

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
URBANA DIVISION**

JOHN DOE,	)	COMPLAINT
	)	
Plaintiff,	)	DAMAGES OVER \$75,000
	)	
v.	)	Case No.
	)	
JANE DOE,	)	
	)	
Defendant.	)	JURY TRIAL DEMANDED

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**COMPLAINT**

NOW COMES the Plaintiff JOHN DOE (“Plaintiff”), by and through his attorneys, Mudd Law Offices, and complains of Defendant JANE DOE<sup>1</sup> (“Defendant”), upon personal information as to his own activities, and upon information and belief as to the activities of others and all other matters, and states as follows:

**NATURE OF ACTION**

1. This is an action for false light, intrusion upon seclusion, and tortious interference with prospective economic advantage.
2. By this action, the Plaintiff seeks compensatory damages, punitive damages, injunctive relief, and all other relief to which he may be entitled as a matter of law.

**PARTIES**

3. JOHN DOE is a citizen of the State of Illinois and a resident of Kankakee County, Illinois.

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<sup>1</sup> The Plaintiff cannot be certain of the gender of the Defendant. As such, for the purposes of simplicity, will refer to the Defendant using the pronouns “she” or “her” and the pronominal adjective “hers.”

4. JANE DOE is an unknown individual.
5. Upon information and belief, JANE DOE resides outside of the State of Illinois.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over the subject matter of the Plaintiff's claims pursuant to 28 U.S.C. § 1332 as (a) the Plaintiff and, upon information and belief, the Defendant are citizens of different states and (b) the amount in controversy exceeds \$75,000.00.

7. This Court may exercise personal jurisdiction over the Defendant because she had sufficient contacts with Illinois for this Court to exercise personal jurisdiction and/or has directed her activities to harm the Plaintiff in the State of Illinois, particularly in Kankakee County.

8. Indeed, the Defendant directed her conduct to people within Kankakee County who might hire and/or seek to employ the Plaintiff. By doing so, she sought to harm the Plaintiff in Kankakee County.

9. Venue in this district is proper pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this district.

10. An actual case or controversy has arisen between the Parties.

11. The Defendant engaged in intentional conduct by actively engaging in conduct to artificially manipulate Internet search results such that embarrassing content about the Plaintiff became more prominent and read more often by the public.

12. The Defendant's intentional conduct harmed the Plaintiff.

13. The Defendant's conduct injured the Plaintiff and he suffered damages resulting therefrom in an amount greater than \$75,000.00.

## **FACTUAL BACKGROUND**

### *2004 Litigation*

14. On or about August 2004, the Plaintiff filed a federal complaint against his former employer alleging discrimination (“Lawsuit”).

15. The Lawsuit alleged that the Plaintiff’s former co-workers and supervisors made discriminatory statements about and toward him.

16. Thereafter, in 2004, several news organizations published articles about the Lawsuit in print and on the Internet.

17. The Chicago Tribune published an article (“Chicago Tribune Article”) about the Lawsuit on the Internet.

18. The Chicago Sun-Times published an article (“Sun-Times Article”) about the Lawsuit on the Internet.

19. The Kankakee Daily Journal published an article (“Kankakee Daily Journal Article”) about the Lawsuit on the Internet.

20. The Council on American-Islamic Relations (“CAIR”) published such an article (“CAIR Article”) about the Lawsuit on the Internet.

21. The Chicago Tribune Article, the Sun-Times Article, the Kankakee Daily Journal Article, and the CAIR Article (collectively, “Lawsuit Articles”) all focus on the Plaintiff as a Muslim suing his former employer for discriminatory statements made by his former co-workers and supervisors.

22. Of particular concern, the Chicago Tribune Article reported that the Plaintiff’s former employer ‘wrote up’ the Plaintiff for threatening behavior.

23. As such, the Lawsuit Articles falsely portray the Plaintiff as one who would engage in threatening behavior.

24. Given the context of his religion, some might falsely perceive the Plaintiff as engaging in threatening behavior for religious reasons.

*Concerns Develop*

25. In 2016, the Plaintiff began searching for new employment.

26. In his search for new employment, a prospective employer interviewed him but did not call him back.

27. He also did not receive as much interest as he would have hoped.

28. The Plaintiff began to what might be causing the disappointing results in his job search.

29. In response to the Plaintiff's inquiry, a friend inquired whether anything might be on Google that might affect interest in the Plaintiff and recommended the Plaintiff search for his name on Google.

30. Based on his friend's suggestion, the Plaintiff searches his name on Google.

31. On or about September 2016, the Plaintiff noticed that Internet search results for his name returned the Chicago Tribune Article and the Chicago Sun-Times Article.

