

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM**

THOMAS M. COOLEY LAW SCHOOL,
a Michigan nonprofit corporation,

Plaintiff,

Case No. 11-781-CZ

vs.

Hon. Clinton Canady III

ADIL SYED, an individual, and JOHN DOE 2, JOHN DOE 3,
and JOHN DOE 4, unknown individuals,

**JURY TRIAL
DEMANDED**

Defendants.

MILLER, CANFIELD, PADDOCK AND STONE, PLC
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Attorneys for Plaintiff

FIRST AMENDED COMPLAINT

There is no other pending or resolved civil action
arising out of the transaction or occurrences alleged in this Complaint.

NOW COMES Plaintiff Thomas M. Cooley Law School, by and through its attorneys,
Miller, Canfield, Paddock and Stone PLC, and for its Complaint against Defendants Adil Syed,
John Doe 2, John Doe 3, and John Doe 4 states as follows:

THE PARTIES, JURISDICTION, AND VENUE

1. Thomas M. Cooley Law School ("Cooley") is a Michigan nonprofit corporation
with its principal place of business in Lansing, Michigan. Cooley is the largest American Bar

Association accredited law school in the United States by total enrollment, with campuses in Lansing, Ann Arbor, Auburn Hills, and Grand Rapids, Michigan.

2. Upon information and belief, Defendant Adil Syed is a resident of Markham, Ontario, Canada, a citizen of Canada, and a current student at Cooley in Lansing. Upon information and belief, Syed has lived in an apartment in Lansing during the school terms.

3. As detailed below, Defendant John Doe 2 has posted tortious and defamatory statements about Cooley on internet weblogs and message boards under the pseudonym "Informant." John Doe 2's identity, residence, and citizenship are unknown at this time. Cooley has sought discovery from the website host, Weebly, Inc., to determine the identity of John Doe 2. Cooley is currently investigating the identity of Defendant John Doe 2.

4. As detailed below, Defendant John Doe 3 has posted tortious and defamatory statements about Cooley on internet weblogs and message boards under the pseudonym "Anonymous." John Doe 3's identity, residence, and citizenship are unknown at this time. Cooley has sought discovery from the website host, Weebly, Inc., to determine the identity of John Doe 3. Cooley is currently investigating the identity of Defendant John Doe 3.

5. As detailed below, Defendant John Doe 4 has posted tortious and defamatory statements about Cooley on internet weblogs and message boards under the pseudonym "Ch Burns." John Doe 4's identity, residence, and citizenship are unknown at this time. Cooley has sought discovery from the website host, The Huffington Post/AOL, Inc., to determine the identity of John Doe 4. Cooley is currently investigating the identity of Defendant John Doe 4.

6. As detailed in the attached affidavit of James B. Thelen, Esq., Cooley's associate dean for legal affairs and general counsel, Cooley has made diligent inquiry and efforts to identify and locate John Doe 2, John Doe 3, and John Doe 4, including by seeking their names, addresses, email addresses, IP addresses, and other identifying information from the website

hosts potentially holding that information, and requesting that the website hosts maintain that information. Cooley has also performed various internet searches relating to Defendants' internet usernames/aliases/pseudonyms in an effort to identify and locate Defendants. Despite Cooley's diligent efforts, Cooley has not yet identified or located John Doe 2, John Doe 3, or John Doe 4. Cooley is currently undergoing an investigation to identify and locate those Defendants. (Exhibit A, Affidavit of James B. Thelen.)

7. Cooley's cause of action arose in Ingham County; Cooley has suffered, is suffering, and will continue to suffer harm and original injury from Defendants' tortious conduct in Ingham County and elsewhere; and Cooley and has a place of business and/or conducts business in Ingham County. Venue is proper under MCL 600.1627 and MCL 600.1629.

8. The amount in controversy exceeds \$25,000 exclusive of interest and costs, and jurisdiction is otherwise proper in this Court.

FACTUAL ALLEGATIONS

Adil Syed

9. On information and belief, on or about February 14, 2011, Syed created an internet weblog titled, "THOMAS M. COOLEY LAW SCHOOL SCAM," at <http://thomas-cooley-law-school-scam.weebly.com/index.html>.

10. The blog is hosted by Weebly, Inc., an internet weblog host.

11. Syed created the blog under the pseudonym, "Rockstar05."

12. Syed identifies him/herself on the blog as a former Cooley student.

13. Syed states on the blog that he created the blog "to bring truth and awareness" about Cooley, and claims his statements are based on his personal knowledge and "research."

14. On information and belief, on or about February 14, 2011, Syed under the pseudonym "Rockstar05" authored a post on the blog titled "THE THOMAS M. COOLEY

LAW SCHOOL SCAM.” (A true and accurate printout of the post and comments to the post as of July 14, 2011 is attached as Exhibit B.)

15. Syed’s blog post is false and defamatory.

16. Syed made false and defamatory statements concerning Cooley in the blog post and in the comments forum associated with the blog post. (Exhibit B.)

