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Attorneys for Plaintiffs  
Landmark Education LLC, Landmark Education  
International, Inc., and Landmark Education  
Business Development, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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LANDMARK EDUCATION LLC, :  
LANDMARK EDUCATION INTERNATIONAL, :  
INC., and LANDMARK EDUCATION :  
BUSINESS DEVELOPMENT, INC, :  
 :  
Plaintiffs, :  
 :  
vs. :  
 :  
THE RICK A. ROSS INSTITUTE OF NEW :  
JERSEY a/k/a/ THE ROSS INSTITUTE a.k.a. :  
THE ROSS INSTITUTE FOR THE STUDY OF :  
DESTRUCTIVE CULTS, CONTROVERSIAL :  
GROUPS AND MOVEMENTS and RICK ROSS :  
a/k/a "RICKY ROSS," :  
 :  
Defendants. :  
-----X

Civil Action No.  
**COMPLAINT**

Plaintiffs, Landmark Education LLC ("Landmark Education"), Landmark Education  
International, Inc. ("Landmark International") and Landmark Education Business Development,

Inc. (“LEBD”) (collectively, “Landmark”), all having their principal offices at 353 Sacramento Street, Suite 200, San Francisco, California 94111, by and through their attorneys, Bloom Rubenstein Karinja & Dillon, P.C. and Cohen Lans LLP, by way of their complaint against the defendants, The Rick A. Ross Institute of New Jersey a/k/a/ The Ross Institute a/k/a/ The Ross Institute For The Study Of Destructive Cults, Controversial Groups And Movements (“The Ross Institute”) and Rick Ross a/k/a/ “Ricky Ross” (“Mr. Ross”) (The Ross Institute and Mr. Ross collectively, the “defendants”), allege as follows:

**Nature of the Action**

1. This is an action for compensatory, statutory trebling and punitive damages, stemming from: (1) defendants’ disparagement of Landmark’s services and programs; (2) defendants’ tortious interference with Landmark’s ongoing and prospective business relations; (3) defendants’ violation of the Lanham Act, 15 U.S.C. § 1125, and the New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-1 *et seq.*; and (4) defendants’ unfair competition with Landmark.

**Jurisdiction and Venue**

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332, because there is complete diversity of citizenship between the plaintiffs and the defendants and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

3. Plaintiff Landmark Education LLC is a Delaware limited liability company with its principal offices located in San Francisco, California. Plaintiff Landmark Education International, Inc. is a California corporation with its principal offices located in San Francisco, California. Plaintiff Landmark Education Business Development, Inc. is a California corporation

with its principal offices located in San Francisco, California. Landmark Education is a global educational enterprise with sixty offices in twenty-five countries.

4. Upon information and belief, defendant The Rick A. Ross Institute of New Jersey, a/k/a/ The Ross Institute a/k/a/ The Ross Institute For The Study Of Destructive Cults, Controversial Groups And Movements (the “Ross Institute”) is a “doing business as” name for defendant Rick Ross that has, since 1996, advertised itself as a not-for-profit entity, with principal offices located in Jersey City, New Jersey. However, upon further information and belief, the Ross Institute did not become a duly authorized exempt organization until December 2003, after complaints concerning the Ross Institute’s misrepresentations as to its status had been made to the appropriate authorities. Upon information and belief, defendant Rick Ross a/k/a “Ricky Ross” is an individual who resides in the State of New Jersey, also in Jersey City.

5. This Court also has jurisdiction over the federal claim pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a) because the state and federal claims originate from a common nucleus of operative facts.

6. Venue is proper in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391(a) because both of the defendants reside in this district in the State of New Jersey.

## **Factual Allegations**

### **A. Background**

#### **a. Landmark**

7. Landmark Education is an employee-owned company that delivers educational programs to the public in the United States, and, through Landmark International, in twenty-four other countries. The business operations were commenced in February, 1991 by Landmark Education Corporation, a California corporation, which was merged into Landmark Education in October, 2002. Landmark Education offers a four-part Curriculum For Living, with the basic program being The Landmark Forum, a three-day program (plus one follow-up evening session), and several advanced courses all directed to enhancing communication, creativity and productivity for participants. Landmark Education's courses are sold to individuals seeking to improve the quality of their lives. Many businesses seeking to improve performance, creativity and organizational effectiveness, including Fortune 500 companies and public sector entities, encourage their employees to attend The Landmark Forum by reimbursing them for the cost of tuition. In addition, Landmark Education is an accredited member of the International Association for Continuing Education and Training and people who participate in Landmark courses receive continuing education units ("CEUs"). The Court is respectfully referred to ¶ 10 which contains additional information about Landmark's programs.

