

COMMONWEALTH OF VIRGINIA  
**CIRCUIT COURT OF FAIRFAX COUNTY**  
4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030  
703-691-7320  
(Press 3, Press 1)

**William Robert Moreno vs. Michael Josef Basl**

**CL-2015-0000381**

**TO: Michael Josef Basl  
8106 Strath Rd  
Richmond VA 23231**

**SUMMONS – CIVIL ACTION**

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

**APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.**

Done in the name of the Commonwealth of Virginia, on January 13, 2015.

**JOHN T. FREY, CLERK**

By: *Daisy Mc Postre*  
Deputy Clerk

**Plaintiff's Attorney: Phillip B Leiser**





### A. INTRODUCTION

The Moreno family, including the three Plaintiffs, in addition to WILLIAM's sister, Joanna Moreno, who is not a named-Plaintiff to this Complaint, have been the victims of cyber-bullying, cyber-stalking, harassment, identity theft, impersonation, actual stalking, defamation, invasion of privacy, threats of violence, trespass to and vandalism of their home and at least one automobile, and intentional infliction of severe emotional distress, all of which have caused them harm, including damage to their reputations, the jeopardizing of SHARON's employment, damage to their real and personal property, as well as depression, anxiety, and fear for their personal safety.

### B. SUBJECT MATTER AND *IN PERSONAM* JURISDICTION AND VENUE

1. This Court may exercise subject matter jurisdiction over this action pursuant to VA. CODE ANN. § 17.1-513.
2. Defendant BASL is a *bona fide* resident and domiciliary of the Commonwealth of Virginia and is therefore subject to the general jurisdiction of this Court.
3. Defendant JOHN DOE was either physically present or virtually present in the Commonwealth where he intentionally caused tortious injury to Plaintiffs through his deliberate actions in and/or directed to the Commonwealth of Virginia, and this Court may therefore exercise *in personam* jurisdiction over him pursuant to VA. CODE ANN. § 8.01-328.1(A)(3).
4. Venue is appropriately laid in Fairfax County, Virginia, pursuant to VA. CODE ANN. § 8.01-262(1) and (4).

### **C. PARTIES**

5. Plaintiff WILLIAM ROBERT MORENO, a.k.a. “Mr. Misery,” “Misery,” “Miz,” or “the Miz,” has been a visitor to a website called “Fairfax Underground,” a message board which invites people to post anything they think others would find interesting.
6. Plaintiff SHARON KAY MORENO is WILLIAM’s mother.
7. Plaintiff RICHARD LEROY MORENO is WILLIAM’s father.
8. Defendant MICHAEL JOSEF BASL, a.k.a. “eesh,” frequently posts to Fairfax Underground.
9. Defendant JOHN DOE, a.k.a. “The Northman” is an unknown individual who frequently posts to Fairfax Underground.

### **D. STATEMENT OF FACTS**

10. On 12/27/13, while Plaintiffs SHARON and RICHARD MORENO were out of state, their home was broken into and the plumbing related to the washing machine was vandalized, resulting in their basement being flooded.
11. Upon information and belief, the person responsible for the trespass and acts of vandalism described above is Defendant, MICHAEL JOSEF BASL.
12. On or about 4/25/14, BASL, who lives in Richmond, Virginia, drove to Fairfax County to the Moreno home and placed a note under the windshield wiper of WILLIAM Moreno’s car.
13. BASL has since admitted to a Fairfax County detective that the purpose of his note was to intimidate WILLIAM in an effort to “drive him off of the Fairfax Underground internet forum.”
14. Upon information and belief, also on that occasion BASL vandalized WILLIAM’s car by removing decorative ornaments from its hubcaps.



