

MITUL R. PATEL

Plaintiff

v.

MATHEW CHAN

Defendant

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IN THE

\*

CIRCUIT COURT

\*

FOR

\*

BALTIMORE CITY

\*

Case No. 24-C-16-003573

\* \* \* \* \*

**MOTION TO INTERVENE, MOTION TO STRIKE JUDGMENT and**  
**ANSWER TO DEFENDANT MATHEW CHAN'S MOTION TO VACATE**  
**CONSENT JUDGMENT/ORDER**

Intervenor MITUL R. PATEL, by and through his attorneys, James G. Maggio, Esquire and Steven D. Shemenski, Esquire, hereby files this Motion to Intervene, Motion to Strike Judgment, and Answer to Defendant's Motion to Vacate Consent Judgment/Order and in support thereof avers:

1. The matter *sub judice* purports to be an action filed *pro se* for a Consent Judgment acknowledging a defamation of character and charging the alleged Defendant with removing postings on internet sites the Defendant allegedly made against Plaintiff or causing the website providers to remove said postings.

2. Intervenor is the alleged Plaintiff in this matter.

3. Intervenor did not file said action in this Honorable Court.

a. Intervenor maintains a dental practice at 2627 Peachtree Parkway, #400, Suwanee, Georgia 30024. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraphs 2 and 7, which is attached hereto and incorporated herein by reference.

b. A search of the United States Postal Service Website indicates that no mailing address exists for 276 Peachtree Parkway, Suwanee, Georgia 30024, the address listed for Plaintiff on the original Complaint. See Exhibit 2, USPS.com which is attached hereto and incorporated herein by reference.

c. Intervenor has no connection with the real property and any improvements thereon that may be located at 276 Peachtree Parkway, Suwanee, Georgia 30024, the address indicated for Plaintiff MITUL R. PATEL on the original Complaint.

d. Intervenor did not file the matter *sub judice*. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraph 4, which is attached hereto and incorporated herein by reference.

e. Intervenor has previously engaged the services of an entity doing business as SEO Profile Defense Network, LLC., to provide “online reputation management services” for Intervenor’s dental practice. See Exhibit 3, Correspondence from Counsel to Intervenor to SEO Profile Defense Network, LLC., which is attached hereto and incorporated herein by reference.

f. In so retaining the services of SEO Profile Defense Network, LLC., Intervenor did not authorize the filing of any lawsuit by said entity on his behalf. See Exhibit 1, Affidavit of Mitul R. Patel with attachments, Paragraphs 4, 5 and 6, which is attached hereto and incorporated herein by reference.

4. Intervenor did not file, nor cause to have filed, the matter *sub judice*, and he is not presently a party to this action.

5. Defendant MATHEW CHAN<sup>1</sup> did post reviews on internet websites regarding his experience with Intervenor at Intervenor's Dental practice.

6. As a result of the issuance of the "Consent Order" in the matter *sub judice*, Intervenor has been caused to suffer negative publicity via internet news blogs as a result of the attempt by the party purporting to be Plaintiff MITUL R. PATEL's attempts to have negative reviews of Intervenor's Dental practice removed from internet review websites. See Defendant MATHEW CHAN's Motion to Vacate Consent Judgment, Exhibits S, T, U, and V.

7. Intervenor has the right to Intervene in this matter as Intervenor is the person who allegedly filed this action (but did not) and the Intervenor would be the sole person who has the authority to file such a lawsuit seeking the relief requested. Maryland Rule 2-214(a).

8. As Intervenor did not file this lawsuit that on its face is attempting to legally enforce an agreement on his behalf, though he is not the party who filed the lawsuit, Intervenor has the right to ask this Honorable Court to allow him to intervene in this matter and act on his behalf to rectify the wrongful filing of this lawsuit.

9. Upon Intervenor's Motion to Intervene being granted, Intervenor should be designated as a Plaintiff by this Honorable Court. Maryland Rule 2-214(c).

10. Upon this Honorable Court allowing Intervenor to intervene as Plaintiff in this matter, Intervenor/designated Plaintiff respectfully requests that this Honorable Court Vacate the Consent Judgment, and Dismiss this matter without prejudice.

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<sup>1</sup> Intervenor MITUL R. PATEL acknowledges that the proper spelling of the name of the person alleged to be the Defendant in this matter is "MATTHEW CHAN", however for the purpose of clarity in the record will refer to Defendant as "MATHEW CHAN" as the name was stated in the original filing in this Honorable Court.

a. Intervenor/designated Plaintiff admits that jurisdiction of this matter would more properly be considered under the legal system of the State of Georgia, or the Federal District Court located in Georgia.

b. To the best of Intervenor/designated Plaintiff's information and belief, Defendant MATHEW CHAN did not and has not consented to a Judgment to be entered admitted defamation and/or authorizing the removal of his postings on review websites.

c. Intervenor/designated Plaintiff, who would be an interested party in any action for defamation if it exists against Defendant MATHEW CHAN, did not file nor authorize any person or entity to file on his behalf the legal action *sub judice*.

d. As Intervenor/designated Plaintiff did not file nor authorize the filing of this lawsuit, and as Defendant MATHEW CHAN and Intervenor/designated Plaintiff did not enter into an agreement resulting in the alleged Consent Judgment/Order, it is proper for this Honorable Court to Vacate the Consent Judgment/Order.

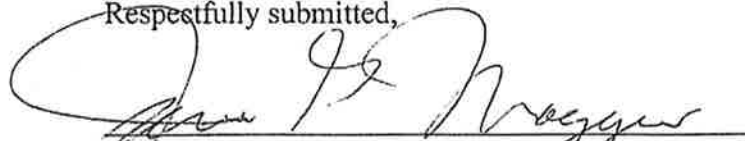
e. Dismissal of this matter without prejudice is proper as Intervenor/designated Plaintiff should not have any potential legal remedy he may have against Defendant MATHEW CHAN be prejudiced by a legal filing he did not make nor authorize to be made on his behalf.

11. Intervenor/designated Plaintiff, having reviewed and considered Defendant MATHEW CHAN's Motion to Vacate Consent Judgment/Order admits the allegations therein and believes that it is in the best interests of justice to Grant Defendant's Motion and Vacate the Consent Judgment/Order.

WHEREFORE, Intervenor/designated Plaintiff MITUL R. PATEL respectfully requests that this Honorable Court Grant his Motion to Intervene, Grant his Motion to Vacate the Consent

Judgment/Order and dismiss this matter without prejudice, and Grant Defendant's Motion to Vacate Consent Judgment/Order, and Grant such other and further relief as this Honorable Court deems appropriate.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of September, 2016, a copy of the foregoing Motion was mailed, first class postage prepaid to:

Matthew Chan  
P.O. Box 6865  
Columbus, Georgia 31917



STEVEN D. SHEMENSKI, ESQUIRE