

JAN 26 2018

FILED

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BEFORE THE PRESIDING DISCIPLINARY JUDGE

**IN THE MATTER OF MEMBERS OF
THE STATE BAR OF ARIZONA,**

**DANIEL ROBERT WARNER
Bar No. 026503,**

**AARON MATTHEW KELLY
Bar No. 025043,**

**RAEESABBAS MOHAMED
Bar No. 027418**

Respondents.

PDJ 2018

9012

COMPLAINT

[State Bar Nos. 16-3120, 17-1236,
17-1835]

Complaint is made against Respondent as follows:

GENERAL INFORMATION

1. At all times relevant, Daniel Robert Warner was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on October 22, 2008.

2. At all times relevant, Aaron Matthew Kelly was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on February 15, 2007.

3. At all times relevant, Raeesabbas Mohamed was a lawyer licensed to practice law in the state of Arizona having been first admitted to practice in Arizona on December 9, 2009.

4. At all times relevant, Respondents Warner, Kelly, and Mohamed worked at Kelly/Warner Law PLLC. Respondents Warner and Kelly were the named partners of Kelly/Warner Law PLLC and Mohamed was an associate.

5. The firm represents clients in online reputation matters, including removal of alleged internet defamation and online trade libel. The firm offers to “get libelous content removed from the Web.”

6. The firm website currently advertises that “To win an internet defamation lawsuit plaintiffs must: “[1] Prove the defendant published or broadcast the statement; [2] Prove that the statement is false; [3] Prove they were harmed by the statements; [4] Demonstrate that the defendants did not verify their claims.”

7. The firm website currently advertises that the statute of limitations for slander and libel in Arizona is one (1) year pursuant to A.R.S. 12-541.

8. The firm website currently advertises that to prove “harm” in a slander or libel lawsuit “defamation plaintiffs must prove material harm. The most common forms are lost wages, business decline, or sinking stocks. In some jurisdictions, plaintiffs can also point to mental anguish and other medical vicissitudes.”

GENERAL ALLEGATIONS

9. Respondents engaged in the filing of fraudulent and/or frivolous lawsuits aimed at removing online criticism of the firm’s clients.

10. The filing of fraudulent and/or frivolous lawsuits follows one of two procedural schemes.

11. In the first scheme, a client identifies online criticism, such as negative reviews for services or allegations that the client was engaged in a scam, and hires Respondents to remove the criticism from the internet.

12. Respondents compile a list of the online criticism and file a defamation suit on behalf of the client alleging the criticism was false and defamatory.

13. Rather than attempting to locate the true originator of the online criticism, Respondents fabricate, or allowed their clients to fabricate, a defendant purporting to be the individual who posted the online criticism.

14. Rather than attempting to prove the online criticism is defamatory, Respondents fabricate, or allowed their clients to fabricate, an admission from the purported defendant that the online criticism is false.

15. The plaintiffs/clients then produce a fraudulent stipulation for permanent injunction signed by the purported defendant.

16. The stipulation for injunction states the plaintiffs/clients and purported defendant(s) agree that the online criticism is false and constitutes defamation.

17. The stipulation further asks the Court to enter an order requiring websites remove the online criticism and/or requiring search engines to de-index the online criticism. De-indexing means removing the target webpage from the results of an internet search using a search engine such as Google.

18. Once issued by the Court, the injunction is served on websites such as www.Ripoffreport.com and search engines such as Google.

19. The real poster of the online criticism is not made aware of the lawsuit. The real poster of the online criticism is not identified and has not stipulated to the removal of the content.

20. In the second scheme, a client identifies online criticism or negative online content and hires Respondents to remove the content from the internet.

21. Respondents compile a list of the content and file a defamation suit on behalf of their client. The lawsuit alleges the content is false and defamatory while the content is in fact true and therefore does not meet the standard for defamation.

