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JAN 10 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	S. DEPUTY

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3 Glendale, AZ 85308
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5 Pro Se

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 JAN E. KRUSKA,
10 Plaintiff,
11 vs.
12 PERVERTED JUSTICE FOUNDATION
13 INCORPORATED.ORG A NON-PROFIT
14 ORGANIZATION, DBA
15 WWW.CORPORATESEXOFFENDERS.COM
16 AND IT'S "SUBSITE" WIKISPOSURE
17 PROJECT, XAVIER VON ERCK AKA
18 PHILLIP JOHN EIDE - PRESIDENT
19 AND CEO OF PERVERTED JUSTICE
20 INC., CHRISTOPHER BROCIOS
21 OWNER OF
22 ABSOLUTEZEROUNITED.BLOGSPOT.COM
23 , ABSOLUTEZEROUNITED.COM, AND
24 ABSOLUTEZEROUNITED.ORG,
25 BARABARA W.OCHOA AKA "PETRA
26 LUNA", FILMAX INC., APRIL
27 BUTLER - VICE PRESIDENT OF
28 FILMAX INC., DAVID M. BUTLER -
PRESIDENT OF FILMAX INC.,

CIV '08 0054 PHX SMM

Case No.:

) CIVIL COMPLAINT FOR PRELIMINARY
) AND PERMANENT INJUNCTION FOR
) INTENTIONAL INFLICTION OF
) EMOTION DISTRESS; DEFAMATION;
) INTERFERENCE WITH CONTRACTUAL
) RELATIONS; VIOLATION OF
) R.I.C.O.; VIOLATION OF
) CYBERSTALKING AND
) CYBERHARASSMENT; CONSPIRACY TO
) COMMIT UNLAWFUL ACTS;
) INCITEMENT; VIOLATION OF THE
) DIGITAL MILLENIUM COPYRIGHT
) ACT; AND PRIMA FACIA TORT
) AGAINST DEFENDANTS

JURY TRIAL DEMANDED

1 OWNERS OF WWW.JANKRUSKA.COM AND)
2 WWW.JANKRUSKA.NET, GODADDY.COM)
3 BOB PARSONS, PRESIDENT, OWNER,)
4 AND CEO FOR GODADDY.COM)
5 MYSPACE.COM, JOHN AND JANE DOES)
6 1-60,CORPORATIONS, INDIVIDUALS)
7 AND OR MARRIED COUPLES, LIMITED)
8 LIABILITY COMPANIES, BLACK AND)
9 WHITE PARTNERSHIPS, LIMITED OR)
10 OTHERWISE)

11 Defendants.
12
13

14 COMES NOW Plaintiff, JAN E. KRUSKA, a married woman with minor
15 children, at all times relevant residing in Glendale, Arizona
16 representing herself for her civil complaint states:
17

18 A. PARTIES

19 1. Plaintiff is a resident of Glendale, Arizona in Maricopa
20 County.

21 2. Perverted Justice Foundation Incorporated. DBA

22 www.corporatesexoffenders.com is an entity whose principal
23 place of business is based out of Portland, Oregon, accepts
24 donations in the state of California and is doing business
25 within the State of Arizona. Perverted Justice supports
26 volunteers who act as bait in chat rooms acting as underage
27 individuals. They have expanded their scope of activity to
28 another site called www.corporatesexoffenders.com.

1 Under their "Wikisposure Project" sub site they target
2 individuals who they claim are pedophilia and child rape
3 advocates. Via processes called "clandestine
4 investigations" and "follow up" the "approved staff"
5 authorized to edit the site posts names, home addresses
6 telephone numbers, addresses, screen names, e-mail
7 addresses, personal identifying information, employers,
8 hobbies, businesses and/or websites owned, and photographs
9 if available. Making false statements, as in Plaintiff's
10 case, that she is a predator, has a child molestation
11 conviction and is pro-pedophilia.

12 3. Phillip John Eide AKA Xavier Von Erck is the founder and
13 President of Perverted Justice, corporatesexoffenders.com.
14 and it's "wikisposure project" sub site. He is believed to
15 reside in Portland, Oregon.

