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About Us: Want to sue Ripoff Report?

Do you really want to sue Ripoff Report?

You should read this information before filing a lawsuit against Ripoff Report or the Founder ED Magedson.

Do you have any of the following questions?

- There's a false report about me on this site!!! What can I do?
- If I get the original author of a report to send a retraction, will Ripoff Report remove the complaint?
- My lawyer says you have to remove information upon notice that a report is false, is that true?
- My lawyer says Ripoff Report has to verify complaints before they are posted and I can sue if you don't, is that true?
- If I file a lawsuit against Ripoff Report, will that get my complaint removed?
- I heard that the Ripoff Report pays Google to get higher rankings in search results, is that true?
- Other websites have said that Ed Magedson writes reports and titles to reports, is that true?
- I want the name of someone who posted an anonymous report about me. How can I get that?

If you answered 'YES' to any of these questions, please read this information before filing a lawsuit against Ripoff Report or its founder, Ed Magedson.

1. Introduction

From time to time, the Ripoff Report receives notices from companies and individuals who claim that false or inaccurate information about them has been posted on this site. Sometimes we receive letters from lawyers with similar allegations. These people sometimes threaten to sue Ripoff Report for defamation and other claims unless the statements they do not like are removed.

If you are considering sending us a notice or demand (or if you have already done so), this page is intended to provide you with information that may help you to better understand the situation and your rights, as well as the rights of the people who post reports here. You need to understand that threats against Ripoff Report are not effective, nor will they result in the removal of any reports. Here's why.

2. Our Policy: Why We NEVER Remove Reports

Since the Ripoff Report was started in 1998, our policy has always remained the same - we never remove reports. We will not remove reports even when they are claimed to contain defamatory statements and even if the original author requests it. Some people have criticized this policy as being unfair, but we strongly feel this policy is essential, fair, and far better than the alternative - rampant censorship.

The reasons for our policy are simple.

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the world
what kind of
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yours is...

First, this site is most effective when all complaints are maintained and preserved so that over time patterns of truly bad business practices are exposed. If we removed reports after a certain period of time, this would provide consumers with less information to use when evaluating a company. Unlike the Better Business Bureau (which deletes complaints after just 36 months), we maintain a permanent record of all complaints. This ensures that our viewers have more information rather than less.

Second, if we removed complaints on request this would give companies an incentive to pressure authors to remove true and accurate reports in exchange for money or simply to avoid a costly lawsuit. It's a well-known fact that most people aren't willing or able to spend \$100k in legal fees defending a defamation lawsuit, so even when a person has written a 100% true report, there is a huge amount of pressure for them to just remove it when threatened with legal action.

For that reason, we will never agree to remove reports, even if someone can show that a report is probably inaccurate. By having this policy, we take leverage away from companies who threaten or pressure a customer hoping to get them to retract a valid complaint. Even if this means that one or more questionable reports are left up, we think that removal of any reports would ultimately make this site less credible and thus less effective as a tool for educating consumers. That's why we have made this strict policy decision.

If this seems unfair or unreasonable, consider this -- if someone sues you in court and makes outlandish claims that are completely false, you can fight the case and win and at the end a judgment will be entered in your favor proving that you were right and your accuser was wrong. However, the court clerk will NOT destroy the file or seal the records of the case simply because you won. Even when a lawsuit is shown to be 100% baseless, the documents remain part of a public record that is maintained for years or perhaps forever (trust us -- we KNOW about this from first-hand experience). In this situation, the remedy you are entitled to is a court order or judgment proving that you were right, not the destruction of public records about the case.

3. The Law You Need To Know - The Communications Decency Act

Because we will not remove reports, Ripoff Report has been sued on many occasions based on the content which our users have created and posted. If you are considering suing Ripoff Report because of a report which you claim is defamatory, you should be aware that to date, Ripoff Report has never lost such a case (with one exception; explained below). This is because of a federal law called the Communications Decency Act or "CDA", 47 U.S.C. § 230. Because this important law is not well known, we want to take a moment to explain the law, and to also explain that the filing of frivolous lawsuits can have serious consequences for those who file them, both parties and their attorneys.

The CDA is part of our federal laws. An excellent [Wikipedia article](#) discussing the history of the law can be found [here](#).