22. Respondents locate the originator of some or all of the content and name the originator as a defendant. Respondents obtain an admission from the originator/defendant that the online content is false, despite Respondents and the parties knowing the content is true.

23. Respondents then obtain a stipulation for permanent injunction signed by the plaintiff/client and defendant/originator.

24. The stipulation for injunction states the plaintiff/client and defendant/originator agree that the online criticism is false and constitutes defamation, despite the fact that the online content is true.

25. The stipulation asks the Court to enter an order requiring websites remove the online criticism and/or requiring search engines to de-index the online criticism. De-indexing means removing the target webpage from the results of an internet search using a search engine such as Google.

26. Once issued by the Court, the injunction is served on websites hosting the content and search engines such as Google.

27. The filing of fraudulent and/or frivolous lawsuits was or is a tactic intentionally used by Respondents to achieve a client's desired outcome.

DANIEL WARNER, SBA No. 16-3120

Chinnock v. Ivanski, CV2016-094256

28. In April 2015, the court file in *Kogan v. Chinnock*, 2014-007291-CA-01, was mailed by the Eleventh Judicial Circuit in and for Miami-Dade County, Florida – Civil Division, to Kelly/Warner Law at the request of the firm.

29. The pleadings in *Kogan v. Chinnock* alleged a reputation management company named Brand.com employed Joseph Chinnock. Brand.com and Chinnock were sued by Plaintiff Kogan. Kogan claimed he hired Brand.com to “remove certain posts...from a website affiliated with one of his competitors” and to optimize Kogan's online presence. Part of the online optimization plan was to create a Wikipedia page, which Chinnock was hired by Brand.com to complete. Kogan alleges he was defrauded by Chinnock in relation to the Wikipedia page. As part of the fraud, Chinnock allegedly posed as a man named Andrei Spectrov.

30. In 2016, Respondent Warner was hired by Joseph Chinnock to remove allegedly defamatory posts about Chinnock from the internet. At that time,

Respondent Warner was already aware that Chinnock was accused in Florida of fraud and using a fake identity.

31. The allegedly defamatory posts were purported to originate from a woman named Krista Ivanski.

32. Prior to filing the complaint on behalf of Chinnock, Respondent Warner and others in his firm communicated with an individual identifying herself as defendant Krista Ivanski. All communication was conducted through email. No one from the firm spoke with Ivanski on the phone or in person.

33. The email addresses for Ivanski were provided to the law firm by Chinnock. The email addresses were sandrabond249@gmail.com and sarawood766@gmail.com.

34. In June 2016, Respondent Warner filed a complaint on behalf of Joseph Chinnock in Maricopa County Superior Court case *Chinnock v. Ivanski*, CV 2016-094256. Prior to filing the complaint, Respondent Warner was aware that Chinnock was accused in Florida of fraud and using a fake identity.

35. The complaint in *Chinnock v. Ivanski* alleges defendant Krista Ivanski defamed Plaintiff Joseph Chinnock by posting 38 false statements about Chinnock on the internet.

36. The internet address (URL) of each of the 38 allegedly false statements is listed in the complaint.

37. Respondent Warner took no action to determine if the statements were true or false before filing the lawsuit.

38. The first URL listed in the complaint (<https://bitcointalk.org/index.php?topic=669614.0>) routes to a page wherein individuals complain about a scam run by Joseph Chinnock. The page claims Chinnock uses the aliases of Sara Wood, Sara Ward, and Patrick McDowell to run scams.

39. Sarawood766@gmail.com was one of the email addresses for Ivanski provided to the firm by Chinnock.

40. The complaint states Ivanski resides in Turkey and Chinnock resides in Colorado. The complaint states, “[t]he parties purposefully availed themselves of the benefits of Arizona law,” but does not explain how the state courts in Arizona have jurisdiction to hear the matter.

41. The Plaintiff’s Verification attached to the complaint is signed by Chinnock and notarized by John William Kichko, a notary in Fulton County, Georgia.

