

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CVS 2791

LEONARD COLDWELL,
Plaintiff,

vs.

CONNIE SCHMIDT, TRENT
TOULOUSE (as an online entity),
RATIONALWIKI.COM,
SALTYDROID.COM,
JASON MICHAEL JONES,
WHOIS.COM, Inc.
Defendants.

COMPLAINT

Plaintiff, complaining of Defendants, allege and says the following:

PARTIES

1. Plaintiff Leonard Coldwell is a citizen and resident of Iredell County, North Carolina. He is the victim of publication by internet that took place, among other situs, in Guilford County.
2. Upon information and belief, Defendant Connie Schmidt (Schmidt) is a citizen and resident of Waller County, Texas.
3. RationalWiki.com (hereafter, RationalWiki) is an organization operating, upon information and belief, in Ontario Province, Canada, which publishes material on the internet, including in Guilford County. RationalWiki is the hosting provider for Defendant Trent Toulouse, also separately registered under the domain registry ICANN. Material facilitated by both RationalWiki and by Trent Toulouse is published in Guilford County, N.C.
4. Saltydroid.com is an internet website which, upon information and belief, disguises its U.S. presence via a proxy or "straw man" registration on the internet domain registry which claims to be resident in "Shen Zhen Shi," in "Guang Province," "CN."
5. Whois.com, Inc. provides an internet registry service and server to Saltydroid.com, and thereby allows and facilitates its publications and defamatory material, such as that instant to this cause, to be published in, among other places, Guilford County, North Carolina. Upon information and belief, Whois.ename.com also facilitates the concealment of the true U.S. presence and address of Saltydroid by allowing registration on the Whois.com website at a false geographical address in Shen Zhen Shi, Guang Province, CN." The server provided by Whois.ename.com and/or

Whois.com directly facilitates and enables the dissemination of the material herein complained of by Saltydroid.com, in, among other places, Guilford County, North Carolina.

6. Jason Michael Jones, (Jones) is, upon information and belief, a citizen and resident of Franklin County, Ohio. Defendant Jones operates the website www.saltydroid.com, which is populated by the material subject to this cause. The materials published by defendant Jones on saltydroid.com are published, among other places, in Guilford County, N.C.

FACTUAL ALLEGATIONS

7. Plaintiff realleges the allegations contained in Paragraphs 1-6 of his Complaint and hereby incorporate the same by reference as if fully set forth herein.

8. At all times in question, defendant Connie Schmidt has hosted and/or operated a blog site which is believed, upon information, to be hosted by Google at the URL, www.cosmicconnie.blogspot.com and/or www.cosmicconnie.blogspot.jp (collectively referred to hereafter as cosmicconnie.com). This blog and corresponding website that are published in Guilford County, North Carolina. By “hosting and/or operating,” Plaintiff refers to the following: the blog sites host written materials, either original or via online republication, among which are materials that are defamatory to Plaintiff. In addition and/or alternatively, cosmicconnie.com has at all times relevant hereto, provided electronic publication venue and services that are requisite for the publication of materials defamatory to plaintiff herein. Schmidt and cosmicconnie.com have the right to affect the disposition of said relevant materials.

9. Defendant Trent Toulouse, by virtue of his status as a separately registered entity on the international domain registry, ICANN, is indicated by WHOIS lookup as being a separate entity for internet purposes. Defendant RationalWiki, is believed to be hosted and operated by Trent Toulouse. Trent Toulouse and his apparent alter ego RationalWiki as a corresponding website, are published in Guilford County, North Carolina. By “hosting and/or operating,” Plaintiff refers to the following: the defendants host written materials, either original or via online republication, among which are materials that are defamatory to Plaintiff. In addition and/or alternatively, defendants have at all times relevant hereto, provided electronic publication venue and services that are requisite for the publication of materials defamatory to plaintiff herein. Defendants Trent Toulouse and RationalWiki have the right to affect the disposition of said relevant and defamatory materials relevant to this action.

10. At all times in question herein, defendant Connie Schmidt has caused to be posted and/or hosted on the website cosmicconnie.com false statements of material fact, which are abusive, obscene, profane and offensive to Plaintiff. Upon information and belief, material defamatory to Plaintiff and hosted by Schmidt via blogspot hosting, publication and/or republication have been and continue to be published on websites and/or blogspots hosted and/or operated by Google and by Connie Schmidt.

