

# **EXHIBIT E**

**SPECTOR GADON & ROSEN, P.C.**

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Attorneys for Plaintiff



**ARTHUR ALAN WOLK, ESQUIRE** :  
 : **CIVIL ACTION – LAW**  
 : **Plaintiff** :  
 : **MAY TERM, 2009**  
 vs. :  
 : **NO.: 1489**  
 : **WALTER K. OLSON, ESQUIRE** :  
 : **THEODORE H. FRANK, ESQUIRE** :  
 : **DAVID M. NIEPARENT, ESQUIRE** : **JURY TRIAL DEMANDED**  
 : **THE OVERLAWYERED GROUP** :  
 : **And OVERLAWYERED.COM** :  
 :  
 : **Defendants**

**COMPLAINT – CIVIL ACTION**  
**DEFAMATION, LIBEL AND SLANDER – 2L**

Plaintiff Arthur Alan Wolk, Esquire (“Wolk” or “Plaintiff”), by and through his attorneys, Paul R. Rosen, Esquire, Andrew J. DeFalco, Esquire and Spector Gadon & Rosen, P.C., hereby files this Complaint, and in support thereof, avers the following:

**PRELIMINARY STATEMENT**

1. The Constitution of the Commonwealth of Pennsylvania places reputational interests on the “highest plane,” the same level as those interests pertaining to life, liberty and property. In Pennsylvania, the right of any person to the protection of his own reputation from unjustified invasion and wrongful hurt reflects Pennsylvania’s basic concept of the essential dignity and worth of every human being.

2. In violation of these fundamental principles, the individual Defendants, Walter K. Olson, Esquire (“Olson”), Theodore H. Frank, Esquire (“Frank”), and David Nieporent, Esquire (“Nieporent”), who are themselves lawyers, and their entity, “Overlawyered.com,” which is funded by trade organizations representing the aircraft industry and dedicated to permitting aircraft manufacturers to avoid liability for defective and unsafe products, intentionally and maliciously posted a defamatory article on their popular and widely read website, Overlawyered.com, which falsely accused the Plaintiff, a world-renowned attorney, of selling-out his client in obtaining a settlement, for his own personal benefit, at the expense and to the detriment of his client. In addition to being outrageously false, an accusation of selling out a client in such a manner, on a website that is read daily by tens of thousands of lawyers and potential clients, is just about the worst thing that can be said about an attorney, and was intended to, and did, have the effect of damaging Wolk’s reputation in the legal community in Philadelphia and beyond.

3. Accordingly, Wolk seeks damages from the Defendants under theories of defamation and false-light invasion of privacy.

#### **THE PARTIES**

4. The Plaintiff, Wolk, is an individual, citizen and resident of the Commonwealth of Pennsylvania, and an attorney licensed to practice law in the Commonwealth of Pennsylvania. Wolk has a business address located at 1710-12 Locust Street, Philadelphia, Pennsylvania.

5. Defendant Walter K. Olson, Esquire is an individual, citizen and resident of the State of New York, with an address located at 875 King Street, Chappaqua, New York 10514-3430.

6. Defendant Theodore H. Frank, Esquire is an individual, citizen and resident of the State of Virginia, with an address located at 901 North Monroe Street, Apartment 1007, Arlington, Virginia 22201-2353.

7. Defendant David M. Nieporent, Esquire, is an individual, citizen and resident of the State of New Jersey, with an address located at 155 Tillotson Road, Fanwood, New Jersey 07023.

8. Defendant The Overlawyered Group is a New York business entity with its home office and principal place of business located at 875 King Street, Chappaqua, New York 10514-3430.

9. Defendant Overlawyered.com is a California business entity with its home office and principal place of business located at 318 State Street, Santa Barbara, California 93101-2361.