42. Respondent Warner knew that Krista Ivanski is not a real person. Krista Ivanski was fabricated to serve as defendant in the matter.

43. Respondent Warner knew that Krista Ivanski did not post the 38 allegedly defamatory statements.

44. Respondent Warner knew that the 38 allegedly defamatory statements were not posted by the same person.

45. Respondent Warner knew that legal action regarding many of the allegedly defamatory statements was barred by the statute of limitations pursuant to A.R.S. 12-541.

46. Alternatively, if Respondent Warner did not know the information in paragraphs 42-45, Respondent Warner failed to investigate the matter prior to filing the complaint.

47. In June 2016, Respondent Warner filed a document entitled "Stipulation For Permanent Injunction and Dismissal Without Prejudice," ostensibly signed by Krista Ivanski. Warner knew that Ivanski's signature was forged or failed to investigate the matter prior to filing the document.

48. The "Stipulation For Permanent Injunction and Dismissal Without Prejudice," asks the Court to enter a stipulated order for permanent injunction.

49. The proposed order states that “Defendant shall permanently remove the Statements from the Webpages, and Plaintiff shall not republish any applicable Statements. In the event Defendant is unable to remove any Statement from a Webpage, Plaintiffs may submit this Order to Google, and/or any other applicable Internet search engines, so that the applicable Webpages can be removed, delisted, and de-indexed from all search engine results in accordance with the policies of the search engine.”

50. The proposed order is signed by Ivanski and notarized by Amanda Sparks, a notary from Fulton County, Georgia. The Plaintiff’s Verification attached to the original complaint and signed by Chinnock was also notarized in Fulton County, Georgia. According to the complaint, neither Ivanski nor Chinnock reside in Georgia.

51. There is no notary in Fulton County named Amanda Sparks. A search performed via the Georgia Superior Court Clerk’s Cooperative Authority notary search shows no notary in Fulton County named Amanda Sparks. The notarization by Amanda Sparks is a forgery.

52. Respondent Warner knew that the notarization by “Amanda Sparks” from Fulton County, Georgia, was a forgery or failed to investigate the matter prior to filing the document.

53. In August 2016, Respondent Warner filed a document entitled “Stipulation For Amended Order For Permanent Injunction,” ostensibly signed by Krista Ivanski. The address used for Ivanski in the Stipulation For Amended Order For Permanent Injunction differs from the addresses used for Ivanski in earlier pleadings.

54. The proposed Amended Order For Permanent Injunction is signed by Ivanski and notarized by “Samantha Pierce,” a notary from Colorado. According to the complaint, Chinnock resides in Colorado while Ivanski resides in Turkey.

55. There is no notary in Colorado named Samantha Pierce. A notary search performed via the Colorado Secretary of State’s website returns “no records found” for notary Samantha Pierce. The notarization by Samantha Pierce is a forgery.

56. The notary ID used by Samantha Pierce is 20121234567. The sample notary seal displayed on the Colorado Secretary of State’s general notary information page uses notary ID 20121234567.

57. Respondent Warner knew that the notarization by Samantha Pierce was a forgery or failed to investigate the matter prior to filing the document.

58. The request for an amended order for permanent injunction was granted by the Court.

59. *Chinnock v. Ivanski* was a fraudulent lawsuit designed to achieve client Chinnock's goal of removing online criticism without having to prove the elements of defamation.

Ruddie v. Kirschner 24-C-15-005620 (Maryland)

60. Richart Ruddie is involved in the reputation management industry. Part of the services offered by Ruddie is the removal of online criticism. Richart Ruddie is not a lawyer.

61. Kelly/Warner Law has a business relationship with Ruddie. The firm and Ruddie have referred cases/clients to each other for many years. Ruddie and his company Profile Defenders have been clients of Kelly/Warner Law since 2012, and, in mid-2015, the firm employed Ruddie as an expert in a case in the U.S. District Court for the Eastern District of Pennsylvania (Case No. 2:14-cv-05980-GAM).