16 4. Christopher Brocious owner of
17 absolutezerounited.blogspot.com, absolutezerounited.org,
18 and absolutezerounited.com. Whose principal place of
19 business is based out of Youngstown, Ohio and doing
20 business within the state of Arizona. These three websites
21 support volunteers who post information derived through
22 their "joint effort" with corporatesexoffenders.com and
23 Perverted Justice Inc. Expanding upon such information in a
24 libelous, defamatory, inciting manner on their "targets"
25 along with photographs, copyrighted materials, personal
26 identifying information and contains a running commentary
27 in which Plaintiff has documented threats of bodily injury
28 and death.

- 1 5. Barbara Ochoa AKA Petra Luna leader of "Petra Luna's Army"
2 residing in Encino, California and doing business in the
3 state of Arizona. The self proclaimed "Warrior for
4 Innocence" directs supporters and volunteers to threaten,
5 intimidate and harass individuals and their employers, web
6 hosting and journalistic organizations they do business
7 with claiming they are "pro pedophile" and "child
8 predators". They threaten to expose these organizations as
9 "pro-pedophile" if they continue to do business with their
10 "target". Barbara Ochoa and her volunteers instruct
11 followers to post and repost images and factually incorrect
12 information about their targets everywhere they can, most
13 specifically throughout the internet.
- 14 6. Filmax Inc. a Loudon, Tennessee based company doing
15 business in the state of Arizona listed as the domain name
16 owner of www.jankruska.com and www.jankruska.net.
- 17 7. April Butler of Lenoir City, Tennessee vice-president of
18 Filmax Inc and owner of jankruska.com and jankruska.net
19 doing business in the state of Arizona.
- 20 8. David Butler of Lenoir City, Tennessee president of Filmax,
21 Inc. supporter and domain name holder of jankruska.com and
22 jankruska.net doing business in the state of Arizona. Both
23 jankruska.com and jankruska.net are websites created in
24 Plaintiff's name which specifically target her as a sexual
25 predator and portray her in a false light.
- 26 9. Godaddy.com a Scottsdale Arizona based internet domain name
27 registrar and web hosting company doing business in the
28 state of Arizona and is the web hosting company for
jankruska.com and jankruska.net.

- 1 10. Bob Parsons is the president and CEO of GoDaddy.com a
2 resident of the state of Arizona and doing business in the
3 state of Arizona.
- 4 11. MySpace.com is a California based Corporation doing
5 business in Arizona. MySpace.com is a social networking
6 site which serves as the host to "Petra Luna's Army" and
7 their multiple duplicitous WebPages.
- 8 12. John and Jane Does 1-38 are corporations, Individuals,
9 and/or married couples, limited liability companies, black
10 and white partnerships, limited or otherwise whose
11 identities are as of yet unknown.
- 12 13. John and Jane Does 1-22 go by the following online aliases:
13 stitches AKA stitches77, Misty, Jacey, AZUBRD, Sargent
14 Albatross, Violet leaves, Fiesty CG aka feisty country
15 girl, Charmeyn, Cheri, Reaper of Souls, Sues, Mo2kidz,
16 Petra Luna's MySpace Chief of Police, Petra Luna the real
17 me, Dr. Rev. Laurie Kinard, daydreamerofoz, rookie, tampa
18 pirate, myspace.com/chaddladdysmama Christopher,
19 bloviating zeppelin, antipaedo.

20
21 B. JURISDICTION

22 14. This court has jurisdiction over this lawsuit pursuant
23 to 18:U.S.C § 1964 (c), 28 U.S.C. § 1331, 1332, 1337, 28
24 U.S.C. § 1343 (a) (3, 28 USC 1332, 47 U.S.C 23, 47 U.S.C.
25 230 U.S.C.A. 230 Chapter 5, Subchapter 2, Part 1, 18 U.S.C
26 S 875 (c), 18 U.S.C. s 2261 (a), 17 U.S.C. Chapter 1 (106),
27 (106A) Chapter 5 section 512, 42 U.S.C. 1983, 42 U.S.C.
28 1985(3), 19 U.S.C. part 1 section 373 Conspiracy, 17 U.S.C.
Copyrights chapter 5 infringements section 501(a), U.S.C.