#### **JURISDICTION AND VENUE**

10. Subject matter jurisdiction over the Defendants with respect to these claims and causes of action is conferred upon this Court pursuant to 42 Pa.C.S. § 931 and 42 Pa.C.S.A. § 8341 *et seq.*

11. This Court has personal jurisdiction over the Defendants under 42 Pa.C.S. § 5322 (a) - (b), because the Defendants, jointly and severally, do business in this Commonwealth, committed intentional torts against the Defendant, a Philadelphia resident, where the brunt of the harm was felt by the Plaintiff in Philadelphia, and the Defendants expressly aimed their tortious conduct at Pennsylvania such that Pennsylvania is the focal point of the tortious activity.

12. Venue is proper in this Court pursuant to Pennsylvania Rule of Civil Procedure 1006 (a), because Plaintiff's offices are headquartered in Philadelphia County, and the conduct at issue resulted in damages here in Philadelphia County.

### **FACTS**

#### **A. The Plaintiff**

13. Wolk is perhaps the most prominent aviation attorney in the United States of America. Wolk has practiced aviation law for over 35 years. During the last decade alone, Wolk has generated almost \$1 billion in verdicts and settlements for injured victims of aircraft-related occurrences.

14. For over 30 years, Wolk has been an aircraft pilot, and holds the Federal Aviation Administration's highest pilot's certificate – Airline Transport Pilot (ATP) – for multi-engine land engine and sea aircraft, and single-engine land and sea airplanes.

15. Wolk is also the past editor of Lawyer Pilots Bar Association Journal and the past legal editor for Business and Commercial Aviation Magazine. Wolk is regularly quoted and consulted by aviation writers, is a frequent contributor to The Aviation Consumer, Aviation Safety, and other aviation publications, and has appeared as an on-air aviation expert for ABC's "Nightline", the CBS Evening News, NBC, CNN, the BBC and numerous other television and radio stations around the world.

16. Wolk is nationally known to be a zealous advocate for his clients, one who will go to the ends of the earth to secure for them a just result in litigation. While accusations come and go in the legal profession, Wolk has *never* been accused of failing to zealously represent any client, or selling out his client to benefit himself financially. Such an accusation, to a lawyer practicing in Wolk's area of specialty, would have an

enormous negative impact, as trust between an attorney and client, and a belief that an attorney will zealously represent the client, is particularly essential to Wolk's practice.

**B. Overlawyered.com**

17. In 1999, the "Overlawyered.com" website was created. The Overlawyered.com website describes itself as "the oldest law blog."

18. Olson, a licensed attorney, founded Overlawyered.com, and is its predominant contributor and editor. Olson has been, and remains, a Senior Fellow at the Manhattan Institute, and is the author of several books critical of the United States litigation system.

19. Frank is also a licensed attorney, and was formerly a practicing attorney associated with O'Melveny and Myers, one of the largest and most prominent law firms in the United States. Frank has regularly contributed to Overlawyered.com since 2003. At all times material, Frank has been a resident fellow at the American Enterprise Institute, and the director of the American Enterprise Institute Legal Center.

20. Neiporent is a practicing attorney in the State of New Jersey, and has been a regular contributor to Overlawyered.com during the relevant time period.

21. On the website, Overlawyered.com describes itself as follows:

Overlawyered.com explores an American legal system that too often turns litigation into a weapon against guilty and innocent alike, erodes individual responsibility, rewards sharp practice, enriches its participants at the public's expense, and resists even modest efforts at reform and accountability.

22. Since its inception, Overlawyered.com has attracted a huge following that not only includes tens of thousands of lawyers from every state in this Country, but also includes persons from other professions, such as doctors, and a large overseas following.

At one point, Olson boasted about his readership: “My readership has a large following among lawyers, but I've been surprised to find that a lot of doctors are reading it, as are a lot of people from other countries.”

23. In fact, in an article written by Law.com, Olson advised that Overlawyered.com is one of the most popular “blog” websites in the country, “regularly surpassing 9,000 unique daily visitors.”

24. Olson has also boasted that Overlawyered.com is #298 on the list of most popular blog websites, and #4 on the list of most popular legal blogs. Further, Olson boasts that even these figures vastly understate the actual readership of Overlawyered.com because it has many RSS readers, and “several thousand people who receive Overlawyered through mailing lists.”

