

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

THE SUPPORT GROUP)
 OF THE HOLY SYNOD OF)
 ETHIOPIAN ORTHODOX TEWAHEDO)
 CHURCH)
 1807 Alto Vista Ave)
 Gwynn Oak, Maryland 21207)
)
 DR. AMBACHEW WORETA)
 4634 Sheppard Manor Drive,)
 Ellicott City, Maryland 21042,)
)
 and)
)
 DR. MEKURIA HAILE)
 2540 Countryside Drive,)
 Silver Spring, Maryland 20905,)
)
 Plaintiffs,)
)
 v.)

AUTOMATTIC, INC.)
 60 29th Street #343)
 San Francisco, CA 94110-4929)
)
 Serve on:)
 National Registered Agents, Inc.)
 160 Greentree Drive # 101)
 Dover, Delaware 19904)
)
 and)
)
 Does 1-20)
)
 Defendants.)

Case No.: _____

COMPLAINT

(for defamation, false light, negligence and gross negligence, tortious interference with prospective economic advantage, aiding and abetting, and civil conspiracy)

Now come the plaintiffs, by and through the undersigned counsel, and for their complaint against the defendants, Automattic, Inc. and Does 1-20, state and allege as follows:

PARTIES

1. Plaintiff the Support Group of the Holy Synod Ethiopian Orthodox Tawahedo Church (hereinafter sometimes referred to as “the Support Group”) is an unincorporated association whose members volunteer time and provide assistance to the Holy Synod of the Ethiopian Orthodox Tewahedo Church. The address of the Support Group is 1807 Alto Vista, Gwynn Oak, Maryland 21207.
2. Plaintiff Dr. Mekuria Haile (hereinafter sometimes referred to as “Dr. Haile”) is an adult individual member of the Holy Synod Support Group of the Ethiopian Orthodox Tawahedo Church. Dr. Haile’s address is 2540 Countryside Drive, Silver Spring, Maryland 20905.
3. Plaintiff Dr. Ambachew Woreta (hereinafter sometimes referred to as “Dr. Woreta”) is an adult individual member of the Holy Synod Support Group of the Ethiopian Orthodox Tawahedo Church. Dr. Woreta’s address is 4634 Sheppard Manor Drive, Ellicott City, Maryland 21042.
4. The Support Group, Dr. Haile, and Dr. Woreta are hereinafter sometimes collectively referred to as “the Plaintiffs.”
5. The Support Group is a well-defined group with an established membership. Many members of the Ethiopian Orthodox Tawahedo Church community know that Dr. Haile and Dr. Woreta are members of the Support Group.
6. On information and belief, defendant Automattic, Inc. (hereinafter sometimes referred to as “Automattic”) is a corporation organized under the laws of the State of Delaware.

7. On information and belief, Automattic is registered to do business in the State of California as a foreign corporation. On information and belief, Automattic maintains offices at 60 29th Street #343, San Francisco, California 94110.

8. On information and belief, Automattic owns and operates WordPress.com.

9. On information and belief, some or all of defendants Does 1 through 20, inclusive, (hereinafter sometimes referred to as “Does”) own, operate, post, and/or comment on <http://kidestager.com>, a website hosted by WordPress.com.

10. On information and belief, some or all of Does also make defamatory oral and written statements to other members of the Ethiopian Orthodox Tawahedo Church community.

11. The true names and capacities, whether individual, corporate, associate, or other, of the defendants designated as Does, are unknown, or not clearly known, to the Plaintiffs at this time, and the Plaintiffs sue said defendants through fictitious names. When the names and capacities of such fictitiously named defendants are ascertained, this pleading will be amended. On information and belief, each of Does is in some manner responsible for the occurrences alleged *infra*, and the Plaintiffs’ damages have been proximately caused by the actions of those defendants.

12. Does routinely call themselves “Hailegebriel Tadege” (transliterated from Amharic), “gebremichael”, “Ferealem”, “Daniel”, “wushetampapas”, “Koster Gonderew”, and other names when publishing statements on kidestager.com.

13. The individual defendants have also made defamatory statements to members of the Ethiopian Orthodox Tawahedo Church community, which have been repeated to the Plaintiffs with a blanket refusal to identify the source of such defamatory statements, through other media.

14. Defendants Automattic and Does are hereinafter sometimes collectively referred to as “the Defendants”.

JURISDICTION AND VENUE

15. This Court has jurisdiction pursuant to 28 U.S.C. § 1332.

16. Venue is proper pursuant to 28 U.S.C. § 1391(a).

BACKGROUND

17. On information and belief, less than one year ago, the Defendants intentionally made and published to third parties false and defamatory oral and written statements about the Plaintiffs.

