	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 <b>Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b> PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: <b>JUN 20 2014</b> OVERPAYMENT: <i>Sue Regan</i> BATCH NUMBER: <b>SUE REGAN</b>		
	ATTORNEY / PRO SE NAME Thomas S. Harty		TELEPHONE NUMBER (610) 308-4496	COUNTY OF VENUE Mercer	
	FIRM NAME (if applicable) Williams Lopatto Harty		DOCKET NUMBER (when available) <b>21400-14</b>		
	OFFICE ADDRESS 89 N. Haddon Avenue, Suite D Haddonfield, NJ 08033		DOCUMENT TYPE Complaint JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) BlackLight Power Inc.		CAPTION BlackLight Power Inc. v. John Doe No. 1 (a fictitious name representing one or more individuals or entities posting defamatory statements on Wikipedia using the screen name "Andy the Grump"), et al.			
CASE TYPE NUMBER (See reverse side for listing) 609	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN			
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION					
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).					
ATTORNEY SIGNATURE: <i>Thomas S. Harty (for)</i>					



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

**CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)

**Track I - 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Multicounty Litigation (Track IV)**

- |  |   |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT)  | 288 PRUDENTIAL TORT LITIGATION                            |
| 271 ACCUTANE/ISOTRETINOIN              | 289 REGLAN  |
| 274 RISPERDAL/SEROQUEL/ZYPREXA         | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION                |
| 278 ZOMETHA/ARELIA                     | 291 PELVIC MESH/GYNECARE                                  |
| 279 GADOLINIUM                         | 292 PELVIC MESH/BARD                                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 282 FOSAMAX                            | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 284 NUVARING                           | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS       | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                           | 601 ASBESTOS  |
| 287 YAZ/YASMIN/OCELLA                  | 623 PROPECIA  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59

CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED

JUN 20 2014

*Sue Regan*  
SUE REGAN  
DEPUTY CLERK OF SUPERIOR COURT

Williams Lopatto Harty  
Thomas S. Harty, Esquire (N.J. Bar No. 022821987)  
89 N. Haddon Avenue, Suite D  
Haddonfield, NJ 08033  
P. 856-424-8967  
F. 856-795-9806 Counsel for Plaintiff

BLACKLIGHT POWER INC.  
493 OLD TRENTON ROAD  
CRANBURY, NJ 08512

Plaintiff,

v.

JOHN DOE No. 1 (a fictitious name  
representing one or more individuals or  
entities that have posted defamatory  
statements relating to BlackLight Power Inc.  
on the Wikipedia website using the screen name  
“Andy The Grump”),

JOHN DOE No. 2 (a fictitious name  
representing one or more individuals or  
entities that have posted defamatory  
statements relating to BlackLight Power Inc.  
on the Wikipedia website),

JOHN DOE No. 3 (a fictitious name  
representing one or more individuals or  
entities that have posted defamatory  
statements relating to BlackLight Power Inc.  
on the Wikipedia website)

Defendants.

) SUPERIOR COURT OF NEW JERSEY  
)  
) MERCER COUNTY  
)  
)  
)

) LAW DIVISION  
) CIVIL ACTION  
)  
)  
)

) *2-14000-14*  
)

) **COMPLAINT & JURY TRIAL**  
) **DEMAND**  
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Plaintiff, BlackLight Power Inc., for its complaint against various John Doe defendants,  
alleges as follows:

## INTRODUCTION

1. This is a defamation action brought by BlackLight Power Inc. (“BlackLight”) in connection with an attack upon the company by certain bloggers on the Wikipedia website. These bloggers have falsely accused BlackLight of engaging in a fraud and in failing to have developed a marketable product. They have made these statements with knowledge of their falsity and with the intent to injure BlackLight.
2. BlackLight is an alternative energy company located in Cranbury, New Jersey. Founded by Dr. Randell L. Mills, BlackLight is active in the area of classical physics and has developed a process that liberates energy from hydrogen in an entirely new fashion. BlackLight’s technology has been demonstrated in independent third party studies to produce significant amounts of power. Its technology converts H<sub>2</sub>O-based solid fuel into plasma power, an ionized gaseous physical state of the fuel. This technology has moved beyond the theoretical and experimental stages; is now in development; has been demonstrated as a working device to a several audiences; has been licensed to third parties; and is providing a nonpolluting source of energy forming a more stable form of hydrogen.
3. In recent years, a number of distinguished scientists and scholars have observed, reviewed, and tested BlackLight’s processes--and have uniformly concluded that its technology is scientifically feasible and deserving of support. These validations of BlackLight and its technology are posted on the company’s website, available at <http://www.blacklightpower.com/technology/validation-reports/>.
4. Nevertheless, BlackLight has been defamed by a group of internet bloggers who appear to be active on the Wikipedia website. These bloggers, who are to date anonymous, have dismissed and ridiculed BlackLight and its technology, and have recently republished comments that falsely and maliciously accuse BlackLight of “fraud.” These comments are significantly out of date, having been made in 1999, prior to the technological and market

success of BlackLight and its technology. They have also alleged, falsely, that BlackLight has not delivered a working product. Given the reach of Wikipedia, these defamations have resulted in substantial injury to BlackLight.