25. Wolk has been a favorite target of criticism and ridicule from Overlawyered.com. For example, after Wolk secured a a \$480 million verdict against Cessna arising from an aircraft accident, a different website, AV Web, issued an article critical of Wolk, for which AV Web eventually issued a retraction and apologized. Notwithstanding, and despite AV Web’s admission that its article was false, Overlawyered.com and Olson posted a gratuitous article ridiculing Wolk and criticizing AV Web’s retraction:

by Walter Olson on September 20, 2002

**September 16-17 – Free speech & web litigation:  
AVweb capitulates to defamation suit.** Which reminds us of an update we should have posted earlier: readers will recall the defamation lawsuits filed last year by aviation plaintiff’s attorney Arthur Alan Wolk against two editors and four subscribers of the aviation-news website AVweb, all of whom had sharply criticized him after he won a \$480 million verdict against Cessna (Sept. 7 and Oct. 12-14,

2001). On July 19 the website rendered to Wolk a thoroughly abject capitulation and apology in connection with his agreement to drop his suit against it. Its statement to readers (link now dead) includes a number of passages which deserve to be read with great care by those to whom the Internet still represents some sort of idealized sanctuary for untrammelled discussion [*italicized comments ours*]: “One of Mr. Wolk’s complaints was that we did not supervise our chat room to prevent libelous comments about him being published by our subscribers. We have corrected that. Another of Mr. Wolk’s complaints was that our characterizations instigated some of our subscribers to libel him. We will no longer characterize matters in such a way as to bring apparent discredit upon anyone.” [*The consequences of such a formula for the future of hard-hitting journalism can be imagined. And the mind reels at what is involved in the task of avoiding all characterizations which, whether or not libelous themselves, might instigate others to commit that offense. -- ed.*]

“While the defense of Mr. Wolk’s lawsuit has been expensive, he nonetheless has been gracious enough to settle with us for a payment to charity. In fact, even in settlement negotiations, when there was a demand for money, it was always to be contributed to charity, none for Mr. Wolk himself. He steadfastly insisted that his lawsuit was not about money and we have come to believe him.” [*Why would it be thought surprising that the aim of such a lawsuit might be more to silence certain critics than to obtain cash from them? -- ed.*]

As we say, read the whole thing, which lays out at considerable length Mr. Wolk’s reasons for considering himself libeled. AVweb then goes on to publish a sort of protracted advertisement for Mr. Wolk’s services, in the form of tributes and testimonials from grateful clients he has represented in litigation, as well as others. Also included is the painfully self-abasing apology of one of the reader-posters who found himself individually sued by the powerful lawyer — outgunned in every way, and facing who knows what sort of prolonged personal exposure to the cost of litigation. Among the lessons many observers will draw, we think, will be the old one: watch what you say about lawyers. **(DURABLE LINK)**

26. Thus, despite AV Web's admission that the facts it printed were inaccurate, Overlawyered.com took it upon itself to criticize AV Web's retraction and Wolk. This only demonstrates the animosity and malice directed towards Wolk by Olson, Frank, Nieporent and Overlawyered.com.

27. At all times material, the Defendants in this case held themselves out, and continue to hold themselves out, as being persons with superior knowledge and access to information respecting problems with the practice of law in this Country, and unethical practitioners of law in this Country. Therefore, any decision by the Defendants to brand a legal practitioner as unethical or willing to sell-out his client is treated as true, even if made out of personal animosity, ill-will, jealousy, bias or prejudice, and taken by the recipient to imply the existence of undisclosed facts resulting in a purportedly informed assessment by the Defendants.

28. Moreover, while the Defendants hold themselves out as being unbiased "scholars" of the legal profession, in fact, the Defendants are employed by, and funded by, organizations dedicated to reducing liability to victims for personal injuries, including, but not limited to, the aircraft industry. Therefore, without actually disclosing this to the public, in drafting and disseminating articles critical of attorneys who represent victims, the Defendants' columns are merely shilling for aircraft companies and other sources of funding under the guise of scholarly writing, and attempting to turn public opinion against victims.