62. In June 2015, Respondent Warner initiated a copyright action alleging unauthorized use of Warner's photograph in a post on Ripoffreport.com. The goal

of the action was to de-index or remove a consumer complaint hosted at the following URL: <http://www.ripoffreport.com/r/DANIEL-WARNER-KELLY-WARNER-LAW/DANIEL-WARNER-KELLY-WARNER-LAW-Daniel-R-Warner-Daniel-Warner-Lawyer-FROM-Kelly-Warner-Law-1231611>.

63. The action did not result in removal of the content.

64. In November 2015, Richart Ruddle filed a pro per lawsuit in *Ruddle v. Kirschner* 24-C-15-005620 (Maryland), alleging that Jake Kirschner “posted false and defamatory statements” at: <http://www.ripoffreport.com/r/DANIEL-WARNER-KELLY-WARNER-LAW/DANIEL-WARNER-KELLY-WARNER-LAW-Daniel-R-Warner-Daniel-Warner-Lawyer-FROM-Kelly-Warner-Law-1231611>.

65. The allegedly defamatory statements that were the subject of the complaint in *Ruddle v. Kirschner* were the same statements Respondent Warner attempted to remove by filing the copyright action.

66. The lawsuit filed by Ruddle was fraudulent. Jake Kirschner did not post the allegedly defamatory statements. At least one of the statements was posted by an individual named Charles Roderick.

67. The allegedly defamatory statements are about Respondent Warner, not about Ruddle as alleged in the complaint.

68. Ruddle filed a fraudulent lawsuit to remove online criticism of his business associate Respondent Daniel Warner.

69. Respondent Warner knew that Ruddle filed the fraudulent lawsuit to achieve Respondent Warner's goal of removing the online criticism without having to prove the elements of defamation.

70. Respondent Warner's conduct violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2(d), 1.3, 1.4, 3.1, 3.3, 8.4(a), 8.4(c), and 8.4(d).

AARON KELLY, SBA No. 17-1236

Lynd v. Hood, CV 2015-009398

71. In 2015, Richart Ruddle referred client Adam Lynd to Kelly/Warner Law.

72. Adam Lynd utilized the services of Nu Profile, a reputation management company. Nu Profile was founded by David Lynd who is also a partner at Profile Defenders, a reputation management company founded by Richart Ruddle. Respondent Kelly and staff communicated with individuals from both Nu Profile and Profile Defenders regarding the representation of Adam Lynd. Individuals from Nu Profile and/or Profile Defenders acted as intermediaries between client Adam Lynd and Kelly/Warner Law.

73. Adam Lynd hired Respondent Kelly to remove online defamatory statements posted by two supposed cooperating defendants named Jesse Wood and Connie Hood.

74. Neither Respondent Kelly nor any of his staff spoke with defendants Wood and Hood about the substance of the case prior to filing the complaint.

75. On September 30, 2015, Respondent Aaron Kelly filed a complaint on behalf of client Adam Lynd in Maricopa County Superior Court case *Lynd v. Hood*, CV 2015-009398. The complaint names Connie Hood and Jesse Wood as defendants and alleges they posted defamatory statements about Adam Lynd on the internet.

76. Respondent Kelly took no action to determine if the statements were true or false before filing the lawsuit.

77. Connie Hood and Jesse Wood are not real. Connie Hood and Jesse Wood were fabricated in order to obtain a stipulated order of permanent injunction removing criticism of Adam Lynd from the internet.

78. Respondent Kelly knew that Connie Hood and Jesse Wood were fabricated defendants or failed to investigate the matter prior to filing the complaint.

79. The complaint alleges defendant Connie Hood posted defamatory statements about Adam Lynd at: www.ripoffreport.com/r/david-lynd-/san-antonio-

texas/david-lynd-lynd-company-lynd-world-lynd-scam-artist-big-hat-and-no-cattle-san-antonio-1151560 and www.expressnews.com/business/local.article.lynd-co-brothers-split-5319366.php.

