

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant.

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CIVIL ACTION FILE

Case #: 24-C-16-003573

DEFENDANT'S MOTION TO VACATE CONSENT JUDGMENT/ORDER

Comes now, Defendant, Matthew Chan, sued herein as “Mathew Chan,” and makes a special appearance in this Court and requests and declares the following:

1. The Affidavit of Matthew Chan has been presented to this Court to establish the facts of this case (Exhibit A).
2. Based on those facts, it is abundantly clear that someone purporting to be Plaintiff has committed a tremendous fraud in and upon this Court.
3. Purported Plaintiff, Mitul R. Patel, is a professionally-licensed dentist based in Suwanee, Georgia (Exhibits N & O). Defendant met with him only once on June 23, 2014 (Exhibit B).
4. Because of his negative consumer experience with purported Plaintiff, Defendant wrote and posted consumer reviews about purported Plaintiff and his business practices (Exhibits E, M, & Q). Those consumer reviews also reported disciplinary actions taken against him by the Georgia Board of Dentistry in 2008 (Exhibits G).


5. Unbeknownst to Defendant, an unknown party developed and executed an illegal consumer review removal and expungement scheme to take advantage of a policy loophole on various websites that permit unfavorable consumer reviews to be removed. It requires the presentation of a valid court judgment/order proclaiming targeted content and material is "defamatory" or "defamation".
6. And that is exactly what purported Plaintiff easily accomplished in this Court. The purported Plaintiff simultaneously filed a bare-bone Complaint and Motion for Consent Judgment on June 15, 2016 with Defendant's purported consent and forged signature. It was then a simple matter for the Court, in good faith, to approve and issue a consent judgment/order which it did on July 22, 2016. Defendant was not made aware of the consent judgment/order until August 10, 2016, when Defendant was contacted by Yelp.com informing him of their intent to remove his consumer review about purported Plaintiff (Exhibit C).
7. Defendant is therefore moving within thirty (30) days of being made aware of the order in accordance with Maryland Rules 2-611 and 2-613.
8. To wit, Defendant was never served or informed about this case at any time. He could not be informed by this Court because purported Plaintiff provided a false contact information to the Court.
9. The signature purportedly made by Defendant is a forgery. As such, the Consent Motion is a fraudulent pleading.
10. Defendant has no contact with the State of Maryland; does not reside in the State; does no business in the State; and has no significant contacts within the State that would subject him to the personal jurisdiction of the court.

11. But more important than the lack of personal jurisdiction over Defendant is that Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of Perjury as defined in Md. Ann. Code § 9-101: Specifically, § 9-101(a)(3) "*A person may not willfully and falsely make an oath or affirmation as to a material fact: in an affidavit made to induce a court or officer to pass an account or claim.*"
12. Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of Identity Fraud as defined in Md. Ann. Code § 8-301: Specifically, § 8-301(c)(2)(i) "*A person may not knowingly and willfully assume the identity of another with fraudulent intent to get a benefit, credit, good, service, or another thing of value...*"
13. Defendant has good faith belief that someone purporting to be Plaintiff has committed the crime of "Making False Entries in Public Records" as defined in Md. Ann. Code § 8-606:
 - A. Specifically, § 8-606(b)(1) *A person may not or may not attempt to willfully make a false entry in a public record.*
 - B. Specifically, § 8-606(b)(2) *A person may not or may not attempt to... willfully alter, deface, destroy, remove, or **CONCEAL** a public record.* (Emphasis added)
14. Based upon the foregoing reasons, **Defendant hereby moves for the following:**
 - A. Vacate the "Order Granting Consent Motion for Injunction & Final Judgment". A proposed order accompanies this motion.
 - B. Report this matter to any investigative agency or authority this Court deems appropriate for further investigation.
 - C. And for such other and further relief as the court deems just and proper under these unusual circumstances.

In conclusion, based on the facts that have been brought to light, the Court should not allow purported Plaintiff's illicitly-obtained consent judgment/order to stand. Defendant moves the Court to vacate the "Order Granting Consent Motion For Injunction & Final Judgment". Because Defendant has good faith belief that someone purporting to be Plaintiff has committed criminal actions of Perjury, Identity Theft, and Making False Entries in Public Records, Defendant moves for the Court to refer this matter to investigative agencies or authorities for a more thorough investigation. Finally, Defendant moves the Court to issue any other remedies the Court deems appropriate and necessary.

This 2nd day of September, 2016.