**C. The Taylor Case**

29. Beginning in 2000, Wolk's law firm represented the victim of an aircraft accident in a case venued in the United States District Court for the Northern District of

Georgia, captioned Taylor v. Teledyne Technologies, Inc., No. 00-cv-1741 (the “Taylor Case”).

30. After discovery disputes arose, the Trial Judge in the Taylor Case issued a September 2002 discovery order critical of Wolk’s conduct during discovery, even though Wolk was not personally involved in any of the asserted conduct.

31. In 2003, the Trial Judge vacated the September 2002 discovery order, and precluded all parties from publicizing the September 2002 order.

32. Thereafter, the Taylor Case settled for a sum that far exceeded the value previously placed on the Taylor Case by a federal magistrate, and all attorneys in the Taylor Case unanimously agreed that Wolk never committed any unprofessional, unethical or wrongful conduct in the Taylor Case. Wolk did not, in fact, commit any unprofessional, unethical or wrongful conduct in the Taylor case, but instead represented his client zealously with an extraordinarily high degree of professionalism and dedication worthy of his reputation.

33. Wolk then sued certain of the Defendants in the Taylor Case for defamation in a case brought in the United States District Court for the Eastern District of Pennsylvania, captioned Arthur Alan Wolk v. Teledyne Industries, Inc., No. 03-5693 (the “Wolk Case”).

34. The Wolk Case settled after it was mediated by a federal judge. As part off the settlement, all attorneys in the Taylor Case unanimously agreed that Wolk never committed any unprofessional or wrongful conduct in the Taylor Case.

**D. The Defamatory Frank Article**

35. As discussed above, although they do not disclose the sources of their funding or affiliations on the website, the Defendants, and their employers such as the American Enterprise Institute, are funded by aircraft engine manufacturers and other organizations, and seek to turn public opinion against victims and those who represent victims to save money for their patrons.

36. Wolk is perhaps the most prominent and important attorney who represents victims of aircraft accidents, and is therefore a major target of the aircraft industry. It benefits the aircraft manufacturers to attempt to besmirch Wolk's name, to coerce clients not to seek Wolk's representation, because Wolk has been so successful in obtaining compensation to injured victims.

37. In conjunction with this mission, on or about April 8, 2007, Defendant Frank, writing for "Overlawyered.com," wrote an article relating to the Wolk Case and the Taylor Case (the "Frank Article"). Upon information and belief, Defendants Olson and Nieporent edited and approved of this article.

38. After a brief reference to the Wolk Case, the Frank Article accused Wolk of "selling out" his client in the Taylor Case, accepting a lesser settlement in the Taylor Case for his client in order obtain future business from other clients and to avoid being impaired by remarks regarding unprofessional conduct in the discovery order in the Taylor Case (which was vacated), and violating his professional and ethical responsibilities and duties. The text of the Frank Article is as follows:

Arthur Alan Wolk v. Teledyne Industries, Inc.

by Ted Frank on April 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [Beck/Herrmann]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, Taylor v. Teledyne, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), aff'd in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: Sep. 16-17, 2002. As the Taylor opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a frivolous mandamus petition.

(See Frank Article, attached as Exhibit "A").

39. The Frank Article was received by the tens of thousands of readers of Overlawyered.com, including the thousands of people who read Overlawyered.com on the internet, and the thousands more who receive the Overlawyered.com newsletters, the majority of whom are practicing attorneys in Pennsylvania and in the United States.

40. Considering the Frank Article in context, and in particular, the assertion that Wolk "sold out" his client for his own personal benefit, with an eye toward the effect

the Frank Article was fairly calculated to produce, and the impression it would naturally engender in the minds of the average persons among whom it was intended to circulate, it is clear that the Frank Article is defamatory.

41. In fact, the Frank Article is defamatory *per se* because it was intended to, and did, blacken Wolk's reputation and expose him to public hatred, contempt and ridicule, and injure him in his business and profession, by ascribing to Wolk conduct and characteristics that would adversely affect his fitness for the proper conduct of his lawful business as an attorney at law.