5. The principal blogger involved in this defamation, John Doe Number 1, is an individual using the screen name “Andy The Grump.” John Doe Number 1 is notorious and relentless in his defamations of BlackLight, so much so that he himself has been criticized by other Wikipedia bloggers as being biased against BlackLight. John Doe Number 1 has been warned by other bloggers, and by BlackLight itself, that his statements are false and defamatory, but continues in his conduct.

6. The statements of John Doe Number 1 and the other John Doe defendants are false, malicious, and defamatory per se. BlackLight seeks judgment against each and all of the defendants as set forth in the claims below and the award of compensatory and punitive damages against all defendants, jointly and severally.

#### **PARTIES**

7. BlackLight Power, Inc. is a New Jersey corporation having its principal place of business in Cranbury, New Jersey.

8. The defendants, John Does 1-3, whose real identities are unknown to BlackLight, have published and republished false and defamatory statements about BlackLight on Wikipedia, which is available in New Jersey.

9. Venue in this Court is proper as New Jersey has personal jurisdiction over defendants.

#### **STATEMENT OF FACTS**

10. Wikipedia is a website and/or a series of websites, available to internet users in New Jersey, that publishes articles written and edited by “contributors.” Wikipedia content may

be published and revised by any user, and is not edited by Wikipedia, or by any responsible person or entity. As a result, bloggers are able to post defamatory content on the Wikipedia pages—reaching a world-wide audience—with no filter whatsoever.

11. As recently as June 16, 2014, a blogger who is described herein as John Doe Number 1, published a post on the Wikipedia entry for BlackLight, falsely alleging that BlackLight is a fraud and that it has not produced a working product. On information and belief, these same comments have also been published and republished by the other John Doe defendants.

12. The source of the fraud allegations, on information and belief, is a significantly outdated statement of an individual named Philip Anderson, which appeared in The Village Voice in 1999, and has not been repeated or reaffirmed by Anderson since then. This statement, if it was made at all, has been overwhelmed by developments since then.

13. In particular, BlackLight and its technology has achieved notable success, having been the subject of favorable comment in many peer-reviewed publications, having been validated by distinguished scientists and academics, having developed a marketable product, and having received funding of approximately \$75 million from investors and contributors.

14. All of this technological and commercial success has been known to the defendants in this case, yet they continue to publish and republish false and defamatory statements about BlackLight, as recently as June 16, 2014. Defendants have been advised by other Wikipedia contributors that their statements are false and outdated. Defendants have been advised by BlackLight that their statements are false and defamatory. Yet they continue to publish and republish these false statements.

## COUNT I

### (DEFAMATION PER SE AGAINST ALL DEFENDANTS)

15. Each of the preceding paragraphs 1 through 14 is hereby incorporated herein by reference.

16. The aforementioned written statements by the defendants accusing BlackLight of fraud are defamatory per se and tend to injure BlackLight in its business because they falsely impute to BlackLight corruption, fraud, and deceit as well as the commission of a criminal offense, in a manner injurious to the reputation and esteem of BlackLight locally, nationally, and globally.

17. The aforementioned statements proximately caused BlackLight damages in the form of injury to its business and reputation throughout the United States and internationally.

18. By publishing the aforementioned statements, defendants knew they would be republished and read by the general public throughout the United States and elsewhere, as well as in New Jersey. The statements were in fact republished and read by members of the general public throughout the United States and elsewhere, including in New Jersey as a direct, natural, probable, and foreseeable consequence of their publications.

19. The aforementioned statements are false, and were false when made. Defendants knew or should have known that the statements were false when made.

20. Defendants made the aforementioned statements with actual malice and wrongful and willful intent to injure BlackLight. The statements were made with reckless disregard for their truth or falsity or with knowledge of their falsity and with wanton and willful disregard of the reputation and rights of BlackLight.

21. The aforementioned statements were made of and concerning BlackLight, and were so understood by those who read defendants' publications of them.

22. The aforementioned statements have been widely published throughout the United States and elsewhere, including in New Jersey.

23. Defendants knew or should have known that the statements were injurious to BlackLight's business and reputation.

24. As a proximate result of the aforementioned statements and their publications BlackLight has suffered and continues to suffer damages in an amount to be determined at trial but not less than the jurisdictional minimum of this Court. The full nature, extent and amount of these damages is currently unknown, but this Complaint will be amended at trial to insert said information if deemed necessary by the Court.

25. The aforementioned false and defamatory statements were made by the defendants with actual malice and either with knowledge of their falsity or in reckless disregard of the truth or falsity of the statements.