1 18 part 1 chapter 14 extortion and threats, section 875 -
2 interference with interstate commerce, and Pursuant to: ARS
3 13-1201, and A.R.S. 13-1202
4

5 C. VENUE
6

7 15. Venue is proper in this district under 18 U.S.C. § 1965(a),
8 28 U.S.C. §1391 (a), 28 U.S.C. § 1391(b) (3) because at least one
9 of the Defendants in this case resides in the state of
10 Arizona, 28 U.S.C. §1402 (b), 42 U.S.C. 1983, 42 U.S.C. 1985(3)
11 and because the actions and/or omissions occurred in this state.
12

13 D. STATEMENT OF FACTS

14 16. Stalking has become serious in recent years, resulting in
15 the enactment of anti-stalking statutes of varying definitions
16 and applications. California started in 1990, and all states
17 plus the District of Columbia have now followed suit.

18 Additionally, in 1994, congress enacted the Violence against
19 Women's Act (VAWA).

20 17. The tort of cyberstalking is receiving increased
21 recognition. Federal law exists on cyberstalking and in recent
22 years states have begun enacting laws against cyberstalking or
23 amending stalking laws to specifically include cyberstalking.

24 18. Given the recent epidemic of documented cases of
25 vigilantism,

26 up to and including assault and murder of registered sex
27 offenders and those accused of committing sex crimes, Plaintiff
28 is now in a constant state of fear for her life and that of her
family.

1 19. Plaintiff has suffered irreparable harm to character and
2 person as a direct, willful and ongoing result of defendants and
3 each of their actions.

4 20. On or about August 22, 2007 Plaintiff began receiving
5 venomous e-mails via youtube.com in reference to her speaking
6 out against sex offender laws, their ineffectiveness, and over
7 breadth.

8 21. Plaintiff shortly thereafter received a message containing a
9 link to a website called absolutezerounited.blogspot.com where
10 she was and is repeatedly portrayed in a false light as a
11 "Pedophile", "Pro-pedophile", and a "child molester" and that
12 she "starved a child".

13 22. Copyrighted pictures were and are used, many times being
14 altered with racial innuendo.

15 23. Copyrighted written material of Plaintiff's was used and
16 continues to be taken out of context and used in a highly
17 inflammatory, defamatory and libelous nature.

18 24. These activities have directly led to documented threats of
19 bodily injury and threat of death against Plaintiff which were
20 posted in their comments section hosted by haloscan.com.

21 25. The absolutezerounited.blogspot.com website soon posted a
22 link to www.corporatesexoffenders.com/wikisposure which
23 showcased Plaintiff under the category of "Female Pedophiles"
24 and "Pedophile Activists".

25 26. According to the corporatesexoffender.com page on Plaintiff
26 the contents of this webpage was a culmination as part of a
27 "joint effort" between the absolutezerounited.blogspot.com and
28 Perverted Justice's Corporatesexoffenders.com through their
"wikisposure" sub site.

1 27. The webpage devoted to Plaintiff displays four copyrighted
2 images of Plaintiff as well as numerous copyrighted written
3 materials. Plaintiff's personal identifying information is also
4 publicly displayed such as home address, telephone and cell
5 phone numbers, maiden and married names, jobs plaintiff has
6 held, online magazines and bands she has written for, date of
7 birth, e-mail addresses, known affiliates (some of which she
8 does not know), Plaintiff's hobbies, that Plaintiff is a
9 convicted child molester, that she was convicted of molesting a
10 child in Massachusetts and that she is a pedophile.

11 28. Plaintiff contacted both Perverted Justice and
12 Absolutezerounited demanding they cease and desist.

13 29. Plaintiff got no response from absoloutezerounited.blogspot
14 (.com and/or .org).

15 30. Plaintiff did receive a response from Perverted Justice
16 which simply stated "Please shut up, your typing is boring".

17 31. Barbara Ochoa AKA "Petra Luna" is a contributor and actor to
18 and on www.jankruska.com as well as the owner of multiple
19 duplicitous websites of defamatory and dangerous nature. Stating
20 Plaintiff is a convicted child molester, has a felony child
21 abuse conviction, is a pedophile, and pro-pedophile.

22 32. www.jankruska.com as well as defendant Ochoa's other web
23 pages including her Myspace.com pages regarding Plaintiff
24 portray her in a false and dangerous light including factually
25 incorrect information designed to defame, intimidate, and
26 directly incite others to harass and threaten Plaintiff with
27 bodily injury.

