

LAW OFFICES OF VALERIE STEINER
ATTORNEY ID. 045051997
440 65th Street, Suite 1
West New York, New Jersey 07093
(201) 869-9898
Attorney for Plaintiff Mario M. Blanch

MARIO M. BLANCH

Plaintiff

vs.

NICHOLAS J. SACCO, PAUL
SWIBINSKI, PHILIP SWIBINSKI,
VISION MEDIA MARKETING, INC.,
JOHN DOES 1 – 50, JANE DOES 1- 50,
ABC CORPORATIONS 1 – 50, DEF
COMPANIES 1 – 50, GHI
PARTNERSHIPS 1 – 50

Defendant.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION

DOCKET NO.

CIVIL ACTION

VERIFIED COMPLAINT

**BRIEF IN SUPPORT OF PLAINTIFF'S
ORDER TO SHOW CAUSE AND
TEMPORARY RESTRAINING ORDER**

Valerie Steiner, Esq.
On the Brief

STATEMENT OF FACTS

Mario M. Blanch ("Plaintiff") is an attorney who has maintained a private practice in West New York, New Jersey since 2004. Defendant, Nicholas Sacco ("Sacco") is the Mayor of North Bergen since 1991 and has been a State Senator since 1995. Defendants, Paul and Phillip Swibinski, are the campaign managers for Sacco. Vision Media is the public relations firm for Sacco.

Sacco is currently in an election campaign against Lawrence "Larry" Wainstein for the North Bergen Mayor's position.

On or about May 5, 2015, Defendants launched a negative advertising campaign against Mr. Wainstein claiming that Mr. Wainstein surrounds himself with "criminals," "thieves," and "ex-convicts." Plaintiff is named in the advertising as a thief, ex-convict and criminal. Plaintiff is called a "serial tax evader" Tax evasion is a crime.

Plaintiff has never been convicted of a crime, has never been charged with a crime and has never been accused of tax evasion.

The statements made by the Defendants are false, are made with malice as they know or should know that Plaintiff is not a criminal, thief, ex-convict or a "serial tax evader." Notwithstanding, Defendants have labeled Plaintiff with defamatory names and are ruining his reputation.

The advertising by Defendants is being seen by many people and is being spread throughout New Jersey and thus has a negative effect on Plaintiff's business, reputation and well being as Plaintiff is being caused harm from the advertising.

LEGAL ARGUMENT

I. A PRELIMINARY INJUNCTION AGAINST THE DEFENDANTS IS NECESSARY TO PREVENT THE DEFENDANTS FROM CAUSING IRREPARABLE INJURY BY DISSEMINATING FALSE INFORMATION ABOUT THE PLAINTIFF

A preliminary injunction is required to prevent irreparable harm. Crowe v. De Gioia, 90 NJ 126, 133 (1982); citing Citizens Coach Co. v. Camden Horse R.R. Co., 29 N.J. Eq. 299, 303 (E. & A.

1878). Irreparable harm is harm that cannot properly be addressed with money damages. Ibid. Severe personal inconvenience can cause irreparable harm that necessitates injunctive relief. Ibid; citing Hodge v. Giese, 43 N.J. *Eq.* 342, 350 (Ch. 1887).

The New Jersey Supreme Court in Barres v. Holt, 74 N.J. 461 (1977) found that injunctive relief was appropriate to prevent the continued dissemination of slanderous and libelous publications. The Court determined that one's reputation is subject to protection under the law and that injunctive relief is available to protect an individual's reputation.

In this case, Plaintiff is suffering irreparable harm as Defendants have engaged in a widespread massive campaign to defame and ruin the Plaintiff's reputation. Plaintiff is not a thief, convict, ex-convict or serial tax evader. As such, Defendants mass advertising campaign, which itself is a ripoff, should be barred as it is causing irreparable harm to the Plaintiff.

II. PLAINTIFFS ARE ENTITLED TO RELIEF WHERE THEY HAVE ESTABLISHED THAT THE RELIEF THEY ARE SEEKING IS WELL SETTLED

An injunction should be issued where the rights of the Plaintiff are well settled under New Jersey law. Crowe v. De Gioia, 90 NJ 126, 133 (1982).

The causes of action the Plaintiff is alleging against the Defendants is well settled. Our courts have long recognized the what constitutes "slander per se." Slander per se is broken down into four (4) categories which do not require proof of special damages. The categories of slander per se include false statements that "charge commission of a crime" and "affect a person in his business, trade, profession or office." Gnapinsky v. Goldyn, 23 N.J. 243 (1957). To prove defamation a plaintiff must establish that the defendant made a defamatory statement of fact, concerning the Plaintiff, which was false and which was communicated to other people. Feggans v. Billington, 291 N.J. Super. 382 (App. Div. 1996). A defamatory statement, generally, is one that subjects an individual to contempt or ridicule or one that harms a person's reputation by lowering the community's estimation of him by

detering other from wanting to associate or deal with him. G. D. v. Kenny, 205 N.J. 275, 293 (2011).