11. Beginning in at least March 2012 and continuing to the present, defendant Connie Schmidt has published or caused to be published and/or hosted, and/or facilitated the publication and hosting of material on the Internet, false and defamatory material about Plaintiff including but not limited to the following: that Leonard Coldwell is a “Jew hater,” and that he “hates Jews”; that Plaintiff is a “scammer” who engages in “hate speech”; that Plaintiff “encourages others to commit criminal acts against his detractors”; that Plaintiff is a “cult leader”; that Plaintiff was “training a militia in South Carolina”; that Plaintiff, who is a certified holistic healer and counselor, engaged in “pointing out women in (his) audiences) and boasting that he’d had sex with them”; that he was “a psychopathic con man” and that Plaintiff was mentally unfit and mentally ill, in addition to other, grossly untrue, statements.

12. Defendant Trent Toulouse, through the operation and hosting of the website, RationalWiki, has co-opted the design and format of “Wikipedia.com” for the purpose of, in the case of Plaintiff, disseminating false and contemptible language and information, much of which is untrue, about him. Among the untrue assertions found on the site are: under a post labeled “Famous con artist –Lesser-known con artists” (sic)” it is asserted by Toulouse that Plaintiff falsely states, among other things, that Plaintiff has “left a string of abandoned websites in his wake without having the common sense to delete them when his scam changes name or collapses . . .” and that Plaintiff refers to “mythical European hospitals on his websites in relation to an equally mythical ‘Dr.’ Thomas Hohn who claims to have taken them over . . .quite likely a figment of Coldwell’s feverish imagination . . . “

13. Both Toulouse, through rationalWiki.com and Defendant Schmidt have at different times falsely suggested that Plaintiff was either sued, indicted, and/or convicted” of a crime.

14. Defendant Jason Michael Jones, and his internet presence saltydroid.com, caused to be published on the internet at www.saltydroid.com a police report and other commentary which falsely accuse Plaintiff of having forced a person or persons to have sex. Jones’s internet forum, saltydroid.com, is hosted and facilitated by internet technology made available by Defendant Whois.com.

15. Despite demands upon them by Plaintiff to do so, individual and corporate Defendants have willfully failed and refused to remove the above-referenced material from websites hosted and/or operated by the defendants hereto.

16. These statements continue to exist for general accessibility in the archived and/or cached files and/or search features of the Defendants’ blogs and/or websites. As such, each statement constitutes a continuing publication with world-wide, 24/7 accessibility, including accessibility in Guilford County, North Carolina.

FIRST CLAIM FOR RELIEF – DEFAMATION
(Against All Defendants)

17. Plaintiff realleges the allegations contained in Paragraphs 1-16 of his Complaint and incorporates the same by reference as if fully set forth herein.

18. Defendants published and continue to publish, and/or facilitate the publication of material, through on the Internet false and defamatory statements about Plaintiff.

19. Such statements were published and are continuing to be published to any and all viewers of blogs and/or websites hosted and/or operated by Schmidt, Toulouse, RationalWiki, Jones and Saltydroid. Said statements are viewable on a 24/7 basis, and are likely cached on alternative hard drives, thereby creating the possibility of non-original "republishing." Upon information and belief, dissemination of the Jones/Saltydroid.com material is facilitated and made materially possible by the hosting services of Defendant Whois.com, which is equally culpable for defamation, as it hosts the information, and effectively facilitates and republishes the defamation.

20. Such statements are libelous *per se* in that they allege Plaintiff has committed infamous crimes, tend to impeach them in their trade or profession and/or otherwise subject the Plaintiff to contempt and disgrace. Many of said statements also reflect adversely on the profession of the plaintiff and therefore also constitute business defamation and damages are therefore presumed at law.

21. Plaintiff has thereby been damaged in an amount in excess of \$10,000.00. Said damage has been proximately caused by Defendants.

**SECOND CLAIM FOR RELIEF- PUNITIVE DAMAGES
(Against All Defendants)**

22. Plaintiffs reallege the allegations contained in Paragraphs 1-24 of his Complaint and incorporate the same by reference as if fully set forth herein.

23. Defendants publication via blogs and/or websites hosted and/or operated by each of the false and defamatory material alleged above was and is willful in that it was a knowing publication of statements made for the purpose of discrediting Plaintiff and/or with the knowledge of the falsity of the statements and done wantonly in that it was done and is being done heedlessly in reckless disregard of Plaintiff's rights. Defendants various publications have proximately damaged Plaintiff.

24. Plaintiff is entitled to recover punitive damages under Chapter 1D of the North Carolina General Statutes because Defendants' willful and wanton conduct was and is related to the injury for which compensatory damages should be awarded.

**THIRD CLAIM FOR RELIEF – UNFAIR AND DECEPTIVE TRADE
PRACTICES
(Against Defendants Schmidt, Toulouse and Jones)**

25. Plaintiffs incorporate and reallege all preceding paragraphs herein.

26. Each of the Defendants Schmidt, Toulouse and Jones, on each Defendant's respective blog site and/or website, advertises for profit and/or to defray expenses of publication. Schmidt has published over 50 consecutive pages (when printed) of obsessive, defamatory and scandalous material about the Plaintiff.

