

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

HADEED CARPET CLEANING, )  
INC. )  
3206 Duke St., )  
Alexandria, VA 22314 )

Plaintiff, )

v. )

Case No. 12003401

JOHN DOE #1 )  
Whereabouts unknown )

JOHN DOE #2 )  
Whereabouts unknown )

JOHN DOE COMPANY )  
Whereabouts Unknown )

Defendant. )

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COMPLAINT

COMES NOW, Hadeed Carpet Cleaning, Inc. ("Hadeed Carpet"), by counsel, to demand judgment against the Defendants, John Doe #1, John Doe #2 and John Doe Company, and states as follows:

The Parties

- Hadeed Carpet Cleaning, Inc. is a Virginia corporation doing business in the City of Alexandria, Virginia.
- John Doe#1, John Doe #2 and John Doe Corporation are unknown persons or entities whose whereabouts are unknown. The Defendants have falsely represented themselves to the public as customers of Hadeed Carpet through the website known as www.yelp.com.

3. Yelp! Inc. is a Delaware corporation with its principal place of business in California. (“Yelp”). It operates [www.yelp.com](http://www.yelp.com), a social networking, user review and local search web site, with approximately 54 million unique visitors.
4. As one example of what a user can do on [www.yelp.com](http://www.yelp.com), any person with internet access can perform an internet search that allows the user to view reports of alleged consumers regarding their experience with a particular business.
5. As of June 29, 2012, Yelp maintains two files that relate to Hadeed Carpet on [www.yelp.com](http://www.yelp.com): Hadeed Rug Cleaning and Hadeed Oriental Rug Cleaning. A true and accurate copy of the search for Hadeed Carpet is attached as Exhibit 1.
6. A true and accurate copy of the screenshot of the file that relates to Hadeed Rug Cleaning is attached as Exhibit 2 hereto.
7. A true and accurate copy of the screenshot of the file that relates to Hadeed Oriental Rug Cleaning is attached as Exhibit 3 hereto.
8. As part of their business support package, Yelp offers advice to businesses on how to respond to customer reviews. A copy of Yelp’s advice, as of June 29, 2012, is attached as Exhibit 4 hereto.
9. Yelp’s advice as to how to deal with a negative customer review is attached as Exhibit 5 hereto.
10. However, the main difficulty for a business in dealing with a negative review is that Yelp will not release the name of the alleged customer.
11. Between December 2011 and April 2012, Hadeed Carpet experienced a rash of negative reviews on Yelp.

12. Hadeed Carpet first attempted to work with Yelp in trying to respond to the negative reviews. That effort failed. Then, Hadeed Carpet conducted an independent investigation to attempt to match negative reviews with the customers on the Hadeed Carpet customer database. However, Hadeed Carpet determined that it simply had no record that the negative reviewers were ever actually Hadeed Carpet customers.

13. On June 5, 2012, Hadeed Carpet, by counsel, emailed a list of alleged customers who had submitted negative reviews that Yelp had published and requested the identity of these alleged customers. A copy of the email is attached as Exhibit 6 hereto.

14. On June 6, 2012, Yelp responded and refused to disclose the identities of the alleged customers citing its privacy policy. A copy of Yelp's privacy policy is attached as Exhibit 7.

15. As of June 29, 2012, Yelp's privacy policy states that it has informed all users of the following:

- a. to use Yelp, a user must register by providing their full name, gender, birth date and email address,
- b. the user's reviews will appear to the public,
- c. if a user purchases anything through Yelp's site, they must provide credit card information, which Yelp will store,
- d. Yelp tracks each user's location.
- f. Yelp collects and stores information regarding each user's activities, such as their use of Yelp's site and their interaction with others on the site.
- g. Yelp will place tracking devices, known as "cookies" on the user's computers.
- h. Yelp will allow its advertisers to place cookies on the user's computers.
- i. Yelp will collect information about your use of Facebook and Twitter.

j. Yelp will retain user data for five years.

k. Yelp will provide user data to others to comply with legal process served on Yelp.

16. The negative reviews are false and defamatory. For example, user "Bob G." from Oakton allegedly relates how he was in a desperate need of emergency carpet cleaning and was ripped off. User "Chris H." from Washington reported that his precious rugs were shrunk. User "JS." from Falls Church reports that he was charged for work never performed. User "YB." from Fairfax reports that unauthorized work was performed and his rug was stained. One user, "Aris P." from Haddonfield, N.J. reports that the price was double the quote and that Hadeed Carpet was once bankrupt. Many of the negative reviews report that the price was double what was charged.

17. Not only was Hadeed Carpet unable to find any evidence that the negative reviewers were ever Hadeed Carpet customers, but many of the negative reviewers use the same theme. For example, negative reviewers Bob G., YB., and Aris P. use the theme that Hadeed Carpet doubled the price. Negative reviewers Bob G., Chris H., MP., Mike M., and Aris P. criticize Hadeed Carpet's advertising.

18. Finally, while Aris P. complains from Haddonfield, N.J, Hadeed Carpet does no business in that location.

**COUNT I: DEFAMATION  
(All Defendants)**

19. Plaintiff re-alleges and incorporates by reference all preceding paragraphs of the Complaint herein.

20. Upon information and belief, John Doe #1, John Doe #2 and John Doe Company have falsely represented himself or themselves as customers of Hadeed Carpet in order to write negative reviews on [www.yelp.com](http://www.yelp.com).

21. The negative reviews were published by Yelp and were shown to the general public.

22. The statements were not opinions because the Defendants represent themselves as Hadeed Carpet customers, when in fact, they are not. Moreover, they represented that they received poor service, when in fact, they had not received any.

23. The Defendants made these statements knowing them to be false.

24. The negative reviews proximately caused damage to Hadeed Carpet's reputation.

WHEREFORE, Hadeed Carpet, by counsel, prays that this Court:

A. Grant judgment in favor of Plaintiff; and

B. Award Plaintiff compensatory damages in the amount of \$100,000, or such other amount as may be determined at trial; and

C. Award Plaintiff punitive damages in the amount of \$350,000, or such other amount as may be determined at trial; and

D. Award Plaintiff any further relief that this Court deems just and proper.

**COUNT II: CONSPIRACY TO DEFAME UNDER VA. CODE SEC. 18.2-500  
(All Defendants)**

25. Plaintiff re-alleges and re-incorporates by reference all preceding paragraphs of the Complaint.

26. In writing the negative reviews, the Defendants acted together for the purpose of willfully and maliciously injuring Hadeed Carpet's reputation.

27. The Defendants by their actions caused damage to Hadeed Carpet and its reputation.

WHEREFORE, Hadeed Carpet, by counsel, prays that this Court:

A. Grant judgment in favor of Plaintiff; and

- B. Award Plaintiff compensatory damages in the amount of \$100,000, or such other amount to be determined at trial, to be trebled to \$300,000, or such other amount as may be determined at trial; and
- C. Award the Plaintiff punitive damages in the amount of \$350,000, or such other amount as may be determined at trial; and
- D. Award a permanent injunction to restrain the Defendants from making further defamatory statements;
- E. Award the Plaintiff's attorney's fees and costs.
- F. Award Plaintiff any further relief that this Court deems just and proper.

Respectfully Submitted,

HADEED CARPET CLEANING, INC.  
By Counsel



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