

# EXHIBIT A

STATE OF MICHIGAN JUDICIAL DISTRICT 30th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 11-780 -CZ JOYCE DRAGAN
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Court address

313 W Kalamazoo St, Lansing, MI 48933

Court telephone no.

(517) 483-6500

Plaintiff's name(s), address(es), and telephone no(s).

Thomas M Cooley Law School

v

Defendant's name(s), address(es), and telephone no(s).

Kurzon Strauss, LLP, 305 Broadway, 9th floor, NY, NY  
10007-1109 (212) 822-1496;  
David Anziska, 75 Elizabeth Road, New Rochelle, NY  
10804, (914) 633-0818;  
Jesse Strauss 72 Orange Street, Apt. 2B, Brooklyn, NY  
11201-6843, (917) 841-8428

Plaintiff's attorney, bar no., address, and telephone no.

Michael P Coakley (P34578)  
Miller, Canfield, Paddock, & Stone  
150 West Jefferson, Suite 2500  
Detroit, MI 48226  
(313) 963-6420

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued JUL 14 2011

This summons expires OCT 13 2011

Court clerk

MIKE BRYANTON

\*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.***Family Division Cases**

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**General Civil Cases**

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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**VENUE**

Plaintiff(s) residence (include city, township, or village) Lansing, MI	Defendant(s) residence (include city, township, or village) New York, NY; New Rochelle, NY; Brooklyn, NY
Place where action arose or business conducted Lansing, MI	

07/14/2011

Date

Michael P Coakley (P34578) by Lara Kapella  
Signature of attorney/plaintiff CP67667

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE****SUMMONS AND COMPLAINT**

Case No. 11-780-CZ

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

JOYCE DRACAK

**CERTIFICATE/AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☒ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☐ I served personally a copy of the summons and complaint,☒ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with First Requests to Admit and First Request for Production of Documents

List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name <b>DAVID ANZISKA</b>	Complete address(es) of service Kurzon Strauss, LLP 305 Broadway, 9th Floor New York, NY 1007-1109	Day, date, time Wed, 8/3/11 at 3:00 pm

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Anna M. Hoffman

Name (type or print)

Legal Administrative Assistant

Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with

Attachments

\_\_\_\_\_ on \_\_\_\_\_  
Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

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

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

Plaintiff,

vs.

KURZON STRAUSS, LLP, a New York limited liability  
partnership, DAVID ANZISKA, and JESSE STRAUSS,

Defendants.

Case No. 11780-CZ

Hon. JOYCE BRAGANOTUS

**JURY TRIAL  
DEMANDED**

MILLER, CANFIELD, PADDOCK AND STONE, PLC  
Michael P. Coakley (P34578)  
Paul D. Hudson (P69844)  
150 West Jefferson, Suite 2500  
Detroit, MI 48226  
(313) 963-6420  
coakley@millercanfield.com  
hudson@millercanfield.com  
Attorneys for Plaintiff

**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 ("Cooley"), by and through its  
attorneys, Miller, Canfield, Paddock and Stone PLC, and for its Complaint against Kurzon  
Strauss, LLP, David Anziska, and Jesse Strauss states as follows:

**INTRODUCTION**

1. Cooley brings this action to protect itself from a wide-ranging defamatory  
campaign by Defendants. Defendants are a New York law firm, one of its partners, and one of  
its lawyers who have been posting false and defamatory statements about Cooley on various

public websites. Although couched in the pretext of an investigation, the true purpose of the defamatory posts is to incite the readers and to troll the sites for potential plaintiffs for a baseless purported class-action lawsuit against Cooley. Defendants have also been communicating those defamatory statements directly to former Cooley students and encouraging their publication to the broadest audience possible. Defendants' actions are tortious and unethical. Cooley brings this suit to stop them and to recover for the damage they have caused.

#### **THE PARTIES, JURISDICTION, AND VENUE**

2. Thomas M. Cooley Law School 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.

3. Defendant Kurzon Strauss LLP ("Kurzon Strauss") is a New York limited liability partnership with its principal place of business in New York.

4. Upon information and belief, Defendant David Anziska is a resident and citizen of New York. Upon information and belief, Anziska is licensed to practice law in New York.

5. Upon information and belief, Defendant Jesse Strauss is a resident and citizen of New York. Upon information and belief, Strauss is licensed to practice law in New York.

6. 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 has a place of business and/or conducts business in Ingham County. Venue is proper under MCL 600.1627 and MCL 600.1629.