In short, the CDA provides that when a user writes and posts material on an "interactive website" such as Ripoff Report, the site itself cannot, in most cases, be held legally responsible for the posted material. Specifically, 47 U.S.C. § 230(c)(1) states, "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

Because the reports on Ripoff Report are authored by users of the site, we cannot be legally regarded as the "publisher or speaker" of the reports contained here, and hence we are not liable for reports even if they contain false or inaccurate information. The same law applies to sites like FaceBook, MySpace, and CraigsList - users who post information on these sites are responsible for what they write, but the operators of the sites are not.

The reasons for this rule are simple. Websites cannot



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possibly monitor the accuracy of the huge volume of information which their users may choose to post. If an angry plaintiff were permitted to hold a website liable for information that the site did not create, this would stifle free speech as fewer and fewer sites would be willing to permit users to post anything at all. See generally *Batzel v. Smith*, 333 F.3d 1018, 1027-28 (9th Cir. 2003) (recognizing, "Making interactive computer services and their users liable for the speech of third parties would severely restrict the information available on the Internet. Section 230 [of the CDA] therefore sought to prevent lawsuits from shutting down websites and other services on the Internet.")

Based on the protection extended by the CDA, Ripoff Report has successfully defended more than 20 lawsuits in both state and federal courts. Each time, the courts have consistently found that the CDA shields Ripoff Report from any claims seeking to treat it as the speaker or publisher of information posted by a third party.

Here are just a few recent examples:

- *Intellectual Art Multimedia, Inc. v. Melewski*, 2009 WL 2915273 (N.Y.Sup. Sept. 11, 2009) (claims against Ripoff Report dismissed for failure to state a claim due to CDA immunity)
- *GW Equity, LLC v. Xcentric Ventures, LLC*, 2009 WL 62173 (N.D.Tex. 2009) (summary judgment entered in favor of Ripoff Report based on CDA immunity)
- *Global Royalties, Ltd. v. Xcentric Ventures, LLC*, 544 F.Supp.2d 929 (D.Ariz. 2008) (claims against Ripoff Report dismissed pursuant to Fed. R. Civ. P. 12(b)(6) without leave to amend based on CDA immunity)
- *Global Royalties, Ltd. v. Xcentric Ventures, LLC*, 2007 WL 2949002 (D.Ariz. Oct. 10, 2007) (claims against Ripoff Report dismissed pursuant to Fed. R. Civ. P. 12(b)(6) based on CDA immunity)
- *Whitney Info. Network, Inc. v. Xcentric Ventures, LLC*, 2008 WL 450095; 2008 U.S. Dist. LEXIS 11632 (M.D.Fla. Feb. 15, 2008) (summary judgment entered in favor of Ripoff Report based on CDA immunity)

So, why should you care about the CDA? Well, it's simple -- if someone posts false information about you on the Ripoff Report, the CDA prohibits you from holding us liable for the statements which others have written. You can always sue the author if you want, but you can't sue Ripoff Report just because we provide a forum for speech.

Now, to be 100% accurate -- there was ONE case where a predecessor website to Ripoff Report was sued in a foreign country and a default judgment was entered in the plaintiff's favor. However, when the plaintiff tried to domesticate that judgment in the United States, Ripoff Report fought it. The case was resolved and the judgment was removed without any money being paid.

4. Other websites have said a new case shows that Ripoff Report is no longer protected by the CDA; is that true?

On April 3, 2008, the Ninth Circuit Court of Appeals issued an opinion in a case called *Fair Housing Council of San Fernando Valley v. Roommates.com, L.L.C.*, 521 F.3d 1157 (9th Cir. 2008). Some people (okay, lawyers, mostly), initially argued that Roommates narrowed the CDA significantly, exposing Ripoff Report to liability even with regard to information posted by third parties. Sorry folks, but since Roommates was decided, other courts have agreed that the facts of the case are unique and the outcome is really limited to those facts. The decision in *GW Equity v. Xcentric Ventures* cited above specifically discusses the Ninth Circuit's decision in Roommates in detail and then concludes that it does not affect our immunity under the CDA.

5. But what if the original author asks us to remove a report? Why doesn't Ripoff Report have to take a report down when the author requests this?

There are many reasons why Ripoff Report does not remove reports even if the original author has asked us to do so. First of all, if someone contacts us and claims to be the author of Report #1234, we have no way of knowing whether they really ARE the author.