28 33. Barbara Ochoa AKA "Petra Luna" heads and online group
called: "Petra Luna's Army" a vigilante type organization in

1 which defendant actively directs others to post and repost the
2 factually incorrect information and copyrighted material
3 regarding Plaintiff in as many places as possible.

4 34. Additionally, Barbara Ochoa AKA "Petra Luna" began two
5 online campaigns against Plaintiff "Operation Adios Amanda" in
6 reference to Plaintiff's pen name Amanda Rogers, and "Operation
7 Shut Down Jan Kruska" ordering all of her followers to write,
8 call, and e-mail online newspapers and bands which Plaintiff has
9 written numerous articles for directly resulting in Plaintiff's
10 articles being taken down and business ties being severed.

11 35. The e-mails and letters contained threats to the companies
12 that if they did not remove my content they would showcase them
13 as being "pro-pedophile" as well.

14 36. At one point Ms. Ochoa AKA "Petra Luna" issued a deadline to
15 Plaintiff to remove her "entire web presence" by October 15th,
16 2007 or "they" were going to launch a "full scale activist
17 attack on Plaintiff".

18 37. This is direct violation of conspiracy against rights under
19 federal law.

20 38. Plaintiff has contacted Ms. Ochoa asking for a cease and
21 desist but received no response.

22 39. April Butler is a resident of Tennessee, Vice-President and
23 Director of Filmax, Inc., a Loudon, Tennessee Corporation. Ms.
24 Butler and Filmax Inc., are listed as the domain name holder and
25 responsible party for the following websites and domain names:
26 www.jankruska.com and www.jankruska.net.

27 40. Jankruska.com is a website devoted entirely to Plaintiff,
28 displaying factually incorrect information regarding Plaintiff,
portrays Plaintiff in a false light, defames, intimidates, and

1 incites others to threaten Plaintiff with bodily injury. The
2 home page opens up with "Profile of a Predator" statement about
3 "Plaintiff".

4 41. April Butler is an active member of "Petra Luna's army" who
5 actively and directly advocates for and incites others to harass
6 Plaintiff and her publishers interfering with interstate
7 commerce in violation of Federal law.

8 42. April Butler also has duplicitous web pages and MYspace.com
9 pages portraying Plaintiff in a false light, and includes
10 threats, illegally displaying her copyrighted material,
11 countenance, and directly inciting danger to her and her family.

12 43. April Butler also is active on multiple MySpace.com pages
13 and blog pages where she reproduces duplicitous information
14 concerning Plaintiff.

15 44. In Ms. Butler's MySpace.com page, Defendant Butler states
16 she has photographs of plaintiff's four minor children and knows
17 all of their names.

18 45. David Butler is the president of Filmax Inc. a Tennessee
19 based Corporation. Since Filmax Inc. is listed as the domain
20 holder for www.jankruska.com and www.jankruska.net, Filmax Inc.
21 is open to liability in this cause of action.

22 46. Plaintiff contacted April and David Butler and Filmax,
23 asking them to cease and desist. David Butler responded with an
24 e-mail that he "fully supported what April Butler was doing".

25 47. GoDaddy.COM is an Arizona based company. GoDaddy.COM is the
26 domain name registrar as well as the web hosting company for the
27 websites www.jankruska.com and www.jankruska.net.

28 48. GoDaddy.com is the domain name holder for several other
websites responsible for reproducing the same factually

1 incorrect, highly inflammatory and defamatory information as
2 well as illegal use of Plaintiff's copyrighted works and images.
3 49. Bob Parsons is the president, owner, and CEO of GoDaddy.com
4 an Arizona based Corporation. The sites which are and will be
5 called into question in this action will be shown to clearly and
6 willingly violate GoDaddy.com's own Terms of Service as well as
7 statutory violations listed.

8 50. Godaddy.com was contacted and asked to cease and desist.
9 Plaintiff was told if she didn't like it "to get and
10 injunction".

11 51. Myspace.com is a California based company which has been and
12 is currently host to multiple public and private blog and web
13 pages regarding Plaintiff with factually incorrect and
14 threatening material, as well as sensitive personal identifying
15 information of Plaintiff.