27. It is believed that by posting the false materials on said websites and/or blogs, each of Defendants Schmidt, Toulouse and Jones intends and causes greater traffic to be driven to his/her blog, thereby increasing the likelihood of revenues. The publication of the said materials for this purpose is deceptive to both readers and to Plaintiff. Citizens of North Carolina view the advertisements posted on said websites/blogs. Such conduct constitutes an Unfair and Deceptive Trade Practice under Chapter 75 of the North Carolina Code. Additionally, insofar as the materials published and described herein constitute violations of the following criminal statutes: North Carolina General Statutes 14-196.3, 14-277.3A, and 14-47, the statements also violate the prohibition against the publication of illegal materials on the website, further providing a legal basis for an award of treble damages under Chapter 75.

28. In allowing, notwithstanding the provisions and prohibitions represented to the public, publication of materials clearly violative of these provisions – after requests for their removal – and in profiting financially thereby, defendants Schmidt, Toulouse and Jones have engaged in a pattern of behavior calculated to deceive in, by and affecting commerce, and has thereby violated N.C.G.S. Section 75, prohibiting Unfair and Deceptive Trade Practices. Plaintiff has been proximately damaged by the actions of these defendants and are entitled thereby to recover damages, such as may be trebled by a court of law under N.C.G.S. Chapter 75.

FOURTH CLAIM FOR RELIEF – INJUNCTIVE RELIEF (Against All Defendants)

29. Plaintiff realleges the allegations contained in Paragraphs 1-28 of his Complaint and incorporates the same by reference as if fully set forth herein.

30. The statements continue to exist for general accessibility in the archived and/or cached files and/or search features of the Defendants' sites. As such each statement constitutes a continuing publication with world-wide 24/7 accessibility.

31. As long as the above-referenced false and defamatory material continues being published, Plaintiff is continuing to suffer damage to his trade or profession and is continually being subjected to contempt and disgrace.

32. Plaintiff is informed and believes that, unless Defendants are, pending this action, directed to remove from their respective websites the above-referenced false and defamatory material about him and restrained and enjoined from publishing such material, Defendants will continue publishing such material, thus causing continuing damage to Plaintiff and thereby cause irreparable harm to Plaintiff.

33. Plaintiff is informed and believes that there is no adequate remedy at law available to him.

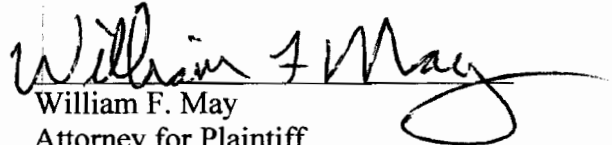
34. Plaintiff is informed and believes that, pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, he is entitled to have the Court enter a Temporary Restraining Order, Preliminary Injunction and Permanent Injunction ordering Defendants to remove the above-referenced material from their material/blogs/sites and restraining and enjoining Defendants from publishing such material.

WHEREFORE, Plaintiff prays the Court as follows:

1. That this verified Complaint be taken as an affidavit upon which the Court can base its orders.
2. Plaintiff have and recover of all Defendants judgment in an amount in excess of \$10,000.00 in compensatory damages under FIRST CLAIM FOR RELIEF.
3. Plaintiff have and recover of all Defendants judgment in an amount in excess of \$10,000.00 in punitive damages under SECOND CLAIM FOR RELIEF.
4. Plaintiff have and recover of Defendant Schmidt, Toulouse and Jones judgment in an amount in excess of \$10,000.00 in compensatory damages under THIRD CLAIM FOR RELIEF, said amount to be trebled if so determined in accordance with the law, and reasonable attorneys fees be awarded.
5. The Court immediately enter a Temporary Restraining Order, directing all Defendants to remove from their respective websites the above-referenced false and defamatory material about Plaintiff and set a hearing for a day certain for Defendants to appear and show cause why they should not be restrained and enjoined from publishing such material regarding Plaintiff pending this action under FOURTH CLAIM FOR RELIEF, and that, in the alternative – and/or in addition – a permanent injunction be entered against all defendants.
6. The costs of this action be taxed to the Defendants.
7. That reasonable attorneys fees be awarded, where appropriate, according to law.
7. A jury trial be had on all issues raised in the pleadings herein.
8. The Court grant Plaintiff such other and further relief as it may deem appropriate.

JURY TRIAL DEMANDED

This 14 day of January, 2015.

A handwritten signature in black ink that reads "William F. May". The signature is written in a cursive style with a large, looping flourish at the end of the name.

William F. May
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