

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Philip Seldon

Plaintiff.,

vs.

AMENDED COMPLAINT

Index no. 11CIV6218

Edward Magedson a/k/a Ed Magedson,
Ripoffreport.com and Xcentric Ventures L.L.C.

Defendants.

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1. Philip Seldon is a resident of the City of New York.
2. Philip Seldon is the author of eight books.
3. Edward Magedson a/k/a Ed Magedson is a resident of the State of Arizona.
4. Ripoffreport.com is a website under the control of Edward Magedson and upon information and belief is owned by Xcentric Ventures L.L.C.
5. Xcentric Ventures L.L.C. is a corporation located in the State of Arizona.
6. Upon information and belief Xcentric Ventures and/or Edward Magedson employ six employees among whose functions are to monitor, read and censor the postings made on ripoffreport.com. Upon information and belief, each and every posting made to the ripoffreport.com website is read by its staff and matter considered objectionable by its staff is deleted or redacted from the postings. Reports considered inappropriate for the website by this staff are not posted and do not appear on the website.

7. Edward Magedson has modified postings made on ripoffreport.com to change negative reports into favorable reports after payment of monetary consideration.

8. On or about July, 2011 Ed Magedson contacted Irina Borisenko asking her to confirm the reports she made about Philip Seldon. She was unable to confirm or prove the truth of her allegations. Accordingly Ed Magedson stated to Philip Seldon that he would remove the disparaging material from her reports about him. Ed Magedson has failed to do this and has continued to publish the reports cited in the First and Second causes of action defaming and libeling Philip Seldon. Similarly, Ed Magedson contacted the individual who made the postings in the Third, Fourth, Fifth and Sixth Causes of action stating that if said individual was unable to confirm or prove the truth of the allegations he would remove the disparaging material from the reports about Philip Seldon. Said individual never contacted Ed Magedson and accordingly Ed Magedson was supposed to remove the disparaging material. As such, Ed Magedson had knowledge that the defamatory material about Philip Seldon on ripoffreport.com was false, yet he continued to publish said material on ripoffreport.com defaming and libeling Philip Seldon. Said conduct also breached an agreement Ed Magedson had with Philip Seldon to remove the defamatory material posted by these individuals.

9. The title tag lines cited below have been created by the defendants and not by third parties.

FIRST CAUSE OF ACTION

10. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

11. On April 25, 2011 the defendants published a report by "Irina" on RIPOFFREPORT.COM with the headline "Sexual Pervert" in the title tag of the posting created by the defendants.

12. The foregoing statement published by defendant of and concerning Plaintiff are false and defamatory, being libel *per se*.

13. At the time the defendants published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but, instead, defendants published the same with reckless disregard of whether the same were true or not.

14. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

15. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

16. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000).

SECOND CAUSE OF ACTION

17. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

18. On April 25, 2011 the defendants published a report by "Irina" on RIPOFFREPORT.COM headlined "Sexual Pervert" which contained the following statement:

"Philip Seldon took nasty photos of me when he got me drunk as his roommate and then told me he deleted the photos. I found out that he didn't delete them and had multiple copies that he kept on his business computer and personal computer. He had multiple photos of me printed out in file cabinets. I asked him why he didn't delete the photos and he said he forgot but now wishes to distribute them to people and sell them back to me. This man has all kinds of perverted photos on his computer and is a menace to women. He tells lies and is obsessed with stalking me. I've issued a warning to him to stay away from me but he continues to harass my family and friends. Nobody took any money from me and all that he says is lies. He tries to control my money and family but I tell him to leave me alone. He won't listen and I am afraid of him. I will notify the police that he is still bothering me."

19. The foregoing statements published by defendant of and concerning plaintiff are false and defamatory, being libel *per se*.

20. At the time the defendants published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but,

instead, defendants published the same with reckless disregard of whether the same were true or not.

21. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

22. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

23. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000)

THIRD CAUSE OF ACTION

24. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

25. On April 25, 2011 the defendants published a report by "Mike" on RIPOFFREPORT.COM which contained the following statement:

"Seldon has many judgements against him and is currently using corporate shell companies to avoid a judgement against him already approved by the courts. Check New Jersey and NYC court records. If you have information regarding this person, please contact Andrew Spinnel, attorney in NYC so justice can be served."

26. The foregoing statements published by defendant of and concerning plaintiff are false and defamatory, being libel *per se*.

27. At the time the defendants published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but, instead, defendants published the same with reckless disregard of whether the same were true or not.

28. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

29. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

30. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000)

FOURTH CAUSE OF ACTION

31. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

32. On April 25, 2011 the defendants published a report by "Doctor" on RIPOFFREPORT.COM headlined "Tax Free Money Income" in the title tag of the posting created by the defendants which contained the following statement:

"Philip Seldon hosts wine tasting parties (200-500 people) and takes in cash and never reports it as income to the Federal Government. Philip Seldon gets Federal Express packages and express mail or UPS packages with approximately \$11,000 per month cash contents at his home and business address (same building apartment #2724 and #3414) from a woman named Kathy whose one of his other companies is located in Oklahoma where Kathy hides his money under a corporate veil (hence his name Norman Oklahoma). Monthly wine tastings are held in NYC under another one of his company names and he is avoiding NYC City taxes as well. Go visit one of his wine tastings all of you prosecutors, it's usually held at the Bulgarian National Hall on the Upper East side so a sting operation would be good for your public relations. His old romate Leslie has a paypal account that she launders the money for Philip monthly from events and Kathy so he can avoid creditors and not pay Federal, State, and City taxes.