Second, as stated above -- as a matter of policy, Rip-off Report does not want big companies to bully individuals into asking us to remove their truthful reports. To prevent this, we simply will not agree to remove reports, ever, thus eliminating that incentive.

Third, every time a report is submitted to us, the author must read and agree to the following terms (under "Step 6 - Submit Report"): "By posting this report/rebuttal, I attest this report is valid. I am giving Ripoff Report irrevocable rights to post it on this web site. I acknowledge that once I post my report, it will not be removed, even at my request. Of course, I can always update my report to reflect new developments by clicking on UPDATE." Since this statement is clear, our users should understand that by submitting a report, they are creating a permanent record. If this isn't something they want to do, they should not submit a report in the first place.

This does not mean you are powerless. There are **MANY** ways to respond!

Just because Ripoff Report won't remove reports does not mean you have no options. On the contrary, you can write a rebuttal explaining your position. Rebuttals are 100% free, and we strongly encourage you to use this resource since they can be extremely effective.

If you are a business owner and you discover that the report was written by an unhappy customer, do not despair. You can turn that negative into a positive. Use the complaint as an opportunity to make things right with your customer, and ask the customer to submit an update confirming that their concern has been satisfactorily resolved. Even if the customer won't submit an update, you can write a rebuttal stating what you have done to make things right. As we often say, every business will receive complaints. Customers know that. Having a complaint does not mean your company is bad. It is the manner in which you choose to deal with your customers that will have the biggest impact on your reputation, so treat every complaint as an opportunity to show customers that you DO care about treating them well even when things go wrong. Of course, if you don't care about making things right with your customers, that's something the public has a right to know.

If you think a report is fake and/or written by a competitor, feel free to say so in your rebuttal. Your

rebuttal can also demand that the customer post some form of proof to back up their story. If the customer fails to do so, that will speak volumes about their credibility (or lack thereof).

Whether or not you choose to post a rebuttal, under the CDA you cannot hold Ripoff Report legally responsible for material written by third parties.

To be clear, all of the reports and rebuttals on the Ripoff Report have been authored by our users, not by us. For more than five years, no employee or agent of Ripoff Report has posted any content on Ripoff Report about a company without the company's written permission. Also, Ripoff Report does not create the titles or headings of the reports. The titles are written by the author of the report. You can easily confirm this by following the steps on this site for submitting a report. You will see that as part of the process, the submitter constructs the title, not us.

6. Specific Answers To Frequently Asked Questions

There's a false report about me on this site!!! What can I do?

As explained above, one thing you can't do is to sue Ripoff Report. Sorry, but the law just does not allow this. You can always sue the person who wrote the report if it contains false and defamatory information about you. Of course, you should talk to an experienced lawyer in your area if you are unsure about your options.

If you find that a complaint has been filed against you, the best thing you can do is to post a rebuttal. Don't get mad, and don't make threats. Get creative. Explain your side of the story. Explain what your company has done (or is willing to do) to make things right.

If the customer is simply wrong, say so! If you think a report is phony, demand that the customer provide proof that they actually did business with you (by posting a copy of a receipt, etc.)

Post the names and contact information for favorable references who can testify to the high quality of your business. Provide a summary of any awards your company has won. Offer a link to any outside resources which provide positive information about you and your business.

Ultimately, there are countless ways you can take a negative complaint and turn it around into a positive advertisement for your company. As we ALWAYS say: every company, good or bad, will receive complaints. The fact that you have received a complaint is NOT what consumers care about -- it's how you handle the complaint that matters.

If I get the original author of a report to send a retraction demand, will Ripoff Report remove the complaint?

We are ALWAYS happy to hear that a dispute has been resolved! If you reach an agreement to resolve a complaint and the original author is willing to retract his/her report, they can easily post the retraction as an update to their report. This is 100% free and it will let the world know that the matter has been handled to the customer's satisfaction. We are always happy to hear about parties resolving their disputes amicably and we strongly encourage authors to post updates any time their complaints have been satisfied.

However, we cannot and will not consider removal requests from anyone, including a request which claims to be from the original author of a report. The reasons for this are explained above, but to summarize them again, we cannot determine which side to a dispute is telling the truth. Although our [Terms of Service](#) prohibit users from posting false information, we simply cannot serve as the judge or jury in disputes between two parties. Likewise, if we receive an email from someone claiming to be the author of a report and asking that it be removed, we have no way of knowing if this request is really from the original author, nor do we know if the request is seeking the removal of truthful information solely because of a threat from the person listed in the report.