8. Landmark International delivers the same educational programs offered by Landmark Education to individual consumers in locations outside of the United States.

9. LEBD, which commenced operations in 1993, is a global consulting firm providing services directly to corporate customers and public sector entities. LEBD's

engagements encompass a full range of consulting services: from strategic planning sessions, to building and coaching high-performance executive and management teams, to implementing large-scale initiatives in workforce mobilization. Private corporations which have used LEBD's services include: Apple Computer, Lockheed Martin, Mercedes Benz USA and Reebok International. Public sector clients include, among others: the National Aeronautics and Space Administration, the United States Department of Health and Human Services and the United States Department of the Navy.

10. All told, more than 125,000 people from around the world participate in the programs offered by Landmark Education and Landmark International each year. Landmark Education and Landmark International together have more than 400 employees worldwide. In 2002, their revenue exceeded \$54 million. Landmark's total revenue in 2002 exceeded \$58 million.

**b. Defendants**

11. Mr. Ross is a convicted felon (Conspiracy 2nd Degree, to Commit Grand Theft, Arizona Statutes Annotated, § 13-331 (now, § 13-1003)) whose formal education ended with high school. Mr. Ross holds himself out to the public as "an internationally known expert on cults and other radical, extreme and often unsafe groups." Mr. Ross is the founder and Executive Director of The Ross Institute. Upon information and belief, The Ross Institute held itself out as a non-profit entity, exempt from taxes under § 501(c)(3) of the Internal Revenue Code (and it fraudulently solicited donations from the public based on such representations) for years before it registered (in or about December 2003) with the State of New Jersey and obtained a determination of its exempt status from the Internal Revenue Service. Upon information and

belief, The Ross Institute is little more than a mail drop across the street from Mr. Ross's apartment in Jersey City, New Jersey, and is a promotional arm of Mr. Ross's for-profit businesses.

**B. Defendants' Web Sites**

12. Defendants operate at least three internationally available closely-linked web sites, [www.rickross.com](http://www.rickross.com), [www.cultnews.com](http://www.cultnews.com) and [www.culteducation.com](http://www.culteducation.com). These sites are represented to be "a database of information about cults, destructive cults, controversial groups and movements" as well as a "public resource." In fact, these sites are little more than a commercial advertisement for Mr. Ross and his services. The sites offer an intentionally misleading and deliberately frightening amalgam of misinformation about various organizations, lumping legitimate groups like Landmark together with groups like the Aryan Brotherhood and Al-Qaeda. Defendants' web sites boast of the many cases in which Mr. Ross has been hired and found to be qualified as an expert on the subject of cults, as well as of the more than a dozen "involuntary deprogrammings" that he has committed against adults and the many more that he has committed against minors. Mr. Ross uses these web sites to garner media attention in order to create fear and suspicion in the family members and friends of individuals in chosen affiliations. He then exploits this fear to convince these family members and friends to pay him thousands of dollars in fees to coerce their loved ones out of such chosen affiliations. Upon information and belief, these "deprogrammings," which, in addition to the provision of expert testimony, are the main source of Mr. Ross's income, often involve anti-social or illegal behavior disguised in the name of "help." Indeed, in an action arising out of one of his "deprogrammings" a civil jury verdict was rendered against him for conspiracy to violate one of his victim's civil

rights and finding him liable for the torts of outrage and negligence. The jury awarded the plaintiff over \$3 million and Mr. Ross declared bankruptcy shortly thereafter.

13. In addition, defendants use the web sites as vehicles for financial reward: to solicit “tax-deductible contributions,” to hawk Mr. Ross’s: “Cults An Educational Volume with Rick Ross,” consisting of a videotape, book and four audio cassettes and to advertise Mr. Ross’s for-profit services.

14. Defendants state that the web sites have thousands of visitors from all over the world each day.

15. Upon information and belief, contrary to defendants’ representations, Mr. Ross is not a recognized expert on the subject of cults. Mr. Ross does not hold any educational degree nor informal training that might qualify him to be an expert on cults. On information and belief, an expert assigned by the United States Department of Justice to investigate the Branch Davidian disaster in Waco, Texas, has stated the opinion that Mr. Ross is *not* regarded as an expert among members of the academic community.

16. Through their web sites, available worldwide, defendants are engaging and have engaged in a campaign to portray Landmark’s programs in a false light, fostering public confusion, suspicion and fear about Landmark’s programs. The content posted on defendants’ web sites and defendants’ actionable conduct related thereto is extensive. Only a sample of such content and conduct is set forth herein.

