of this Court for forty-one years, the majority of which time Wolk has dedicated his professional career to representing victims of aviation crashes.

20. As Wolk's age might suggest, while he can send and receive emails and use Computer for limited purposes, he is far from a sophisticated computer user and until recently was not knowledgeable about the internet and the use of search engines like Google, Yahoo, or any others.

21. None of Wolk's computers had "Google" as its default search engine.

22. In April 2009, however, Wolk attended a CLE given by judges of the Court of Common Pleas of Philadelphia.

23. In that CLE, the judges suggested to lawyers in attendance that they should "Google" themselves since it was likely that jurors and judges do.

24. That night, Wolk went home, "Googled" himself and found -- for the first time -- a blog dated April 8, 2007 on a website called www.overlawyered.com related to *Taylor v. Teldyne*, No. Civ. Action 1:00-CV-1741-J (N.D. Ga.), a federal case where Wolk's law firm represented victims of an airplane crash.

25. The blog falsely accused Wolk of selling out his clients in the *Taylor* case by compromising the value of a settlement in exchange for having the court vacate a prior discovery order that was critical of Wolk. The blog stated as follows:

> Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]
>
> Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. ***Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation?*** (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk ***did not suffer from a conflict of interest and was adequately protecting his client's rights*** was Wolk's representation to the court that the client was alright with the size of the settlement. ***That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case,*** the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), aff'd in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005). (emphasis supplied).

A true and correct copy of the April 8, 2007 blog is attached hereto as Exhibit "A."

26. Once he saw the blog, Wolk immediately notified the Overlawyered Defendants that it was completely false, and demanded that it be removed from the internet. Despite Wolk's demands, Overlawyered refused to remove the blog or issue a retraction. A true and correct copy of Wolk's April 9, 2009 e-mail to Defendant Frank is attached hereto as Exhibit "B."

27. As Wolk informed the Overlawyered Defendants, the blog was rife with absolute falsehoods.

28. First, Wolk did not even personally handle the discovery in the *Taylor* case, and thus the order critical of Wolk's conduct during discovery in the *Taylor* case was issued in error.

29. Moreover, the *Taylor* case was settled with no involvement from Wolk, and the plaintiffs in the *Taylor* case had additional counsel other than Wolk, who independently reviewed all aspects of the settlement making sure the plaintiffs in *Taylor* were well served, received full value in the settlement and were completely satisfied with the result. Indeed, the plaintiffs in *Taylor* received a settlement that far exceeded the value previously placed on the case by an independent mediator.

30. Most importantly, the *Taylor* case was settled ***before*** Wolk even requested the Court vacate the mistaken discovery order, which the Court in *Taylor* eventually did.

31. Aside from Wolk himself informing Overlawyered as to the falsity of its blog, two independent lawyers directly involved in the *Taylor* case, Jason T. Schneider, Esquire and John Kevin Griffin, Esquire, wrote separate letters to Overlawyered's counsel, also confirming the blog was false. True and correct copies of the Griffin and Schneider Letters are attached hereto as Exhibits "C" and "D," respectively.

32. In this regard, Attorney Griffin, who was counsel for one of the two plaintiffs in *Taylor*, informed Overlawyered that the blog's statements that the settlement was somehow "compromised" in exchange for vacating the critical discovery order was "entirely false" as there was "never consideration given or a quid pro quo offered for vacating the order." Indeed, as Griffin explained, the settlement was already reached ***before*** the Court vacated the discovery order. *See* Exhibit "C," Griffin Letter.

33. Likewise, Attorney Schneider, who was also counsel in the *Taylor* case, informed Overlawyered that the settlement had been reached before the Court vacated the

discovery order, and that the settlement amount actually exceeded independent valuations of the case. As Mr. Schneider explained,

> There is no question in my mind that the settlements reached were completely separate from any request to vacate the discovery order. The settlements reached were also well in excess of any sums offered at the mediation. Therefore, to say "it appears" that the clients' interests were somehow compromised to get the discovery order vacated is wrong.