If you think this is unfair, consider this -- everyone knows that Michael Jackson was accused many years ago of molesting a young boy (this was the first case, not the later one). While the police were investigating but before charges were filed, Michael Jackson reached a settlement with the boy which included a confidentiality provision that prevented the boy from talking about the case -- even to the police! As a result, the police were never able to complete the investigation and no criminal charges were filed against Jackson for that incident.

Because this made it appear that Michael Jackson had "bought the silence of a witness", shortly after this happened California passed a new law -- Code of Civil Procedure Section 1002 -- which prohibits confidentiality agreements in civil cases relating to allegations of sex crimes. Under this law, it is impossible for a wealthy defendant to pay off a victim and escape responsibility by requiring the victim to promise not to discuss the case in exchange for money.

Although the situation is slightly different, the same reasoning explains why Ripoff Report does not remove reports, even when the original author asks us to. Assuming the report is true, the public has an absolute right to know about it, and companies have no right to threaten authors in order to hide their bad track record from the public.

My lawyer says you have to remove false information upon demand, is that true?

No, for the reasons explained above, that's not true. Under the CDA, Ripoff Report is not liable for the accuracy of statements posted by the users of the site. Therefore, we are not required to remove reports even upon demand.

My lawyer says Ripoff Report has to verify complaints before they are posted and I can sue if you don't, is that true?

In the case of major media sources, (i.e., newspapers, etc.), this is generally true; stories must pass through some reasonable level of fact-checking and if they don't, the author and publishers might be liable for any mistakes they make.

The Rip-off Report is not the New York Times or the Wall Street Journal or the NBC Nightly News. Those kinds of media have the power, the ability, and therefore the duty to fact-check their stories before they are posted. As to these kinds of mainstream media sources, the law generally does impose some

responsibility upon reporters and newspapers to check their stories before publishing them.

This logic works for large, for-profit newspapers, magazines, etc., but it does not translate well for free, user-controlled websites like Ripoff Report which receives thousands of submissions per day, 24 hours a day, 7 days a week, 365 days a year. If Ripoff Report was required to fact-check every report submitted by every user, the site would immediately cease to exist. While some unscrupulous businesses might applaud this, such a reduction in the amount of free speech available online is so un-American that our Congress enacted the CDA to prevent this result.

Someone posted a report which violates Ripoff Report's Terms of Service. Will you remove it?

As explained on this page, although our Terms of Service prohibit users from posting false information, we simply cannot serve as the judge or jury in disputes between two parties. If you contact us and demand that we remove information because you contend that it's false and therefore a violation of our TOS, we have no way to determine if this is true, or if the information is really accurate. These issues have to be determined in court, not by us.

In some cases, if a report contains private information such as a social security number, bank account details/passwords, or threats of violence, we will attempt to redact such material before a report is posted when it is clear that the material is prohibited by our Terms of Service. If such information accidentally gets into a published report, please contact us and we will remove the information if appropriate.

However, if a report contains information which you allege is false, the staff of Ripoff Report cannot simply remove information based on your request because doing so would place us in a position of having to determine which side is telling the truth. Because we cannot make such determinations, if you allege that a report contains false and defamatory statements, you should pursue legal action against the author if determine such action is warranted.

Someone posted a report which used my trademarks in the title or metatags. Isn't this illegal?

The simple answer is generally NO; using a trademark in a metatag relating to a consumer complaint about the trademark holder is not illegal. However, this area of law is subject to a great deal of confusion, so here are some helpful points you should know.

First, trademark law is a highly specialized area of law which is complicated to say the least. A complete explanation of both federal (Lanham Act) and common-law trademark rules is beyond the scope of this site, but you can get some helpful background information on Wikipedia's trademark law page [here](#).

Second, regardless of what particular aspect of trademark law you're dealing with (trademark infringement, trademark dilution, unfair competition, etc.), there is a general requirement that must be present before trademark law will apply — the person who is [mis]using your mark must be a competitor of yours. See *Procter & Gamble Company v. Amway Corporation*, 242 F.3d 539, 560 (5th Cir. 2001). When someone is NOT your competitor, it is generally not a violation of trademark law for them to say disparaging things about you even if they use your name or other trademarks in the process.