Philip Seldon has a stock trading account that he trades approximately \$400,000 worth of stock registered under the corporate veil of Kathy's company in Oklahoma and he is the only person

trading this stock and asset. He only buys and sells Apple Corporation stock so it won't be hard to catch him on the corporate veil corruption he so readily sets up.

Philip takes naked pictures of his ex-romates (always women) and tries to hold them over their head for favors and promises of future friendship. Philips motive is to usually get women drunk at lavish wine tastings and home /office dinners and then to get women to take of their clothes and and then he takes pictures for his files. Philip Seldon has many nude photos of himself on his computer that he shows to women. They are pornography of an old man with his clothes off exposing his penis. The courts would love to see these photos since he is always in court filing harassment lawsuits against people to obtain money to supplement his income."

33. The foregoing statements published by defendant of and concerning plaintiff are false and defamatory, being libel *per se*.

34. At the time the defendants published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but, instead, defendants published the same with reckless disregard of whether the same were true or not.

35. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

36. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

37. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000)

FIFTH CAUSE OF ACTION

38. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

39. On April 25, 2011 the defendants published a report by "Employee" on RIPOFFREPORT.COM headlined "Philip Seldon Vindictive Harassment" in the title tag of the posting created by the defendants which contained the following statement:

"Philip Seldon is harassing this man since his ex-roommate won't go out with him, have sex with him, or take more alcohol induced photos by himself with her clothes off. This man is unstable and women should be cautious around him. He will use your identity for "Pay Pal" fraud schemes as he's done with many women in the past.

Caution with your SSN, credit cards, and never sign anything for him since his past roommates have been abused with his fraud schemes. Contact Andrew Spinnell, attorney in NYC if you need assistance reporting his fraud schemes. Mr. Spinnell has won many cases against Seldon and knows of his schemes and tricks utilized for money laundering, tax evasion, and cash business operations."

40. The foregoing statements published by defendant of and concerning plaintiff are false and defamatory, being libel *per se*.

41. At the time the defendants published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but, instead, defendants published the same with reckless disregard of whether the same were true or not.

42. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

43. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

44. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000)

SIXTH CAUSE OF ACTION

45. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "8" hereof, as though set forth in full herein.

46. On April 25, 2011 the defendants published a report by "Employee" on RIPOFFREPORT.COM headlined "Philip Seldon" which contained the following statement:

"Philip Seldon is harassing his ex-roommate in vindictive manners. He gets women drunk and takes photos of them and then uses them for personal perverted manners. He has been asked to delete the photos but keeps multiple sets on his computer.

Philip Seldon has been asked to stay away from his ex-roommate and friends and family but he continues to harass people. Philip is incapable of falling in love due to the evil hate inside of him."

47. The foregoing statements published by defendant of and concerning plaintiff are false and defamatory, being libel *per se*.

48. At the time the defendants composed and published the above defamatory statements, defendants knew that they were false, and they failed to take proper steps to ascertain their accuracy; but, instead, defendants published the same with reckless disregard of whether the same were true or not.

49. In publishing the said defamatory statements, the defendants acted in a grossly irresponsible manner, without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

50. Plaintiff has been held up to contempt and public reproach and has been injured in his reputation and profession, has suffered mental anguish and pain and has been irreparably

injured in his profession, all to his damage in the sum of One Million Dollars (\$1,000,000.00), or such other amount proven at trial.

51. By reason of the wrongful and malicious intent by defendant in publishing this said defamatory statements, plaintiff should be awarded punitive damages in the sum of Twenty-five Million Dollars (\$25,000,000.00), or such other amount as awarded by the Court.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiff demands punitive damages against the defendants in an amount to be determined by this court within the jurisdictional limits of this court but no less than Twenty-five Million Dollars (\$25,000,000)

SEVENTH CAUSE OF ACTION

52. Plaintiff repeats and realleges the allegations set forth in Paragraphs "1" through "50" hereof, as though set forth in full herein.

53. On August 24, 2011 the defendants entered into an agreement with Philip Seldon in which they agreed to make the aforesaid postings in the First through Sixth Causes of Action unsearchable, to insure that any future postings about Philip Seldon would not be published on ripoffreport.com and in addition to provide advertising for various companies with which Philip Seldon was affiliated in exchange for websites that Philip Seldon was not using.

54. Defendants have refused to honor said agreement and have breached said agreement.

55. By virtue of the foregoing, Plaintiff has been damaged.

WHEREFORE, Plaintiff demands judgment against the defendants for specific performance of the aforesaid agreement.

WHEREFORE, Plaintiff demands judgment against the defendants in the amount no less than One Hundred and Fifty Thousand Dollars (\$150,000).

11/2/11 

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Philip Seldon

Plaintiff.,

vs.

AFFIRMATION OF SERVICE

Edward Magedson a/k/a Ed Magedson,
Ripoffreport.com and Xcentric Ventures L.L.C.

Case No. 11CIV6218

Defendants.

Philip Seldon affirms under the penalty of perjury that on November 2, 2011 that he mailed a copy of Amended Complaint to Maria Crmini Speth, 3200 North Central # 1500, Phoenix, AZ, attorney for the defendants by depositing it in a receptacle of the United States Post Office located at 500 East 77th Street, New York, NY.

11/2/11 

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Philip Seldon

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vs.

AFFIRMATION OF SERVICE

Edward Magedson a/k/a Ed Magedson,
Ripoffreport.com and Xcentric Ventures L.L.C.

Case No. 11CIV6218

Defendants.

Philip Seldon affirms under the penalty of perjury that on November 2, 2011 that he mailed a copy of Amended Complaint to Maria Crmini Speth, 3200 North Central # 1500, Phoenix, AZ, attorney for the defendants by depositing it in a receptacle of the United States Post Office located at 500 East 77th Street, New York, NY.

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