See Exhibit "D," Schneider Letter.

34. Thus, Wolk provided the Overlawyered Defendants with all of the foregoing facts and information, which conclusively proved that: (a) he did not sell out his clients; (b) he never had a "conflict of interest"; (c) he fully disclosed all aspects of the case and settlement to his clients and other plaintiffs' counsel, all of whom independently reviewed and approved of the settlement, which was well in excess of an independent mediator's recommended settlement value; and (d) he absolutely did not compromise the client's interest in the settlement in exchange for vacating the court's discovery order since the case was settled before the Court even vacated the discovery order.

35. Although the Overlawyered Defendants never bothered to check the facts before posting the blog, once Wolk provided Overlawyered with the actual, true facts, the Overlawyered Defendants ***knew*** what was contained in their April 8, 2007 blog was false.

36. The Overlawyered Defendants nevertheless refused to remove the false blog, thereby continuing to publish the blog with actual knowledge of its falsehoods.

37. Since the Overlawyered Defendants refused to remove the lies they posted, Wolk was forced to file an action at law in this Court in August 2009, which the Overlawyered Defendants removed to the Federal District Court on diversity grounds.

38. On August 2, 2010, the District Court granted the Overlawyered Defendants' Rule 12(b)(6) Motion to Dismiss, ruling that, despite Wolk having no reason to discover the defamatory blog until April 2009, Pennsylvania's "discovery rule" did not apply to toll the one-year statute of limitations. A true and correct copy of the District Courts August 2, 2010 Memorandum is attached hereto as Exhibit "E."

39. Although the District Court's decision is currently on appeal in the Third Circuit, in the meantime, Wolk has been forced out of court, without an adequate remedy at law, and the Overlawyered Defendants continue to allow the false April 8, 2007 blog to remain on their website even though they know the allegations are categorically false.

Wolk Becomes the Subject of Unrelenting Character Assassinations

40. After the District Court dismissed Wolk's damages claim on statute of limitations grounds, the Overlawyered Defendants immediately initiated a feeding frenzy of internet blogging chatter further defaming Wolk, which included enlisting the participation of various co-partnering blogging sites, like www.reason.com, www.popehat.com, and www.law.com.[1]

41. Each of these websites appear to monitor and promote the other, forming a type of co- partnering relationship, whereby blogs and comments published on one website trigger the others to re-publish the same comments and make other comments, thereby creating a swell of defamatory statements compounding the impact of the initial defamation.

42. In this regard, on August 6, 2010, a few days after the District Court's decision, Frank, the author of the initial April 8, 2007 Overlawyered blog, posted another defamatory blog on www.PointofLaw.com, a partnership website affiliated with Overlawyered. A true and correct copy of Frank's August 6, 2010 blog on PointofLaw is attached hereto as Exhibit "F."

[1] To their credit, Popehat.com and Law.com removed their republications and comments when the same information Wolk supplied to Overlawyered was supplied to them.

43. Frank's PointofLaw blog addressed the decision in *Wolk v. Olson* as a victory for "bloggers everywhere." Frank, however, also summarized Wolk's arguments in the District Court, stating Wolk "argued that the statute shouldn't start to run until the plaintiff reads (***or, de facto, claims to have read***) the blog post." *See Id.*

44. By characterizing Wolk's allegations in the District Court as "de facto claims," Frank was once again defaming Wolk by directly implying that Wolk lied in his court filings as to the timing of when he read the first defamatory Overlawyered blog.

45. In an effort to further incite even more defamatory internet blogging, Frank, on his PointofLaw blog, referred to other co-partnership blog websites such as www.reason.com and www.popehat.com, which contained additional false and defamatory statements about Wolk. *See* Exhibit "F," PointofLaw blog (referring to "Extensive must-read analysis by Jacob Sullum at Reason.")

46. For example, the blog on www.reason.com to which Frank referred was posted by Defendant Sullum on August 6, 2010, and it was entitled "Lawyer trying to protect his reputation as an Effective Advocate Misses Deadline for His Libel Suit." A true and correct copy of Sullum's August 6, 2010 blog on Reason.com is attached hereto as Exhibit "G."

