

STATE OF INDIANA  
COUNTY OF MARION

SS:

IN THE MARION SUPERIOR/CIRCUIT COURT

CAUSE NO. 49D02 09 01 PL 00 1 i 6 4

BUTLER UNIVERSITY

Plaintiff,

v.

JOHN DOE a/k/a "Soodo Nym" a/k/a  
thetruebu@gmail.com

Defendant.

TO: John Doe a/k/a Soodo Nym a/k/a  
thetruebu@gmail.com

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above. The nature of the suit against you is stated in the complaint, which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by the plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Dated: \_\_\_\_\_

CLERK, MARION COUNTY COURT

*Elizabeth A. Seabright*

(The following manner of service of summons is hereby designated.)

JAN 08 2009

- \_\_\_\_\_ Registered or certified mail.
- \_\_\_\_\_ Service at place of employment, to-wit:
- \_\_\_\_\_ Service on individual - (Personal or copy) at above address.
- \_\_\_\_\_ Service on agent. (Specify) \_\_\_\_\_
- XXX Other service. (Specify) Service via electronic mail

*Rabeh M. A. Soofi*

Rabeh M. A. Soofi, ATTORNEY FOR PLAINTIFF

ICE MILLER LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282

ADDRESS  
(317) 236-2173  
TELEPHONE

APPEARANCE FORM (CIVIL)  
Initiating Party

**FILED**

JAN 08 2009

(File stamp)

G. Charles A. Wick  
CLERK OF THE MARION CIRCUIT COURT

Case Number: 49D02 09 01 PL 00 1 1 64  
(Previously supplied by Clerk at the time of filing)

// Check if Pro Se. **NOTE: This form is not required for pro se protective orders.**

1. BUTLER UNIVERSITY  
Name of first initiating party
2. Address of pro se responding party or parties (as applicable for service of process):

<u>Name:</u>	<u>Name:</u>
<u>Address:</u>	<u>Address:</u>

(Supply information for additional pro se responding parties on continuation page.)

3. Attorney information (as applicable for service of process):

<u>Name:</u> Rabeh M. A. Soofi	<u>Atty. Number:</u> 25100-71A
<u>Address:</u> Ice Miller LLP	<u>Phone:</u> (317) 236-2173
<u>One American Square, Suite 2900</u>	<u>FAX:</u> (317) 592-4272
<u>Indianapolis, IN 46282</u>	<u>Computer Address:</u> Rabeh.Sooft@icemiller.com

<u>Name:</u> Adam Arceneaux	<u>Atty. Number:</u> 17219-49
<u>Address:</u> Ice Miller LLP	<u>Phone:</u> (317) 236-2137
<u>One American Square, Suite 2900</u>	<u>FAX:</u> (317) 592-4604
<u>Indianapolis, IN 46282</u>	<u>Computer Address:</u> Adam.Arceneaux@icemiller.com

<u>Name:</u> Michael A. Blickman	<u>Atty. Number:</u> 2779-49
<u>Address:</u> Ice Miller LLP	<u>Phone:</u> (317) 236-2298
<u>One American Square, Suite 2900</u>	<u>FAX:</u> (317) 592-4613
<u>Indianapolis, IN 46282</u>	<u>Computer Address:</u> Michael.Blickman@icemiller.com

4. Case Type requested: PL [See Administrative Rule 8(b)(3)]

5. Will accept FAX service: Yes \_\_\_ No X

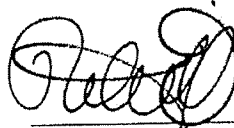
6. Additional information required by state or local rule: \_\_\_\_\_

7. (Optional) Additional information to supplement the appearance form submitted by the initiating party: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served via electronic mail on January 8; 2009, addressed to:

John Doe a/k/a Soodo Nym a/k/a  
thetruebu@gmail.com



\_\_\_\_\_

Rabeh M. A. Soofi

ICE MILLER LLP  
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Suite 2900  
Indianapolis, IN 46282  
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Defendant.

**FILED**

JAN 08 2009

194

*Charlott A. White*  
CLERK OF THE MARION CIRCUIT COURT

COMPLAINT

Plaintiff Butler University, by counsel, hereby brings this Complaint against unidentified Defendant John Doe a/k/a "Soodo Nym" a/k/a thetruebu@gmail.com (to be correctly identified during the course of these proceedings), stating as follows:

INTRODUCTION

1. This action is brought by Butler University in connection with the defamatory and libelous statements authored and published by Defendant John Doe on an internet web-log "blog" maintained by Defendant, which have harmed the honesty, integrity, and professional reputation of Butler University and two of its high-level administrators, namely, the Provost of the University, Dr. Jamie Comstock, and the Dean of the College of Fine Arts, Dr. Peter Alexander.

PARTIES, JURISDICTION AND VENUE

2. Plaintiff Butler University is an independent liberal arts and sciences institution of higher learning located in Indianapolis, Indiana.

