

IN THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA

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Superior Court of the
District of Columbia
Washington, D.C.

SUSAN L. BURKE
1000 Potomac Street, NW
Suite 150
Washington, DC 20007

JURY DEMAND

Plaintiff,

Case No.

0007521-12

v.

JOHN DOE No. 1, using the name "Zujua"
Address Unknown

JOHN DOE No. 2, using the name
"CapBasics359"
Address Unknown

John Does 3-10
Addresses Unknown

Defendants.

COMPLAINT AND ELECTION OF JURY TRIAL

1. Plaintiff brings this lawsuit against Defendants to obtain injunctive relief and to obtain compensation for injuries she suffered from the defamatory publication of untrue statements published with the intent to injure the Plaintiff in her professional capacity.

PARTIES

2. Susan L. Burke is licensed to practice law and practicing law in the District of Columbia.

3. The defendants, whose real identities are unknown to the Plaintiff, published and republished false and defamatory statements about Ms. Burke on Wikipedia, which is available in the District of Columbia.

FACTUAL ALLEGATIONS

4. Wikipedia is a web site and/or series of websites, available to internet users in the District of Columbia, that publishes articles written and edited by contributors. Wikipedia content is subject to revision by any user.

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5. On October 11, 2011, a person using the name RetroLady64, created a Wikipedia page with the subject Susan L. Burke (referred to herein as the "Page"). Plaintiff played no role in the creation of this entry on Wikipedia, and did not in fact become aware of it until months after its creation.

Facts Regarding Statements Made by Defendant "Zujua"

6. On January 9, 2012, Defendant John Doe No. 1, a person using the name Zujua made defamatory statements alleging that Ms. Burke had engaged in prosecutorial misconduct before Judge Urbina. Zujua first described a civil lawsuit brought by Ms. Burke, among others, on behalf of victims of a shooting in Baghdad against Blackwater, a security firm that was involved in the shootings. Zujua then stated as follows:

Judge Urbina threw out the suit in December 2009, saying that "the court declines to excuse the government's reckless violation of the defendants' constitutional rights as harmless error," after they attempted to use as evidence the defendants' compelled statements taken under threat of the loss of their jobs. Judge Urbina went on to criticize prosecutors for withholding "substantial exculpatory evidence" from the grand jury, and presenting "distorted versions" of witness' testimony.

7. Ms. Burke has never appeared before Judge Urbina, who was dismissing a separate criminal case against the individual employees of Blackwater. Judge Urbina never

presided over Ms. Burke's civil suit. The attribution of the alleged prosecutorial misconduct to Ms. Burke is factually wrong and defamatory.

8. In February 2012, Plaintiff edited the article to remove inaccuracies and the noted defamatory material.

Facts Regarding Statements Published by Defendant CapsBasic359

9. On April 11, 2012, Defendant John Doe No. 2, a person using the name CapBasic359, removed the corrective edits made by Plaintiff and republished the false and defamatory statements. ~~CapsBasic359 did so after having been put on notice that these statements had been removed by Plaintiff.~~ CapsBasic359 edited the page to add further defamation, stating that Judge Urbina criticized Plaintiff:

Judge Ricardo Urbina threw out the suit, criticizing Burke for withholding "substantial exculpatory evidence" from the grand jury and for presenting "distorted versions" of witnesses' testimony.

10. On April 11, 2012, Plaintiff again removed the false and defamatory material.
11. Prior to April 17, 2012, Plaintiff posted a comment to CapsBasic359 on Wikipedia informing John Doe No. 2 that his statements were false and defamatory, as follows:

Dear Sir/Madam - please be advised that you are making false statements in the materials you are posting on the Susan L. Burke page. Going forward, you need to check your facts before you post libelous statements. For example, I have never appeared before Judge Urbina, yet you claim the Judge censured me. You are mixing up criminal and civil prosecutions -- they are two separate things. Our civil cases against Blackwater ended with a win -- namely, money being paid to the victims. I don't know who you are or who you are working for, but I would be more than happy to talk to you to explain your many factual errors. My phone number is [redacted]. We're alerting Wikipedia to the problem, and will continue to monitor the website and eliminate inaccuracies. Susan L. Burke

12. On April 17, 2012, after acknowledging Plaintiff's notice that his statements were false and defamatory, CapBasics359 again published the same false and defamatory statements noted above. CapBasics359 did so with intent to harm and with knowledge that these statements were false and defamatory.