47. The title of the August 6, 2010 Reason blog was clearly defamatory in that it intended to and did falsely imply that Wolk was an incompetent lawyer because he missed the deadline for his own lawsuit.

48. Further, in his August 6, 2010 Reason blog, Sullum also implied that Wolk was lying in the District Court about not Googling himself until April 2009, and further implied that Wolk was guilty of filing a previous frivolous lawsuit by "bully[ing] an aviation news website into a thoroughly abject capitulation and apology." *See Id.*

49. Most significantly, Sullum's August 6, 2010 Reason blog republished almost the entirety of the utterly false and defamatory April 8, 2007 Overlawyered blog, and thus again accused Wolk of breaching his ethical and fiduciary duties by selling out his client's interest in the *Taylor* case. *See Id.*

50. Not to be outdone, on August 9, 2010, three days after the defamatory PointofLaw and Reason blogs, Overlawyered, through Defendant Olson, published its own blog concerning the District Court's decision in *Wolk v. Olson,* which again touted the decision as a victory for free speech. Significantly, Olson's blog referred readers back to Frank's defamatory August 6, 2010 blog posted on PointofLaw.com. A true and correct copy of Olson's August 9, 2010 blog posted on Overlawyered.com is attached as Exhibit "H."

51. When Wolk was alerted of the defamatory August 6, 2010 Reason blog, he immediately sent notice to the Reason Defendants, demanding that they remove the defamatory blog since it re-published the initial April 8, 2007 Overlawyered blog as well as completely new false and defamatory statements.

52. The Reason Defendants, predictably, refused to remove their blog. Instead, to further impugn Wolk, on September 16, 2010, Reason, through Sullum, published a second blog entitled "Who You Calling Touchy?," in which Reason published a portion of Wolk's demand letter for the sole purpose of inciting additional defamatory comments from Reason's bloggers. A true and correct copy Sullum's September 16, 2010 blog post on Reason.com is attached hereto as Exhibit "I."

53. As a result, a thread of comments from Reason's anonymous bloggers ensued, creating a feeding frenzy of outrageously defamatory statements, which included accusations that

Wolk has committed the most heinous of crimes. Exhibit "J," 9/16/10 Reason Blog with reader comments filed under seal.

54. The Reason Defendants knew exactly what they were inciting in publishing their blog "Who You Calling Touchy?," and intended to incite the defamatory feeding frenzy that ensued, knowing that it would be picked up by Google and other internet search engines.

55. As a result, Wolk, a respected lawyer, father of two and grandfather has been shamelessly and falsely accused of the most heinous crimes imaginable.

56. Wolk immediately demanded that the Reason Defendants remove the defamatory blog and its comments, and produce the identifying information of the anonymous bloggers who hideously libeled Wolk on their site.

57. While the Reason Defendants eventually removed the bloggers' hideous comments, they still refused to remove the blog articles themselves, and further ignored Wolk's requests for the information identifying the anonymous bloggers.

58. Further, although the Reason Defendants "removed" the bloggers' comments from its sites, because search engines like Google "cache" or store historical information from blogs and websites, to this day one can still find the "cached" comments through Google and other search engines. *See* Google search of Wolk attached hereto as Exhibit "K" (filed under seal), and Bing search for Wolk attached hereto as Exhibit "L" (filed under seal).[2]

[2] Like the blogging comments from the September 16, 2010 article, due to the particularly egregious nature of the accusations appearing on the search engine rankings, Wolk is filing these exhibits under seal.

Wolk's Irreparable Harm

59. The damages suffered by Wolk have been horrific.

60. Wolk has been accused of selling out his clients, virtually the worst sin a lawyer can commit.

61. Worse, such false allegations have been spread over the internet, and now even a "Googling" of Wolk's name by a client, juror or judge reveals these accusations, which will exist in perpetuity due to the nature of the internet medium. The harm from such accusations may never be fully ascertained.