The statements made by the Defendants are per se defamatory. Plaintiff has never been convicted of a crime, is not an ex-convict, is not a thief, is not a serial tax evader and is not a criminal. As such, the statements made by the Defendants are per se defamatory and libelous. There is no issue regarding the law in this area as it is well established. Further, Plaintiff need not prove any damages as per se libel and slander is damaging in and of itself.

III. THE FACTS OF THIS MATTER ARE UNCONTROVERTED

A third rule is that a preliminary injunction should not issue where all material facts are controverted. Crowe v. De Gioia, 90 NJ 126, 134 (1982). To prevail on an application for temporary relief, a plaintiff must make a preliminary showing of a reasonable probability of ultimate success on the merits. Ibid.

The facts of this case are uncontroverted.

IV. THE EQUITIES IN THIS MATTER FAVOR THE PLAINTIFF WHERE THE PLAINTIFF IS AN ATTORNEY REPRESENTING A CANDIDATE FOR PUBLIC OFFICE AND IS NOT ACTUALLY A CANDIDATE

The final test in considering the granting of a preliminary injunction is the relative hardship to the parties in granting or denying relief. Crowe v. De Gioia, 90 NJ 126, 134-35 (1982). Where the balance of equities favors the Plaintiff, the Court should grant temporary relief pending the outcome of a final hearing. Ibid.

The equities in this case clearly favor the Plaintiff. Plaintiff is an attorney representing a candidate for public office. Defendants are defaming the Plaintiff without cause as the Plaintiff is the attorney and has been duly representing his client, Mr. Wainstein. There is no legitimate reason to call, Plaintiff a thief, criminal or ex-convict where there is no proof of same.

CONCLUSION

For the foregoing reasons it is respectfully requested that the Court grant the relief requested by the Plaintiff.

Respectfully submitted,

By: _____


Valerie Steiner, Esq.

Dated: May 8, 2015

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SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION

DOCKET NO.

CIVIL ACTION

**ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS**

THIS MATTER being brought before the Court by the Law Offices of Valerie Steiner, Esq., attorney for Plaintiff, seeking relief by way of Order to Show Cause and Temporary Restraints and it appearing Defendants that had notice of this application and for good cause shown.

It is on this ____ day of _____, 2015

ORDERED that defendants, appear and show cause before the Superior Court at the Bergen County Courthouse at 10 Main Street, Hackensack, New Jersey before the Honorable _____ at _____ o'clock in the _____ noon or as soon thereafter as counsel can be heard, on the _____ day of _____, 2015 why an order should not be entered:

1. Compelling Defendants to immediately cease and desist from airing commercials, printing materials, or disseminating information defaming Plaintiff;
2. Compelling Defendants to immediately issue a public apology and retraction on television and in print of the statements made against Plaintiff, which shall be done and advertised with the same frequency as the commercials and advertising currently defaming the Plaintiff;
3. For any other relief the Court finds just and equitable;

And it is further ORDERED that pending the Order to Show Cause:

1. Defendants shall immediately cease and desist from airing on television, the internet or any other medium advertising indicating that Plaintiff is a "serial tax evader," "thief," "criminal," and/or ex-convict."

2. Defendants shall immediately cease and desist from slandering, defaming or creating libelous statements about the Plaintiff.

And it is further ORDERED that:

1. The defendant/ third party plaintiff may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the defendant/ third party plaintiff's attorney.

And it is further ORDERED that:

1. A copy of this order to show cause, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendant's counsel within ____ days of the date hereof.

2. The plaintiff must file with the court her proof of service of the on the defendants no later than three (3) days before the return date.

3. Defendants shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by April _____, 2015. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Judge _____, whose address is Bergen County Superior Court, 10 Main Street, Hackensack, New Jersey. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

4. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by May _____, 2015. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____.

5. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendants take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.



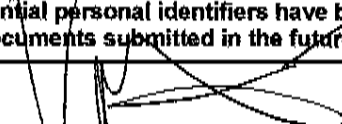
These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a \$135.00 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than ___ days before the return date.

J.S.C.

Appendix XII-B1

	<h2 style="margin:0;">CIVIL CASE INFORMATION STATEMENT (CIS)</h2> <p style="margin:0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____
	ATTORNEY / PRO SE NAME Valerie Steiner, Esq.	TELEPHONE NUMBER (201) 869-9898	COUNTY OF VENUE Bergen <input checked="" type="checkbox"/>
	FIRM NAME (if applicable) Law Office of Valerie Steiner		DOCKET NUMBER (when available)
	OFFICE ADDRESS 440-65th Street West New York, New Jersey 07093		DOCUMENT TYPE Verified Complaint/OSC/TRO JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Mario M. Blanch		CAPTION Blanch v. Sacco	
CASE TYPE NUMBER (See reverse side for listing) 609	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
	DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
	WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|---|---|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 278 ZOMETHA/AREDIA 279 GADOLINIUM 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 288 PRUDENTIAL TORT LITIGATION | <ul style="list-style-type: none"> 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 601 ASBESTOS 623 PROPECIA |
|---|---|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