80. The allegedly defamatory statements on www.ripoffreport.com were posted on June 2, 2014, September 16, 2014, and September 10, 2015. Two of the three statements exceed the one-year statute of limitations pursuant to A.R.S. 12-541. Respondent Kelly knew that some of the claims were barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

81. The original statement, posted June 2, 2014, is identified in the post as being written by an individual named John Duran, not Connie Hood as alleged by the complaint.

82. The statement entitled "Ex employee," posted September 16, 2014, by Respondent Kelly's client Adam Lynd, specifically identifies the author of the original statement as John Duran, not Connie Hood as alleged in the complaint.

83. Respondent Kelly knew that defendant Connie Hood was not the author of the allegedly defamatory statements or failed to investigate the matter prior to filing the complaint.

84. The complaint alleges Jesse Wood posted an allegedly defamatory statement about Adam Lynd at <http://www.ripoffreport.com/r/the-lynd-company-lynd-management/san-antonio-texas-78230-the-lynd-company-lynd-management-michael-lynd-sr-michael-lynd-jr-a-david-lynd-s-435452>.

85. Wood's allegedly defamatory statement was posted on March 18, 2009, more than a year before the complaint in *Lynd v. Hood* was filed. The age of the statement exceeds the one-year statute of limitations established by A.R.S. 12-541. Respondent Kelly knew that the claim was barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

86. Between December 2 and 14, 2015, the Court docketed four returned mail notices for the plaintiff and the defendants. One of the returned mail notices lists client Adam Lynd's address as "Connie Hood 122 Roy Smith St San Antonio TX 78215-1361." One of the returned mail notices lists Connie Hood's address as "122 Roy Smith St San Antonio TX 78215-1361."

87. In January 2016, Respondent Kelly submitted a fictitious stipulated order for permanent injunction purportedly verified by Jesse Wood and Connie Hood.

88. Jesse Wood's verification was signed on January 13, 2016, and notarized by Jose Garcia in Harris County, Texas.

89. Connie Hood's verification was signed on January 4, 2016, and notarized by Spencer Blank in Palm Beach County, Florida.

90. One or both of the notary stamps is forged.

91. There is no notary named Jose Garcia in Harris County with a commission expiration date of March 2, 2016. The notary stamp used on Jesse Wood's verification lists Jose Garcia's commission expiration date as March 2, 2016.

92. Respondent Kelly knew that the verifications contained forged notarizations or failed to investigate the matter prior to filing the document.

93. The Court signed the stipulated injunction on January 27, 2016. The injunction was filed on February 2, 2016.

94. *Lynd v. Hood* was a fraudulent lawsuit designed to achieve client Lynd's goal of removing online criticism without having to prove the elements of defamation.

Gottuso v. Marks, CV 2015-009393

95. In 2015, Richart Ruddle referred client Nicholas Gottuso to Kelly/Warner Law. Nicholas Gottuso hired Respondent Kelly to remove online defamatory statements posted by a supposed cooperating defendant named Howard Marks.

96. This client in this matter, like the client in *Lynd v. Hood*, was managed by Nu Profile/Profile Defenders/David Lynn/Richart Ruddle. Respondent's firm communicated mainly with Rich@nuprofile.com, who acted as an intermediary between the firm and the client.

97. The only direct communication with fictitious defendant Howard Marks was by email to howard.marks2@aol.com. The email from the firm provided paperwork that needed to be signed and returned. Neither Respondent Kelly nor anyone from Respondent's firm spoke with the supposed defendant via phone.

98. Neither Respondent Kelly nor anyone from his firm spoke with Howard Marks about the substance of the case.

99. Respondent Kelly was unable to produce a phone number for Howard Marks when asked to do so by the State Bar.

100. Howard Marks is not real. Howard Marks was fabricated in order to obtain a stipulated permanent injunction.

101. Respondent Kelly knew that Howard Marks was a fabricated defendant or failed to investigate the matter prior to filing the complaint.

