



CHAMBERS OF
FREDA L. WOLFSON
CHIEF JUDGE

Clarkson S. Fisher Federal
Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608
(609) 989-2182

September 2, 2021

Nuwan Weerahandi
Pro se Plaintiff
9 Stires Way
Pittstown, New Jersey 08867

RE: *Weerahandi v. Shelesh, et al.*
Civil Action No.: 16-6131(BRM)

Mr. Weerahandi:

In 2016, you filed a complaint against various individual defendants, as well as other entities, including Google, Inc., YouTube and Fullscreen (collectively, “Defendants”). That action was assigned to Hon. Brian R. Martinotti, U.S.D.J. In resolving Defendants’ Motions to dismiss, Judge Martinotti determined that the court lacked personal jurisdiction over the individual defendants and Fullscreen, and additionally, as a matter of law, your claims against Google and YouTube were barred by the Communications Decency Act. You did not appeal Judge Martinotti’s decision.

On August 13, 2021, the Clerk of the Court sent a letter alerting you that when Judge Martinotti presided over your case in 2016 through 2017, he owned stock in Google, and as such, invited you to respond to Judge Martinotti’s disclosure of the conflict. You did so on August 30, 2021. In your response, you requested the Court re-open the matter because you claim that Judge Martinotti “was unfairly biased and should have recused himself from the case.”

As the Chief Judge of the District of New Jersey, I have considered your response and reviewed the submissions, including Judge Martinotti’s Opinion, in your now-closed case. Because I cannot find any indica of bias, I deny your request to re-open. I come to this conclusion because Judge Martinotti’s dismissal of your claim against Google was based on the

Communications Decency Act, which, as a matter of law, bars any defamation-related claims asserted against “interactive computer services,” such as Google. Importantly, in making this purely legal determination, Judge Martinotti did not engage in any factfinding that would bear on the credibility of any party, including you. As a result, I cannot find that Judge Martinotti exhibited any bias, or the appearance of impropriety, stemming from his ownership of Google stock. If you disagreed with Judge Martinotti’s opinion, you could have appealed his decision to the Third Circuit Court of Appeals, which you chose not to do.

In sum, because I find that there is no indication of bias, your request to re-open is DENIED. Furthermore, you asked that the Court refund your filing fee; however, since you provided no basis for the refund, I also deny that request.

/s/ Freda L. Wolfson
Freda L. Wolfson
Chief Judge