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SUPERIOR COURT OF NEW JERSEY
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VERIFIED COMPLAINT

Plaintiff, MARIO M. BLANCH (herein "Plaintiff"), by way of Verified Complaint against the defendants, states as follows:

PARTIES

1. Plaintiff is an individual residing at 615 Poplar Road, Rivervale, New Jersey 07675.
2. Defendant, NICHOLAS J. SACCO, is an individual residing at 9060 Palisade Avenue, Unit #1002, North Bergen New Jersey 07047.
3. Defendant, PAUL SWIBINSKI, is an individual residing at 331 Sampson Place, Secaucus, New Jersey 07094.
4. Defendant, PHILIP SWIBINSKI, is an individual residing at 237 North Avenue, Wood-Ridge, New Jersey 07075.

5. Defendant, VISION MEDIA MARKETING, INC., is a public relations and media communications firm with offices located at 854 Eighth Street, Secaucus, New Jersey 07094.

6. Defendants JOHN DOES 1 – 50, JANE DOES 1- 50, ABC CORPORATIONS 1 – 50, DEF COMPANIES 1 – 50, GHI PARTNERSHIPS 1 – 50 , are fictitious Defendants added herein which have yet to be identified, who have contributed, participated and/or actively engaged in the activities set forth in this Complaint and are therefore responsible and liable for the causes of action set forth herein.

BACKGROUND

1. In or around 1985, defendant, VISION MEDIA, was incorporated by defendant, PAUL SWIBINSKI, and his wife Jean Swibinski.

2. Upon information and belief, at or around the time of its incorporation, VISION MEDIA, was retained to provide services for the Township of North Bergen.

3. In or around May 1991, defendant, SACCO, was elected mayor of North Bergen.

4. Thereafter, defendant, SACCO, continued to be re-elected as Mayor, with little challenge.

5. Four years after, defendant, SACCO, became Mayor, in or around June 1995, Plaintiff graduated from North Bergen High School.

6. At that time, Plaintiff resided with his mother at 319 78th Street, North Bergen, New Jersey.

7. Upon graduating high school, Plaintiff attended Rutgers University, but continued to reside in North Bergen.

8. Plaintiff received a Bachelors Degree in Economics from Rutgers University in 1999.

9. Thereafter, Plaintiff received academic scholarships to attend Seton Hall Law School.

10. Plaintiff attended Seton Hall Law School from 1999, until his graduation in May 2002.

11. While attending Seton Hall Law School, Plaintiff continued to reside in North Bergen.

12. Thereafter, Plaintiff sat for the New York and New Jersey Bar, and passed both.

13. Plaintiff scored a high NCBE score, which enabled him to waive into other jurisdictions; however, at that time, Plaintiff elected to not waive into the other jurisdictions, as he intended to remain in the metropolitan.

14. From 2002 to 2003, Plaintiff clerked for the Honorable Marguerite T. Simon, P.J. Ch., now retired in Superior Court New Jersey, Chancery Division-General Equity.

15. While clerking for Judge Simon, Plaintiff continued to reside in North Bergen.

16. In September 2003 through April 2004, Plaintiff worked for a small law firm in Clifton, New Jersey.

17. In or around April 2004, Plaintiff moved out of North Bergen, New Jersey.

18. Around that same time, Plaintiff opened his own law office in West New York, New Jersey.

19. Since that time, Plaintiff has continued to maintain an office in West New York.

20. The majority of Plaintiff's clients are from Hudson County, and in particular, West New York, North Bergen, Union City and Guttenberg (also known as "North Hudson").

21. In or around 2010/ 2011, Plaintiff opened satellite offices in Jersey City and Union City.

22. Plaintiff's Union City was opened with the intent that same be primarily utilized for debt counseling and bankruptcies.

23. In May of 2011, Plaintiff moved back to 319 78th Street, North Bergen, New Jersey.

24. Shortly thereafter, in the fall of 2011, Lawrence Wainstein (hereinafter "Wainstein"), founded the North Bergen Concerned Citizens Group ("NBCCG"), a community organization created for the purpose of promoting open/ honest government, safety, and quality of life throughout North Bergen.

25. Plaintiff was designated as counsel for NBCCG.

26. In or around 2012, Plaintiff elected to close both the Jersey City and Union City satellite offices, as Plaintiff found it inefficient to maintain three separate offices.

27. Despite the closing of the Union City, the owner of the building never removed Plaintiff's sign.

28. In or around September 2014, Plaintiff moved to River Vale, New Jersey.

29. Five months later, on or about February 14, 2015, Wainstein announced his candidacy for mayor against incumbent mayor, defendant, SACCO.

