

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAHUL MANCHANDA,

Plaintiff,

V.

REBECCA ROSENBERG,  
NEWS CORP dba NY POST,

Defendants.

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Case No.: \_\_\_\_\_

## NOTICE OF REMOVAL

Removed from the Civil Court of  
the City of New York, County of New  
York, Index No. 003665/2016

**PLEASE TAKE NOTICE** that Defendants Rebecca Rosenberg and News Corporation (collectively, “Defendants”) hereby remove the above-entitled action from the Civil Court of the City of New York, County of New York, to the United States District Court, Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of removal to this Court, Defendants respectfully state as follows:

## I. BACKGROUND

1. On or about March 7, 2016, Plaintiff Rahul Manchanda commenced a civil action against Defendants by filing a Summons and Complaint in the Civil Court of the City of New York, County of New York, Index No. 003665/2016 (the “State Court Action”).

2. On March 8, 2016, Plaintiff Rahul Manchanda hand delivered and mailed a copy of the Summons and Complaint in the State Court Action to the Robert D. Balin, the attorney for Defendants. On March 11, 2016, Mr. Balin advised Mr. Manchanda that although this did not constitute proper service of process, that he would accept service of process on behalf of Defendants, effective as of March 11, 2016.

3. Plaintiff's Complaint asserts federal law claims under the Lanham Act, 15 U.S.C. § 1117, and "Civil RICO" statutes. (*See* Summons and Complaint attached hereto as Exhibit A, at ¶¶ 5-6, j, n). The Complaint also alleges pendant state law claims.

4. No further proceedings have occurred in the State Court Action as of the date of the filing of this Notice of Removal.

**II. REMOVAL IS PROPER UNDER 28 U.S.C. § 1441(c) BECAUSE THIS COURT HAS ORIGINAL JURISDICTION PURSUANT 28 U.S.C. § 1331.**

5. Removal of this matter is proper pursuant to 28 U.S.C. § 1441 because this is a civil action "of which the district courts have original jurisdiction" and is founded on claims "arising under . . . the laws . . . of the United States." 28 U.S.C. § 1441(a), (c). Specifically, this Court has original jurisdiction over this action under 28 U.S.C. § 1331, because the Complaint asserts claims under federal statutes as set forth above in paragraph 3.

6. This Court has supplemental jurisdiction over Plaintiffs' pendant state law claims pursuant to 28 U.S.C. §§ 1367 and 1441(c).

**III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED.**

7. There has been no previous removal of this action.

8. Section 1446 provides that "the notice of removal of a civil action or proceeding shall be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. § 1446(b).

9. Defendants' attorney accepted service of the Summons and Complaint on March 11, 2016. Plaintiff asserts that he served Defendants on March 8, 2016. In either case, this

Notice of Removal is being timely filed within 30 days after service of the Summons and Complaint pursuant to 28 U.S.C. § 1446(b).

10. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a), because the United States District Court for the Southern District of New York embraces the Civil Court of the City of New York, County of New York, where Plaintiff's State Court Action is pending.

11. As required by 28 U.S.C. § 1446(a), a true and correct copy of Plaintiff's Summons and Complaint is attached hereto as Exhibit A. This document constitutes "all process, pleadings, and orders" served on Defendants in the State Court action. *Id.*

12. All Defendants to the State Court action have joined in and consent to the filing of this Notice of Removal.

13. Pursuant to 28 U.S.C. § 1446(d), Defendants will file a written notice of this removal with the clerk of the State Court where Plaintiff's action is pending. Copies of this Notice of Removal and the written notice of this removal will also be served on Plaintiff in accordance with 28 U.S.C. § 1446(d).

#### **IV. RESERVATION OF DEFENSES AND RIGHTS**

14. Defendants reserve all defenses in this action, as well as reserve the right to amend or supplement this Notice of Removal.

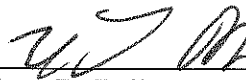
15. The undersigned counsel for Defendants has read the foregoing and signs this Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a).

**WHEREFORE**, Defendants Rebecca Rosenberg and News Corporation hereby remove the within action from the Civil Court of the City of New York, New York County, to this Court.