17. Defendants have included Landmark on an alphabetized list of organizations, referred to as “controversial groups, some called ‘cults’,” which includes such notorious groups as the Aryan Brotherhood and Al-Qaeda, among others.

**a. "Visitor Comments"**

18. At any given time, a visitor to defendants' web sites will find numerous "anonymous" "visitor comments" disparaging Landmark's programs posted thereon. These comments include numerous false statements of fact designed to give readers the impression that Landmark's programs are cult-like and present risks of physical and/or mental/emotional harm to participants. These commentaries accuse Landmark of "hypnotizing" and "brainwashing" participants, attempting "cult recruitment" and "mind control" and of constituting "cultish-ness." The accusations made are specific, factual and susceptible to concrete meaning in the field of psychology. For instance, the term "cult" is used to describe an entity with certain specific attributes. "Brainwash" has a specific meaning. The use of these terms in connection with Landmark's programs constitutes a false connotation of fact. Additional false and disparaging accusations that can be found in these "visitor comments" include:

- a. The Landmark Forum encourages participants "to cut themselves off" from people who are not associated with the program;
- b. "Most of the people [attending The Landmark Forum] were wailing and rolling around on the floor like an 'Ole South' tent revival;"
- c. Attendees at The Landmark Forum "endured days of physical and emotional discomfort . . . wrapped up in constant sales pitches, not unlike a timeshare seminar" as well as "bullying" and "humiliation;"
- d. "Some of the testimonials within the program were plants;"
- e. The Landmark Forum "used bright fluorescent lighting with no windows, didn't allow food or drink in the room, and required such long hours;"
- f. Participants in The Landmark Forum who want to leave are met with "guilt, manipulation and implied threats" and those who do leave are thereafter continuously "harassed" by Landmark representatives seeking to convince them to return to the program;



- g. Participants in The Landmark Forum are instructed “not to take any medication” during their three-day participation;
- h. Participants in The Landmark Forum are not “allowed to be by themselves for long periods of time or deviate from the Forum rules in any manner;”
- i. Landmark representatives exhibited a “reluctance to allow toilet breaks;” and
- j. Landmark representatives lied to participants who left The Landmark Forum with respect to whether their “money would be refunded.”

19. The foregoing statements are false. Many of these statements simply could not be made by any person who had attended The Landmark Forum. Upon information and belief, Mr. Ross has never attended The Landmark Forum or any of Landmark’s other courses.

20. Upon information and belief, many of these “visitor comments” are not truly authored by “visitors” at all, but rather are authored by or at the direction of defendants.

21. Upon further information and belief, defendants also exercise unconstrained discretion in editing authentic “visitor comments” before they are posted. Indeed, a copyright notice in the name of “Rick Ross” can be found at the bottom of the “visitor comment” page. In addition, defendants choose which comments to post and which not to post from among those received.

**b. “Personal Stories”**

22. In addition to these so-called “visitor comments,” defendants’ web sites also post dozens of anonymously-authored “personal stories” detailing alleged horrors that befell the author or someone close to the author during his or her participation in one of Landmark’s programs. These “personal stories” carry supermarket tabloid titles such as “This cannot be

healthy emotionally” and “Landmark Education destroyed my life -- from the Forum to a psych ward.” Examples of the starkly false statements of fact that can be found in these “personal stories” include: (1) Landmark’s programs make “a deliberate assault on your mind;” (2) participants are “deprived of daylight” and subject to total “control . . . from the moment you are in that room;” (3) Landmark’s programs are “fake and unscrupulous;” (4) Landmark’s programs are a “form of mind control;” (5) Landmark’s programs are “downright dangerous” and “destructive;” (6) Landmark’s programs are designed to make participants “vulnerable to suggestion;” (7) Landmark’s programs have “cult attributes;” and (8) Landmark’s programs are a form of “subtle brainwashing.”

23. Upon information and belief, many of these “personal stories” are not authored by former participants in Landmark’s programs or their loved ones, but rather are authored by or at the direction of defendants.

24. Upon further information and belief, defendants also exercise unconstrained discretion in editing authentic “personal stories” before they are posted. Indeed, a copyright notice in the name of “Rick Ross” can be found at the bottom of each of the “personal story” pages.

**c. Reports and Articles**

25. There are also dozens of “Reports and Articles” concerning Landmark’s educational programs found on defendants’ web sites. The articles appearing on defendants’ web sites possess titles such as “Brain Wash,” “Mindbreakers” and “Microsoft Paid For Culty Clinics.” Upon information and belief, defendants have in many instances instigated the creation of such articles. Upon further information and belief, defendants have chosen not to post

numerous articles reflecting positive assessments of Landmark's programs, even when the positive articles have been specifically brought to defendants' attention.