30. Defendant, SACCO, designated defendant, PAUL SWIBINSKI, as his "campaign manager".

31. In connection with his campaign, defendant, SACCO, retained defendant, VISION MEDIA, to maintain his web page, and upon information and belief, defendant, VISION MEDIA, was also retained to assist defendant's, SACCO, campaign with public media and public relations, including campaign advertisements.

32. Upon information and belief, defendant, PHILIP SWIBINSKI, Account Executive and Digital Strategies Director, of defendant, VISION MEDIA, also began working on defendant's, SACCO, mayoral reelection campaign.

33. On or about Tuesday, May 5, 2015, defendants, SACCO, PAUL SWIBINSKI, PHILIP SWISBINSKI, and VISION MEDIA launched an attack ad against Wainstein called the "Shady Bunch".

34. Defendants' campaign began with mailers. See Exhibit A, B, and C. (Attached hereto as Exhibit A is a true and accurate copy of the front cover of the mailer. Attached hereto as Exhibit B is a true and accurate copy of the back cover of the mailer. Attached hereto as Exhibit C is a true and accurate copy of the inside of the mailer.)

35. The mailer is a parody of the 70s show the "The Brady Bunch" and is a rip off of Crunched's Channel's "The Shady Bunch". See Exhibit D. (Attached hereto as Exhibit D is a true and accurate copy of "The Shady Bunch" on vidinfo.org.)

36. Crunched's Channel's "The Shady Bunch" was a 58 second video of President Obama, Acorn, and others, which had them purportedly appearing on the new television show "The Shady Bunch"; it was first published on September 16, 2009, and first heard on the Lars Larson radio show on Compass Media Networks. Id.

37. Crunched's Channel's "The Shady Bunch" can still be seen on YouTube.

38. The mailer and advertising allegedly created by SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI AND VISION MEDIA is not original work but an exact duplicate, ripoff and copy of the Crunched Channel "The Shady Bunch" with the exception that the names and pictures have been changed to include Plaintiff and others.

39. On the front cover of Defendants', SACCO, PAUL SWIBINSKI, PHILIP SWISBINSKI, and VISION MEDIA, "The Shady Bunch" mailer, defendants include a

photograph of Plaintiff with his name and the words "Serial Tax Evader" under his name. See Exhibit A. This page also refers to Plaintiff, as well as three other individuals as Larry Wainstein's "gang of thieves". Id.

40. On the back cover of Defendants', SACCO, PAUL SWIBINSKI, PHILIP SWISBINSKI, and VISION MEDIA, "The Shady Bunch" mailer, the caption states in Spanish:

Wainstein y su "banda Criminal"...

Ya todos conocemos a Larry "El Mentiroso" Wainstein, el millonario que vive en Franklin Lakes y quiere comprar la alcaldia con su dinero sucio. Pero aun no conocemos a su Banda Criminal Pueden ser mucho peor que Wainstein!

La campana de Wainstein es coordinada por criminales y ex convictos, desde los mas altos niveles hasta las calles.

The above translates to the following:

Wainstein and his "criminal gang" ...

We all know Larry "The Liar" Wainstein, the millionaire who lives in Franklin Lakes and want to buy the town hall with its dirty money. But not yet know his criminal gang can be much worse than Wainstein!

Wainstein campaign is coordinated by criminals and ex-convicts, from the highest levels to the streets.

See Exhibit B.

39. Following the "Gang of Criminal" language is a picture of Plaintiff and the following in Spanish:

Mario Blanch - El abogado de Wainstein, Blanch lleugo a deber hasta \$200,000 en impuestos atrasados. Dice ser un abogado de "soluciones de deudas," pero su solucion es no pager los impuestos.

The above translates as follows:

Mario Blanch – Wainstein's attorney , Blanch came to owe up to \$ 200,000 in back taxes. Claiming to be a lawyer of "debt solutions", but his solution is not to pay taxes.

Id.

40. The bottom of the back page of the mailer states the following in Spanish, "Si la "Banda Criminal" de Wainstein Gana... North Bergen Pierde" which translates to "If Wainstein's criminal gang wins, North Bergen loses." Id.

41. Similar to the Spanish back page, the inside of Defendants', SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA, "The Shady Bunch" mailer again states, in English, that Wainstein's campaign is being run by criminals and convicts and then includes Plaintiff's photograph with the following statement, "Wainstein's shady lawyer is a serial tax evader..." See Exhibit C.

42. In addition to circulating "The Shady Bunch" mailer, Defendants', SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA, launched a website "LyingLarryWainstein.Com".

43. On the LyingLarryWainstein.Com website, Defendants', SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA again broadcast "The Shady Bunch" logo with Plaintiff's picture in a "Brady Box" with his name and the words "Serial Tax Evader" under his name and picture. Under the all of the pictures, Defendants' again write that "Wainstein's campaign is being run by criminals and ex-convicts..." Defendants then list four people. The second person listed is Plaintiff, noted as a "shady lawyer".