18. At all relevant times, the Plaintiffs provided (and continue to provide) assistance and support to the Holy Synod of the Ethiopian Orthodox Tawahedo Church. Such assistance, *inter alia*, involves fundraising and receiving donations to ensure the upkeep of Church facilities.

19. On November 28, 2011, the Defendants published and communicated to third parties and the public at large a lengthy and blatantly defamatory written statement. The statement was published and could be viewed by the public at <http://www.kidestager.com>. The statement contained numerous falsehoods. The statement alleged, *inter alia*, that “[the Synod Support Group] ... was formed from former committee members of the red terror who are responsible for the death of many youngsters[.]” It was further alleged that the Plaintiffs are a “terrorist missionary force” and a “rapid deployment army” that consists of “atheist politicians.” The statement alleged that the Support Group acted corruptly and was involved in blackmail. The Plaintiffs were alleged to have been involved in acts of moral turpitude. The statement alleged and implied that the Plaintiffs were associated with the crimes, brutalities, and malfeasances committed by, and in the name of, a communist or quasi-communist dictatorship that ruled Ethiopia at a certain time. The implications, suggestions, and allusions are clearly understandable

to persons familiar with the recent history of Ethiopia and to members of the Ethiopian community. These allegations were blatantly false and extremely offensive, and have caused the Plaintiffs significant damage and distress.

20. Some or all of the Defendants have continued to employ the kidestager.com website to post lengthy defamatory statements about the Plaintiffs of a character similar to that of the November 29, 2011, statement. The most recent such defamatory statement was posted on January 16, 2012.

21. Some or all of the individual Defendants have also posted defamatory “comments” or responses to the above-described posts on the kidestager.com website. Some or all of the individual Defendants also “filter” comments that appear on kidestager.com. The Defendants allow publication of only those comments that are also defamatory with respect to the Plaintiffs and/or that agree with such defamatory statements. Comments that disagree with the defamatory posts or are neutral commentary are not published.

22. The website has gained significant recognition, likely through deliberate efforts by the Defendants, and other Ethiopian Orthodox communities and churches have contacted the administration of the Ethiopian Orthodox Tawahedo Church, as well as the Plaintiffs, regarding the posted statements.

23. Some or all of the individual Defendants have also published very or substantially similar statements orally and in writing to members and parishioners of the Ethiopian Orthodox Tawahedo Church outside of the kidestager.com medium.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF DEFAMATION

24. The Plaintiff reincorporate by reference and re-allege the allegations of paragraphs 1 through 23 with the same effect as if fully set forth herein.

25. The Defendants defamed the Plaintiffs by communicating false and defamatory statements of fact concerning each or all of the Plaintiffs to third parties. Such statements were intended to, and did in fact, injure the reputation of each and all of the Plaintiffs.

26. The Defendants published those defamatory statements knowing that they were false, with reckless disregard for their accuracy, and/or at least negligently.

27. The Defendants knew or should have known that the falsehoods they were publishing were highly likely to cause reputational, emotional, and economic damage to the Plaintiffs.

28. The Defendants communicated those false statements intentionally and with malice and ill will towards the Plaintiffs.

29. The false statements were intended to injure the Plaintiffs in their trade, reputation, profession, vocation, and activities.

30. In such actions, the Defendants confederated and conspired with the purpose, intent, and effect of harming Plaintiffs.

31. Each of the Defendants was an agent for the other Defendants and each aided and abetted the actions of the other Defendants, wherefore, the Defendants are jointly and severally liable to the Plaintiffs.

32. As a direct and proximate result of the Defendants' wrongful actions, the Plaintiffs suffered damages and sustained losses.

SECOND CLAIM FOR RELIEF
FALSE LIGHT

33. The Plaintiffs reincorporate by reference and re-allege the allegations of paragraphs 1 through 32 with the same effect as if fully set forth herein.

34. The Defendants made and published to third parties and the general public statements, representations, allegations, allusions, and imputations that placed each and all of the Plaintiffs in a false light in the eyes of the public and members of specific communities. The statements, representations, allegations, allusions, and imputations were false and highly offensive to any reasonable person.

35. The Defendants acted with actual malice towards the Plaintiffs, with reckless disregard for the high likelihood that such actions would cause injury to the Plaintiffs, and/or at least negligently.

36. In such actions, the Defendants confederated and conspired with the purpose, intent, and effect of harming the Plaintiffs.

37. Each of the Defendants was an agent for the other Defendants and each aided and abetted the actions of the other Defendants, wherefore, the Defendants are jointly and severally liable to the Plaintiffs.

38. As a direct and proximate result of the Defendants' wrongful actions, the Plaintiffs suffered damages and sustained losses.