16 52. MySpace.com is the forum for much of the illegal online
17 activities involved in this claim and for republishing
18 defamatory information and issuing bulletins on how and when to
19 attack Plaintiff. Illegal use of copyrighted images, and
20 defamatory content designed to incite others to cause harm to
21 Plaintiff and her family, and property.

22 53. April Butler and Barbara Ochoa have actively, directly
23 incited and succeeded in having multiple (at this time) unknown
24 defendants make multiple duplicitous pages throughout
25 MySpace.com and elsewhere on the internet.

26 The web pages in question clearly violate multiple MySpace.com's
27 own Terms Of service in addition to the other statutory
28 violations listed.

1 54. It will be shown that MySpace.com has had knowledge of these
2 violations of their own terms of service and yet knowingly and
3 willingly allow them to remain.

4 55. The MySpace.com pages in question are rife with graphic
5 violence, threats, defamation and liable against Plaintiff and
6 also contain personal and private information on the Plaintiff.

7 56. Plaintiff has twice written Myspace.com concerning her
8 allegations asking for a cease and desist and for these pages to
9 be removed. Plaintiff has received no response.

10 57. Once the additional unknown defendants are identified,
11 Plaintiff will seek leave of the court to amend her complaint
12 and add additional defendants.

13 58. As of this date, there are now in excess of at least 43
14 additional duplicitous websites republishing the same
15 information which can now be found by entering Plaintiff's name
16 in a Google search engine.

17 59. Plaintiff has no child molestation conviction.

18 60. Plaintiff has no child abuse conviction

19 61. Plaintiff has no felony convictions

20 62. Plaintiff is not nor has ever been designated as a sexual
21 predator

22 63. Plaintiff is not now nor has ever been diagnosed with
23 pedophilia, that is defined according to the Diagnostic and
24 statistical Manual for Mental Disorders (4th ed. Page 528).
25 Pedophilia is defined as "having intense sexual arousing
26 fantasies, sexual urges, or behaviors involving sexual activity
27 with pre-pubescent children.

28 64. Plaintiff does not nor has she ever condoned, advocated for,
or supported pedophilia in any way, shape or manner.

1 65. Defendants, and each of them have acted as judge, jury, and
2 executioner with no factual basis for their claims.

3 66. False allegations have cause Plaintiff to lose multiple
4 journalistic opportunities and business ties, caused difficulty
5 in Plaintiff gaining employment and writing opportunities now
6 and in the foreseeable future, and have otherwise embarrassed,
7 defamed, humiliated and destroyed Plaintiff's personal life.

8 67. Plaintiff is suffering from extreme mental and emotional
9 stress and has medical problems which have been greatly
10 exacerbated as a direct result of Defendant's and each of their
11 activities.

12
13 E. Count I Request For Preliminary Injunction
14

15 68. Plaintiff will suffer irreparable harm if Defendants are not
16 enjoined during the pendency of this lawsuit from continuing to
17 post on their websites claims that Plaintiff is a "Predator",
18 "Pedophile", "Child Molester", and "Pro-pedophile".

19 69. There is a substantial likelihood that Plaintiff will
20 prevail on the merits that she is not nor has ever been sexually
21 aroused by pre-pubescent children.

22 70. That she does not condone or advocate for pedophilia.

23 71. That she has no child molestation conviction.

24 72. That she has no child abuse accusations or convictions.

25 73. That she is not a child sexual predator.

26 74. The harm that faces the Plaintiff outweighs the harm that
27 would be sustained by the Defendants if the preliminary
28 injunction were granted.

1 75. Issuance of a preliminary injunction would not adversely
2 affect public interest because Plaintiff is not nor has ever
3 been a pedophile, pro-pedophilia, a child abuser, or sexual
4 predator and Defendants should not be allowed with impunity to
5 continue their unlawful acts.

6 76. Plaintiff asks the court to set her application for
7 Preliminary Injunction for hearing at the earliest possible
8 time, and after hearing the requests, issue the injunction
9 against Defendants.

10
11 F. Count II Request For Permanent Injunction
12

13 77. Plaintiff asks the court to set her application for
14 injunctive relief for a full trial on the issues in this
15 application, and, after the trial, issue a permanent injunction
16 against Defendants.