One of the best examples of this is a recent decision called *Bosley Medical Institute, Inc. v. Kremer*, 403 F.3d 672 (9th Cir. 2005). The basic story of the case goes like this: Bosley Medical offers hair restoration services for balding men. Mr. Kremer was an unhappy former customer who sued Bosley for medical malpractice and lost.

Not content with that outcome, Mr. Kremer started a website called <http://www.bosleymedical.com/> which he filled with statements harshly criticizing Bosley's business. When the company found out about the website, it sued Mr. Kremer for, among other things, trademark infringement because the site was using Bosley Medical's trademarks.

The Ninth Circuit rejected Bosley's claims, holding that because Kremer and Bosley were not competitors, trademark law simply did not apply to the case:

"The dangers that the Lanham Act was designed to address are simply not at issue in this case. The Lanham Act, expressly enacted to be applied in commercial contexts, does not prohibit all unauthorized uses of a trademark. Kremer's use of the Bosley Medical mark simply cannot mislead consumers into buying a competing product—no customer will mistakenly purchase a hair replacement service from Kremer under the belief that the service is being offered by Bosley. Neither is Kremer capitalizing on the good will Bosley has created in its mark. Any harm to Bosley arises not from a competitor's sale of a similar product under Bosley's mark, but from Kremer's criticism of their services. Bosley cannot use the Lanham Act either as a shield from Kremer's criticism, or as a sword to shut Kremer up."

Based on the Ninth Circuit's decision in *Bosley*, unless you operate a business which competes directly with Ripoff Report, and unless a significant number of people viewing the Ripoff Report website would believe that they were actually viewing your website rather than a web forum, then trademark law simply does not apply to prevent the use of trademarks in connection with reports posted on the website.

The same is true of metatags. In case you don't know, metatags are just a series of words (usually keywords) which you cannot see but which are included in the HTML code for most web pages. These tags are used for indexing purposes by search engines such as Google.

When a person creates a Ripoff Report, our software automatically converts the title of the report into metatags based on what the user entered into the title creation form. So, if you created a report about "Acme Corporation" located in "Miami, Florida", these words would be included as metatags so that search engines will accurately index the contents of that page. This isn't a violation of Acme's trademark rights.

It is common misconception that a trademarked term (i.e., Coca-Cola; McDonald's, Budweiser, etc.) cannot be used in a metatag without the trademark owner's permission. This can be true in some cases, but the mere fact that a trademark is used in a metatag is not per se unlawful; "the mere fact that [a defendant] uses [a plaintiff's] marks in the metatags of its sites and as search-engine keywords does not result in initial interest confusion. [The plaintiff] must show that these uses are deceptive." *Designer Skin, L.L.C. v. S & L Vitamins, Inc.*, ___ F.Supp.2d ___, 2008 WL 2116646 (D.Ariz. 2008). Again, if a trademark is used in a way that cannot confuse viewers or mislead them into purchasing a product from Company A when they believed they were dealing with Company B, then trademark law generally does not apply to this situation.

Because of this, when a report appears on Ripoff Report and it contains a third party's trademark in either the title, text of the report, or in a metatags, this is not a violation of trademark law because no consumer viewing the site will be confused about the fact that they are not looking at the trademark owner's webpage. Absent such competitive harm, trademark law is not concerned with preventing the use of trademarks for purposes such as criticism, discussion, and other acts of free speech.

If I file a lawsuit against Rip-off Report, will that get my complaint removed?

No. Ripoff Report is not liable for statements posted by a third party, and it has never lost a case involving such statements, so it will not remove complaints even if you sue.

Filing a lawsuit will, however, guarantee the removal of one thing -- a LOT of money from your wallet and into an attorney's pocket.

I heard that the Ripoff Report pays Google to get higher rankings in search results, is that true?

No. This is 100% false.

Considering that Google is one of the largest, most successful, and most well-respected Internet companies on the planet, this rumor is hard for even the most cynical/skeptical to believe. Why would a multi-billion dollar company like Google give preferential treatment to a relatively small, controversial site like Ripoff Report? IT WOULDN'T, PEOPLE!

The reasons that some websites show up higher on Google than others is a complete mystery, at least to Ripoff Report. In fact, although Google is happy to give a general explanation of how its ranking system works, the actual algorithms used by Google to determine page ranking are some of the most closely guarded trade secrets out there.