42. Further, the Frank Article is not merely "opinion," but it purports to be an analysis of a case and an attorney's conduct by several persons, Frank, Olson and Nieporent, who hold themselves out as having superior knowledge of the legal field and of attorney misconduct, such that the Frank Article implies undisclosed, false and defamatory facts – namely, that Frank, Olson, Nieporent and Overlawyered.com, as a result of their investigation and analysis, had determined that Wolk acted improperly and unethically, and "sold out" his client for his own personal and professional gain.

43. In fact, the implication that Wolk had sold out his client for his own personal and professional gain was false.

44. When the Frank Article was disseminated, Frank, Olson, Nieporent and Overlawyered.com knew that it was false, knew that they had no basis to assert that Wolk "sold out" his client for his own personal and professional gain, and knew that the settlement that was achieved in the Taylor case was a remarkably good settlement which exceeded the value of the case placed upon it by a mediator. Notwithstanding, due to their personal animosity and ill-will towards Wolk, with actual malice, and with actual

knowledge that their statements in the Frank Article were false, the Defendants disseminated the Frank Article.

45. As a direct and proximate result of the false and malicious Frank Article, Wolk has sustained damages that include, but are not limited to, pecuniary loss, impairment of reputation and standing in the legal community, personal humiliation, and mental anguish and suffering.

**E. Wolk Learns Of The Defamatory Frank Article In April 2009**

46. In April 2009, Wolk attended a seminar dealing with, *inter alia*, client relationships. During this seminar, the speaker advised the listeners that clients were becoming increasingly media and internet savvy, such that, prior to engaging an attorney to represent him in a lawsuit, many clients will perform a “Google” search on the attorney as part of due diligence. Therefore, the speaker advised Wolk and others that it was important to ascertain what a “Google” search would reveal, and warned that there could be inaccurate, unfair, or false information on the internet that would be revealed through a “Google” search. For this reason, the speaker recommended that all listeners perform a “Google” search on themselves.

47. That night, Wolk returned to his home and, for the first time, performed a “Google” search on himself, and saw the defamatory Frank Article for the first time. Wolk was outraged and dismayed.

48. Thus, Wolk immediately sent a April 9, 2009 email to Frank. This email stated that Wolk never sold out his clients, pointed out that Frank had miscast important facts of the case, and then stated:

I demand that you immediately remove this and every other article about me from your website. What you wrote is

false, shows a complete disregard for the facts and malice, an intent to harm me when you couldn't beat me in court and an effort to destroy the perception of potential clients who would read this and fail to hire me. You have accused me of unethical conduct, fraud and the commission of a crime, none of which is true. This is clearly the reason I have found it extremely difficult to gain new business. You will soon find the same.

(See April 9, 2009 email, attached as Exhibit "B").

49. The Defendants refused to retract the defamatory Frank Article, which still remains accessible on the Overlawyered.com website.

50. In fact, Wolk has information that potential clients had, in fact, viewed the Overlawyered.com website and the defamatory Frank Article, and viewed the accusations that Wolk is unethical, that he cheats and sells-out his clients, and the other false accusations, and decided not to engage Wolk as an attorney, despite his track record and prominence, solely on the basis of the Frank Article and the false statements made therein.

51. Thus, the false Frank Article has had an enormous negative impact on Wolk as a legal practitioner based primarily in Philadelphia, Pennsylvania.

**COUNT I  
DEFAMATION  
PLAINTIFF VS. DEFENDANTS**

52. The Plaintiff incorporates by reference the preceding Paragraphs of this Complaint.

53. The Defendants published the Frank Article, and the Frank Article was disseminated to the thousands of readers who read Overlawyered.com, as well as those who receive written copies of Overlawyered.com through the mail including attorneys

and other persons in Pennsylvania. The Frank Article presently remains accessible on the Overlawyered.com website.

54. The Frank Article defamed the Plaintiff because, *inter alia*, it ascribed conduct and character to the Plaintiff that would adversely affect his fitness for the proper conduct of his lawful profession, blackened his reputation, exposed him to public contempt and ridicule, injured him in his business or profession, lowered him in the estimation of the community, and deterred third persons from associating and/or dealing with him.