62. Further still, Defendants Overlawyered and Reason have purposefully repeated the initial April 8, 2007 defamatory statements and published entirely new defamatory statements, all of which was intended to and did incite a feeding frenzy of blogging activity resulting in anonymous bloggers accusing Wolk of heinous crimes. To this day, accusations linking Wolk to these crimes can still be found on search engines.

63. Understandably, the emotional and physical toll on Wolk has been overwhelming.

64. As a result of all of the Defendants' false and malicious defamation, Wolk does not sleep, has suffered a reoccurrence of persistent back pain from his own airplane crash many years ago, which on some days is disabling, takes pain medication, and has suffered reoccurring bouts of his post traumatic stress disorder, which includes having nightmares and day mares of his previous airplane crash.

65. Wolk has been shamed in the eyes of his community and his colleagues, and thus he does not show his face at bar functions or social engagements where members of the Bar may be present in numbers.

66. Even Wolk's children have become aware of the unrelenting internet smear campaign of Defendants, forcing Wolk to explain that he is entirely innocent of these false and malicious statements.

67. Further, Wolk's legal practice has suffered as a direct result of Defendants' smear campaign. Wolk no longer has the same steady flow of clients he previously enjoyed prior to the April 8, 2007 Overlawyered blog.

68. As a result, Wolk's planned retirement has been jeopardized because the chances of selling his practice to his associates has been greatly reduced and perhaps eliminated altogether.

69. Now, as a result of Defendants' conduct, Wolk has to work harder, longer hours to both maintain existing client relationships and build new ones, all resulting in additional expense, time and effort for Wolk when he would otherwise be planning his retirement.

70. In sum, the harm to Wolk's personal and professional reputations is irreparable, and can only be fully remedied by granting the injunctive relief requested herein.

Claims for Equitable Relief

COUNT I

Plaintiff v. Overlawyered Defendants

Request for Injunctive Relief

71. Wolk incorporates all other paragraphs of this Complaint as if fully set forth herein.

72. The "April 8, 2007 Overlawyered Blog," a copy of which is attached as Exhibit "A", titled "Arthur Alan Wolk v. Teledyne Industries, Inc.," is totally false and defamatory as to Wolk in that it falsely states and/or implies, *inter alia*, that Wolk sold out his clients to get a

court to remove a discovery order critical of Plaintiff in that case, breached his ethical obligations and knowingly acted in contravention of the best interests of his client.

73. Likewise, the August 6, 2010 Blog posted by Defendant Frank on www.PointofLaw.com, attached hereto as Exhibit "F," which was referred to and incorporated by Olson's August 9, 2010 blog on www.Overlawered.com, attached hereto as Exhibit "H," is totally false and defamatory as to Wolk in that it falsely states and/or implies that Wolk lied and/or misrepresented the facts to the District Court in the *Wolk v. Olson, et al.* case, which further implies that Wolk violated his ethical obligations as a lawyer and submitted false statements to a tribunal.

74. The Overlawyered Defendants, published or caused to be published the aforementioned blogs on the Overlawyered.com, and despite Wolk providing proof that the blogs are completely false, the Overlawyered Defendants refuse to remove them.

75. By refusing to remove the false blogs despite their actual knowledge that they are false, the Overlawyered Defendants have knowingly published falsehoods, and thus have acted with "actual malice."

76. Through their online publication, the Overlawyered Blogs has been disseminated to thousands of individuals and continue to be disseminated to thousands more as they remain on Overlawyered.com and, as a result, the blogs appear prominently when Wolk's name is used as a search term on the enormously popular search engine www.Google.com and other similar search engines.

77. Further, not only do the Overlawyered Blogs defame and harm Wolk's personal reputation, more poignantly, they are directed at defaming and harming Wolk's business reputation.

78. The Overlawyered Blogs impute business misconduct by implying that Wolk did not protect his client's best interest, as he is ethically bound to do, but rather primed his own interests above the clients and reduced his client's settlement to benefit himself, implying he will do this whenever it serves his interests.