THIRD CLAIM FOR RELIEF
NEGLIGENCE AND GROSS NEGLIGENCE

39. The Plaintiffs reincorporate by reference and re-allege the allegations of paragraphs 1 through 38 with the same effect as if fully set forth herein.

40. The Defendants owed the Plaintiffs a duty to exercise at least reasonable care in making statements, representations, allegations, allusions, and imputations regarding the Plaintiffs.

41. The Defendants breached the duty of care they owed to the Plaintiffs by failing to exercise at least reasonable care in making statements, representations, allegations, allusions, and imputations regarding the Plaintiffs.

42. As a direct and proximate result of such negligence, the Plaintiffs suffered damages and sustained losses.

43. In such actions, the Defendants confederated and conspired with the purpose, intent, and effect of harming the Plaintiffs.

44. The Defendants acted willfully, wantonly, and with reckless disregard for the Plaintiffs' rights and interests.

45. Each of the Defendants was an agent for the other Defendants and each aided and abetted the actions of the other Defendants, wherefore, the Defendants are jointly and severally liable to the Plaintiffs.

FOURTH CLAIM FOR RELIEF
TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

46. The Plaintiffs reincorporate by reference and re-allege the allegations of paragraphs 1 through 45 with the same effect as if fully set forth herein.

47. The Plaintiffs have the right to carry on fundraising activities to support and further the causes of the Holy Synod without any wrongful and improper interference by others.

48. The Defendants knew about the Plaintiffs' valid fundraising activities, necessary to support and further the causes of the Holy Synod, which fundraising activities were, and are presently, ongoing. The Defendants knew of those fundraising activities and intentionally interfered with those fundraising activities by making offensive, outrageous, false, and defamatory statements about the Plaintiffs, thereby disrupting those activities.

49. As a direct and proximate result of such interference, the Plaintiffs suffered damages and sustained losses.

50. In such actions, the Defendants confederated and conspired with the purpose, intent, and effect of harming Plaintiffs.

51. The Defendants acted willfully, wantonly, and with reckless disregard for the Plaintiffs' rights and interests.

52. Each of the Defendants was an agent for the other Defendants and each aided and abetted the actions of the other Defendants, wherefore, the Defendants are jointly and severally liable to Plaintiffs.

FIFTH CLAIM FOR RELIEF
AIDING AND ABBETING

53. The Plaintiffs reincorporate by reference and re-allege the allegations of paragraphs 1 through 52 with the same effect as if fully set forth herein.

54. Each of the Defendants knew of the wrongful actions of the other Defendants described hereinabove and each knowingly and intentionally provided substantial aid and assistance to the wrongful actions of the other Defendants.

55. As a direct and proximate result of such aiding and abetting, the Plaintiffs suffered damages and sustained losses.

56. In such actions, the Defendants confederated and conspired with the purpose, intent, and effect of harming The Plaintiffs.

SIXTH CLAIM FOR RELIEF
CIVIL CONSPIRACY

57. The Plaintiffs reincorporate by reference and re-allege the allegations of paragraphs 1 through 56 with the same effect as if fully set forth herein.

58. In 2011 and 2012, in the District of Columbia and elsewhere, the Defendants met, confederated, and conspired with the purpose, intent, and effect of defaming the Plaintiffs, putting the Plaintiffs in a false light, and tortuously interfering with the Plaintiffs' actions,

activities, and prospective economic advantage. The Defendants took deliberate actions in furtherance of their conspiracy.

59. As a direct and proximate result of such conspiracy, the Plaintiffs suffered damages and sustained losses.

PRAYER FOR RELIEF

Wherefore, the Plaintiffs respectfully request that the Court enter a judgment in favor of the Plaintiffs and against the Defendants, jointly and severally:

- (1) Declaring that the Defendants have committed the breaches and offenses complained of herein;
- (2) Ordering the Defendants to make a prominent and visible correction and retraction of their derogatory and defamatory posts, comments, and statements regarding the Defendants;
- (3) Directing removal of all derogatory and defamatory Internet blog posts made by the Defendants with respect to the Plaintiffs;
- (4) Awarding the Plaintiffs compensatory damages in the amount of not less than \$1,000,000.00;
- (5) Awarding the Plaintiffs punitive damages in the amount of not less than \$2,500,000.00;
- (6) Awarding the Plaintiffs pre-judgment and post-judgment interest, reasonable attorney's fees, and the costs and disbursements of this action;
- (7) Awarding the Plaintiffs such other and further relief as the Court deems just and proper and as the nature of this controversy may require.

DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury of claims, issues, and defenses triable to a jury.

Respectfully submitted,

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*For whom admission pro hac vice is being
requested.*

Dated: February 15th, 2012