32. The Plaintiff did not notice any other articles about the Lawsuit in his search results apart from the Chicago Tribune Article and the Chicago Sun-Times Article.

33. Because the Chicago Tribune Article and the Chicago Sun-Times Article focused on discrimination against Muslims as well as contained the false implication that he engaged in threatening behavior, the Plaintiff considered the articles to be damaging to his personal and professional reputation.

34. He also believed the articles could jeopardize and had jeopardized his relationships with potential employers.

35. Consequently, the Plaintiff requested that the Chicago Sun-Times remove its outdated article.

36. The Chicago Sun-Times removed the Chicago-Sun Times Article.

37. The Plaintiff also requested the Chicago Tribune remove its article.

38. The Chicago Tribune did not respond to the request..

39. At that time, the Chicago Tribune Article appeared on the seventh or eighth page of Internet search results for the Plaintiff's name on Google.com.

#### *Reputation Management Company*

40. In October of 2016, the Plaintiff contacted a reputation management company to minimize the appearance of the Chicago Tribune Article in Internet search results for his name.

41. The reputation management company quoted the Plaintiff an amount for the cost of its services.

42. Because of the cost, the Plaintiff decided not to use the reputation management company's services. He did not explore working with the reputation management company further.

#### *Anomalous Search Results*

43. Sometime later, the Plaintiff noticed the Chicago Tribune Article rapidly rising in rank in Internet search results for his name.

44. The Plaintiff also noticed that Kankakee Daily Journal Article newly appeared in Internet search results for his name.

45. The Plaintiff also noticed that CAIR Article newly appeared in Internet search results for his name.

46. The Plaintiff also noticed other, new webpages containing exact excerpts from the Chicago Tribune Article appear in Internet search results for his name ("New Webpages").

47. The websites on which the New Webpages appeared did not belong to news organizations.

48. In fact, the websites on which the New Webpages appeared did not relate to news at all.

49. For example, a blog for an auto body repair shop appeared in Internet search results for his name (“Auto Body Website”).

50. Upon examination, the Auto Body Website contained language copied from the Chicago Tribune Article.

51. The Plaintiff had no prior knowledge of the Auto Body Website.

52. The Plaintiff possessed no prior knowledge of the auto body repair shop associated with the Auto Body Website.

53. In fact, the Plaintiff does not work in auto body repair or the auto body industry.

54. No organic or natural renewed public interest in the Plaintiff, the Lawsuit, or the Lawsuit Articles had occurred.

55. Yet, new websites appeared harvesting content from the Chicago Tribune Article.

56. Indeed, search results for the Plaintiff’s name rapidly changed in an unnatural and dramatic manner to emphasize the Chicago Tribune Article and other webpages referencing the Lawsuit and embarrassing content about the Plaintiff.

*Tortious Conduct*

57. Upon inquiry, the reputation management company denied any involvement in affecting the search results.

58. Because the reputation management company denied involvement, the identity of the Defendant is unknown.

59. Upon information and belief, the Defendant created and continues to create artificial traffic to the Chicago Tribune Article to increase its rank in the Internet search results for the Plaintiff's name.

60. Upon information and belief, the Defendant created and continues to create artificial traffic to the Kankakee Daily Journal article to increase its rank in the Internet search results for the Plaintiff's name.

61. Upon information and belief, the Defendant created and continues to create artificial traffic to the Chicago Tribune Article to increase its rank in the Internet search results for the Plaintiff's name to harm the Plaintiff.

62. Upon information and belief, the Defendant created and continues to create artificial traffic to the CAIR article to increase its rank in the Internet search results for the Plaintiff's name.

63. Upon information and belief, the Defendant created and continues to create webpages containing text from one of the original Lawsuit Articles to increase the number of search results containing the embarrassing content.

64. Upon information and belief, the Defendant altered and continues to alter webpages to contain text from one of the original Lawsuit Articles to increase the number of search results containing the embarrassing content.

65. Upon information and belief, the Defendant created and continues to create artificial traffic to other articles and webpages containing text from one of the original Lawsuit Articles to increase their rank in the Internet search results for the Plaintiff's name.

*Status as of May 2018*

66. Today, the Chicago Tribune Article appears first in the Internet search results for the Plaintiff's name on Google.com.

67. Similarly, the Kankakee Daily Journal Article appears on the first page of the Internet search results for the Plaintiff's name on Google.com.

68. Similarly, the CAIR Article appears on the first page of Internet search results for the Plaintiff's name on Google.com.

69. Additional content appears on subsequent pages of Internet search results for the Plaintiff's name on Google.com.

### **Public Perception**

70. Any person viewing search results for the Plaintiff's name might falsely believe he engages in threatening behavior.

71. Any person viewing the search results for the Plaintiff's name might falsely believe that he is willing to harm others or has previously harmed others.