79. This is utterly false, has been done with malice toward Wolk, and has harmed Wolk's reputation and injured his business because clients have become distrustful of Wolk as a result of the Overlawyered Blogs and have not retained him.

80. As a direct result of the Overlaweyred Blogs, Wolk has suffered, and continues to suffer, irreparable harm, which cannot be fully compensated through money damages.

81. Further, Wolk does not have an adequate remedy at law since the harm to his reputation, his career, and his law practice is difficult to measure. Moreover, with respect to the initial April 8, 2007 Overlawyered Blog, unless overturned on appeal, Wolk's ability to pursue monetary damages has been foreclosed by the District Court's August 2, 2010 decision.

WHEREFORE, Plaintiff respectfully requests this Court to exercise its equitable powers to remedy the continuing damage caused by the Overlawyered Blogs by issuing an injunction ordering the Overlawyered Defendants: (a) to remove the false and defamatory Overlawyered Blogs from their website; and (b) to ensure the defamatory Overlawyered Blogs are also removed from search engines that "cache" or save the historical Overlawyered Blogs.

The Court is also requested to award Plaintiff his counsel fees and expenses to obtain this injunctive relief, as he has spent a fortune to correct what Defendants could have easily corrected before Plaintiff incurred any legal expense, but have steadfastly refused despite overwhelming evidence that the blogs were false and their actual knowledge of such falsity.

COUNT II

Plaintiff v. The Reason Defendants

Request for Injunctive relief

82. Plaintiff incorporates all other paragraphs of this Complaint as if fully set forth herein.

83. The blog postings by the Reason Defendants on their website www.reason.com were all false and defamatory as to Wolk in that, *inter alia*, the blogs directly stated and implied that:

(a) Wolk was an incompetent lawyer because he missed the deadline for his own suit;

(b) Wolk lied to the District Court as to when he first learned of the April 8, 2007 Overlawyered Blog;

(c) Wolk was guilty of filing a frivolous lawsuit by "bully[ing] an aviation news website into a thoroughly abject capitulation and apology;" and

(d) Most significantly, republished almost the entirety of the utterly false and defamatory April 8, 2007 Overlawyered Blog, once again accusing Wolk of breaching his ethical and fiduciary duties by selling out his client's interest in the *Taylor* case.

84. Moreover, the Reason Defendants, through their false and defamatory blog postings, intentionally created a forum in which Reason's anonymous bloggers were encouraged and incited to further defame Wolk, leading to dozens of separate false accusations that Wolk committed the most heinous crimes imaginable.

85. By encouraging and inciting its readers to further defame Wolk, the Reason Defendants have contributed, in whole or in part, to the content of their anonymous bloggers' statements.

86. Wolk has repeatedly demanded that the Reason Defendants remove their defamatory blog postings, and in doing so, he supplied the Reason Defendants will direct proof that their defamatory statements were absolutely false.

87. Nevertheless, the Reason Defendants have refused to remove their defamatory blogs, despite being given actual knowledge that the blogs were false.

88. By refusing to remove the false blogs despite their actual knowledge that they are false, the Reason Defendants have knowingly published falsehoods, and thus have acted with "actual malice."

89. Through their online publications, the Reason Blogs have been disseminated to thousands of individuals and continue to be disseminated to thousands more as they remain on Reason.com and, as a result, the blogs appear prominently when Wolk's name is used as a search term on the enormously popular search engine www.Google.com and other similar search engines.

90. Indeed, although the Reason Defendants claim they removed from their website the postings of their anonymous bloggers who repeatedly accused Wolk of heinous crimes, those same anonymous postings are still visible through the "cache" of search engines, including on Google and Bing.

91. As a direct result of the Reason Defendants' false and defamatory blogs, Wolk has suffered, and continues to suffer, irreparable harm which cannot be fully compensated through money damages.

92. Further, Wolk does not have an adequate remedy at law since the harm to his reputation, his career, and his law practice is difficult to measure.