**d. Forums and Chat Rooms**

26. Defendants' web sites also have a "forum" section where visitors may discuss Landmark's programs in on-line "chat rooms." One "chat room guest," operating under the screen name "richardcee" accuses the program of "brainwashing" while another "chat room guest," operating under the screen name "poppop," asserts that "minds are conditioned by Landmark."

27. Upon information and belief, many if not all of the discussion threads found on the "forum" section of defendants' web sites are not authored by chat room guests at all but rather are authored by or at the direction of defendants.

28. Upon further information and belief, defendants also exercise unconstrained discretion in editing authentic discussion threads originating with chat room guests and/or filtering them so as to permit only disparaging comments to be or remain posted.

**e. Links**

29. Defendants also include on their web sites links to other web sites containing disparaging content concerning Landmark's programs. Defendants use the "links" section of their web sites to lead visitors to other sites containing materials such as "Landmark Forum Shatters A Young Girl's Dreams" and "Landmark Forum: Just a Bowl of Cherries – But Watch Out for the Pits!" A visitor who accesses these links will find allegations that Landmark is a "controversial cult organization," that it employs "highly masterminded, mind control techniques" and that it causes Post Traumatic Stress Disorder and other "psychological injuries,"

as well as “financial hardship, destroyed relationships and ruined careers.”

**f. Meta Tags, Registrations, Portals**

30. Defendants’ web sites use meta tags for keywords and description. These meta tags are used by search engines to categorize web sites for display in response to a user search. Upon information and belief, the meta tags for defendants’ web sites include the keywords “cults,” “brainwashing,” “mind control” and “destructive and unsafe groups.” Thus, when a user accesses an Internet search engine and enters one or more of these terms as the keyword, the search will return a list of web sites that includes those operated by defendants. The fact that an Internet user’s search for “cults” yields defendants’ web sites, combined with the fact that Landmark is selected by Mr. Ross -- a so-called cult expert -- for inclusion on defendants’ sites, together with all of the negative content posted there by defendants, imply that Landmark is a cult and employs brainwashing or mind control techniques. In other words, the structure and design of defendants’ web sites imply defendants’ expert opinion that Landmark is a cult.

31. Some search engines do not use meta tags, but, rather, require web site owners to register site information. Yahoo is such a search engine. Upon information and belief, defendants, or someone acting at their direction, gave Yahoo the following description of defendants’ web sites: “includes information on cults and destructive or unsafe groups.” Again, the fact that a Yahoo user’s search for “cults” or for “destructive or unsafe groups” will yield defendants’ sites, combined with the negative way in which Landmark is portrayed on those sites, imply that Landmark is a cult or is a destructive or unsafe group, or, at the very least, implies defendants’ expert opinion that Landmark is a “cult” or a “destructive or unsafe group.”

32. In addition, defendants’ web sites have even greater reach because a search for

“Landmark Education” under the Internet search engine “Google” produces defendants’ web sites as an internet portal, as a result of which persons worldwide seeking information about Landmark (a great percentage of whom are presumably considering registration) obtain false and disparaging information from defendants concerning the content of Landmark’s programs.

**C. Defendants Refuse to Post Positive Material**

33. In or about February 1999, Landmark wrote to defendants and requested that they modify the content of their web sites so as to include some positive media coverage, expert opinions and consumer comments regarding Landmark’s educational programs in the interest of presenting a balanced and accurate presentation of the facts to the public. Landmark’s request cited to and enclosed for defendants’ convenience many such appropriate items, including:

- a. the results of a study of more than 1,300 people who participated in The Landmark Forum and an analysis of those results by a noted American social scientist;
- b. a letter dated February 22, 1995 from Raymond Fowler, Ph.D., the Executive Vice President and Chief Executive Officer of the American Psychological Association, stating his opinion after participation in The Landmark Forum that “The Forum, in my personal opinion, does not remotely resemble a cult and it puzzles me that any reasonable person could think that it does.”;
- c. a letter dated February 15, 1993 from Lowell Streiker, Ph.D., another recognized expert in the United States on cults, stating his opinion after participation in The Landmark Forum that “None of [the characteristics of a cult] is to be found in The Forum or Landmark Education. The Forum is not a cult in any sense of the word, religious or otherwise.”;
- d. a letter dated April 23, 1996 from Judge Shlomo Shoham, a legal advisor on cult matters for the Israeli Knesset, stating his opinion after participation in The Landmark Forum that “The Forum and the other related workshops have none of the characteristics found in the definition of a cult.”;