3. Defendant John Doe a/k/a "Soodo Nym" a/k/a [thetruebu@gmail.com](mailto:thetruebu@gmail.com) is an individual submitting to the jurisdiction of the Courts of Indiana arising from acts and/or omissions causing personal injury and property damage in Indiana within the definition of Indiana Trial Rule 4.4(A).

4. Jurisdiction and Venue are proper pursuant to Indiana Trial Rules 75(A)(1) and 4.4(A)(1).

#### **BACKGROUND FACTS**

5. Defendant John Doe a/k/a "Soodo Nym" a/k/a [thetruebu@gmail.com](mailto:thetruebu@gmail.com) ("Doe") is the author of a blog, which at all times relevant to Butler University's claims herein, was located at the internet URL <http://truebu.blogspot.com> ("TrueBU Blog").

6. All times relevant to the allegations herein, TrueBU Blog was publicly accessible and available to all internet users on demand.

7. Between October 14, 2008 and January 1, 2009, Doe authored and published eleven (11) posts on the TrueBU Blog. Various individuals authored "comments" in response to Doe's posts, which are also published on the TrueBU Blog.

8. On these authored posts, Doe signed his/her name as "Soodo Nym" (i.e., a phonetic spelling of "pseudonym") and listed his/her email address as [thetruebu@gmail.com](mailto:thetruebu@gmail.com).

9. Certain of Doe's statements (collectively "Defamatory Statements," and particularly identified below) defamed Butler University and two of its administrators, namely, Dr. Jamie Comstock ("Comstock"), the present Provost of Butler University, and Dr. Peter Alexander ("Alexander"), the present Dean of Butler University's Jordan College of Fine Arts ("JCFA").

10. Doe authored and published the first defamatory post on the TrueBU Blog on October 16, 2008, in a post entitled "The Collegian and Provost Comstock," a true and accurate print-out<sup>1</sup> of which is attached as Exhibit A ("October 16, 2008 Post").

11. In the October 16, 2008 Post, Doe published a statement, which Doe attributes to another source, that Dr. Comstock "doesn't seem to care much for student opinion," is "unwilling to work with students unless she can see how the relationship will directly benefit her," and seems to "have some illusions of grandeur and a love for the power of her position." *Ex. A.*

12. In the October 16, 2008 Post, Doe also published a statement, which Doe attributes to another source, that "[Dr.] Comstock is really just so full of herself and ready to share it with anyone that [sic] differs from her that interactions with her are exceedingly difficult." *Ex. A.*

13. Doe authored and published a second defamatory post on December 16, 2008, entitled "Letter from Gullickson to Music Faculty", a true and accurate print-out of which is attached hereto as Exhibit B ("First December 16, 2008 Post").

14. In the First December 16, 2008 Post, Doe authored and published the following statements: "Dean Alexander acted inappropriately and inexcusably in handling this matter. His actions are not consistent with the Butler Way, are embarrassing to JCFA and Butler, and are ridiculously irresponsible." *Ex. B.*

15. In this post, Doe also accused Dr. Alexander of "blatant disregard for the college, the School of Music, and the Butler Way" and characterized his actions as "abuses of power." *Ex. B.*

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<sup>1</sup> Plaintiff is unable to provide internet URLs of the TrueBU Blog posts because shortly before the filing of this action, all such posts and the TrueBU Blog in its entirety were deleted from the blog host, Blogspot.com.

16. Doe authored and published a third defamatory post later on December 16, 2008, entitled "Music-Gate Continues, Plot Thickens," a true and accurate print-out of which is attached hereto as Exhibit C ("Second December 16, 2008 Post").

17. In the Second December 16, 2008 Post, Doe authored and published the following statements: "Peter Alexander, Dean of the JCFA, is power-hungry and afraid of his own shadow." "He drives away talented administrators. He frustrates students within the departments. He hurts the ability of the school to recruit talented students and faculty members. He announces to the campus that the Butler Way, the ideals for which the school and everyone at it stands, means nothing." *Ex. C.*

18. Doe authored and published a fourth defamatory post on December 19, 2008, entitled "Music-Gate: Email from Dean Alexander," a true and accurate print-out of which is attached hereto as Exhibit D ("December 19, 2008 Post").

19. In the December 19, 2008 Post, Doe authored and published the following statements: "The only tension and division present, it seems, is the department growing tired of his poor leadership as dean." *Ex. D.*

20. In the December 19, 2008 Post, Doe characterizes Dr. Alexander's actions as "Shady. Very Shady" and stated that "If there were a book of shady administrator tricks [Dr. Alexander's actions] would be filed under 'oldest' and 'most offensive.'" *Ex. D.*

21. Doe authored and published a fifth defamatory post on December 21, 2008, entitled "It Really Is A Sad State of Affairs," a true and accurate print-out of which is attached hereto as Exhibit E ("December 21, 2008 Post").