17
18 G. Count III Intentional Infliction Of Emotional Distress
19

20 COMES NOW, Plaintiff, by and for count III Intentional
21 Infliction Of Emotional Distress states:

22 78. The allegations contained herein, above and below, are
23 incorporated herein by reference as is set forth in full herein.

24 79. The Defendants have acted intentionally and recklessly in
25 their activities stated above against Plaintiff.

26 80. The emotional distress suffered by the Plaintiff is severe.

27 81. The defendants' conduct is extreme and outrageous.

28 82. The Defendants' conduct proximately caused the Plaintiff's
emotional distress.

1
2 H. Count IV Defamation
3

4 COMES NOW, Plaintiff, for Count IV Defamation under 47 U.S.C.A.
5 §230, states:

6 83. The allegations contained above and below are incorporated
7 herein by reference as is set forth in full herein.

8 84. The Defendants have published statements that Plaintiff is a
9 "Child Molester", "Convicted Child Molester", "Convicted Child
10 Abuser", a "Predator", a "Pedophile" and "Pro-Pedophile" on
11 multiple websites and as bulletins and mass e-mails to third
12 parties.

13 85. These statements are false.

14 86. These statements are defamatory.

15 87. With regard to the truth of the statements the Defendants
16 are acting with actual malice, negligently and/or is liable
17 without regard to fault (strict liability) due to the nature of
18 the claims.

19 88. The Plaintiff suffered pecuniary injury.
20

21 I. Count V Complaint For Violation Of R.I.C.O.
22

23 COMES NOW, Plaintiff by and for Count V. violations of R.I.C.O.
24 states:

25 89. The allegations contained above and below are incorporated
26 herein and by reference are set forth in full herein.

27 90. Plaintiff alleges a violation of her rights under title IX
28 of the Organized Crime and Control Act of 1970, as amended, 18
U.S.C. §§1961 et. Seq.

1 91. Defendants are enterprises and individuals engaged in and
2 the activities of which affect interstate commerce, To wit:
3 associations with their principal places of business crossing
4 multi-jurisdictional lines, and are engaged in the use of the
5 internet, telephone, and mails to further it's enterprises.

6 92. Defendants are persons within the meaning of 18 U.S.C § 1961
7 (3) and as persons employed by and/or associated with said
8 enterprises, conduct and participate directly and indirectly, in
9 the conduct of the affairs of said enterprises and organizations
10 through a pattern of racketeering activity in violation of 18
11 U.S.C. § 1962(c.)

12 93. The predicate acts which constitute this pattern of
13 racketeering activity are:

14 i. Sending mass e-mails, creating multiple webpages, blog pages,
15 and internet bulletins accusing Plaintiff, among other things as
16 being a "child Molester" and "pedophile"

17 ii. Encouraging and directing their associates and the general
18 public to post and repost said information, encouraging their
19 associates and the general public to undertake other criminal
20 acts against Plaintiff including e-mails to harass, trespassing,
21 criminal damage to property and bodily harm to Plaintiff, etc.,

22 iii. Encouraging and directing their associates, individuals,
23 and the general public to contact and threaten business entities
24 with which the Plaintiff has ties.

25 94. These acts occurred within ten years of one another and
26 constitute a pattern of racketeering activity within the meaning
27 of 18 U.S.C. § 1961 (5).

1 95. Plaintiff was injured in her business and/ or property by
2 reason of 18 U.S.C. § 1962 in that as a direct proximate result
3 of defendants complained of acts.

4 96. Plaintiff suffered damages including, but not limited to
5 pain and suffering and other continuing damages.

6 97. By reason of the Defendants violation of 18 U.S.C. § 1962,
7 Plaintiff is entitled pursuant to 18 U.S.C. 1964 (c) to
8 threefold the damages sustained, with interest thereon, and
9 reasonable attorneys' fees in connection herewith.

10
11 J. Count VI Violations against Federal Cyberstalking and
12 Cyberharassment
13

14 COMES NOW, Plaintiff by and for count IV Federal Rules against
15 cyberstalking and cyberharassment states the following:

16 98. The allegations contained above and below are incorporated
17 herein and by reference are set forth in full herein.