15. A second incident of vandalism to WILLIAM's car occurred sometime during the period from 5/26-5/29/14. His car was broken into and a decal on the inside of his windshield was scraped off and relocated to a different part of the windshield. Upon information and belief, BASL and/or DOE planned and executed the attack.
16. The above-described vandalism was apparently an attempt to intimidate the Morenos by letting them know that the perpetrator(s) knew where they lived and what car WILLIAM drove.
17. A third incident of vandalism to WILLIAM's car occurred on or about June or July of 2014. A note similar to the one left on WILLIAM's windshield during the first vandalism incident was tacked to his apartment door with chewing gum. Upon information and belief, BASL and/or DOE planned and executed the attack.
18. In the early morning hours of 5/13/14, the Loudoun County Sheriff's Department's SWAT team converged on the Moreno home, surrounded it with guns drawn, and ordered WILLIAM to put his hands up and to get down on the ground.
19. The "swatting" incident caused the Plaintiffs, and particularly, WILLIAM, who was the target of the raid, severe emotional distress and fear of imminent bodily injury or death.
20. The "swatting" incident occurred, presumably because a good Samaritan, or one posing as such, read violent internet postings that were made to appear to have been posted by WILLIAM Moreno.
21. Some of the postings referred to in ¶ 20 were posted late at night on 5/12/14 and include the following:
  - (a) "I JUST SHOT MY PARENTS NOW I WILL KILL MYSELF AND MY SISTER"

- (b) "I'M GONNA LIVE IN INFAMY TRY AND CALL THE POLICE TO MY HOME ON RIVERVIEW I'VE GOT MY SISTER HOSTAGE AND WILL KILL ON SITE DO NOT FUCK WITH ME"
  - (c) "OUT LIKE ADAM LANZA"
  - (d) "FUCK THE WORLD THEY DON'T UNDERSTAND THE BULLIED THE OPPRESSED OR THE FORGOTTEN KILLING KIDS IS THE ONLY WAY TO MAKE PEOPLE UNDERSTAND"
  - (e) "DEATH SHOW LIVE MY SUICIDE IS BEING RECORDED HOW SHOULD I GO?? DEATH BY COP SLIT WRISTS GUNSHOT TO THE HEAD LET ME KNOW"
22. WILLIAM Moreno neither wrote any of the posts referenced above nor had knowledge that they had been posted and attributed to him.
23. Upon information and belief, Defendant DOE, a.k.a. "TheNorthman" wrote the postings.
24. Although WILLIAM Moreno had nothing to do with those violent internet postings, BASL falsely attributed them to WILLIAM in 6/3/14 and 6/4/14 postings on Fairfax Underground, and accused him of orchestrating the "swatting" incident, thereby filing a false police report. In particular, BASL stated:
- (a) ". . . the message that caused the recent swatting incident came from the apparent victim himself."
  - (b) "You . . . are trying to divert attention from your swatting of your own home, which is probably several felonies. . . ."
25. On 10/27/14, 10/28/14, and 11/3/14, WILLIAM Moreno was impersonated on the site again, by BASL and/or DOE, and, in oblique reference to the April 2013 Boston Marathon bombing, violent postings were falsely attributed to him, including one on 10/27/14 which reads:
- (a) "Sometimes I feel like there's a bomb in my home."
  - (b) "When I get depressed, I think of pipe bombs in my house."



- (c) “Maybe they’ll get mailed to someone or be left in a backpack at a Halloween celebration??”
  - (d) “I don’t know why I think they’re in my house, but stay away from 713 Riverview Court! It’s not safe?”
  - (e) “Pipe bombs where? Halloween party—backpacks left at parades—maybe a major mall?”
  - (f) “Stay away from 713 riverview ct [the Moreno family’s home] for safety and health”
26. On 10/28/14, postings from someone(s) impersonating WILLIAM Moreno—presumably, BASL and/or DOE—were made to the Fairfax Underground website, including the following:
- (a) “I named my dream pipe bombs”
  - (b) “Pipe bombs! Named Cary - Jon - Michael - Tyson Mall”—a reference to the Fairfax Underground website administrator, Defendant MICHAEL JOSEF BASL, and a third person.
  - (c) “pipe bombs—better than his guns that he uses to threaten and intimidate”
  - (d) “Just try to arrive at 713 Riverview and see what happens”
  - (e) “dream pipe bombs don’t mess around”
  - (f) “You leave a note I leave a bomb”
  - (g) “Are you scared now? I take care of Cary - Jon - Tysons mall - then you”—again, directed at the Fairfax Underground website administrator and others.
27. On 11/3/14 additional postings impersonating WILLIAM Moreno were made to Fairfax Underground, presumably, by BASL and/or DOE. They included:

- (a) "Top \$\$\$ for dynamite I want dynamite. How much can 100000 in cash buy me do the feds notice this?"
- (b) "I have 100000 in cash. How much dynamite can I get before the feds notice?"
28. On 11/20/14, additional postings impersonating WILLIAM Moreno, presumably made by BASL and/or DOE, were made to the Fairfax Underground website, including:
- (a) "Brian Haddock leave. Now, or I'm going to have you killed."
- (b) "BRIAN HADDOCK ONLY WARNING" "Leave. Delete all references to Misery<sup>1</sup> and his family or else. How does \$25,000 on your head sound?"
- (c) "\$50,000 REWARD TO KILL MICHAEL JOSEF BASL AND CARY 'WEEDMAN' WIEDEMANN."
- (d) "\$50,000 to kill eesh aka Michael Josef BASL and Cary Wiedemann. Make it violent and painful and bring their heads to 713 Riverview Court in Sterling [Moreno family home address] to collect reward. They deserve this, just Google their names."
29. On 12/8/14, an additional violent and threatening posting was made to the Fairfax Underground website, impersonating WILLIAM Moreno, and stating: "List of people that I want to blow up" "Eesh aka 'Michael Josef Basl' . . . Cary 'Weedman' Wiedemann . . . Harry Tuttle aka 'Jon James' . . . YOU WILL ALL DIE SOON"
30. Also on 12/8/14 another violent and threatening posting was made to the Fairfax Underground website, impersonating WILLIAM Moreno, and deliberately invoking images of recent domestic terror mass shootings at an Aurora Colorado movie theater, a Colorado public high school, and a Sandy Hook, Connecticut elementary school, stating: "What's the best way to suicide by cop? I want to die in the most dramatic fashion possible. I've got

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<sup>1</sup> "Misery," "Mr. Misery," "Miz," and "The Miz" are all variations of WILLIAM Moreno's screen-name that he used when posting to the Fairfax Underground website. See § C(5), *supra*.



access to my dad's shotgun, how can I make this happen? Should I go into a movie theatre and start shooting up the place? Maybe go Columbine at Tyson's Corner? How much security do schools have these days?"

31. On 10/27/14, upon information and belief, BASL posted a photograph of himself looking at the reader and pointing what appears to be a loaded revolver directly at the intended reader, WILLIAM, while "flipping him the bird." Above that threatening photograph BASL stated, "You know how this is going to turn out, don't you? You can run but you can't hide, Miz."
32. The posting described above was intended to and did in fact threaten, harass, and intimidate WILLIAM.
33. On 10/28/14 in a posting containing the same photograph as that described above, the caption reads, "It's hard to explain, but there are few things more satisfying than shooting an enemy in the back of the head, and seeing his face explode like one of Gallagher's watermelons. In fact, I can think of nothing more satisfying. It follows that you don't have a thing to worry about from pipe bombs. No worries on that front at all, amigo."
34. Approximately a year earlier, upon information and belief, BASL posted what appears to be a genuine photograph of a young deceased blood-soaked girl, who has apparently had her throat slit and sustained multiple severe stab wounds to her face.
35. On 6/6/14 BASL posted a photograph of a naked man bound and tied, and submerged face-down in a bathtub full of water, in an apparent effort to drown him. The picture's caption is "What needs to happen to Alias."
36. Although not a pseudonym used by WILLIAM, "Alias" was apparently believed by BASL and/or DOE to have been used by WILLIAM's sister, Joanna Moreno, and therefore, the

captioned photograph was a direct threat toward one of William's family or household members.