17. Among the false and defamatory statements about Cooley in Syed’s blog post and Syed’s comments to the blog post are the false, defamatory, and/or per se defamatory accusations that Cooley and its representatives are “criminals” and have committed “fraud.” (Exhibit B.) Syed also falsely states that Cooley has deceived and provided false information to Cooley’s current and prospective students in order to “lure” them to Cooley or to induce them to remain at Cooley rather than transfer to another school. (*Id.*) Syed further falsely states that Cooley is the highest tax payer in Lansing and “essentially a multi-million dollar business” that uses its clout to “prey” on current and prospective students, stealing their tuition money to “become more rich.” (*Id.*)

18. As expressed in Exhibit B, Syed made the false and defamatory statements concerning Cooley for the purpose of convincing current Cooley students to leave Cooley and to convince prospective Cooley students not to apply to and/or enroll at Cooley. Syed instructs prospective students: “DO NOT ATTEND THIS SCHOOL” and “avoid Cooley at all costs” because it “WILL RUIN YOUR LIFE[.]” (Exhibit B.)

John Doe 2

19. On or about February 17, 2011, John Doe 2 posted a comment to Syed’s weblog post in Exhibit B. (*See* Exhibit B at p. 17.)

20. John Doe 2 posted the comment in Exhibit B under the pseudonym, “Informant.”

21. John Doe 2 made false and defamatory statements concerning Cooley in the comment in Exhibit B.

22. Among the false and defamatory statements concerning Cooley in John Doe 2's comments in Exhibit B are the false, defamatory, and/or per se defamatory statements that Cooley is a "sham Corporation" whose "sole operational goal is using their students to make and create . . . securities that they can offer and sell to banks, student loan servicers, guaranty agencies, investment banks, and institutional investors." John Doe 2 further falsely states that "a good portion of Cooley's Administrators and 'Executive Officers' are actually full time employees at banks, investment firms, private equity firms and securities dealers" and that "Cooley has been able to get away with this for years by misspelling names, omitting letters from names, and/or using maiden names on their website, literature, etc." (Exhibit B at 17.)

John Doe 3

23. On or about April 21, 2011, John Doe 3 posted comments to Syed's weblog post in Exhibit B. (See Exhibit B at pp. 23-24.)

24. John Doe 3 posted the comments under the pseudonym, "Anonymous."

25. John Doe 3 made false and defamatory statements concerning Cooley in the comments in Exhibit B.

26. Among the false and defamatory statements concerning Cooley in John Doe 3's comments in Exhibit B are the false, defamatory, and/or per se defamatory statements that a "two-year multi-agency undercover investigation/sting operation" revealed that "Cooley withholds grades and information to conceal their federal student loan fraud"; that Cooley "with holds [sic] grades and information to conceal their federal student loan fraud"; that "Cooley administrators also operate the Michigan Higher Education Student Loan Authority's student secondary market program" to commit "fraud"; and that a "good portion of Cooley's

'Administrators' and 'Executive Officers' are actually full time employees at banks, investment firms, private equity firms and securities dealers" and "Cooley misspell [sic] names, omits letters from names, and/or uses maiden names for the Administrators on their website, literature, etc. to conceal their true employment because many of their names are also listed in their banks' SEC filings." (Exhibit B at 23-24.)

John Doe 4

27. On or about April 23 and 26, 2011, John Doe 4 posted comments on the Huffington Post website. (A true and accurate printout of the comments as of July 14, 2011 is attached as Exhibit C.)

28. The website is hosted by The Huffington Post/AOL, Inc.

29. John Doe 4 posted the comments under the pseudonym, "Ch Burns."

30. John Doe 4 made false and defamatory statements concerning Cooley in Exhibit C.

31. Among the false and defamatory statements concerning Cooley in John Doe 4's comments in Exhibit C are the false, defamatory, and/or per se defamatory statements that Cooley is "under investigation for serious Title IV violations and helping student loan companies bilk students, taxpayers, and the government out of billions of dollars"; that "Cooley has been secretly operating their state's student secondary market program" to commit student-loan fraud; and that "[i]nvestigators also discovered that a good portion of Cooley's 'Administrators' and 'Executive Officers' are really employees/-officers [sic] at banks, investment firms, private equity firms and securities dealers." (Exhibit C.)

32. Upon information and belief, John Doe 4 communicated defamatory statements substantively similar to the defamatory statements in Exhibit C to other internet weblogs, which then reposted them.

COUNT I – DEFAMATION

Against Adil Syed

33. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

34. Syed made false and defamatory statements concerning Cooley in Exhibit B.

35. Syed published and communicated those false and defamatory statements concerning Cooley to third parties without privilege or authorization.

36. Syed acted with fault amounting at least to negligence in publishing the false and defamatory statements concerning Cooley.

37. Syed's statements concerning Cooley are defamatory per se, including because Syed accuses Cooley of violating criminal laws, and/or caused Cooley special harm.