44. In addition to "The Shady Bunch" mailer and the "LyingLarryWainstein.Com" web page, Defendants, SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA, launched a video of "The Shady Bunch" as a television ad and YouTube ad on Wednesday, May 6, 2015.

45. In the television ad and YouTube ad, the lyrics provide:

Here's the story, about Larry Wainstein, who lives in this big home in Franklin Lakes.

All his friends are crooks and criminals, electing them is a big mistake.
Joe Mocco went to jail for corruption..
Jose for beating up a cop..
Mario owes thousands in back taxes..
And Howie is the biggest crook of all..
The Shady Bunch.. The Shady Bunch...

The video and ad, like “The Shady Bunch” mailer, includes Plaintiff’s picture in one of the Brady boxes, and the lyrics unequivocally include Plaintiff as a “crook and criminal”.

46. The YouTube video has been posted on various Facebook accounts, and other social media accounts.

47. On Wednesday, May 6, 2015 at 11:14 am, defendant, SACCO, uploaded “The Shady Bunch” video on to his Facebook page. The video shows various people in the Brady boxes, including Plaintiff, and the words “Crooks and Criminals” appears under the Brady Boxes. See Exhibit E. (Attached hereto as Exhibit E is a true and accurate copy of the video on defendant’s SACCO Facebook page.)

48. In the comments to defendant’s, SACCO, Facebook page, Dave Prina congratulates defendant PAUL SWIBINSKI by stating “Funniest thing ever. Good job Paul”. See Exhibit F. (Attached hereto as Exhibit F is a true and accurate copy of the comment posted by Dave Prina.)

49. As of May 8, 2015 at 1:05 am, the video had been viewed 7.2K times on defendant’s, SACCO, Facebook page.

50. “The Shady Bunch” video was upload to YouTube on May 6, 2015, and has had 2,135 views, and was uploaded by NickSaccoNJ. See Exhibit G. (Attached hereto as Exhibit G is a true and accurate copy of what appears on YouTube.)

51. Upon information and belief, “The Shady Bunch” mailer is being mailed to every resident in North Bergen, New Jersey.

52. On Thursday, May 7, 2015, an attorney, the former prosecutor in North Arlington, approached Plaintiff in Hudson County Superior Court and advised that he had saw “The Shady Bunch” commercial on television.
53. Additionally, Plaintiff received an email from a colleague who advised that he had seen “The Shady Bunch” commercial several times during the hockey game.
54. Further, a client texted Plaintiff wherein she stated that there was an ad on channel 12 TV, and the ad was making fun of plaintiff, and that something needed to be done about it.”
55. Later in the day on Thursday, May 7, 2015, Plaintiff went to his mother's house in North Bergen, to pick up his children, and learned that his five (5) year old daughter had found “The Shady Bunch” mailer, which had been mailed to his mother's home, and asked what it meant.
56. Plaintiff admits that he owes back taxes to the IRS and the State of New Jersey; however Plaintiff is on a payment plan.
57. Moreover, although Plaintiff does owe back taxes and pays same back monthly, Plaintiff has never been convicted of any crime, including tax evasion, nor has ever been charged with any crime, including tax evasion.
58. Defendants, SACCO, PAUL SWIBINSKI, PHILIP SWIBINSK, and VISION MEDIA, are submitting “The Shady Bunch” mailer and specifically include Plaintiff amongst the “criminals and ex-convicts” running Wainstein's campaign.
59. Likewise, and as noted above, “The Shady Bunch” video contains lyrics wherein Defendants' SACCO, PAUL SWIBINSKI, PHILIP SWIBINSK, and VISION MEDIA, identify Plaintiff as one of Wainstein's friends who is a “crook and criminal”.
60. Defendants, SACCO, PAUL SWIBINSKI, PHILIP SWIBINSK, and VISION MEDIA, know that stating Plaintiff is a “crook” and/ or “criminal” is a false statement made with malice.

FIRST COUNT

1. Plaintiff repeats and reiterates all allegations set forth above with full force and effect as though more fully set herein at length.

2. Defendants, SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA, made statements regarding Plaintiff's professional competency, including stating Plaintiff is a crook and criminal, as outlined above, which statements were not true and damaged Plaintiff's reputation and impaired Plaintiff's ability to earn a livelihood and to procure clients.

3. Defendants, SACCO, PAUL SWIBINSKI, PHILIP SWIBINSKI, and VISION MEDIA, above-described conduct constitutes defamation per se, as a result of which Plaintiff has been damaged and will continue to be damaged.

WHEREFORE, Plaintiff, MARIO BLANCH, demands judgment against Defendants jointly, severally, and in the alternative, for compensatory damages, punitive damages, interests, costs of suit, and such other relief as deemed to be just and equitable by the Court.

SECOND COUNT

1. Plaintiff repeats and reiterates all allegations set forth above with full force and effect as though more fully set herein at length.

2. At all times relevant herein, Defendants, interfered with Plaintiff's prospective economic advantage as a result of which Plaintiff, MARIO BLANCH, has been damaged.