72. These perceptions are untrue.

### **Intent and Actual Malice**

73. The Defendant intended to harm the Plaintiff and his family by engaging in the foregoing conduct.

74. Where the Defendant did not act with specific intent, he acted with actual malice by engaging in reckless behavior without regard to the truth of the false perception the articles could create.

75. The collective wrongful conduct engaged in by the Defendant as alleged in the Complaint shall hereinafter be referred to as the "Wrongful Conduct."



**COUNT ONE**

**AS AND FOR THE FIRST CAUSE OF ACTION**

**FALSE LIGHT**

76. The Plaintiff hereby incorporates by reference Paragraphs 1 through 75 above in this First Count as fully set forth herein.

77. The Defendant understood the harmful nature of the Lawsuit Articles and the false perception about the Plaintiff they created.

78. The Defendant understood the Plaintiff's concerns about the Lawsuit Articles.

79. Despite her understanding, the Defendant engaged in behavior designed to artificially manipulate the relevance of the remaining Lawsuit Articles when individuals searched for the Plaintiff's name on the Internet.

80. In doing so, the Defendant sought to accentuate the harm the Lawsuit Articles would cause the Plaintiff.

81. The Defendant's efforts succeeded in modifying the placement of the Lawsuit Articles in search results for the Plaintiff's name.

82. Indeed, the remaining Lawsuit Articles now appear on the first page of Google search results for the Plaintiff's name.

83. Not satisfied, the Defendant also created additional pages containing the content about which the Plaintiff had concerns from the Lawsuit Articles.

84. The Defendant created the additional webpages containing such content to create additional search results for the Plaintiff's name.

85. The Defendant also created the additional webpages containing such content to increase the relevance of the remaining Lawsuit Articles in search results for the Plaintiff's name.

86. The Defendant engaged in behavior to artificially manipulate search results for these other webpages.

87. By engaging in the Wrongful Conduct as described herein, the Defendant sought to emphasize Internet content that falsely portrays the Plaintiff as engaging in threatening behavior.

88. The Plaintiff does not engage in threatening behavior.

89. The Plaintiff is not a violent person and has never intimidated, threatened, or placed another person in fear of bodily harm.

90. By engaging in the Wrongful Conduct as described herein, the Defendant sought to emphasize Internet content that falsely portrays the Plaintiff as willing to harm others or having harmed others.

91. The Plaintiff has not and does not physically harm others.

92. The Plaintiff has never willingly harmed others.

93. By engaging in the Wrongful Conduct as described herein, the Defendant sought to emphasize Internet content that falsely portrays the Plaintiff as thereby engaging in criminal conduct by threatening and harming others.

94. The Plaintiff has not engaged in such criminal conduct.

95. By engaging in the Wrongful Conduct as described herein, the Defendant sought to emphasize Internet content that also falsely portrays the Plaintiff as an undue litigation risk to potential employers.

96. The Plaintiff is not an undue litigation risk to potential employers.

97. By engaging in the foregoing conduct, the Defendant placed the Plaintiff in a false light by portraying him as engaging in threatening behavior and one likely to cause harm to others.

98. By engaging in the foregoing conduct, the Defendant placed the Plaintiff in a false light by portraying him as engaging or potentially engaging in criminal conduct.

99. This false light also portrays him as lacking integrity and prejudicing the Plaintiff in his profession.

100. The Defendant directed her Wrongful Conduct toward third parties.

101. Persons other than the Plaintiff and the Defendant would reasonable understand, and actually have reasonably understood, that the content at issue related to and referred to the Plaintiff.

102. The Defendant directed her conduct to a widespread audience through the Internet.

103. The Defendant's conduct is highly offensive to a reasonable person.

104. The Defendant modified the search results intentionally.

105. Where the Defendant did not act intentionally, she acted with actual malice by recklessly disregarding the false nature of the content and the effect it would have on the Plaintiff and his professional career.

106. As a result of the Defendant's conduct casting the Plaintiff in a false light, the Plaintiff and his family have suffered and continue to suffer damages including, but not limited to, harmed reputation and harmed standing in the community.

107. Wherefore, the Plaintiff seeks an award of compensatory and punitive damages arising from the Defendant's casting him in a false light.

**COUNT TWO**

**AS AND FOR THE SECOND CAUSE OF ACTION**

**INTRUSION UPON SECLUSION**

108. The Plaintiff hereby incorporates by reference Paragraphs 1 through 75 above in this Second Count as fully set forth herein.

109. By artificially manipulating search results to emphasize the Lawsuit Articles, the Defendant intruded upon the Plaintiff's seclusion.