38. As a result of Syed's false and defamatory statements concerning Cooley, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against Syed, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 2

39. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

40. John Doe 2 made false and defamatory statements concerning Cooley in Exhibit B.

41. John Doe 2 published and communicated those false and defamatory statements concerning Cooley to third parties without privilege or authorization.

42. John Doe 2 acted with fault amounting at least to negligence in publishing the false and defamatory statements concerning Cooley.

43. John Doe 2's statements concerning Cooley are defamatory per se, including because John Doe 2 accuses Cooley of violating federal student-loan and other criminal laws, and/or caused Cooley special harm.

44. As a result of John Doe 2's false and defamatory statements concerning Cooley, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 2, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 3

45. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

46. John Doe 3 made false and defamatory statements concerning Cooley in Exhibit B.

47. John Doe 3 published and communicated those false and defamatory statements concerning Cooley to third parties without privilege or authorization.

48. John Doe 3 acted with fault amounting at least to negligence in publishing the false and defamatory statements concerning Cooley.

49. John Doe 3's statements concerning Cooley are defamatory per se, including because John Doe 3 accuses Cooley of violating federal student-loan and other criminal laws, and/or caused Cooley special harm.

50. As a result of John Doe 3's false and defamatory statements concerning Cooley, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 3, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 4

51. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

52. John Doe 4 made false and defamatory statements concerning Cooley in Exhibit C.

53. John Doe 4 published and communicated those false and defamatory statements concerning Cooley to third parties without privilege or authorization.

54. John Doe 4 acted with fault amounting at least to negligence in publishing the false and defamatory statements concerning Cooley.

55. John Doe 4's statements concerning Cooley are defamatory per se, including because John Doe 4 accuses Cooley of violating federal student-loan and other criminal laws, and/or caused Cooley special harm.

56. As a result of John Doe 4's false and defamatory statements concerning Cooley, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

57. WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 4, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

COUNT II – TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

Against Adil Syed

58. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

59. Cooley has valid business relationships and business expectancies with its current and prospective students, donors and prospective donors, faculty members, and employers and student externship site hosts, among others.

60. Syed knew of Cooley's valid business relationships and business expectancies at all relevant times hereto.

61. Syed intentionally interfered with Cooley's valid business relationships and business expectancies by intentionally making defamatory statements concerning Cooley and/or by intentionally making statements unjustified in law with malice for the purpose of invading

Cooley's business relationships and business expectancies, inducing or causing a breach or termination of Cooley's business relationships and business expectancies.

62. As a result of Syed's intentional interference with Cooley's valid business relationships and business expectancies, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against Syed, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 2

63. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

64. Cooley has valid business relationships and business expectancies with its current and prospective students, donors and prospective donors, faculty members, and employers and student externship site hosts, among others.

65. John Doe 2 knew of Cooley's valid business relationships and business expectancies at all relevant times hereto.

66. John Doe 2 intentionally interfered with Cooley's valid business relationships and business expectancies by intentionally making defamatory statements concerning Cooley and/or by intentionally making statements unjustified in law with malice for the purpose of invading Cooley's business relationships and business expectancies, inducing or causing a breach or termination of Cooley's business relationships and business expectancies.

67. As a result of John Doe 2's intentional interference with Cooley's valid business relationships and business expectancies, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 2, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 3

68. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

69. Cooley has valid business relationships and business expectancies with its current and prospective students, donors and prospective donors, faculty members, and employers and student externship site hosts, among others.

70. John Doe 3 knew of Cooley's valid business relationships and business expectancies at all relevant times hereto.

71. John Doe 3 intentionally interfered with Cooley's valid business relationships and business expectancies by intentionally making defamatory statements concerning Cooley and/or by intentionally making statements unjustified in law with malice for the purpose of invading Cooley's business relationships and business expectancies, inducing or causing a breach or termination of Cooley's business relationships and business expectancies.

72. As a result of John Doe 3's intentional interference with Cooley's valid business relationships and business expectancies, Cooley has suffered and will continue to suffer damage,

including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 3, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Against John Doe 4

73. Cooley reasserts and incorporates by reference the foregoing allegations as if fully set forth here.

74. Cooley has valid business relationships and business expectancies with its current and prospective students, donors and prospective donors, faculty members, and employers and student externship site hosts, among others.

75. John Doe 4 knew of Cooley's valid business relationships and business expectancies at all relevant times hereto.

76. John Doe 4 intentionally interfered with Cooley's valid business relationships and business expectancies by intentionally making defamatory statements concerning Cooley and/or by intentionally making statements unjustified in law with malice for the purpose of invading Cooley's business relationships and business expectancies, inducing or causing a breach or termination of Cooley's business relationships and business expectancies.

77. As a result of John Doe 4's intentional interference with Cooley's valid business relationships and business expectancies, Cooley has suffered and will continue to suffer damage, including economic damages, damages to its reputation, and/or damage to its current and prospective business relations.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against John Doe 4, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendant to remove and retract all defamatory statements concerning Cooley, order that Defendant must cease and desist and is enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: _____
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Dated: August __, 2011

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims in this action triable by jury.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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Dated: August __, 2011

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