18 99. Plaintiff alleges a violation of 18 U.S.C. & sect; 2261A(2).

19 100. This statute makes it a Federal crime to stalk someone
20 across state, tribal, or international lines, using regular
21 mail, e-mail, or the internet (i.e. cyberstalking). Defendants
22 and each of them have directly and indirectly through incitement
23 caused others and/or have themselves stated intent to kill or
24 injure Plaintiff, and/or place the Plaintiff and her family
25 members in fear of death and bodily injury.

26 101. Under 47 U.S.C 230 (b) (5) it is the POLICY of the United
27 States to ensure vigorous enforcement of Federal criminal laws
28 to deter and punish trafficking in obscenity, stalking, and
harassment by means of a computer. Plaintiff alleges defendants

1 to have violated and be in violation of the above federal
2 statutes.

3
4 K. Count VI violations of the Digital Millenium Copyright Act
5 (DMCA).

6 COMES NOW Plaintiff by and for count VI for violations of the
7 DMCA.

8 102. The allegations contained above and below are incorporated
9 herein and by reference are set forth in full herein.

10 103. Defendants are in violation of the Digital Millenium
11 Copyright Act.

12 104. Defendants are knowingly, willingly, and illegally posting
13 and reposting copyrighted photographs of Plaintiff and excerpts
14 of articles written my Plaintiff which are clearly protected by
15 a copyright notice and warning prominently displayed on
16 Plaintiff's website www.operationawareness.com on multiple
17 duplicitous WebPages throughout the internet.

18 105. Additionally, Defendants have in certain instances defaced
19 and altered said copyrighted images.

20 106. Defendants where identified have been notified to cease and
21 desist, yet ignore Plaintiff's requests. Illegal use of this
22 material is being used to facilitate the above and below
23 allegations set forth herein the complaint.

24
25 K. Count VII - Claim for Prima Facia Tort

26
27 COMES NOW Plaintiff by and for Count VII claim for Prima Facia
28 Tort.

1 107. The allegations contained above and below are incorporated
2 herein and by reference are set forth in full herein.

3 108. Defendants have acted with intent to injure Plaintiff
4 and/or acted with the certainty that their conduct would
5 necessarily result in injury to Plaintiff.

6 109. Plaintiff was injured as a proximate result of Defendants
7 conduct and each of them, including pain and suffering, loss of
8 enjoyment of life, and other monetary and non-monetary damages
9 that are continuous in nature.

10 110. Defendants and each of them acted without justification
11 and/or without sufficient justification.

12 111. Defendants conduct was and is malicious, willful, reckless
13 and/or in bad faith.

14
15 L. Prayer
16

17 Wherefore Plaintiff requests the following relief:

- 18 A. A Preliminary injunction against Defendants prohibiting
19 them fro disseminating claims that Plaintiff is a
20 "Predator", Child Molester", "Child Abuser", "Pedophile",
21 and "Pro-Pedophile" by postings on the internet, mass
22 mailings, e-mails to friends, relatives, employers,
23 business associates, among others; or otherwise by any
24 other means making such suggestions.
- 25 B. A permanent injunction against Defendants prohibiting the
26 above conduct.
- 27 C. An award for damages for Plaintiff's lost earnings and
28 earnings capacity.
- D. An award of damages for pain and suffering.

- 1 E. An award of damages for loss of enjoyment of life.
2 F. Attorney's fees, if Plaintiff is appointed counsel or seeks
3 leave to amend her complaint to add counsel, as allowed by
4 law.
5 G. Pre-judgment and post-judgment interest as allowed by law.
6 H. Costs of this lawsuit as allowed by law.
7 I. Punitive damages as allowed by law.
8 J. For such further relief as the court deems appropriate.
9 K. Remand and referral at the courts discretion for criminal
10 investigation and prosecution of Defendants.

11
12 L. Jury Demand

13
14 Plaintiff asserts her rights under the seventh amendment to the
15 Constitution of the United States, and demands in accordance
16 with the Federal Rules of Civil Procedure 38, a trial by jury on
17 all fact issues in dispute between parties.

18
19 Respectfully

20 Submitted

21 January , 2008

22
23
24 

25 Jan E. Kruska

26 4102 W. Woodridge Drive

27 Glendale, AZ 85308

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