37. On 11/7/14 another posting impersonating WILLIAM Moreno as its author was made to the Fairfax Underground website. It stated, "Fuck the police, fuck Loudoun sheriff deputies! Fucking pigs, smell the bacon! An innocent family was terrorized but the po po can't act because they don't have 'evidence.' Everyone knows who tried to have me killed but the police won't do anything about it. What do I have to do to be taken seriously?"
38. Upon information and belief, the posting referenced above was written and posted by BASL and/or DOE.
39. In response to his own posting, BASL threatened, "Go to Richmond, confront eesh [BASL], get shot dead . . . end of story."
40. The posting referenced above was an oblique method of physically threatening and intimidating WILLIAM Moreno.
41. BASL had engaged in similarly threatening behavior approximately a year earlier. On 12/27/13 he posted the following on Fairfax Underground: "Misery [one of several variations of WILLIAM Moreno's screen name on Fairfax Underground] let's take a look at you. I'll be up in Fairfax this weekend. I'll stop by in Sterling so we can all get a look at the Miz."
42. Roughly a year-and-a-half before that, on 3/4/12, BASL directly contacted WILLIAM by email, despite the fact that WILLIAM had never provided him with an email address or his actual identity, since most people who post to the Fairfax Underground website do so using pseudonyms.
43. In his email message to WILLIAM, BASL stated:



“Hello Mr. Misery, this is eesh, from FairfaxUnderground. Since I now know you attend VCU, I am going to stop by and have a little talk with one of the Deans of VCU Arts Division. I’m sure your posting of pedophilia themed artwork on FairfaxUnderground is a crime, and surely against the code of conduct expected of VCU students. You do understand your drama on Fairfax Underground will get you expelled from VCU, right? Talk to you later William Moreno.”

44. The email described above was sent in an effort to threaten and intimidate WILLIAM, and to let him know that his stalker, BASL, had surreptitiously obtained information about his real name, where he went to school, and what he was studying.
45. BASL’s email falsely accused WILLIAM of possessing, creating, and disseminating pedophilia-themed artwork on the internet, and threatened to interfere with WILLIAM’s education.
46. On or about 11/4/14, more than a dozen animated images of child pornography were posted under the tagline “Justice for Joanna,” a clear reference to WILLIAM Moreno’s sister, Joanna.
47. On or about 11/22/14, BASL posted to the Fairfax Underground website, stating that he had spoken to SHARON Moreno.
48. On that same day, BASL sent a message to WILLIAM, admitting that he had called WILLIAM’s parents, RICHARD and SHARON MORENO.
49. In fact in the previous month, October 2014, SHARON Moreno received a telephone call from a person whom her caller ID identified as Michael Josef BASL. During the ensuing conversation, BASL falsely reported to SHARON that WILLIAM had made threats to kill him and he inquired as to WILLIAM’s location at that moment. This conversation caused

SHARON great emotional distress because she fears that her son, who has been the target of vicious internet attacks for the previous two years, might have gone off the deep end.