Respectfully submitted,



Matthew Chan, PRO SE
P.O. BOX 6865
COLUMBUS, GA 31917
Phone: (762) 359-0425
Email: matt30060@gmail.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served:

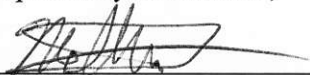
- DEFENDANT'S MOTION TO VACATE CONSENT JUDGMENT/ORDER
- PROPOSED ORDER TO VACATE CONSENT JUDGMENT/ORDER
- INDEX OF DEFENDANT'S EXHIBITS
- AFFIDAVIT OF MATTHEW CHAN (EXHIBIT A)
- EXHIBITS (A through V)

by filing the same through U.S. Postal Service First Class Mail to the following parties:

Mitul R. Patel
c/o M & T Synergy P.C.
2627 Peachtree Pkwy #440
Suwanee, GA 30024

This **2nd** day of **September, 2016**.

Respectfully Submitted,



Matthew Chan, PRO SE
P.O. Box 6865
Columbus, GA 31917
Phone: (762) 359-0425
Email: matt30060@gmail.com

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL

Plaintiff

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Case #: 24-C-16-003573

ORDER ON MOTION TO VACATE CONSENT JUDGMENT/ORDER

The above-entitled Court, having heard a Defendant's Motion to Vacate Consent Judgment/Order entered on September 2, 2016:

HEREBY ORDERS that the **Defendant's Motion to Vacate Consent Judgment/Order** is GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Judgment and Order rendered against Defendant on July 22, 2016 is VACATED.

So ORDERED this _____ day of _____, 2016.

By: _____
Judge

IN THE MARYLAND CIRCUIT COURT OF BALTIMORE CITY

MITUL R. PATEL

Plaintiff,

v.

MATHEW CHAN

Defendant.

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CIVIL ACTION FILE

Case #: 24-C-16-003573

AFFIDAVIT OF MATTHEW CHAN

STATE OF GEORGIA

COUNTY OF MUSCOGEE

I declare the following is true and correct under penalty of perjury.

1. My name is Matthew Chan. I am over the age of twenty-one (21) years old, suffer from no legal or mental disabilities, and am fully competent to make this Affidavit.
2. I primarily reside in Columbus, Georgia in Muscogee County and have done so for many years. I work as a property manager and landlord in the area. Additionally, I operate and manage my own websites and online discussion forums. I occasionally report news and write reviews & commentaries. I am also an author and publisher of business books and audio programs.
3. I am the Defendant in this case. I currently represent myself in this Court and making a special appearance in this very unusual matter. I come forward in good faith to clear my name in this Court, to report a potential crime and fraud against myself and this Court,

EXHIBIT A

and to report an illegal scheme which misuses and abuses this Court's legitimate name and authority to remove legitimate consumer reviews from consumer review websites.

4. I have never resided anywhere in Maryland. I have not visited or set foot in Maryland for nearly 20 years. I have conducted no business or actions in the State of Maryland.
5. Purported Plaintiff is the dentist I personally met with in a dental office located at **2627** Peachtree Pkwy, **Suite #440** in Suwanee, Georgia on June 23, 2014 [Emphasis added] (Exhibit B). This dental business is formally known as M & T Synergy P.C. dba "Family & Cosmetic Dental Care" (Exhibit O). Purported Plaintiff's known websites for this address and location are: MyJohnsCreekDentist.com and SleepBetterNorthGeorgia.com (Exhibit P). He also has several social media accounts associated with those businesses and websites.
6. I have never been informed or ever served by purported Plaintiff in this case. I have received no notifications of any kind about this case from this Court. I did not know the existence of this case until August 10, 2016 when I was informed by Yelp.com of their intention to remove a consumer review I wrote about purported Plaintiff and his dental practice (Exhibit C).
7. Yelp's email included an attachment of a document titled "Order Granting Consent Judgment for Injunction & Final Judgment" from this Court (Exhibit D). That document was associated with the impending removal of a consumer review I wrote on Yelp regarding my experience and opinion of purported Plaintiff and his business practices (Exhibit E).
8. Later that night, I emailed Yelp my response (Exhibit F) with the following attachments: "Consent Order to the Georgia Board of Dentistry" (Exhibit G), "Georgia Board of

Dentistry's Probation Termination Letter" (Exhibit H), the text of my 2014 complaint to the Georgia Board of Dentistry about Plaintiff (Exhibit I), and Georgia Board of Dentistry complaint confirmation letter (Exhibit J) to substantiate my consumer review.