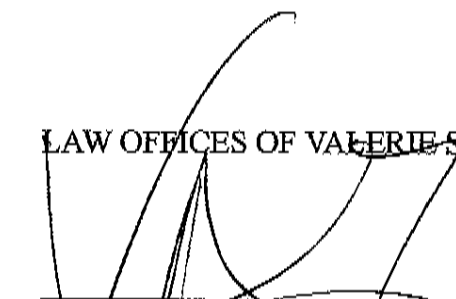
WHEREFORE, Plaintiff, MARIO BLANCH, demands judgment against Defendants jointly, severally, and in the alternative, for compensatory damages, punitive damages, interests, costs of suit, and such other relief as deemed to be just and equitable by the Court.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Valerie Steiner, Esquire is hereby designated Trial Counsel.

CERTIFICATION

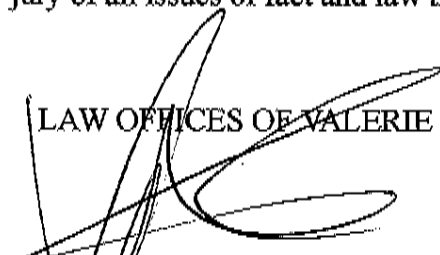
Pursuant to Rule 4:5-1, I hereby certify, that to the best of my knowledge, no action is pending or is contemplated in any court or arbitration proceeding with respect to the attached pleading. As of this date, this matter is not subject to arbitration proceedings. As of this date, I know of no other parties who should be joined.

LAW OFFICES OF VALERIE STEINER
BY: 
VALERIE STEINER, ESQ.
Attorney for Plaintiff Mario M. Blanch

Dated: May 8, 2015

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues of fact and law that may be submitted to a jury.

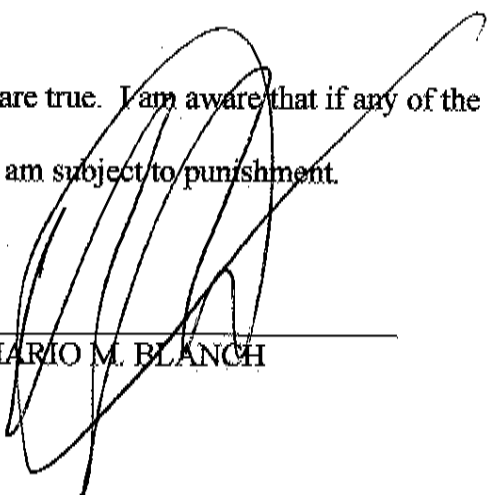
LAW OFFICES OF VALERIE STEINER
BY: 
VALERIE STEINER, ESQ.
Attorney for Plaintiff Mario M. Blanch

Dated: May 8, 2015

CERTIFICATION FOR VERIFICATION

I, the undersigned, am a plaintiff in this action. I have read the Verified Complaint to which this Certificate of Verification is attached. The facts stated therein are true and based on my personal knowledge.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



MARIO M. BLANCH

Dated: May 8, 2015

RECEIVED
MAY 14 2003
MAY 14 2003
MAY 14 2003
MAY 14 2003

PCRWSPH C033

Family

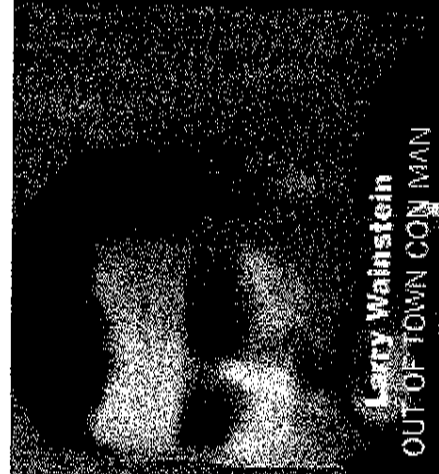
Or Current Resident

78th St

North Bergen NJ 07047-5624

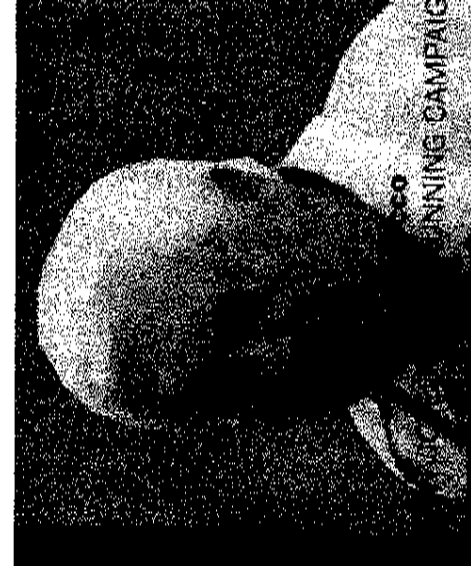


Jose Canonico
EX CONVICT CANDIDATE



Larry Wainstein
OUT-OF-TOWN CON MAN

"The Shady Bunch"



Howie Maphersen
CONVICTED FOR ASSAULT



Mario Blanch
SERIAL EVASADER

LARRY WAINSTEIN AND HIS GANG OF THIEVES
ARE TRYING TO TAKE OVER NORTH BERGEN

LEARN MORE ABOUT THE WAINSTEIN GANG AT LYINGLARRYWAINSTEIN.COM

Wainstein y su "BANDA CRIMINAL"

Ya todos conocemos a Larry "El Mentiroso" Wainstein, el millonario que vive en Franklin Lakes y quiere comprar la alcaldía con su dinero sucio. Pero ¿los to conocemos a su Banda Criminal; Pueden ser mucho peor que Wainstein.