22. In the December 21, 2008 Post, Doe accused Drs. Alexander and Comstock of being engaged in a conspiracy to misrepresent the circumstances of the departure of Andrea

Gullickson, a Butler University Professor and former chair of the JCFA, to Dr. Bobby Fong, President of Butler University, by repeatedly lying to Dr. Fong. *Ex. E.* Doe authored and published the following statement: "Dr. Fong is being misled by Dean Peter Alexander and by Provost Jamie Comstock." ... "Provost Comstock, knowing that the letter did not accurately reflect what transpired in the meeting, conspired with Dean Alexander and allowed this to happen. Both of them then, one can infer from Dr. Fong's Email above, lied about what happened to President Fong." *Ex. E.*

23. In the December 21, 2008 Post, Doe also authored and published the following statements regarding Dr. Alexander: "Dean Alexander has misused his authority, is paranoid, and is unequivocally a poor leader of an otherwise promising college within Butler University. Need more be said? He says one thing and does another." ... "[Dean Alexander] cannot deal with disagreements or conflict and instead uses the brute force of his authority as Dean to dictate what happens within the JCFA." ... "Dean Alexander left the meeting embarrassed and humiliated." ... "After being faced, literally, by the entire faculty of the School of Music, Dean Alexander lied to them and left embarrassed." *Ex. E.*

24. In the December 21, 2008 Post, Doe also authored and published the following statements regarding Dr. Comstock: "Comstock sat idly by and allowed the letter to be presented as truth. It is clear, from how badly Dr. Fong misunderstood what was said at the meeting, that Comstock lied to him..." *Ex. E.*

25. In the December 21, 2008 Post, Doe also authored and published the following statements regarding Butler University and its administrators: "Is this what is becoming the Butler Way? Administrators who are so full of themselves and, paradoxically, lack the confidence needed to be honest and truthful while making decisions?" ... "That is what seems to



be the Butler Way: A blatant lack of integrity." *Ex. E.*

26. By Doe's own admission, Doe's defamatory statements on the TrueBU Blog were viewed over 2,000 times by visitors to that website by December 21, 2008. *Ex. E*, p. 6.

27. Butler University's administrators have received threatening/harassing emails in connection with the events reported on the TrueBU Blog. One such email was received from Doe (a true and accurate print-out of which is attached as Exhibit F hereto), and another such email was received from the email address butlerbrigades@hotmail.com (a true and accurate print-out of which is attached as Exhibit G hereto).

#### COUNT I - DEFAMATION PER SE

28. Plaintiff Butler University incorporates by reference its allegations in rhetorical paragraphs 1-27 as though fully set out herein.

29. Doe's Defamatory Statements were libelous.

30. The authoring and posting of Doe's Defamatory Statements on the TrueBU Blog constituted a written publication.

31. Doe's Defamatory Statements were factually false and inaccurate.

32. Doe's Defamatory Statements were facially defamatory statements imputing misconduct on the parts of Butler University, Dr. Alexander, and/or Dr. Comstock.

33. Doe's Defamatory Statements injured Butler University, Dr. Alexander, and/or Dr. Comstock in their office(s), profession(s), trade(s), business(es), and/or calling(s).

34. Doe's Defamatory Statements degraded Butler University, Dr. Alexander, and/or Dr. Comstock, impeached each individual/entity's honesty, integrity or reputation, and/or brought them into contempt, hatred, and/or ridicule.

35. Doe's Defamatory Statements were made with actual malice and with reckless disregard for the truth.

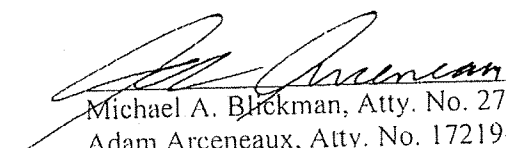
36. As a result and direct consequence of Doe's Defamatory Statements, Butler University and its administrators, Dr. Alexander and Dr. Comstock, have been injured.

**RELIEF REQUESTED**

WHEREFORE, Plaintiff Butler University, by counsel, respectfully prays for judgment in its favor and against Defendant John Doe a/k/a "Soodo Nym" a/k/a [thetruebu@gmail.com](mailto:thetruebu@gmail.com), compensation in the full amount of its damages, plus accrued pre-judgment and post-judgment interest at the highest legal rate permissible, attorneys' fees and costs, and all other equitable or legal relief available.

Respectfully Submitted,

ICE MILLER LLP

  
Michael A. Blickman, Atty. No. 2779-49  
Adam Arceneaux, Atty. No. 17219-49  
Rabeh M. A. Sooli, Atty. No. 25100-71A  
Attorneys for Plaintiff Butler University

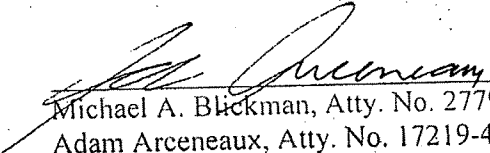
One American Square  
Suite 2900  
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(317) 236-2100

JURY DEMAND

Pursuant to Indiana Trial Rule 38(B), Plaintiff requests trial by jury..

Respectfully Submitted,

ICE MILLER LLP

  
Michael A. Bluckman, Atty. No. 2779-49  
Adam Arceneaux, Atty. No. 17219-49  
Rabeh M. A. Soofi, Atty. No. 25100-71A  
Attorneys for Plaintiff Butler University

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