55. The Frank Article expressly applied to the Plaintiff.

56. The Frank Article's defamatory meaning, and its application to the Plaintiff, was understood by the thousands of ordinary and reasonable readers of Overlawyered.com.

57. As a result of the Frank Article, the Plaintiff suffered special harm in the form of severe monetary loss, economic and consequential damages discussed above, as well as severe and irreparable impairment of his reputation and credibility in the community generally, and personal humiliation, mental anguish and mental suffering.

58. The Frank Article was false. The false and defamatory Frank Article was made with actual malice by Frank, Olson, Nieporent, and Overlawyered.com, because Frank, Olson, Nieporent, and Overlawyered.com had actual knowledge of the falsity of the Frank Article when it was made, and/or a reckless disregard for the falsity of the Frank Article when it was made. Indeed, Frank, Olson, Nieporent, and Overlawyered.com entertained serious doubts as to the truth of the Frank Article at the time it was disseminated. Further, when making the false and defamatory Frank Article ,

Frank, Olson, Nieporent, and Overlawyered.com were motivated by personal animosity and ill-will towards the Plaintiff, and published the Frank Article with the intent to harm the Plaintiff and destroy his career.

59. The Frank Article was not subject to any recognized privilege, and/or to the extent that any privilege existed or could exist, Frank, Olson, Nieporent, and Overlawyered.com abused any such privilege.

60. Due to the willful, wanton, intentional and malicious nature of the Defendants' conduct, Plaintiff also demands an award of punitive damages in an amount to be determined at trial.

WHEREFORE, Plaintiff Arthur Alan Wolk respectfully requests that the Court enter judgment in his favor and against the Defendants, award the Plaintiff Arthur Alan Wolk compensatory and punitive damages in an amount in excess of the statutory minimum for arbitration, and grant such other and further relief as this Court deems just and appropriate.

**COUNT II**  
**FALSE LIGHT**  
**PLAINTIFF VS. DEFENDANTS**

61. The Plaintiff incorporates by reference the preceding Paragraphs of this Complaint.

62. By disseminating the Frank Article, the Defendants gave publicity to a matter concerning the Plaintiff that placed the Plaintiff before the public in a false light.

63. The Frank Article was disseminated by the Defendants and communicated to the public at large, and it was received by so many persons that the matter must be regarded as public knowledge.

64. The Frank Article included major misrepresentations of the Plaintiff's character, conduct and activities.

65. The Frank Article is highly offensive to the Plaintiff, as it would be to any reasonable person.

66. The misrepresentations contained in the Frank Article, concerning the (alleged and false) assertion that the Plaintiff sold out his client, and accepted a lesser settlement for personal reasons to the detriment of his client, are not of any legitimate public concern.

67. The false Frank Article was disseminated by the Defendants with the knowledge and/or reckless disregard for the false light in which the Plaintiff would be portrayed.

68. Further, the false Frank Article was made by the Defendants with actual malice, because the Defendants had actual knowledge of the falsity of the Frank Article when it was made, and/or a reckless disregard for the falsity of the Frank Article when it was made. Indeed, the Defendants entertained serious doubts as to the truth of the Frank Article at the time it was disseminated. Further, when disseminating the false Frank Article, the Defendants were motivated by ill-will and personal animus towards the Plaintiff, and published the Frank Article with the intent to harm the Plaintiff and destroy his reputation.

69. The Frank Article was disseminated to the public at large through the internet and mailings, and is continuously available to the general public on the Overlawyered.com website, and elsewhere on the worldwide web.

70. As a result of the Frank Article, the Plaintiff suffered severe harm to his interest in privacy, as well as significant damages in the form of monetary loss, economic and consequential damages discussed above, severe and irreparable impairment of his reputation and credibility in the community generally, and personal humiliation, mental anguish and mental suffering.