La campaña de Wainstein es coordinada por criminales y es controlada desde los más altos niveles hasta las calles.

Sam Blanch - El abogado de Wainstein. Llegó a deber hasta \$200,000 en impuestos locales. Dice ser un abogado de "vehículos de ferrocarril" pero su solución es no pagar los impuestos.

Howie McPherson - Un asesino y candidato a la alcaldía de Wainstein. Dice un historial criminal tan largo como el de Houdini. Fue condenado por asalto armado y secuestros ilegales y fue arrestado por mala salud en solo una hora dos veces.



José Carronero - Ex-convicto de la cárcel de Essex (New Jersey) se le atribuye haber cometido el asesinato de Wainstein. Carronero se encuentra en la cárcel de Essex.

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Si la "BANDA CRIMINAL" de Wainstein...

¡NORTH BERGEN DEBE...

Here's the Story, of a Con Man named Larry...

They might be even worse!

Wainstein's campaign is being run
by criminals and ex-convicts, from the
highest levels down to the streets.



Joe Mocco - Convicted for illegal dumping, ex-political boss Mocco served time in prison and was barred from being involved in politics in his parole. But he's running Wainstein's campaign, and Larry's own candidate admitted it! Source: Press Conference Video 4/15/15



Mario Blanch - Wainstein's shady lawyer is a serial tax evader who still owes nearly \$200,000 in back taxes. He claims to be a "debt-solutions" lawyer, but his solution is not paying his taxes! Source: NJ Division of taxation 4/23/15



Howie McPherson - A key Wainstein advisor and supporter, McPherson has a criminal record as long as the Hudson River. He was convicted of aggravated assault, illegal dumping and other crimes and was charged with sexual assault not once, but twice! Source: NJ Police and Court Records



Jose Canonico - Wainstein's failed candidate for Board of Education, Canonico beat up a North Bergen cop and put him in the hospital. He stole a car in Atlantic City and spent six months in jail. Source: NJ Superior Court Records

“
IF WAINSTEIN'S SHADY BUNCH WINS...
NORTH BERGEN LOSES!
”

C



Video Analysis for **The Shady Bunch**

PUBLISHER
crunched's channel

PUBLISHED DATE
September 16, 2009

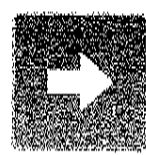
DURATION
00:58

DIMENSIONS
480 x 360

AdChoices

Ad covers the page

HVAC Sales Tools





** We try our best to gather the video's growth rate. This is an estimate for a cumulative growth of views.*



The Shady Bunch

By **crunched's channel**

★★★★☆ 4.6 out of 5 (1.2K ratings)

DESCRIPTION

Acorn and their friends in a new TV show, as heard first on the Lars Larson radio show on Compass Media Networks.