110. Prior to the Defendant's Wrongful Conduct, the Chicago Tribune Article fell within and/or around the seventh page of search results for the Plaintiff's name.

111. Given the age of the article and events from 2004, as well as its placement in search results, the Lawsuit Articles and content associated therewith fell within near-obscurity in the context of Internet use.

112. By engaging in his Wrongful Conduct, the Defendant brought forth obscure articles and content securing their placement on the first page of search results for the Plaintiff's name.

113. Beyond this, the Defendant created additional webpages containing the obscure content about the Plaintiff.

114. As such, the Defendant most certainly intruded upon the Plaintiff's seclusion.

115. The Defendant's Wrongful Conduct was, and continues to be, offensive and objectionable to a reasonable person.

116. The Defendant's Wrongful Conduct caused, and continues to cause, the Plaintiff and his family significant anguish, anxiety, and suffering about the damage to his reputation in the community, about the impact to the Plaintiff's prospective employment and his business, and about the unknown nature of the Defendant.

117. WHEREFORE, the Plaintiff seeks compensatory and punitive damages arising from the Defendant's intrusions upon his seclusion.

**COUNT THREE**

**AS AND FOR THE THIRD CAUSE OF ACTION**

**TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**

118. The Plaintiff hereby incorporates by reference Paragraphs 1 through 75 above in this Third Count as fully set forth herein.

119. The Plaintiff possessed a reasonable expectancy of entering into business relationships with potential employers.

120. The Defendant knew of Plaintiff's expectancy to enter into business relationships with potential employers.

121. The Defendant engaged in her Wrongful Conduct to harm the Plaintiff.

122. The Defendant intended to direct third parties away from doing business with the Plaintiff and to dissuade third parties from interacting with the Plaintiff.

123. More specifically, the Defendant intended to dissuade potential employers from hiring the Plaintiff.

124. As a direct and proximate result of Defendant's Wrongful Conduct, the Plaintiff suffered financial harm in the form of loss of potential employment opportunities and the resulting salaries and benefits arising therefrom.

125. WHEREFORE, based upon the Defendant's tortious interference with his prospective economic advantage, the Plaintiff seeks:

- A. An award of compensatory damages in an amount to be determined at trial;
- B. An award of punitive damages in an amount to be determined at trial;
- C. Injunctive relief in a form of an order:
  - i. Compelling the Defendant to secure the immediate removal of any content she published about the Plaintiff;
  - ii. Compelling the Defendant to make all reasonable efforts to remove any and all caches of any content she published about the Plaintiff that may be found on any search engines and cooperate with the Plaintiff's efforts to do so;
  - iii. Enjoining the Defendant from engaging in any further conduct attempting to manipulate any search results of the Plaintiff's name or variations thereof;
  - iv. Enjoining the Defendant from posting false and defamatory statements about the Plaintiff;
  - v. Enjoining the Defendant from using third parties to engage in any prohibited conduct; and,
  - vi. Compelling the Defendant to engage in any such further conduct necessary to effectuate the foregoing relief; and,
- D. Any such other relief to which the Plaintiffs may be entitled or as justice may require.

**GENERAL**

126. Where conditions precedent are alleged, the Plaintiff avers that all conditions precedent have been performed or have occurred.

127. The Plaintiff demands a jury trial.

**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF JOHN DOE accordingly and respectfully prays for judgment against DEFENDANT JANE DOE as follows:

1. That PLAINTIFF JOHN DOE be awarded compensatory damages in an amount to be determined at trial;
2. That PLAINTIFF JOHN DOE be awarded punitive damages in an amount to be determined at trial;
3. That PLAINTIFF JOHN DOE be awarded costs;
4. That PLAINTIFF JOHN DOE be awarded injunctive relief in the form of an order:
  - a. Compelling the Defendant to secure the immediate removal of any content she published about the Plaintiff;
  - b. Compelling the Defendant to make all reasonable efforts to remove any and all caches of any content she published about the Plaintiff that may be found on any search engines and cooperate with the Plaintiff's efforts to do so;
  - c. Enjoining the Defendant from engaging in any further conduct attempting to manipulate any search results of the Plaintiff's name or variations thereof;
  - d. Enjoining the Defendant from posting false and defamatory statements about the Plaintiff;

- e. Enjoining the Defendant from using third parties to engage in any prohibited conduct; and,
  - f. Compelling the Defendant to engage in any such further conduct necessary to effectuate the foregoing relief; and,
5. That PLAINTIFF JOHN DOE be awarded any such other and further relief as this Court may deem just and proper or to which Plaintiff may be entitled as a matter of law and equity.

Dated: Chicago, Illinois  
May 9, 2018

PLAINTIFF,  
JOHN DOE

s/ Charles L. Mudd Jr.  
By: One of His Attorneys  
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