WHEREFORE, Plaintiff Arthur Alan Wolk respectfully requests that the Court enter judgment in his favor and against the Defendants, award the Plaintiff Arthur Alan Wolk compensatory and punitive damages in an amount in excess of the statutory minimum for arbitration, and grant such other and further relief as this Court deems just and appropriate.

**COUNT III**  
**INTENTIONAL INTERFERENCE WITH**  
**PROSPECTIVE CONTRACTUAL RELATIONS**  
**PLAINTIFF VS. DEFENDANTS**

71. The Plaintiff incorporates by reference the preceding Paragraphs of this Complaint.

72. As set forth above, Wolk is one of the world's most prominent aviation attorneys, and one of the most successful attorneys ever in this country representing victims of aircraft accidents. Wolk is also widely known through his appearances in the media, as a commentator on aircraft safety and accidents.

73. Since the dissemination of the false Frank Article, and following his becoming aware of the false Frank Article, Wolk has become aware of several potential victims who intended to engage Wolk as their counsel to represent them, and would have in fact represented him but for their due diligence on him, which included reference to

the defamatory and false Frank Article. As to these persons, Wolk can establish a prospective contractual relationship.

74. As agents of the aircraft industry, the Defendants in this case acted with the purpose and intent to harm Wolk in Pennsylvania, where his home office exists, by spreading false and defamatory statements about him, and accusing him of selling out his client, in order to prevent Wolk from representing clients who are victims of aircraft accidents.

75. The Defendants in this case acted without privilege or justification.

76. As a result of the Defendants' conduct, Wolk has sustained actual legal damage.

WHEREFORE, Plaintiff Arthur Alan Wolk respectfully requests that the Court enter judgment in his favor and against the Defendants, award the Plaintiff Arthur Alan Wolk compensatory and punitive damages in an amount in excess of the statutory minimum for arbitration, and grant such other and further relief as this Court deems just and appropriate.

Respectfully submitted,



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Paul R. Rosen, Esquire  
Andrew J. DeFalco, Esquire  
**SPECTOR GADON & ROSEN, P.C.**  
1635 Market Street, 7<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19103  
(215) 241-8888 (Main)  
(215) 241-8844 (Fax)

Counsel for Plaintiff

Dated: August 17, 2009

**VERIFICATION**

I, Andrew J. DeFalco, Esquire, hereby verify that I am counsel for Plaintiff in the within action and, as such, I am authorized to make this Verification on his behalf.

The statements made in the foregoing Complaint are true to the best of my personal knowledge, information and belief, based on my knowledge of this litigation.

I understand that the statements made therein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: August 17, 2008

A handwritten signature in black ink, appearing to read 'A. DeFalco', is written above a horizontal line.

Andrew J. DeFalco

EXHIBIT A

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## Overlawyered

Chronicling the high cost of our legal system

# Arthur Alan Wolk v. Teledyne Industries, Inc.

by [Ted Frank](#) on April 8, 2007

Judge writes scathing opinion about attorney; opponent attorney mails opinion to client; losing attorney sues other attorney for defamation. No dice, but even this ludicrous suit does not result in sanctions. [[Beck/Herrmann](#)]

Beck and Herrmann miss, however, an especially interesting subplot. Wolk settled the underlying case, *Taylor v. Teledyne*, No. CIV.A.1:00-CV-1741-J (N.D. Ga.), on the condition that the order criticizing him be vacated. Did Wolk's client suffer from a reduced settlement so that his attorney could avoid having the order used against him in other litigation? (The discovery violation complained about was apparently a repeat occurrence.) The district court permitted a settlement that vacated the order, but its only reported inquiry into whether Wolk did not suffer from a conflict of interest and was adequately protecting his client's rights was Wolk's representation to the court that the client was alright with the size of the settlement. That begs the question whether the client was fully aware of the conflict of interest; if, as seems to be the case, the N.D. Ga. failed to do so, one really wishes courts would do more to protect fiduciaries of plaintiffs' attorneys before signing off on settlements. 338 F.Supp.2d 1323, 1327 (N.D. Ga. 2004), *aff'd* in unpublished summary per curiam opinion (11th Cir., Jun. 17, 2005).