50. BASL and DOE, a.k.a. TheNorthman, have posted false and defamatory statements about WILLIAM on FairfaxUnderground.com.
51. On 1/10/14, upon information and belief, BASL and/or DOE, using the tagline "A victim," and impersonating a thirteen-year-old girl, accused WILLIAM of sexually assaulting her in a bathroom at his house.
52. Specifically, the post stated, under the bold-faced heading, "**I was beaten and raped by William Moreno of Sterling,**" that ". . . William pushed me back inside the bathroom. There he slapped me and shoved my head into the shower wall. He pulled down my pants and started to finger me until I bled. . . . He told me if I told anyone he would kill me and then he started to laugh."
53. On 11/21/14, someone using the tagline "Vexxxed," referenced a previous posting from WILLIAM, stating that it had come "from the mind of a pedophile."
54. Upon information and belief, using the tagline "VCU 2 UVA," BASL and/or DOE impersonated a young woman who claimed to have been assaulted and raped by WILLIAM when she was a minor enrolled in art school at Virginia Commonwealth University (VCU), where William had also been enrolled as an art student.
55. In particular, on 12/5/14, upon information and belief, BASL and/or DOE impersonated a young woman and posted, under the bold-faced heading, "**I was raped by William Moreno at VCU in 2010,**" that, ". . . when I was in the art school at VCU, I was cornered one night by William Moreno, assaulted and then raped. He violated me, took away my innocence (I



was 17 at the time) and laughed when it was all over. . . . I'm coming forward with this now, hoping that others that he molested will also step forward."

56. On 10/31/14, under the tagline, "TheNorthman," DOE posted, "William Moreno, . . . I think you're a fat pedophile."
57. On 11/2/14, posting under the tagline "Joanna Moreno has a fat butt"—a reference to WILLIAM's sister, Joanna—DOE, a.k.a. "TheNorthman," posted "But SHARON Moreno works at the CIA and allows a self admitted pedophile to live under her roof."
58. On 11/4/14, in a posting that was of and concerning WILLIAM, DOE used the taglines, "child pornography," and "illegal images," and wrote, "He's posting child pornography." It looks like William Moreno opened up his kiddie stash."
59. On 12/12/14, posting as "Mo Santana," BASL and/or DOE stated, "William Moreno threatens to kill people while filing false police reports on other people."
60. Explaining that he "fucking hate[s] William Moreno," DOE described his intention to do everything in his power "to tie [William's] name to horrendous search results" and threatened to attract "life-ruining search results toward [William's] real life identity."
61. In an on-line posting on Fairfax Underground that was directed toward WILLIAM, DOE bragged that "Surely by now you have seen the devastation that I am able to deal out in terms of Google search results. I am fully prepared to Google fuck you harder than I have done to anybody before. . . . it will take me a period of time to gather information, formulate my plan of attack, compose the posts . . . create the imagery and finally execute the operation(s) . . . BUT MAKE NO MISTAKE: IT WILL BE DONE. I will show you NO quarter. NOTHING is off limits. Expect altered images to surface and quickly become the #1 result

for you and MUCH more. All of my attention is focused on you. Your parents are old and defenseless and live in Sterling.”

62. BASL and DOE, a.k.a. “TheNorthman,” a.k.a. “Ned Stark,” also threatened to and did in fact engage in a cyber-war against WILLIAM by purchasing search terms from Google and linking terms like “pedophile” to WILLIAM Moreno so that anyone performing a google search on WILLIAM would quickly come across BASL’s and/or DOE’s pedophile and child-molestation themed postings.
63. BASL and DOE also posted personal identifying information for the Moreno family, including their home address and WILLIAM’s phone number.
64. DOE subsequently taunted WILLIAM, reminding him, “Hey, miz, why are you backing off? Your house got swatted, any google search of your name leads to “pedophile” and you don’t even have the balls to put me away when you have my real name?”
65. BASL and/or DOE also impersonated WILLIAM’s father, RICHARD Moreno, posting false and defamatory statements about WILLIAM, as follows: “Earlier today I walked into the living room and caught my son [WILLIAM] playing doctor with his sister [Joanna]. She was laying [sic] on the couch, spread eagle, while my son was pulling apart her vagina lips. If these were small children, I would dismiss it as innocent horseplaying, [sic] but my son is in his 30s and my daughter is 28. I thought at first he was forcing himself on her but she seemed to enjoy it. They didn’t see me and I was too shocked to stop it.”
66. BASL’s and/or DOE’s 1/10/14 posting accusing WILLIAM of raping a thirteen-year-old girl during WILLIAM’s mother’s (SHARON Moreno’s) birthday party caught the attention of federal investigators who were conducting a background check in preparation for a review of SHARON’s security clearance.