Dated: New York, New York  
March 25, 2016

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By:   
Robert D. Balin  
Jeremy A. Chase

1251 Avenue of the Americas, 21<sup>st</sup> Floor  
New York, New York 10020  
Tel: (212) 489-8230  
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[jeremychase@dwt.com](mailto:jeremychase@dwt.com)

*Attorneys for Defendants Rebecca Rosenberg and  
News Corporation*

TO: Rahul Manchanda, Esq.  
82 Beaver Street, Suite 301  
New York, New York 10005  
(212) 968-8600

*Plaintiff pro se*

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

Index No.:

003665

RAHUL MANCHANDA,

Plaintiff,

SUMMONS

-against-

REBECCA ROSENBERG,  
NEWS CORP dba NY POST

Defendants.

Plaintiff's Business Address:  
82 Beaver Street Suite 301  
New York, NY 10005

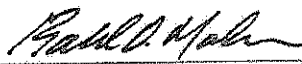
The basis of the venue is the  
Plaintiff place of business

To the Above-named Defendants:

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of New York at the office of the said court at 111 Centre Street, New York, New York, 10013, in the County of New York, within the time provided by the law as noted below and to file your answer to the annexed complaint with the Clerk; upon your failure to answer, judgment will be taken against you together with the costs of this action.

Dated: New York, New York  
February 27, 2016

Rebecca Rosenberg and  
News Corp dba NY Post  
1211 Avenue of the Americas  
New York, NY 10036

  
Manchanda Law Office PLLC  
By: Rahul Manchanda, Esq.  
82 Beaver Street Suite 301  
New York, New York 10005  
Tel: (212) 968-8600  
Fax: (212) 968-8601

NOTE: The law provides that (a) if this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY (20) days after such service; or

(b) if this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY (30) days after proof of service thereof is filed with the Clerk of the Court within which to appear and answer.

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

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RAHUL MANCHANDA,

Plaintiff, COMPLAINT

-against-

Index No.:

REBECCA ROSENBERG,  
NEWS CORP dba NY POST,

Defendants.  
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Plaintiff, Rahul Manchanda, for its complaint against  
defendants, REBECCA ROSENBERG and NEWS CORP dba NY POST alleges:

1. Plaintiff, at all times relevant hereto, was and is a lawyer located at 17 State Street, Suite 4000, New York, NY 10004, who provides legal and real estate broker services. Defendants, doing business at 1211 Avenue of the Americas, New York, NY 10036-8790, is a reporter and a newspaper and online news company, respectively.
2. Plaintiff was falsely arrested by his ex-girlfriend Kate Bose for a non-violent argument based on her lies and deception to the NYPD and NY Family Court on or about August 27, 2014.
3. The allegations made by Kate Bose contained within the criminal and family court were subsequently recanted, withdrawn, and admitted as lies and fabrications by Kate Bose,

including but not limited to making and signing notarized affidavits, faxes, and mails to the Manhattan District Attorneys Office and others.

4. Plaintiff filed a police complaint for a false complaint and other criminal acts against Kate Bose, and upon information and belief those investigations are currently pending, but upon information and belief Kate Bose has absconded and fled the state.
5. Needless to say, Rebecca Rosenberg and the NY Post wrote a defamatory, slanderous, and libelous article which contained multiple instances of erroneous information, poorly performed research, non-corroborated statements, defamatory portrayals of Plaintiff, reckless disregard for the truth, negligent disregard for the truth, sensationalism aimed at capitalizing on Plaintiff's quasi-celebrity status to sell newspapers and attract people to their paid print and online advertisements, violations of his USPTO registered Trademarks (Rahul Manchanda USPTO Reg No 4,485,094 and Manchanda Law Office USPTO Reg No 4,504,612) in order to divert search engine revenue derived from Plaintiff's Trademark to their website in order for people to view and buy their advertised products, confusing Plaintiff's customers when typing in his name on the search engines in order to be diverted to NY Post's website where

they view and purchase NY Post's own paid advertising clients information, and other torts.