26. Defendants cooperated among themselves in publishing the false and defamatory statements by, among other acts, republishing and endorsing the defamations of their co-defendants. They are joint tortfeasors and as such jointly and severally liable to BlackLight Power for damages.

27. In making the defamatory statements, defendants acted intentionally, maliciously, willfully and with the intent to injure BlackLight, or to benefit defendants. Defendants are liable to BlackLight for punitive damages in an amount in accordance with proof at trial.



## COUNT II

### (TORTIOUS INTERFERENCE WITH PROSPECTIVE BUSINESS ADVANTAGE)

28. Each of the preceding paragraphs 1 through 27 is hereby incorporated herein by reference.

29. BlackLight relies on its integrity and reputation in the scientific arena and the commercial marketplace, and its technological breakthrough to provide it with a prospective business advantage over its competitors. Given its status as an emerging company in a competitive industry, false and defamatory accusations of fraud are particularly injurious, and can easily stifle investment and business development.

30. Defendants knew of BlackLight's prospective business advantage, and by asserting false and defamatory statements about BlackLight and impugning its integrity and commercial success, defendants intentionally and unjustifiably interfered with BlackLight's prospective economic relationships from which BlackLight has a reasonable expectation of gain.

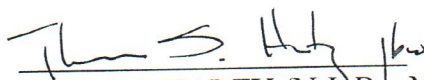
31. Defendants' intentional and unjustifiable interference caused the loss of the prospective gain.

32. BlackLight has suffered damages as a result of defendants' intentional and unjustifiable interference.

WHEREFORE, Plaintiff BlackLight Power Inc. demands judgment, jointly and severally against John Does 1 through 3 for: (1) compensatory damages in an amount to be proven at trial; (2) punitive damages in an amount to be proven at trial; (3) all costs, interest, attorneys' fees, and disbursements to the highest extent permitted by law; and (4) such other and further relief as this Court may deem just and proper.

DATED: June 19, 2014

Respectfully submitted,



THOMAS HARTY (N.J. Bar No. 022821987)  
WILLIAMS LOPATTO HARTY  
89 N. Haddon Avenue, Suite D  
Haddonfield, NJ 08033  
P. 856-424-8967  
F. 856-795-9806

OF COUNSEL:

JOHN B. WILLIAMS  
WILLIAMS LOPATTO PLLC  
1776 K Street, NW  
Suite 800  
Washington, D.C. 20036  
P. (202) 296-1665

**CERTIFICATION UNDER R. 4:5-1(B)(2)**

I certify pursuant to R. 4:5-1(B)(2) that to the best of my knowledge, information and belief, this matter is not the subject of any other action pending in the Superior Court of New Jersey or any other jurisdiction or arbitration proceeding; that no other action or arbitration proceeding is contemplated; and that all known parties are joined.

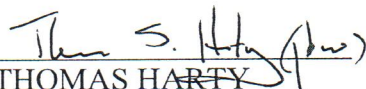
Date: June 19, 2014

By:   
THOMAS HARTY (N.J. Bar No. 022821987)  
WILLIAMS LOPATTO HARTY  
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Haddonfield, NJ 08033  
P. 856-424-8967  
F. 856-795-9806

**DESIGNATION OF TRIAL COUNSEL**

In accordance with R. 4:5-1(c), John B. Williams, is designated trial counsel.

Dated: June 19, 2014

By:   
THOMAS HARTY  
WILLIAMS LOPATTO HARTY  
89 N. Haddon Avenue, Suite D  
Haddonfield, NJ 08033  
P. 856-424-8967  
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**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all issues so triable.

**NOTICE PURSUANT TO 1:5-1(a) AND RULE 4:17-4(c)**

Take notice that the undersigned attorney does hereby demand, pursuant to Rule 1:5-1(a) and 4:17-4(c), that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answers to interrogatories received from any other party, including documents, papers, deposition transcripts and other materials referred to therein upon the undersigned attorney. Please take note that this is a continuing demand.

By: Thomas S. Harty (l.e.)  
THOMAS HARTY  
WILLIAMS LOPATTO HARTY  
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MERCER COUNTY COURTHOUSE  
CIVIL CASE MANAGEMENT OFFICE  
175 SOUTH BROAD ST P O BOX 8068  
TRENTON NJ 08650-0068

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (609) 571-4490  
COURT HOURS 8:30 AM - 4:30 PM

DATE: JUNE 25, 2014  
RE: BLACKLIGHT POWER INC VS DOE ET AL  
DOCKET: MER 1-001400 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON PAUL INNES

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 011  
AT: (609) 571-4460.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH R.4:5A-2.

ATTENTION:

ATT: THOMAS HARTY  
LEVY BALDANTE FINNEY RUBENSTEI  
89 HADDON AVE NORTH STE D  
HADDONFIELD NJ 08033

JUMMOR1