67. SHARON Moreno was informed about the posting and ultimately was required to undergo a polygraph test which she was unable to complete because of the severe stress and anxiety that knowledge of the posting about her son caused her.
68. As a consequence of the emotional distress caused by their persecution over the internet, both SHARON and her son, WILLIAM, sought and received psychological counseling.
69. Both SHARON and WILLIAM have continued psychological therapy to deal with the severe emotional distress brought on by BASL's and DOE's harassment of them.
70. The psychological stress caused by the internet persecution resulted in a suicide attempt by WILLIAM, who cut his wrist and was briefly admitted to a psychiatric hospital.
71. The Moreno family has been severely traumatized by the vicious and unrelenting internet attacks, false accusations, defamatory statements, theft of their identities, verbal threats, threatening conduct constituting stalking behavior, cyber-bullying and harassment, as well as the invasion of their privacy and the trespass and vandalism to their real and personal property.
72. The Moreno family members' enjoyment of life has been severely diminished as a direct and proximate result of their being under siege for more than a year.
73. Based upon the language used and the tone of the internet postings at issue in this case, it is abundantly clear that BASL and DOE took great pleasure and amusement from their campaign of harassment and cyber-bullying of the Moreno family.

**COUNT 1**

**DEFAMATION PER QUOD**

74. Plaintiffs hereby incorporate by reference all of the foregoing paragraphs.

75. Defendants BASL and DOE published false statements on a widely accessible and widely reviewed website, FairfaxUnderground.com, on which they deliberately and maliciously disparaged WILLIAM MORENO and his mother, SHARON MORENO.
76. Specifically, each of the statements referenced in ¶¶ 51-59 are of and concerning WILLIAM Moreno.<sup>2</sup>
77. In addition, the statement at ¶ 57 is also of and concerning SHARON Moreno.
78. Each of the statements referenced above were read or heard by third parties.
79. At the time BASL and DOE published these statements, they knew or should have known that they were false.
80. The statements at issue are defamatory because they tend to cast WILLIAM and SHARON in an odious light.
81. The statements referenced above did in fact damage WILLIAM Moreno's reputation.
82. The statements referenced above caused WILLIAM Moreno to suffer from shame, humiliation, and embarrassment.
83. The statements referenced above were published knowing that they were false, or with reckless disregard for their truth or falsity.
84. Defendants' posting of the false and defamatory statements about WILLIAM were designed to intimidate him from exercising his right to free speech on the internet, by deterring him from posting on the Fairfax Underground website. Moreover, Defendants enjoyed tormenting their victims and experienced pleasure knowing that they were causing emotional and reputational harm to them. Tormenting the Moreno family became a sport for these Defendants who obtained feelings of power by inflicting harm on their victims.

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<sup>2</sup> The posting referenced in ¶ 53 may have been posted by someone other than BASL or DOE.



85. Thus, BASL and DOE intended to damage WILLIAM and SHARON Moreno's reputations and to cause each of them emotional distress, primarily for the mere pleasure of it, not unlike the mass killers whose heinous actions these Defendants' internet postings mockingly reference, and who also apparently derived great pleasure and a sense of power from the knowledge that their actions could inflict such pain and devastation on so many people.

86. BASL and DOE were thus motivated by actual malice—spite, hatred, ill-will, grudge and a desire to harm their victims.

WHEREFORE, Plaintiffs WILLIAM and SHARON MORENO respectfully request the entry of a judgment in their favor and against both Defendants, jointly and severally, in the amount of \$100,000, each, for compensatory damages, and a total of \$350,000 for punitive damages.