For the record -- Ripoff Report has never, ever (not now, and not in the past) done anything to cause Google to rank our website higher in search results than other sites.

Other websites have said that Ed Magedson writes reports and titles to reports, is that true?

ABSOLUTELY NOT! Many people have worked very hard to spread this false story, but in the end, it's just not true.

For example, there have been recent statements made on other websites which usually go something like this:

"I have proof that Ed Magedson writes everything on Ripoff Report -- in order to trap him, I posted a fake complaint about a company that doesn't exist. Guess what? A few days later, new complaints were filed against that same company which is impossible because there is no such company. Then, I got an email from Ed Magedson offering to remove the complaints if we paid \$50,000. Because the first report I posted was fake, Ed must have written the other complaints to try and extort money from this fictional company. Ha! Gotcha!"

Are these claims true? Well, ask yourself this -- if these folks really did this and if they really had proof that Ed Magedson wrote additional complaints about some company that didn't exist, why don't they post a link to their report? Because these stories are just complete fiction.

Here's the truth--

When an author writes a report, they also create a title for their report at the same time. The title, category, and report contents are ALL chosen and created by the person who drafted a report, not by us. If you have any trouble believing this, just create a free account then log in and file a report. You will see exactly how it works, and you'll see that what you write is what is posted, nothing more and nothing less.

Now, to be clear -- Ripoff Report DOES make changes to reports only in limited circumstances when necessary to remove material that violates our guidelines (i.e., child pornography, clear threats of violence, etc.) Whenever this is done, the change is clearly noted in the report itself.

Similarly, the Editor of Ripoff Report will sometimes add comments/updates to reports, usually when a company has specifically asked for this by joining the Ripoff Report Corporate Advocacy Program. Again, when this is done, the comments are CLEARLY noted as coming from the Editor of the site so there's no confusion about the source.

I want the name of someone who posted an anonymous report about me. How can I get that?

This is a somewhat technical issue, so we created a separate page for it. [CLICK HERE](#) for more information about obtaining the true identity of an author.

I Heard That Ripoff Report Is An Extortion Scheme; What's Up With That?

You may have read on other websites that Ripoff Report authors reports or headings to reports, or that we write fake reports and then ask for money in order to remove them (hence, the claim that the site is committing "extortion").

These kinds of allegations are false statements made by companies who have been the subject of numerous complaints on Ripoff Report. Some of these companies have been the subject of Government investigations and have had to pay hundreds of thousands in restitution and fines. Some have since been arrested and some have been closed down.

Because some of these unethical companies have found that they cannot use legal means to remove reports, some have tried resorting to illegal means to get reports taken down. These methods have included making death threats against us, harassing our staff, attacking our website with spam, DDOS attacks, making false claims in lawsuits, and creating websites which claim to reveal the "true story" about Ripoff Report. These misguided individuals often use one or more of the following false allegations:

- Ripoff Report, or its founder Ed Magedson, are "under investigation by the FBI" or other federal agency;
- Ripoff Report is run by criminals;
- There is a "class-action" lawsuit pending against Ripoff Report
- Ripoff Report is an "extortion scheme" because the site writes fake reports and then demands money to remove them

As you may have guessed, these statements are all 100% false - but don't take our word for it. If you see a website making these kinds of claims, try to find contact information for the person who created the site and ask them what proof they have to support their claims. If you don't get a response, that might be a hint.

Is the Corporate Advocacy Program an Extortion Scheme?

Since the best lies are those which contain a little bit of truth, you should understand that Ripoff Report does offer a service called the "Corporate Advocacy Program" (or "CAP"), and many of the extortion claims out there are based on false explanations of what the CAP program is all about. In order to avoid confusion, here's the truth about this program.

If a company has received one or more Ripoff Reports, that business always has the option of posting free rebuttals and/or working with its customers to try to make things right. Hopefully, when a customer's complaint is resolved, that person will do the right thing and submit their own follow-up to explain that the company stepped up and corrected the problem. When a company has just one or two complaints, many choose to handle this process themselves with their own staff and at their own expense.

However, when a company receives lots and lots of complaints, the time spent dealing with each one can become overwhelming. That's where our CAP program comes in.