9. That same night I found the online case docket (Exhibit K). I noticed critical errors in both Plaintiff's and Defendant's contact addresses. The Clerk's Office of Baltimore City Circuit Court was closed so I could not call them at that time.
10. On the afternoon of August 12, 2016, I called the Clerk's Office and sought to obtain additional information and documents on this case that bore my misspelled name as Defendant. I spoke to two clerks. I explained my situation that I was a Georgia resident who had never heard or seen this case before, never been served, never signed anything, and have not been in Maryland for nearly 20 years. I requested a copy of all documents filed in the Clerk's Office relating to this case. The clerk subsequently transmitted to me an eight (8) page FAX (Exhibit L). In a follow-up phone call, I commented there seemed to be so few pages and asked if there were any Case Information Sheet, Exhibits, or Certificate of Service. I was told there were none and that I had every page.
11. I immediately recognized obvious errors. First, the signature purported to be my signature is not my signature. It is a forgery. My original signature can be readily seen and compared in this notarized affidavit. Second, the "400 E. Pratt St" contact address purported to be my contact address is NOT correct whatsoever. "400 E. Pratt St" is not a residential address and refers to the Inner Harbor Center commercial building in Baltimore (Exhibit R). Proper mailing addresses of this location generally include Suite numbers. Third, my first name is misspelled "Mathew". The correct spelling of my first name is "Matthew". And finally, purported Plaintiff's contact address is incorrect.

Purported Plaintiff's correct address is the one I physically visited on June 23, 2014 (Exhibits N & O).

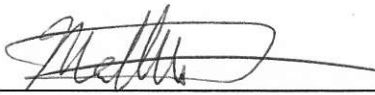
12. Of the six (6) hyperlinks to consumer reviews purported Plaintiff states that I wrote, I recognize three (3) of them as mine: the ones posted on Yelp.com (Exhibit E), RateMDs.com (Exhibit M), and one recently restored by Kudzu.com (Exhibit Q). There are no longer any of my reviews on Healthgrades.com or Doctor-oogle.com that I recognize as ones I wrote. It is likely I posted a similar consumer review on Healthgrades.com but purported Plaintiff did not provide any exhibits or evidence of that consumer review to evaluate. Regarding doctor-oogle.com, that website appears to "scrape" content from other consumer review websites. If any of my consumer reviews ever appeared on doctor-oogle.com, they were likely "scraped" off another consumer review website.
13. This entire case is premised upon the simultaneous filing of two bare-bone documents by purported Plaintiff on June 15, 2016: a Complaint (with no context, background information, or identifying information) and a "Consent Motion for Injunction & Final Judgment" purportedly with the Defendant's signature. The filing is for the sole and clear purpose of removal and expungement of legitimate consumer reviews I made of purported Plaintiff and his business practices bypassing any evidentiary hearing or trial.
14. The "Consent Judgment/Order" signed July 22, 2016 by this Court has been used by Plaintiff to attack my reputation and ability to participate and write legitimate consumer reviews on consumer review websites, specifically about the purported Plaintiff and his business practices. In the relatively short time the "consent judgment/order" has been in

existence, two of my consumer review accounts were attacked and my consumer reviews removed. Fortunately, one review was subsequently restored by Kudzu.com (Exhibit Q).

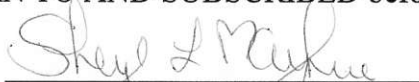
15. This "consent judgment/order" damages my reputation with a purported "consent" of characterizing my consumer reviews as "defamatory" and "Defamation". I have never been found or ruled by any Court at any time to have written defamation of any kind.
16. To allow this kind of abuse of court process to occur without some consequence may encourage others to engage in the process and could stymie the use of online reviews by the community at large. This case and the circumstances surrounding this case has become noteworthy and been reported thus far by Public Citizen (Exhibit S), Washington Post's legal blog, Volokh Conspiracy (Exhibit T), Techdirt legal/technology blog (Exhibit U), and Simple Justice legal blog (Exhibit V) due to the potential implications of the scheme that was perpetrated upon me and the court. .
17. It is therefore respectfully requested that the Court grant the motion to vacate the judgment and dismiss the action. It is also requested that the Court make a referral of this matter to the appropriate agencies to investigate who perpetrated the fraud.

WHEREFORE it is respectfully requested the motion be granted in its entirety along with such other and further relief as the Court deems just and proper.

This 1st day of September, 2016.


Matthew Chan

SWORN TO AND SUBSCRIBED before me this 1st day of September, 2016.


Notary Public