## COUNT 2

### DEFAMATION PER SE

87. Plaintiffs hereby incorporate by reference all of the foregoing paragraphs.

88. Defendants BASL and DOE published false statements on a widely accessible and widely reviewed website, FairfaxUnderground.com, on which they deliberately and maliciously disparaged WILLIAM Moreno.

89. Specifically, the statement referenced in ¶ 59, that WILLIAM Moreno files false police reports, is of and concerning WILLIAM Moreno.

90. That statement was read or heard by third parties.

91. At the time BASL and/or DOE published that statement, they knew or should have known that it was false.

92. The statement referenced above is defamatory *per se* because it imputes to its subject, WILLIAM Moreno, the propensity to commit crimes of moral turpitude—filing false police reports, and thus, lying to police officers, which is itself a crime.

93. The statement at issue is actionable *per se*, and therefore compensatory damages for injury to reputation, humiliation, and embarrassment are presumed.
94. The false and defamatory statement referenced in ¶ 59 did in fact damage WILLIAM Moreno's reputation.
95. The statement referenced above caused WILLIAM Moreno to suffer from shame, humiliation, and embarrassment.
96. The statement referenced above was published knowing that it was false, or with reckless disregard for its truth or falsity.
97. Defendants' posting of the false and defamatory statement about WILLIAM was designed to intimidate him from exercising his right to free speech on the internet, by deterring him from posting on the Fairfax Underground website. Moreover, Defendants enjoyed tormenting WILLIAM and experienced pleasure knowing that they were causing emotional and reputational harm to him. Tormenting the Moreno family became a sport for these Defendants who obtained feelings of power by inflicting harm on their victims.
98. Thus, BASL and DOE intended to damage WILLIAM Moreno's reputation, and to cause him emotional distress, primarily for the mere pleasure of it, not unlike the mass killers whose heinous actions their internet postings mockingly reference, and who also apparently derived great pleasure and a sense of power from the knowledge that their actions could inflict such pain and devastation on so many people.
99. BASL and DOE were thus motivated by actual malice—spite, hatred, ill-will, grudge and a desire to harm their victims.



WHEREFORE, Plaintiff WILLIAM MORENO respectfully requests the entry of a judgment in his favor and against Defendants in the amount of \$100,000 for compensatory damages and \$350,000 for punitive damages.

**COUNT 3**

**TRESPASS TO LAND AND TO CHATTELS**

100. Plaintiffs hereby incorporate by reference all of the foregoing paragraphs.
101. Paragraphs 10-11 establish that BASL and/or DOE intentionally trespassed upon Plaintiffs' real property and deliberately vandalized their washing machine, resulting in the flooding of their basement.
102. Paragraphs 12-17 establish that BASL and/or DOE intentionally committed a trespass to chattels—specifically concerning Plaintiff WILLIAM Moreno's automobile—by breaking and entering the vehicle and committing minor acts of vandalism.
103. Defendants were motivated by actual malice—that is, spite, hatred, ill-will, grudge, desire for revenge, and generally, by the power trip of being able to torment WILLIAM and the entire Moreno family, through the safety of the anonymity afforded them by the internet site, and therefore, with relative impunity.

WHEREFORE, Plaintiffs SHARON and RICHARD MORENO respectfully request a judgment in the amount of \$10,000 each in compensatory damages and a total of \$350,000 in punitive damages, for trespass to land, and Plaintiff WILLIAM MORENO respectfully requests a judgment in the amount of \$1,000 in compensatory damages for trespass to chattels; \$4,000 in compensatory damages for trespass to land, and \$50,000 in punitive damages for the repeated trespasses to and vandalism of his automobile and for the trespass and vandalism to the real estate that he lawfully occupied.