102. In September 2015, Respondent Kelly filed a complaint on behalf of client Gottuso in *Gottuso v. Marks*, CV 2015-009393, alleging Howard Marks posted a defamatory statement at: <http://www.ripoffreport.com/r/Nick-Nicholas-Gottuso-FRAUDULENT-BUSINESS-PRACTICES/Pasadena-California-91105/Nick-Nicholas-Gottuso-FRAUDULENT-BUSINESS-PRACTICES-Nicholas-Nick-Gottuso-Brian-Linneki-586368>.

103. Respondent Kelly took no steps to determine whether the statements were true or false prior to filing the complaint.

104. The allegedly defamatory statement was posted on March 27, 2010, more than a year before Respondent Kelly filed the complaint. Respondent Kelly knew that the claim was barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

105. The stipulation for permanent injunction was ultimately granted.

106. *Gottuso v. Marks* was a fraudulent lawsuit designed to achieve client Gottuso's goal of removing online criticism without having to prove the elements of defamation.

Cohen v. Smith, CV 2015-002017

107. In 2015, Richart Ruddle referred client Gil Cohen to Kelly/Warner Law.

108. Gil Cohen hired Respondent Kelly to remove online defamatory remarks posted by a supposed cooperating defendant named Robert Smith.

109. In May 2015, Respondent Kelly filed a complaint in *Cohen v. Smith*, CV 2015-002017, alleging Robert Smith posted a defamatory statement about client Gil Cohen at: <http://www.ripoffreport.com/r/Gil-D-Cohen-Cypress-Financial-Group-MetLife/internet/Gil-D-Cohen-Cypress-Financial-Group-MetLife-Gil-Cohen-Gil-Daniel-Cohen-CorruptUntrus-991323>.

110. Respondent Kelly took no steps to determine whether the statements were true or false prior to filing the complaint.

111. The allegedly defamatory statement and the accompanying comments were posted in 2013, more than one year before Respondent Kelly filed the

complaint. Respondent Kelly knew the claim was barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

112. Robert Smith is not real. Robert Smith was fabricated in order to obtain a stipulated permanent injunction.

113. Respondent Kelly knew that Robert Smith was a fabricated defendant or failed to investigate the matter prior to filing the complaint.

114. The stipulation for permanent injunction was ultimately granted.

115. *Cohen v. Smith* was a fraudulent lawsuit designed to achieve client Cohen's goal of removing online criticism without having to prove the elements of defamation.

Varden v. Lentz, CV 2015-002098

116. In 2015, Richart Ruddie referred client Don Varden to Kelly/Warner Law.

117. Don Varden hired Respondent Kelly to remove online defamatory statements posted by supposed cooperating defendant Damon Lentz.

118. Damon Lentz is not real. Damon Lentz was fabricated in order to obtain a stipulated permanent injunction.

119. Respondent Kelly knew that Damon Lentz was a fabricated defendant or failed to investigate the matter prior to filing the complaint.

120. In August 2015, Respondent Kelly filed a complaint on behalf of client Don Varden alleging Damon Lentz posted defamatory statements at: <http://www.ripoffreport.com/reports/seasons-recovery-center-in-malibu/malibu-california-/seasons-recovery-center-in-malibu-serenity-malibu-ripoff-malibu-california-885202>.

121. Respondent Kelly took no steps to determine whether the statements were true or false prior to filing the complaint.

122. The allegedly defamatory post was made in 2012, which exceeds the one-year statute of limitations imposed by A.R.S. 12-541. Respondent Kelly knew that the claim was barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

123. The stipulation for permanent injunction was ultimately granted.

124. *Varden v. Lentz* was a fraudulent lawsuit designed to achieve client Varden's goal of removing online criticism without having to prove the elements of defamation.