- e. a letter dated September 24, 1992 from Bishop Otis Charles, a Bishop of the Episcopal Church in the United States and the former Dean of the Episcopal Divinity School in Boston, Massachusetts, stating his opinion after participation in The Landmark Forum that “By no definition that I know of can The Forum or Landmark’s programs be considered part of a cult. In fact, quite the opposite, the organization and courses are conducted in a way that is entirely consistent with any accredited educational institution.”;
- f. letters supporting Landmark from six other ranking law enforcement officers who participated in The Landmark Forum, including the Assistant Chief of the Los Angeles Police Department;
- g. letters supporting Landmark from six psychiatrists and psychologists who participated in The Landmark Forum;
- h. letters from eight well-respected clergy from major religious denominations who have participated in The Landmark Forum (in addition to Bishop Charles) endorsing participation in Landmark by other clergy;
- i. A resolution adopted by the Board of Directors of the Cult Awareness Network (“CAN”), a self-proclaimed anti-cult organization in the United States, indicating that CAN does not take the position that Landmark is a cult and has never possessed evidence that would justify taking that position;
- j. a May 1997 written opinion from Dr. Margaret Singer, a well-known cult expert in the United States and author of the book “Cults in our Midst,” stating her opinion that “I do not believe that either Landmark Education or The Landmark Forum is a cult or sect or meets the criteria of a cult or sect.”;
- k. an April 10, 1997 written opinion from Herbert Rosedale, the President of the Board of Directors of the American Family Foundation (“AFF”), a prominent anti-cult organization of long standing in the United States, stating that the AFF does not consider Landmark to be a cult; and
- l. an article about Landmark published in the March 16, 1998 issue of *TIME Magazine*, in which the reporters concluded after an extensive investigation that there was no factual basis to allege that Landmark is a cult.

Defendants have not modified their web sites to include or reflect any of the positive articles,

expert opinion or participant accounts forwarded to them by Landmark.

34. Upon information and belief, defendants are only interested in disparaging Landmark's programs and will not permit praise of the programs from any source to be posted on their sites. As a result, any reasonable person would conclude from the structure and content of defendants' web sites that Landmark is a cult or engages in cult-like practices.

35. Defendants are not, and are not like, Internet Service Providers -- they are not a mere conduit for third-parties to post their own comment or articles. Rather, defendants' web sites are a closed universe, completely under defendants' editorial control and direction -- reporting only on those organizations that defendants choose to place there and containing only the content that defendants select for inclusion.

**D. Mr. Ross's False Statements About Landmark to the Media**

36. Mr. Ross has also personally disparaged Landmark's programs to the media. For instance, on October 28, 2003, Mr. Ross telephoned a popular radio show in Australia named The Believers, hosted by Steve Cahane on station J.J.J. During that telephone call, Mr. Ross made the following false and derogatory statements concerning Landmark's programs: (i) "certain persuasion techniques and methods used by Landmark are cult-like;" (ii) participants in the program become "Landmark junkies;" (iii) Landmark's programs have "many of the same attributes that people ascribe to cults;" (iv) participants' mental health have "unraveled" after the programs; (v) people have suffered "psychiatric breaks" after participation in the programs; and (vi) there are "no studies" to support Landmark's claims that people benefit from participating in the programs.

37. On November 25, 2003, Mr. Ross appeared on the 10:00 p.m. news broadcast on KSTP Television in Minneapolis-St. Paul. During the course of that interview, Mr. Ross falsely stated that Landmark's programs have "disturbing parallels to what has been described as thought reform or brainwashing."

38. On August 15, 2002, Mr. Ross telephoned a show broadcast on KIRO-AM Radio in Seattle, hosted by Dory Monson. Upon information and belief, Mr. Ross made derogatory statements concerning Landmark's programs during the course of that telephone call that were identical or substantially similar to the statements set forth in ¶¶ 36-37, above.

39. Additionally, Mr. Ross is quoted in many of the articles posted on his own web sites. In those articles, he states, among other things, that: (1) Landmark's programs are "verbally or emotionally abusive," and their "controversial" methods may cause participants to "unravel;"<sup>1</sup> (2) "people become Landmark junkies;"<sup>2</sup> (3) Landmark's programs "are potentially very dangerous and can result in serious mental problems" and "techniques described by some as similar to 'brainwashing and mind control'" are used;<sup>3</sup> and (iv) Landmark's programs require participants to "put an almost childlike trust into the group's facilitator, which makes someone very vulnerable."<sup>4</sup>

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<sup>1</sup> Quoted in "Not Woman We Knew" by Marisa Agha and Mara H. Gottfried (Pioneer Press, March 1, 2002), posted on [www.rickross.com](http://www.rickross.com).