SOCIAL ACTIVITY

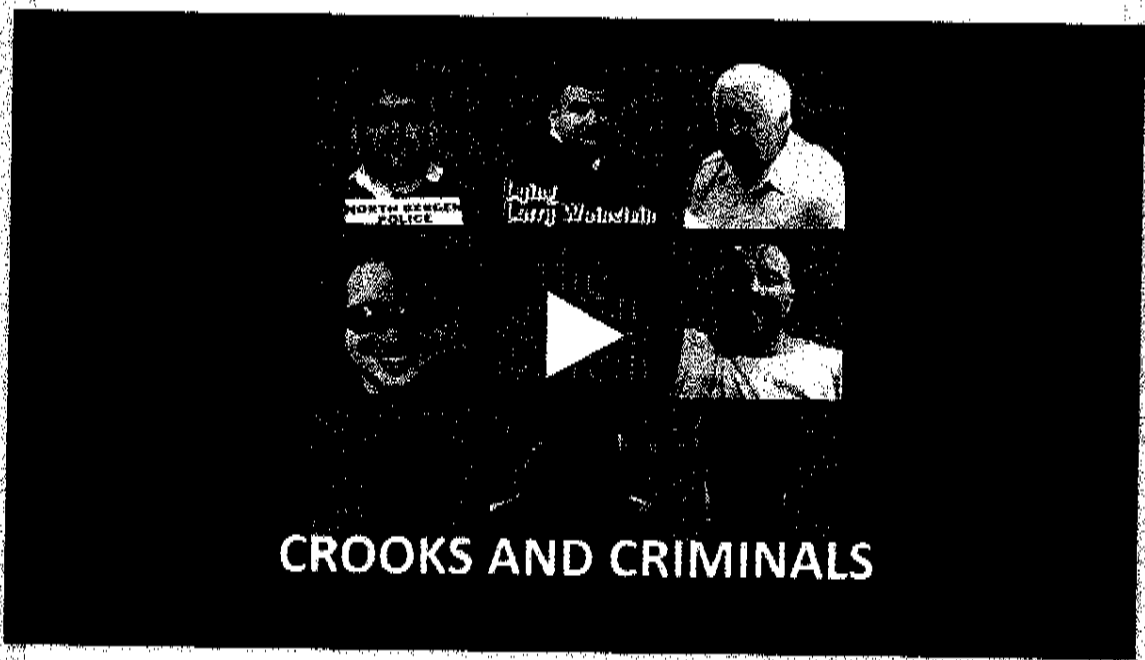




Nicholas J. Sacco uploaded a new video.

Wednesday at 11:14 AM · 🌐

Lying Larry Wainstein and his "Shady Bunch" want to take over North Bergen -- but we're not going to let them! Watch this new ad to learn more about Wainstein and the Shady Bunch and click SHARE to send it to your friends!



180 Likes 72 Comments 7.2K Views

➔ Share

E



Luz Hernandez

How funny 🤔

Wednesday at 12:08 PM · 👍 3



Barbara Stout

Love it

Wednesday at 11:42 AM · 👍 3



Debbie Rivera

I just had to share it's to funny

Wednesday at 11:34 AM · 👍 3



Mohammed Awadallah

LMAOOOOO best video yet !!

Wednesday at 11:20 AM · 👍 6



Mohammed Awadallah Re... · 2 Replies



Dave Prina

Funniest thing ever. Good job Paul

Wednesday at 8:27 PM · 👍 1

View more comments...



News Feed



Requests



Messenger





Notifications



More

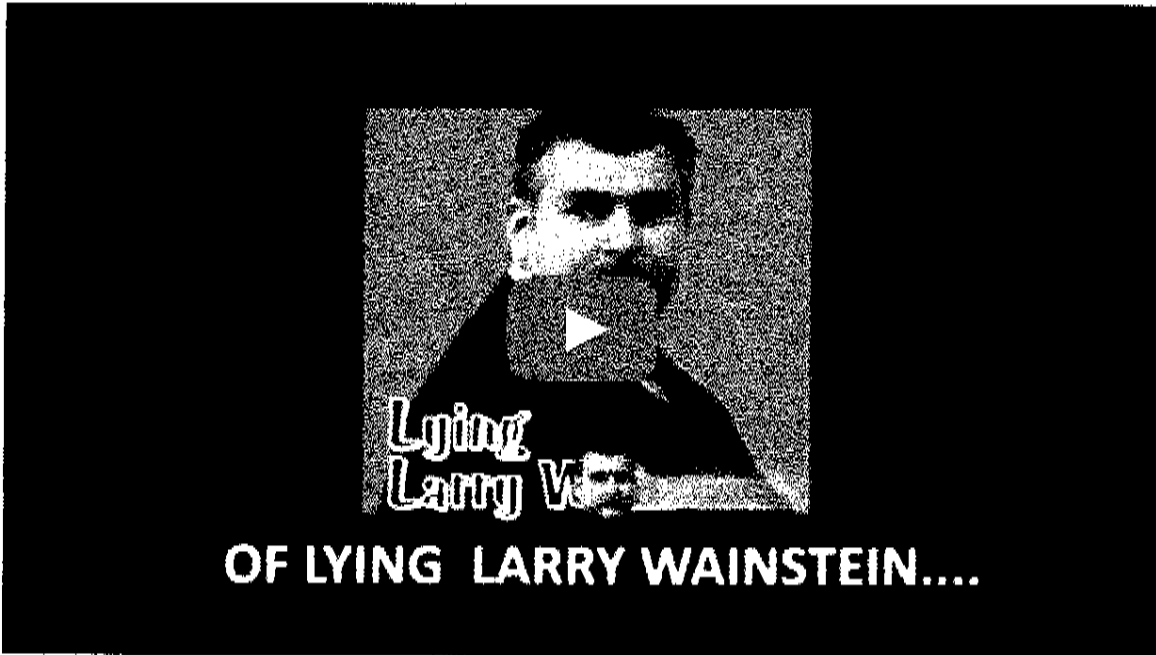
F

YouTube
 Google, Inc.
 GET — On the App Store

View


YouTube

Nick Sacco for Mayor Ad -- "The Shady Bunch" ▲

NickSaccoNJ · 2,135 views



48






Published on May 6, 2015 · Lying Larry Weinstein and his "Shady Bunch" of crooks and criminals are trying to take over North

G