125. Respondent Kelly's conduct violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2(d), 1.3, 1.4, 3.1, 3.3, 8.4(a), 8.4(c), and 8.4(d).

RAEESABBAS MOHAMED, SBA No. 17-1835

Welter v. Doe, CV 2016-004734

126. In 2013, Megan Welter, an Iraq war veteran turned Arizona Cardinals cheerleader, was arrested for assaulting her boyfriend Ryan McMahon.

127. The story was covered by numerous news outlets and generated a number of online videos and articles. Some news outlets obtained and posted a cell phone video taken by McMahon of the incident in which Welter is seen hitting McMahon.

128. On May 20, 2016, Respondent Mohamed filed a complaint on behalf of client Megan Welter alleging John and Jane Doe individuals published "defamatory content on Arizona-based websites, news agencies and/or by directing the tort of defamation against...an Arizona resident."

129. The complaint requests 98 websites and 9 YouTube videos be de-indexed and/or removed from the internet. The websites in the request include, but are not limited to, stories posted by or on ABC, CBS, Fox News, USA Today,

Twitter, IMDB, the Toronto Sun, Pinterest, Yahoo! Sorts, AZ Central, Phoenix New Times, Reddit, Daily Mail, and the NY Daily News.

130. Many of the allegedly defamatory statements were posted more than a year before Respondent Mohamed filed the complaint. Respondent Mohamed knew that the claims pertaining to statements posted more than a year before the complaint was filed were barred by the statute of limitations or failed to investigate the matter prior to filing the complaint.

131. On June 29, 2016, Mohamed filed a stipulated order for permanent injunction awarding Welter “a permanent injunction against enjoining Defendant Ryan McMahan, from publishing false and defamatory statements concerning Plaintiff, and enjoining Plaintiff from publishing false and defamatory statements concerning Defendant Ryan McMahan, and compelling removal of the uniform resource locators (“URLs”) in Exhibit A, attached hereto.” Exhibit A contains the 98 websites and 9 YouTube videos references in the original complaint.

132. Ryan McMahan is the only defendant who signed the injunction despite McMahan not being the originator/poster for the majority of the websites included in the injunction. Respondent Mohamed knew that McMahan was not the poster/originator of all the content and therefore could not agree to have it all

removed from the internet or failed to investigate the matter prior to filing the complaint.

133. The injunction further states that “Defendant admits that all or substantially all of the statements made in the URLs are false and defamatory.”

134. Respondent Mohamed filed the stipulation knowing that at least some of the statements included in the injunction were true and therefore not defamatory or failed to investigate the matter prior to filing the complaint.

135. Many of the listed websites explain that Welter was arrested and that she was alleged to have gotten in a fight and/or assaulted her boyfriend, which are demonstrably true. Welter was both arrested and alleged to have assaulted her boyfriend.

136. A cell phone video taken by McMahon shows that McMahon was assaulted by Welter. The cell phone video is included in a number of the sites Respondent Mohamed asked to be de-indexed. If Mohamed reviewed the sites to determine if they contained defamatory statements he would have seen the video.

137. Respondent Mohamed knew that he filed a lawsuit containing claims not supported by fact or law or failed to investigate the matter prior to filing the complaint.

138. Respondent Mohamed knew he filed a frivolous lawsuit to receive a remedy his client was not legally entitled to receive or failed to investigate the matter prior to filing the complaint.

139. *Welter v. Doe* was a fraudulent lawsuit purposefully designed to achieve client Welter's goal of removing online criticism without having to prove the elements of defamation.

140. Respondent Mohamed's conduct violated Rule 42, Ariz. R. Sup. Ct., ERs 1.2(d), 1.3, 1.4, 3.1, 3.3, 8.4(a), 8.4(c), and 8.4(d).

DATED this 26th day of January, 2018.

STATE BAR OF ARIZONA



Bradley F. Perry
Staff Bar Counsel

Original filed with the Disciplinary Clerk of
the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 26th day of January, 2018.

by: 