<sup>2</sup> Quoted in "Pay Money, Be Happy" by Vanessa Grigoriadis (New York Magazine, July 9, 2001), posted on [www.rickross.com](http://www.rickross.com).

<sup>3</sup> Quoted in "Wills' Chile Leader Is In 'Brainwashing' Sect" (London Daily Mail, December 17, 2000), posted on [www.rickross.com](http://www.rickross.com).

<sup>4</sup> Posted on [MSNBC.com](http://MSNBC.com) on January 20, 1999.



## **E. Landmark's Damages**

40. Defendants' activities as described in this complaint have caused plaintiffs to suffer substantial damages, including harm to the reputation of their services and to their goodwill, reduced registration and expenses in time and money incurred to combat the false information spread by defendants.

41. By way of example of the poisonous effects of defendants' conduct:

(a) On July 5, 2003, an article concerning Landmark appeared in a Montreal newspaper called *La Presse*. That article quoted Mr. Ross, who made defamatory statements including the statement that the Landmark Forum is "a very stressful process that is not for everyone" and the statement that "Landmark's philosophy contradicts what many people believe about humanity." At least thirteen individuals who cancelled their registrations to attend The Landmark Forum in Montreal on July 11, 2003 and August 22, 2003 cited the content of this article. Those individuals are: (a) Ida Audet; (b) David Guerin; (c) Nathalie Hudon; (d) Louis Picard; (e) Francine Regmer; (f) Julie Beaudoin; (g) Martine Fortier; (h) Luc Labrecque; (i) Michele Pelletier; (j) Helene Vincent; (k) Marie-France Audet; (l) Maryse Tourigny; and (m) Giles Charette. At least three additional people withdrew from an advanced course to be held in Montreal on July 17, 2003, telling Landmark that their withdrawal came as a result of this article: (a) Christina Auer; (b) Anik Brisebois; and (c) Brigitte Pilon.

(b) According to postings on defendants' own web sites, individuals and entities who had considered registering to participate in programs offered by Landmark have refrained from doing so based solely upon the derogatory materials published by defendants on their web sites and others who had already registered to participate have cancelled such registrations after

reviewing the derogatory materials so published by defendants.

(c) In 2002, the Seattle office of the Internal Revenue Service (“IRS”) requested information about Landmark’s programs. Upon information and belief, the IRS had considered reimbursing its employees for attendance at the Landmark Forum. Upon further information and belief, the disparaging material posted about Landmark’s programs on defendants’ websites interfered with a potentially advantageous relationship between Landmark and the Seattle office of the IRS..

42. If defendants are not enjoined from continuing their unlawful conduct, irreparable injury could result. Defendants will continue their efforts to divert Landmark’s customers away from Landmark. In that event, the injury to Landmark may be rendered incapable of a monetary remedy.

### **FIRST CLAIM (PRODUCT DISPARAGEMENT)**

43. Landmark repeats and realleges each and every allegation contained in paragraphs “1” through “42” hereof as if set forth in full herein.

44. Defendants have published and continue to publish on [www.rickcross.com](http://www.rickcross.com), on [www.cultnews.com](http://www.cultnews.com) and on [www.culteducation.com](http://www.culteducation.com) information that is derogatory to the programs offered by Landmark. Specific examples include, among others, likening the programs to a “cult,” representing that participants in the programs are subjected to “hypnosis,” “brainwashing” or “mind control” and that the programs are “destructive” and “dangerous.”

45. Defendants’ publications concerning Landmark’s programs are not susceptible to

any meaning other than one that is disparaging.

46. Defendants' derogatory publications concerning Landmark's programs have been received by thousands of third-parties from all over the world who visit defendants' web sites.

47. Defendants' derogatory publications are assertions of fact concerning Landmark's programs, or, alternatively, constitute "mixed opinions," claimed to be of an "expert" nature, that imply the existence of undisclosed factual support.

48. Defendants' derogatory publications are false. The programs offered by Landmark do not employ any hypnotic, brainwashing or mind control methods. Thousands of individuals and companies have derived substantial benefit from their participation in Landmark's programs. Qualified experts have opined that the programs offered by Landmark do not possess any of the attributes of a cult. Each and every other derogatory statement by defendants set forth in this complaint is equally untrue.