13. Beginning on April 18, 2012, a lawyer working with Plaintiff attempted to remove the defamatory statements.

14. On each occasion, however, including on April 23, 2012, April 26, 2012, May 18, 2012,

~~June 11, 2012, CapsBasic359 republished the defamation about Plaintiff, and did so after~~

being advised that the statements were false and defamatory.

15. Plaintiff alleges, upon information and belief, and subject to the development of additional fact pursuant to reasonable discovery, that John Does Nos. 1 and 2 acted, either directly or indirectly, as agents for a company formerly known as Blackwater or its owners. Plaintiff alleges this agency relationship because the founder of that company threatened Plaintiff on August 24, 2010, stating "I'm coming after you."

16. Upon information and belief, and subject to the reasonable opportunity for further investigation and discovery, John Doe Defendants 3 through 10 are parties who either provided the defamatory material to Defendants Zujua and CapsBasic359 with the intent and instruction to publish such defamatory statements with malice, and/or are parties who paid or otherwise compensated Defendants Zujua and CapsBasic359 to publish such defamatory statements with malice.

COUNT I – LIBEL

(Against All Defendants)

17. All the foregoing allegations are hereby incorporated by reference in their entirety.

18. On the dates noted above, each of the defendants published or caused the publication of the false and defamatory statements.
19. The statements were false, untrue and defamatory and libelous on their face.
20. Even after being told that the statements were false and defamatory, and having a written statements to that effect published on the Wikipedia website regarding Plaintiff, Defendants repeatedly published the false and defamatory statements.
21. The false and libelous statements were made by Defendants with knowledge of their ~~falsity or with reckless disregard for the truth.~~
22. The Defendants have no privilege for the publication of the false and libelous statements.
23. The defamatory statements made by these defendants were made with actual malice, with knowledge of their falsity, and with an intent to injure Plaintiff and impair her professional standing.
24. Plaintiff suffered damage to her professional reputation as a result of the false and defamatory statements published by Defendants. Plaintiff lost clients as a result of Defendants' concerted efforts to attack her professional reputation.
25. As the defamatory statements ascribe actions or characteristics that would adversely affect Plaintiff in the proper conduct of her lawful business, trade or profession, Defendants statements are actionable as a matter of law without proof of special harm.

**COUNT II –TORTIOUS INTERFERENCE WITH
PROSPECTIVE BUSINESS ADVANTAGE**

26. All the foregoing allegations are hereby incorporated by reference in their entirety.

27. Plaintiff relies on her professional reputation to attract and retain clients. Plaintiff's professional reputation provides her with a prospective business advantage over other lawyers seeking to be retained by potential clients.

28. Defendants knew of Plaintiff's prospective business advantage.

29. By making false and defamatory statements about Plaintiff and impugning her professional skills and standing, Defendants intentionally interfered with Plaintiff's potential relationship with clients and intentionally interfered with her prospective business relationships.

30. Plaintiff suffered damages as a result of Defendants intentional interference.

COUNT III – FALSE LIGHT INVASION OF PRIVACY

31. All the foregoing allegations are hereby incorporated by reference in their entirety.

31. Defendants each made their false and defamatory statements publicly, thus providing publicity to these false statements.

32. Each of these false statements concerned the Plaintiff in her personal and professional affairs.

33. The false statements placed the Plaintiff in a false light that would be offensive to a reasonable person.

Jury Demand

Plaintiff requests a trial by jury in this matter.

Prayer for Relief

Plaintiff prays judgment as follows:

1. For all damages subject to proof at trial, and/or special damages pursuant to law;
2. For an injunction prohibiting Defendants from further editing Plaintiff's Wikipedia entry;

3. For attorney fees and costs of suit;
4. For such other and further relief as the Court deems just and proper.



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