#### COUNT 4

##### CIVIL CLAIM FOR STALKING PURSUANT TO § 8.01-42.3

104. Plaintiffs hereby incorporate by reference all of the foregoing paragraphs.
105. Between November 2013 and November 2014 Defendants engaged in at least seven separate acts of stalking, consisting of conduct directed at WILLIAM Moreno, with the intent to place and knowing that their conduct would in fact place or likely place WILLIAM in reasonable fear of death or bodily injury.
106. Those seven separate acts of stalking are described at (i) ¶¶ 10-11; (ii) ¶¶ 18-20; (iii) ¶¶ 31-32; (iv) ¶ 32; (v) ¶33; (vi) ¶¶ 35-36; and (vii) ¶ 39.

WHEREFORE, Plaintiff, WILLIAM MORENO respectfully requests, pursuant to § 8.01-42.3, the entry of a judgment against Defendants for a civil claim of stalking, in violation of § 18.2-60.3, and an award of compensatory damages in the amount of \$100,000; punitive or exemplary damages in the amount of \$350,000; and an award of court costs, legal fees, and litigation-related expenses.

#### COUNT 5

##### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

107. Plaintiffs hereby incorporate by reference all of the foregoing paragraphs.
108. Defendants BASL and DOE deliberately engaged in conduct described in the preceding paragraphs which they knew or should have known would likely cause a reasonable person severe emotional distress.
109. Defendants engaged in the aforementioned conduct with the specific intention of inflicting severe emotional distress upon the Moreno family, and in particular, upon WILLIAM and SHARON.



110. The conduct described in the preceding paragraphs was outrageous and unacceptable in a civilized society.
111. The conduct described in the preceding paragraphs did in fact cause Plaintiffs WILLIAM MORENO and SHARON MORENO emotional distress, including fear, anxiety, restlessness, sleeplessness, depression, jitteriness, difficulty concentrating, and the loss of enjoyment of life.
112. The emotional distress experienced by both Plaintiffs WILLIAM MORENO and SHARON MORENO was severe, and has necessitated extensive counseling for both of them.

WHEREFORE, Plaintiffs WILLIAM and SHARON MORENO respectfully request entry of a judgment against Defendants in the amount of \$100,000 in compensatory damages for each of them and \$350,000 in punitive or exemplary damages.

In summary, Plaintiff WILLIAM MORENO respectfully requests the entry of a judgment against Defendants, MICHAEL JOSEF BASL and JOHN DOE, for defamation *per quod* and *per se*, trespass to chattels and trespass to land, stalking, and intentional infliction of emotional distress, and seeks an award of \$405,000 in compensatory damages and a portion of a \$350,000 award of punitive or exemplary damages deemed reasonable by the jury, post-judgment interest from the date of judgment, and an award of court costs, legal fees, and litigation-related expenses pursuant to § 8.01-42.3.

Plaintiff SHARON MORENO respectfully requests the entry of a judgment against Defendants, MICHAEL JOSEF BASL and JOHN DOE, for defamation *per quod*, trespass to land, and intentional infliction of emotional distress, and seeks an award of \$210,000 in

compensatory damages and a portion of a \$350,000 award of punitive damages deemed reasonable by the jury, along with court costs and post-judgment interest.

Plaintiff RICHARD MORENO respectfully requests the entry of a judgment against Defendants, MICHAEL JOSEF BASL and JOHN DOE, for trespass to land, and seeks an award of \$10,000 in compensatory damages and a portion of a \$350,000 award of punitive or exemplary damages deemed reasonable by the jury, along with court costs and post-judgment interest.

Plaintiffs demand a trial by jury as to all issues triable thereto, pursuant to VA. R. S. Ct. 3:21 and 3:22.

Respectfully submitted,

WILLIAM MORENO

SHARON MORENO

RICHARD MORENO

By Counsel



THE LEISER LAW FIRM, PLLC  
By: Phillip B. Leiser, Esq.  
1749 Old Meadow Road, Suite 630  
Tysons Corner, Virginia 22102  
TEL: (703) 734-5000 x-101  
FAX: (703) 734-6000  
VASB # 41032  
*Counsel for Plaintiffs*