49. Defendants' false and derogatory publications concerning Landmark's programs are calculated to cause Landmark's customers and potential customers not to register or to cease their participation with Landmark and to enhance the demand for Mr. Ross's "expert" services and in fact have had all of those effects, as described in ¶¶ 40-41, above.

50. Defendants' derogatory publications concerning Landmark's programs were not and are not made under the protective cloak of any absolute or qualified privilege.

51. Defendants' publications concerning Landmark's programs have been made intentionally and maliciously.

52. Defendants' publications are false and are either known to defendants to be false or have been made with a reckless disregard for their truth.

53. Landmark has suffered damages as the proximate result of defendants' publications in an amount no less than \$250,000.

**SECOND CLAIM  
(TORTIOUS INTERFERENCE WITH ONGOING BUSINESS RELATIONS)**

54. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "53" hereof as if set forth in full herein.

55. Landmark has contracts and ongoing business relationships with its hundreds of thousands of individual and business customers worldwide. Those relationships have substantial economic value to Landmark.

56. Defendants are not parties to any of Landmark's contracts or ongoing business relationships.

57. Upon information and belief, at all relevant times, defendants have had actual or constructive notice or knowledge of the existence of these relationships.

58. Notwithstanding such notice and/or knowledge, and to fulfill their own purposes and interests, defendants have disseminated disparaging statements concerning Landmark on their web sites for the purposes of influencing customers to end their relationships with Landmark.

59. Defendants' interference with Landmark's contracts and ongoing business relationships is intentional and is made with the knowledge that such conduct is certain or substantially certain to cause Landmark injury.

60. Defendants' interference is malicious, wrongful and without reasonable justification or excuse.

61. As a direct and proximate result of defendants' tortious interference with Landmark's contracts and ongoing business relationships, Landmark has lost business from customers and potential customers and suffered damages in an amount no less than \$250,000.

**THIRD CLAIM  
(TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS RELATIONS)**

62. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "61" hereof as if set forth in full herein.

63. Landmark has reasonable expectations of future business relationships with prospective individual and business customers worldwide, which prospective relations have economic value.

64. Many such prospective customers have been lost as a result of defendants' tortious interference, accomplished through defendants' dissemination of false and disparaging statements concerning Landmark's programs. Indeed, defendants acknowledge having thusly injured Landmark. According to several postings on defendants' web sites, individuals and entities who had considered participating in Landmark programs have refrained from doing so based solely and directly upon defendants' publications.

65. Defendants' interference with Landmark's prospective business relationships is intentional. The defendants understand that such interference is certain or substantially certain to occur as a result of their actions.

66. Defendants' interference with Landmark's prospective business relationships is malicious, wrongful and without reasonable justification or excuse. Defendants' dishonest conduct is transgressive of generally accepted standards of common morality and of the law.

67. As a direct and proximate result of defendants' tortious interference with Landmark's prospective business relationships, Landmark has suffered damages in an amount no less than \$250,000.

**FOURTH CLAIM  
(VIOLATION OF LANHAM ACT)**

68. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "67" hereof as if set forth in full herein.

69. 15 U.S.C. § 1125(a)(1) (the "Lanham Act") states in relevant part:

Any person who, on or in connection with any goods or services, . . . uses in commerce any . . . false or misleading description of fact, or false or misleading representation of fact, which - . . . (B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities, shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

70. Defendants use their web sites for commercial purposes -- to market Mr. Ross as an expert for hire on the subject of cults, to sell Mr. Ross's book, to solicit donations for The Ross Institute and to sell Mr. Ross's "deprogramming services."

71. To further the sale of Mr. Ross's expert testimony and deprogramming services, defendants publish false, disparaging statements concerning the programs offered to the public by Landmark, as described more fully in ¶¶ 12-39, above.

72. Defendants' conduct as described in ¶¶ 12-39, above violates 15 U.S.C. § 1125(a) because defendants are, in connection with their own services, using in commerce false or misleading descriptions or representations of fact which, in the promotion of their services misrepresents the nature, characteristics and qualities of Landmark's services and commercial

activities. Defendants also misrepresent the origins of the statements that they publish.

73. Defendants' conduct has been made with the intent that the public will rely thereon to acquire goods and services from Mr. Ross.

74. Landmark has standing to bring this action because it has been and/or is likely to be damaged as a result of defendants' unlawful practices.

75. Landmark is entitled to all appropriate legal and equitable relief, including reasonable attorneys' fees, filing fees, and costs of suit.

**FIFTH CLAIM  
(CONSUMER FRAUD)**

76. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "75" hereof as if set forth in full herein.