We've earlier reported on Mr. Wolk for his lawsuits against commenters at an aviation website that criticized him: [Sep. 16-17, 2002](#). As the *Taylor* opinion notes, Wolk also threatened to sue the federal judge in that case. He also filed what the Eleventh Circuit called a [frivolous mandamus petition](#).

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**EXHIBIT B**

**Arthur Alan Wolk**

---

**From:** Arthur Alan Wolk  
**Sent:** Thursday, April 09, 2009 9:29 PM  
**To:** tedfrank@gmail.com  
**Cc:** Paul Rosen; Walter DeForest; Cheryl DeLisle; Bradley J. Stoll  
**Subject:** Your false and disparaging statements on the website Overlawyered.com

Mr. Frank:

I have just seen the false and disparaging statements made about on your web site or better said the web said managed, supervised and promoted by those who would deny consumers all rights to sue companies that manufacture defective products, the American Enterprise Institute, a web site run by and for defense lawyers and manufacturers and which by your lead at least made absolutely no effort to investigate the facts.

You don't mention the fact that for example you worked for at least two defense firms against which I have been extremely successful thus your pique over me appears to be related more to my beating your clients backsides than any umbrage over some undefined legal transgression. Absent from your bio is any description of any success anywhere on any subject and with any law firm of substance so it therefore must be easy for you to tear down someone who has a had a forty year success record against the likes of you. Absent from your tirade is my forty years of success and my hundreds and hundreds of cases with not a critical word by a lawyer or a judge.

But more important to me is your false commentary on the Taylor case and your outright libelous statements that make me look like I sold out my clients in that case for a retraction of a false discovery order. Had you investigated the facts you would have seen that it was my firm that made complete discovery and the defense none. In fact it was because the court looked so foolish with nothing to back up her vitriol that she vacated that order and for no other reason.

I have never sold out my clients ever and never will but I will fight to protect my name against people like you who hide behind some phony title like "scholar" bestowed upon yourself. What did the Taylor case settle for? Who were the heirs and what were their damages? What was the liability defense and what were the facts against Teledyne. How many plaintiffs' death verdicts had ever been allowed out of that judge's courtroom? What were the damages recoverable under Georgia law? What considerations as to liability and damages did I make before recommending settlement. What potential for proofs of contributory conduct or even sole causation by immune persons such as the pilots' employer were there as in bad maintenance? What steps did I take to ensure that the settlement was fair and reasonable and like other settlements or even better for similar circumstances in Georgia? Did I contact other Georgia lawyers for their views?

The 11<sup>th</sup> circuit affirmed the trial court's decision not to hold be in contempt, not to award counsel fees, and not to reinstate the false discovery order. That affirmance had nothing to do with the underlying Taylor case at all so you even got that wrong.

Kindly provide full and complete answers to these questions in writing within twenty-four hours and yes I will sue you for defamation. I know you never contacted me to get answers to these questions so let's learn whom you spoke to.

I will check to see if your late firms represented Teledyne in anything. I know Kirtland and Ellis represented Pratt and Whitney unsuccessfully against me at least once and maybe more. I am attempting to see if you were involved in that debacle.

You see Mr. Frank, if you are going to libel someone you need to understand the facts first and the law and also understand the person you are libeling. This was a big mistake.

By copy of this e-mail I am requesting my counsel, Paul Rosen to immediately institute a lawsuit against you and your organization. When we learn who your contributors are we will sue each and every one of them against whom I have had cases or who motivated you to continue the defense generated effort to damage my reputation.

Also by copy of this e-mail I am requesting counsel for Teledyne to set you straight because if I find they had anything to do with these lies I'll sue them too.

I demand that you immediately remove this and every other article about me from your website. What you wrote is false, shows a complete disregard for the facts and malice, an intent to harm me when you couldn't beat me in court and an effort to destroy the perception of potential clients who would read this and fail to hire me. You have accused me of unethical conduct, fraud and the commission of a crime none of which is true. This is clearly the reason I have found it extremely difficult to gain new business. You will soon find the same.

Arthur Alan Wolk