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

### FACTUAL ALLEGATIONS

8. On or about June 8, 2011, Defendants posted the following statement on the website "JD Underground," hosted at <http://www.qfora.com/jdu>:

zis1837 (Jun 8 - 6:58 pm)

My firm is currently conducting a broad, wide-ranging investigation of a number of law schools for blatantly manipulating their post-graduate employment data and salary information. These schools are preying on the blithe ignorance of naive, clueless 22-year-olds who have absolutely no idea what a terrible investment obtaining a JD degree is. Perhaps one of the worst offenders is the Thomas Cooley School of Law, which grossly inflates its post-graduate employment data and salary information. More ominously, there are reports that there [sic] students are defaulting on loans at an astounding 41 percent, and that the school is currently being investigated by the DOE for failing to adequately disclose its students' true default rates. Unfortunately, the ABA has proven to be absolutely toothless in regulating these schools and stamping out these dubious practices, and most likely schools like Thomas Cooley will continue to defraud unwitting students unless held civilly accountable. If you have any relevant information or know of anyone who has attended Thomas Cooley feel free to contact me at [anziska@kurzonstrauss.com](mailto:anziska@kurzonstrauss.com). Obviously, all correspondences will be strictly confidential. Thanks in advance.

(A true and accurate screen shot of Defendants' JD Underground post as of June 13, 2011 is attached as Exhibit A.)

9. Defendants made false and defamatory statements concerning Cooley in the post.

10. Among the false and defamatory statements concerning Cooley in Defendants' post are the false, defamatory, and/or per se defamatory accusations that Cooley "grossly inflates its post-graduate employment data and salary information"; that Cooley "students are defaulting on loans at an astounding 41 percent"; that "the school is currently being investigated by the DOE for failing to adequately disclose its students' true default rates"; and that "Thomas Cooley will continue to defraud unwitting students[.]" (Exhibit A.)

11. On or about June 13, 2011, Cooley advised Defendants that the post was false and defamatory.

12. On or about June 13, 2011, Cooley through counsel wrote a cease-and-desist letter to Defendants demanding that Defendants immediately remove the post from the internet, issue a retraction, and "cease and desist from posting or communicating any defamatory statements regarding Thomas M. Cooley Law School." (The letter is attached as Exhibit B.)

13. Defendants responded by letter on June 14, 2011. (Attached as Exhibit C.)

14. Defendants agreed to issue a retraction of the post and to cease and desist from posting or communicating any defamatory statements regarding Cooley.

15. On or about June 15, 2011, Defendants posted the following purported retraction statement on the JD Underground site:

It has been brought to this firm's attention that a post on this site on June 8, 2011 entitled, "Investigating the Thomas Cooley School of Law" contained certain allegations which may have been couched as fact regarding employment and default data. These statements are hereby retracted. Moreover, representatives of Thomas Cooley Law School have informed us that published reports regarding Thomas Cooley Law School's student loan default rate and of an investigation by the Federal Department of Education are incorrect. Therefore, we retract those statements as well.

(Attached as Exhibit D.)

16. Defendants posted the purported retraction in bad faith.

17. After posting the purported retraction, Defendants continued to defame Cooley and/or cast Cooley in a false light.

18. For example, Defendants posted a draft purported "Class Action Complaint" against Cooley on a publicly available internet site and sought and encouraged its widest possible dissemination through email and at least one social media internet site. (See [https://docs.google.com/document/d/11zl0S\\_lm0yJQ5YjjTM3e1oMjaj7TJMYTAhyuuTBqhxI/edit?hl=en\\_US#](https://docs.google.com/document/d/11zl0S_lm0yJQ5YjjTM3e1oMjaj7TJMYTAhyuuTBqhxI/edit?hl=en_US#)) (last accessed July 14, 2011). (The purported class-action complaint is attached as Exhibit E.)



19. Upon information and belief, the purported class-action complaint has not been filed in any court.

20. Upon information and belief, Defendants widely disseminated the purported class-action complaint to current and former Cooley students via social networking sites and/or email.

21. In the purported class-action complaint, Defendants make false and defamatory statements concerning Cooley.

22. Among the false and defamatory statements concerning Cooley in Defendants' purported class-action complaint are the false, defamatory, and/or per se defamatory accusations that Cooley "blatantly misrepresent[s] and manipulat[es] its employment statistics to prospective students, employing the type of 'Enron-style' accounting techniques that would leave most for-profit companies facing the long barrel of a government indictment and the prospect of paying a substantial criminal fine"; and that Cooley "grossly inflates its graduates' reported mean salaries[.]" (Exhibit E.)