When a company asks for our assistance, through our Corporate Advocacy Program we agree to work with the business to reach out to their customers to help resolve any disputes. Whether a company has 10 complaints or 500 complaints, we assist our CAP members by contacting each and every unhappy customer to try to resolve the dispute in an amicable manner. We only offer this service to companies who are willing to agree that they must make things right with their customers - PERIOD. Ripoff Report UPDATES (but never removes) those Reports reflecting the member business' commitment to customer satisfaction. This becomes a win-win for both company and customer alike.

Of course, like anything else worth having, our CAP program is not free. Someone needs to pay to keep the lights on and the servers running, and so we charge a reasonable fee for our time and expenses. If a company can show that it lacks the resources to afford our standard rates, we are glad to offer our services for a reduced price based on the company's financial condition.

Regardless of what you may have heard, our CAP program NEVER includes removal of complaints. Rather, we update each report to reflect the business' commitment to address and resolve issues.

Some of our critics claim the CAP program is a form of extortion because they falsely accuse us of writing fake complaints and then charging to remove them. Sorry folks, but that's just a blatant lie; nothing more. We don't write reports, and we don't remove reports. PERIOD.

If a company has complaints, it is welcome to deal with them for free using its own staff and resources.

Any company is invited to take the time to contact its customers, speak to them about their issues, and spend time writing rebuttals and updates. We charge NOTHING for rebuttals, and we receive no payment from companies who are willing to do this work themselves. However, if a company wants our assistance in dealing with complaints, we do offer the CAP service on a voluntary basis.

Now that you know the truth about it, you can make your own judgment call on who to believe.

I Know the CDA Protects Ripoff Report. But I Am Going to Sue Anyway!

If you have read all of the above information and still want to file a lawsuit against us, there are some other points you need to know.

First, Rule 11 of the Federal Rules of Civil Procedure, and each state court's rules, generally require that all pleadings, including initial Complaints, must be presented in good faith, after a reasonable investigation into the facts and the law, and not made for an improper purpose such as harassment. What this means in plain English is that if you file a lawsuit which you know contains false claims, or if you sue without first conducting a reasonable investigation as to the law as it may pertain to the facts of your case (such as determining the identity of the author of the report(s) you are concerned about), you and/or your attorney can be subject to serious sanctions at the judge's discretion. Many who have sued settled with us and some have paid some or all of our attorney's fees. Other times we have defended the cases for years running up large legal bills for both sides. Either way, we never paid out a dime in settlement or damages to anyone who has sued us.

In addition to penalties a judge may issue, those who would threaten us need to be aware of another law which imposes civil liability on anyone who files a frivolous lawsuit. This claim is known as "wrongful use of civil proceedings" and it is defined by § 674 of the Restatement (Second) of Torts as follows:

- (a) he acts without probable cause, and primarily for a purpose other than that of securing the proper adjudication of the claim in which the proceedings are based, and
- (b) except when they are ex parte, the proceedings have terminated in favor of the person against whom they are brought.

Because Ripoff Report is immune from liability under the CDA for defamation-based and related claims, any suit that seeks to impose liability for the speech of our users is, by definition, an action brought "without probable cause". We encourage the prompt and fair resolution of disputes between Ripoff Report authors and those who are the subject of Ripoff Reports. However, Ripoff Report wants to be clear that it accepts no liability for the speech of its users, and it will vigorously defend any litigation brought against us which seeks to circumvent the CDA. In addition, any suit filed against us without probable cause may subject the complaining party and/or their attorneys to liability in the State of Arizona for wrongful use of civil proceedings. We don't mean to sound harsh, but if you knowingly file a frivolous lawsuit against us, regardless of where your case is filed, you and/or your lawyers can be subject to a lawsuit in Arizona in which a jury could, if appropriate, award both substantial compensatory and punitive damages against you.

Finally, you need to be aware that if you file a lawsuit simply to harass us, not only will this not work, it will very likely end up being EXTREMELY expensive for you. Due to the number of meritless cases we have had to defend, Ripoff Report has adopted a very strict policy about lawsuits -- once Ripoff Report is forced to appear in a case, it will not stipulate to a dismissal of the case unless the party who filed the action agrees

to pay Ripoff Report's attorney fees. There will be no exceptions. If you conduct a thorough investigation BEFORE you sue and you believe you have a valid case despite the CDA, it is your right to pursue your case and prove it in court. However, once you file a lawsuit, be prepared to either take it all the way to a decision on the merits or pay Ripoff Report's attorney fees because Ripoff Report will not stipulate to a dismissal without compensation.

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