6. The remedies for trademark infringement which can be brought in either state or federal court under the Lanham Act are statutory and consist of: (a) injunctive relief; (b) an accounting for profits; (c) damages, including the possibility of treble damages when appropriate; (d) attorney's fees in "exceptional cases;" and costs. See 15 U.S.C. § 1117. These remedies are cumulative, meaning that a successful plaintiff may recover the Defendants's profits in addition to any damages, or other remedies awarded.
- 6b. Invisible meta-tags used to lure internet search engines using a trademark is a "use in commerce" of the trademark. *North American Medical Corporation v. Axiom Worldwide, Inc.* (9th Cir. April 7, 2008).
7. As a result Plaintiff has suffered severe emotional distress, loss of business and personal relationships, has driven him further into bankruptcy and financial strife, loss of credibility, destroyed his relationships with family and friends, and has otherwise made him into an online pariah.
8. Due to the Defendants' illegal and unethical actions, misconduct, and bad behavior as described above, Plaintiff has

been damaged in multiple claims each in an amount of \$25,000 in actual and proximate damages, with punitive damages to be determined at trial.

9. Punitive Damages may be awarded when the fact-finder determines that the Defendants' conduct was wanton and reckless or malicious. Punitive damages may be awarded for conduct that represents a high degree of immorality and shows such wanton dishonesty as to imply a criminal indifference to civil obligations. The purpose of punitive damages is not to compensate the plaintiff but to punish the Defendants for wanton and reckless or malicious acts and thereby to discourage the Defendants and others from acting in a similar way in the future. An act is malicious when it is done deliberately with knowledge of the plaintiff's rights, and with the intent to interfere with those rights. An act is wanton and reckless when it demonstrates conscious indifference and utter disregard of its effect upon the health, safety and rights of others. Punitive damages awards must be proportionate to the conduct of the Defendants as well as the harm to plaintiff, and must not be grossly excessive such that it would violate due process. When evaluating whether to invalidate a punitive damages award, courts consider the following factors: the degree of reprehensibility; the disparity between the harm or potential harm suffered and the punitive damages award; and the

difference between this remedy and the civil penalties authorized or imposed in comparable cases. Punitive damages may not be covered by insurance in New York as a matter of public policy. *Hartford Acc. & Indem. Co. v. Vill. of Hempstead*, 48 N.Y.2d 218, 227, 397 N.E.2d 737 (1979).

10. Specifically in the newspaper article, sensationalist title, article content, and online posting referring to me as a "sugar daddy" and "wealthy fat cat" at <http://nypost.com/2015/06/01/woman-says-man-from-sugar-daddy-site-threatened-to-kill-her/>

(a) Plaintiff does not "regularly appear on the cable-news networks," which is a false statement;

(b) It was not my "posh Financial District pad," but in fact the lease and complete ownership was under Kate Bose, going to their defamatory portrayal of me, which is another false statement;

© Plaintiff was not arrested "when (I) turned himself in at the First Precinct on Sept. 2," but in fact was arrested at the NY Family Court when I showed up for a family court hearing, which is another false statement;

(d) The newspaper keeps referring to the apartment in question as "his digs near the New York Stock Exchange" when in fact the apartment was completely and totally under Kate Bose' name on both the lease and with the building - the apartment was approximately \$5500 per month and was under her name with her credit application etc - I had nothing to do with either the ownership or lease holding of that apartment because I was homeless and in bankruptcy proceedings at the time - so how am I the "wealthy fat cat" "sugar daddy" here? Looks more like she was the "sugar mama" and I was her "sugar baby" - this goes right to the heart of the deliberately defamatory manner in which Defendants portrays me in their article, which are other false statements;

(e) I practice in immigration law, not "international litigation" as their article falsely states - in point of fact I have only had 1 international litigation case in 14 years of law practice, with hundreds of thousands of immigration law cases - so this is again a willfully false statement; and

(f) other misleading, defamatory, slanderous, libelous, and false statements.