77. Section 56:8-2 of the New Jersey Consumer Fraud Act (the "Act") states in relevant part:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice . . .

78. Section 56:8-1 of the Act defines the term "merchandise" to include services.

79. Section 56:8-19 of the Act sets forth a private right of action on behalf of persons injured by of practices prohibited by Section 56:8-2.

80. Defendants use their web sites for commercial purposes -- to market Mr. Ross as an expert for hire on the subject of cults, to sell Mr. Ross's book, to solicit donations for The

Ross Institute and to sell Mr. Ross's "deprogramming services." Mr. Ross's expert testimony and deprogramming services are "merchandise" as that term is defined by Section 56:8-1 of the Act.

81. To further the sale of Mr. Ross's expert testimony and deprogramming services, defendants publish false, disparaging statements concerning the programs offered to the public by Landmark as described more fully in ¶¶ 12-39, above.

82. Defendants' conduct as described in ¶¶ 12-39, above violates Section 56:8-2 of the Act because it constitutes an unconscionable commercial practice, deception or fraud on, and a series of misrepresentations made to, the consuming public.

83. Defendants' conduct has been made with the intent that the public will rely thereon to acquire goods or services from Mr. Ross.

84. Landmark has standing to bring this action pursuant to Section 56:8-19 of the Act because Landmark has suffered an ascertainable loss of money (in the form of lost customers and potential customers) as a result of defendants' unlawful practices.

85. Pursuant to Section 56:8-19 of the Act, Landmark is entitled to all appropriate legal and equitable relief, including threefold its damages and reasonable attorneys' fees, filing fees, and costs of suit.

#### **SIXTH CLAIM (UNFAIR COMPETITION)**

86. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "85" hereof as if set forth in full herein.

87. Defendants use their web sites for commercial purposes and in order to serve



these purposes, defendants publish false and disparaging remarks about Landmark's programs on those web sites and otherwise using the media.

88. Defendants derive income by representing themselves as experts for hire through public untruthful and disparaging statements concerning Landmark's programs in a manner that is unfair, improper and wrongful.

89. As a direct and proximate result of defendants' unfair competition with Landmark, Landmark has suffered damages in an amount no less than \$250,000, arising out of a loss of customers and potential customers.

**SEVENTH CLAIM  
(PRIMA FACIE TORT)**

90. Landmark repeats and realleges each and every allegation contained in paragraphs "1" through "89" hereof as if set forth in full herein.

91. Defendants have caused injury to Landmark by publishing false and derogatory statements concerning Landmark's educational programs on defendants' web sites.

92. Defendants have undertaken such conduct with the intent to cause injury to Landmark.

93. Defendants' publication of false, derogatory statements about Landmark's programs is conduct that is generally culpable and not justifiable under the circumstances.

94. As a direct and proximate result of defendants' tortious conduct, Landmark has suffered damages in an amount no less than \$250,000, arising out of a loss of customers and potential customers.

WHEREFORE, plaintiffs Landmark Education LLC, Landmark Education International,

Inc. and Landmark Education Business Development, Inc. demand judgment against defendants The Rick A. Ross Institute of New Jersey a/k/a/ The Ross Institute a/k/a/ The Ross Institute For The Study Of Destructive Cults, Controversial Groups And Movements (“The Ross Institute”) and Rick Ross a/k/a/ “Ricky Ross” jointly and severally as follows:

- (a) preliminarily and permanently enjoining defendants, their agents, servants and employees, against continued tortious conduct;
- (b) in the amount of plaintiffs’ compensatory damages according to the proof, but in any event, in an amount no less than \$250,000;
- (c) for punitive damages according to the proof;
- (d) for treble damages as allowed by law;
- (e) for interest, costs and disbursements and attorneys’ fees where permitted; and
- (f) for such other and further relief as the Court deems just and appropriate.

Dated: June 25, 2004

Bloom Rubenstein Karinja & Dillon, P.C.

By:   
Paul J. Dillon

Attorneys for Plaintiffs  
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Education International, Inc., and Landmark  
Education Business Development, Inc.

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**CERTIFICATION PURSUANT TO LOCAL CIVIL RULES 11.2 AND 201.1(d)(3)**

Pursuant to Local Civil Rules 11.2 and 201.1(d)(3), it is hereby certified (i) that the matter in controversy is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding, and (ii) that the matter in controversy is not subject to compulsory arbitration because the primary relief sought is injunctive.

I hereby certify that 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.

Dated: June 25, 2004

  
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PAUL J. DILLON