WHEREFORE, Plaintiff respectfully requests this Court to exercise its equitable powers to remedy the continuing damage caused by the blogs of the Reason Defendants by issuing an injunction ordering the Reason Defendants: (a) to remove the false and defamatory blogs about Wolk appearing on their website www.reason.com; and (b) to ensure the defamatory Reason Blogs are also removed from search engines that "cache" or save the historical blogs.

The Court is also requested to award Plaintiff his counsel fees and expenses to obtain this injunctive relief, as he has spent a fortune to correct what Defendants could have easily corrected before Plaintiff incurred any legal expense, but have steadfastly refused despite overwhelming evidence that the blogs were false and their actual knowledge of such falsity.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

/s/ David P. Heim

By: _____

George Bochetto, Esquire (27783)
David P. Heim, Esquire (84323)
Tricia Desmarais-Clark, Esquire (206004)
1524 Locust Street
Philadelphia, PA 19102
(215) 735-3900

Attorneys for Plaintiff

Dated: October 22, 2010

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Arthur Alan Wolk (PA Bar 02091)
1710-12 Locust Street
Philadelphia, PA 19103

TELEPHONE NO.: 215-545-4220 FAX NO.: 215-545-5252
ATTORNEY FOR (Name): Attorney for Plaintiff Pro Se

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

AUG 01 2011

John A. Clarke, Executive Officer/Clerk
BY _____, Deputy
Shaunya Wesley

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS: 111 North Hill Street
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Central District

CASE NAME: Wolk v. Reason.com, et al

CIVIL CASE COVER SHEET
[X] **Unlimited** (Amount demanded exceeds $25,000) [ ] **Limited** (Amount demanded is $25,000 or less)

Complex Case Designation
[ ] **Counter** [ ] **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BC466477
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [X] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [X] monetary b. [ ] nonmonetary; declaratory or injunctive relief c. [X] punitive
4. Number of causes of action *(specify)*: 24
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: July 28, 2011
Arthur Alan Wolk
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10

SHORT TITLE: Wolk v. Reason.com, et al	CASE NUMBER

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☑ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 8 ☐ HOURS/ ☑ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Auto Tort	Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	☐ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	☐ A6070 Asbestos Property Damage ☐ A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons ☐ A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	☐ A7250 Premises Liability (e.g., slip and fall) ☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) ☐ A7270 Intentional Infliction of Emotional Distress ☐ A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: Wolk v. Reason.com, et al	CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	☑ A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	☐ A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Employment	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	☐ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) ☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) ☐ A6019 Negligent Breach of Contract/Warranty (no fraud) ☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	☐ A6002 Collections Case-Seller Plaintiff ☐ A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	☐ A6009 Contractual Fraud ☐ A6031 Tortious Interference ☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Real Property	Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels_____	2.
	Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	☐ A6018 Mortgage Foreclosure ☐ A6032 Quiet Title ☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer	Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Post-Foreclosure (34)	☐ A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Wolk v. Reason.com, et al	CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus	2., 8.
		☐ A6152 Writ - Mandamus on Limited Court Case Matter	2.
		☐ A6153 Writ - Other Limited Court Case Review	2.
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	☐ A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment	2., 9.
		☐ A6160 Abstract of Judgment	2., 6.
		☐ A6107 Confession of Judgment (non-domestic relations)	2., 9.
		☐ A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		☐ A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	☐ A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	☐ A6030 Declaratory Relief Only	1., 2., 8.
		☐ A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		☐ A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	☐ A6121 Civil Harassment	2., 3., 9.
		☐ A6123 Workplace Harassment	2., 3., 9.
		☐ A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		☐ A6190 Election Contest	2.
		☐ A6110 Petition for Change of Name	2., 7.
		☐ A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		☐ A6100 Other Civil Petition	2., 9.

SHORT TITLE: Wolk v. Reason.com, et al	CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. ☐1. ☑2. ☑3. ☐4. ☐5. ☐6. ☐7. ☐8. ☑9. ☐10.	ADDRESS: 3415 S. Sepulveda Boulevard Suite 400	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90034

Item IV. *Declaration of Assignment:* I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk (Hill Street) courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: July 28, 2011

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.