**WHEREFORE**, Plaintiff requests a judgment against Defendants REBECCA ROSENBERG and NEWS CORP dba NY POST Inc. as follows:

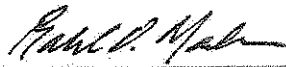
- a. On the first cause of action, **Defamation**, a judgment declaring that Defendants unlawfully defamed Plaintiff to the tune of \$25,000;
- b. On the second cause of action, **Libel**, a judgment declaring that Defendants unlawfully libeled Plaintiff to the tune of \$25,000;
- c. On the second cause of action, **Slander**, a judgment declaring that Defendants unlawfully slandered Plaintiff to the tune of \$25,000;
- d. On the Third cause of action, **Tortious Interference with Contract**, a judgment declaring that due to Defendants' actions Plaintiff has been unable to secure additional contracts with clients in damages of \$25,000;
- e. On the Fourth cause of action, **Breach of Fiduciary Duty**, a judgment declaring that Defendants caused injury to Plaintiff in damages of \$25,000;
- f. On the Fifth cause of action, **Breach of the Duty of Loyalty**, a judgment declaring that due to Defendants' disloyal actions Plaintiff has been irreparably damaged in damages of \$25,000;

- g. On the Sixth cause of action, **Unfair Trade Practices**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;
- h. On the Seventh cause of action, **False Advertising**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;
- i. On the Eighth cause of action, **Unlawful Trespass**, a judgment declaring that due to Defendants' actions he has been irreparably damaged in damages of \$25,000;
- j. On the Ninth cause of action, **Civil RICO**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;
- k. On the Tenth cause of action, **Unjust Enrichment**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;
- l. On the Eleventh cause of action, **Intentional Infliction of Emotional Distress**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;

- m. On the Twelfth cause of action, **Negligent Infliction of Emotional Distress**, a judgment declaring that due to Defendants' actions Plaintiff has been irreparably damaged in damages of \$25,000;
- n. On the Thirteenth cause of action, **Trademark Infringement** in violation of the Lanham Act and other relevant statutes of my USPTO registered Trademarks (Rahul Manchanda USPTO Reg No 4,485,094 and Manchanda Law Office USPTO Reg No 4,504,612) in order to divert search engine revenue derived from my Trademarks/Advertising to their website in order for people to buy their advertised products, confusing my customers to be diverted to the NY Post's website where they consume their own paid ads for \$25,000, including but not limited to an injunction, treble damages, attorneys fees, and an accounting for profits thereon.
- o. Such other and further relief as the Court deems just and proper, including applicable interest and the costs and disbursements of this action.

New York, NY

Dated: February 28, 2016



Rahul Manchanda, Esq.

# United States of America

United States Patent and Trademark Office

## RAHUL MANCHANDA

Reg. No. 4,485,094

Registered Feb. 18, 2014

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

RAHUL D. MANCHANDA (UNITED STATES INDIVIDUAL)  
14 WALL STREET, 20TH FLOOR  
NEW YORK, NY 10005

FOR: LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2002; IN COMMERCE 3-1-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME "RAHUL MANCHANDA" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SER. NO. 86-010,070, FILED 7-15-2013.

MELISSA VALLILLO, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## MANCHANDA LAW OFFICES

Reg. No. 4,504,612

Registered Apr. 1, 2014

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

RAHUL D. MANCHANDA (UNITED STATES INDIVIDUAL)  
34 WALL STREET, 20TH FLOOR  
NEW YORK, NY 10005

FOR, LEGAL SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-1-2002; IN COMMERCE 3-1-2002.

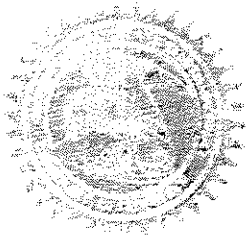
THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAW OFFICES" APART FROM THE MARK AS SHOWN.

SEC. 2(F)

SER. NO. 86-010,076, FILED 7-15-2013.

MELISSA VALLILLO, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2016, I caused to be served a copy of the annexed NOTICE OF REMOVAL, CIVIL COVER SHEET, and RULE 7.1 STATEMENT by depositing it in the custody of the United States Postal Service to be delivered via first class mail directed to the following:

Rahul Manchanda  
82 Beaver Street, Suite 301  
New York, NY 10005

/s/ Robert D. Balin

Robert D. Balin  
Jeremy A. Chase

1251 Avenue of the Americas, 21<sup>st</sup> Floor  
New York, New York 10020  
Tel: (212) 489-8230  
Email: robbalin@dwt.com  
jeremychase@dwt.com

*Attorneys for Defendants Rebecca  
Rosenberg and News Corporation*