23. Defendants made these defamatory statements knowing the statements were false and defamatory, as evidenced by their earlier purported retraction of substantially similar false and defamatory statements.

24. Defendants' actions violate the New York Rules of Professional Conduct, including Rule 7.1, which governs attorney advertising, and Rule 4.1, which governs truthfulness in communications with third parties. Defendants' actions would also violate the Michigan Rules of Professional Conduct.

25. In furtherance of these actions, Defendants also posted solicitations on the Craigslist New York and Craigslist Detroit Metro websites, titled, "Attention Thomas Cooley Law School Graduates," in which Defendants stated:



My firm is currently conducting a broad, wide-ranging investigation of a number of law schools for purportedly manipulating their post-graduate employment data and salary information. Among the many schools we are investigating is the Thomas M. Cooley Law School which claims that 76 percent of its graduates have allegedly secured employment within nine months of graduation. If you have any relevant information or know of anyone who has attended Thomas Cooley feel free to contact me at [anziska@kurzonstrauss.com](mailto:anziska@kurzonstrauss.com). Obviously, all correspondences will be strictly confidential. Thanks in advance.

(Attached as Exhibit F.)

#### **COUNT I – DEFAMATION**

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

27. Defendants made false and defamatory statements concerning Cooley, including in Exhibits A and E.

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

29. Defendants published the false and defamatory statements concerning Cooley with actual malice, with knowledge of the statements' falsity, and/or with reckless and negligent disregard for the falsity of the statements.

30. Defendants' statements concerning Cooley are defamatory per se, including because Defendants accuse Cooley of violating federal student-loan and other criminal laws, and caused Cooley special harm.

31. As a result of Defendants' false and defamatory statements concerning Cooley, Cooley has suffered and will continue to suffer damage and other harm, 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 Defendants, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendants to remove and retract all defamatory statements concerning Cooley, order that Defendants must cease and desist and are 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**

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

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

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

35. Defendants 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.

36. As a result of Defendants' intentional interference with Cooley's valid business relationships and business expectancies, Cooley has suffered and will continue to suffer damage and other harm, 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 Defendants, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendants to remove and retract all defamatory statements concerning Cooley, order that Defendants must cease and desist and are enjoined from publishing the defamatory statements concerning Cooley, and order such other and further legal or equitable relief deemed appropriate.

### **COUNT III – BREACH OF CONTRACT**

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

38. Cooley and Defendants entered into a valid, legally enforceable agreement requiring Defendants to retract their defamatory statements concerning Cooley.

39. Implicit in that agreement was Defendants' promise to cease and desist from posting or communicating any defamatory statements regarding Cooley.

40. The agreement required Defendants to retract their defamatory statements concerning Cooley in good faith and to cease and desist from posting or communicating any defamatory statements regarding Cooley.

41. Cooley relied on the promise to retract in good faith by foregoing further action against Defendants.

42. Defendants breached the contract by posting a purported retraction in bad faith, that is without the true intention of taking back or recanting the statements, as evidenced by their republication of substantially the same and additional false and defamatory statements regarding Cooley, and by publishing substantially the same and additional false and defamatory statements regarding Cooley.

43. Cooley has incurred damages and other harm as a result of Defendants' breach.

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

**COUNT IV - FALSE LIGHT**

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

45. Defendants broadcast to the public in general and/or to a large number of people information that would be highly objectionable to a reasonable person by attributing to Cooley false characteristics, conduct, and/or beliefs that placed Cooley before the public in a highly offensive and untrue false light and position.

46. Defendants placed Cooley in a false light despite the fact that they knew of and/or acted in reckless disregard of the falsity of the publicized information.

47. Cooley has incurred damages and other harm as a result of Defendants' tortious conduct.

WHEREFORE, Cooley respectfully requests that this Court enter a judgment against Defendants, award Cooley damages in excess of \$25,000, plus interest, attorneys' fees, and costs, order Defendants to remove and retract all defamatory statements concerning Cooley, order that Defendants must cease and desist and are 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: Michael P. Coakley by LK (P67667)

Michael P. Coakley (P34578)  
Paul D. Hudson (P69844)  
Attorneys for Plaintiff Thomas M. Cooley Law School  
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coakley@millercanfield.com  
hudson@millercanfield.com

Dated: July 14, 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.

By: Michael P. Coakley by LK (P67667)

Michael P. Coakley (P34578)  
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Dated: July 14, 2011