JURY DEMAND

COPY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT--LAW DIVISION

LANDMARK EDUCATION CORPORATION, Plaintiff vs. CULT AWARENESS NETWORK, a business of unknown legal character, CYNTHIA KISSER, individually Agent and Executive Director of the CULT AWARENESS NETWORK, JOHN and JANE DOES 1-50 and Unknown aiders, abettors & co-conspirators, Defendants.	)	No. 94L11478 Jury Trial Demanded MOTION CALL F

COMPLAINT

NOW COMES Plaintiff, LANDMARK EDUCATION CORPORATION, (hereinafter referred to as "LANDMARK"), by and through its attorney, WALTER P. MAKSYM, complaining of Defendant, CULT AWARENESS NETWORK, (hereinafter referred to as "CAN") and/or Defendant, CYNTHIA KISSER, individually and as Agent and Executive Director of the CULT AWARENESS NETWORK (hereinafter referred to as "KISSER") and states as follows:

FIRST CAUSE OF ACTION

For Defamation

1. That at all times relevant hereto LANDMARK was a corporation duly organized under the laws of the State of California and was authorized to do business and was at all times

relevant hereto offering educational programs and services including its core program The Forum and doing business in the County of Cook, City of Chicago, Illinois with offices located at 820 N. Orleans, Chicago, Illinois.

2. That on information and belief, at all times relevant hereto, Defendant CAN was a business of unknown legal character doing business within the City of Chicago, County of Cook, State of Illinois with its "National Office" located at 2421 W. Pratt, Suite 1173, Chicago, Illinois and Defendant KISSER was a resident of the County of Cook, State of Illinois and at all times relevant acted as the agent, employee, representative, and Executive Director of CAN.

3. That all times relevant, LANDMARK was known to be a law abiding corporation and a reputable business that enjoyed and was known and acknowledged to have a good reputation as a respectable firm possessed of integrity, good moral character and honesty and held in high esteem and regard by its employees, business associates and the general public.

4. That at all times relevant LANDMARK had a right to be free from the dissemination and publication or re-publication of inaccurate, false, misleading, distorted, demeaning, stigmatizing, untrue, defamatory, slanderous, libelous, scandalous, degrading statements and mis-portrayals, and publicity regarding its corporate character reputation, business and financial interests, and educational endeavors, including its program The Forum.

5. That at all times relevant, Defendant CAN and KISSER, (hereinafter sometimes collectively referred to as "Defendants") knew or should have known or prior to the activities hereinafter complained of herein, could have become knowledgeable of the facts stated herein and that the illegal and wrongful conduct undertaken by them and that such conduct would or could cause great damage to the character, reputation, work, business, professional, educational and financial interests of LANDMARK.

6. That on information and belief, commencing in or about the twelve (12) months prior to filing of this litigation, Defendants intentionally and on a continuous basis with a conscious and reckless disregard for the truth, caused to be delivered for publication and published throughout the County of Cook, State of Illinois as well as throughout the United States a certain "flyer" and "packet" as are hereinafter more fully described in Exhibit A and Group Exhibit B.

7. That on information and belief Defendants fully participated in and were jointly and severally responsible for assembling, fostering, preparing, disseminating, and delivering said "packet" that sells for twelve ($12.00) dollars each and distributing and mailing to the public together with a certain "flyer", and making oral statements designed to disparage LANDMARK and The Forum as is hereinafter more fully described and deciding to cause to be published, the defaming statements therein contained as well as the decision making process as to what material and information to include or exclude from the

dissemination, publication, and re-publication as well as whether to require or forego proper substantiation or verification of its content.

8. That said statements taken as a whole contained a pattern of false, misleading, and defamatory statements, information, and commentary designed and calculated to be demeaning, disparaging, injurious to LANDMARK's reputation, character and business, educational services and programs and financial interests, which *inter alia*:

(a) Referring to The Forum and LANDMARK, CAN published, publishes, re-publishes, distributes, and promotes, *inter alia*, via the above-referenced false and misleading literature associating, imputing and implying LANDMARK as one of the "*destructive cults*" or "groups" about which CAN implies it has received the following complaints "... Engaged in some illegal and unethical practices including child abuse, neglect and death; illegal immigration, drug dealing, fraud and deceit in their recruiting, business financial and fund raising activities, theft, harassment of critics, families, and former followers with threats, lawsuits, and foul play, stockpiling and smuggling of weapons and ammunition; beating, sexual abuse, and prostitution, kidnapping, murder, attempted murder, and psychological and emotional damage".

(b) Referring to The Forum in its above-referenced literature (misdescribing it as and associating it with est) and LANDMARK, CAN attributes the following "harmful effects" which result from a "destructive cult experience":

"Loss of free will and control over one's life. Development of dependency and return to child-like behavior. Loss of spontaneity or sense of humor. Inability to form intimate friendships outside the cult or enjoy flexible relationships. Physical deterioration and abuse. Psychological deterioration (including hallucinations, anxiety, paranoia, disorientation, and dissociation.) Involuntary, *de facto* servitude or exploitation."

(c) CAN published or republished the following "of and concerning" LANDMARK or its program, The Forum, "packets" of misinformation inferring and implying LANDMARK uses mind

control (undue influence) and unethical means to recruit and retain followers. It claims association with these groups (including LANDMARK) can be harmful to followers and disruptive to families, friends, and society. CAN lists the following as "techniques of mind control":

"Group pressure and "love bombing" discourages doubts and reinforces the need to belong through use of child-like games, sing, hugging, touching, or flattery.

Isolation/Separation creates inability or lack of desire to verify information provided by the group with reality.

Thought-Stopping Techniques introduce the recruit to meditating, chanting, and repetitious activities which, when used excessively, induce a state of high suggestibility.

Fear and guilt induced by eliciting confessions to produce intimacy and to reveal fears and secrets, to create emotional vulnerability buy overt and covert threats, as well as alternation of punishment and reward.

Sleep deprivation encouraged under the guise of spiritual exercises, necessary training, or urgent projects.

Sensory overload forces acceptance of complex new doctrine, goals, and definitions to replace old value by expecting recruit to assimilate masses of information quickly with little opportunity for critical examination."

(d) CAN characterizes and described itself as a network of "...former cult members and families and friends of past and present cult members" and "... a coalition of volunteer affiliate groups throughout the United States" and that its work is to "educate the public on cults" and further that it is "... dedicated to promote public awareness of the harmful effect of mind control." CAN says it confines its concerns to unethical or illegal practices" and "... bringing to the public awareness the harmful effects of *destructive* cults..." It defines "*destructive* cults" as "...a closed system whose followers have been unethically and deceptively recruited through the use of manipulative techniques of thought reform or mind control. According to CAN, the system is imposed without the informed consent of the recruit and is designed to alter personality and behavior and attributes the following "marks" of the *destructive* cult" (Emphasis supplied).

"Mind control (undue influence): Manipulation by use of coercive persuasion or behavior modification techniques without informed consent.

Charismatic leadership: Claiming divinity or special knowledge and demanding unquestioning obedience with power and privilege. Leadership may consist of one individual or a small core of leaders.

Deception: Recruiting and fund raising with hidden objective and without full disclosure of the use of mind controlling techniques; use of "front groups".

Exclusivity: Secretiveness or vagueness by followers regarding activities and beliefs.

Alienation: Separation from family friends and society, a change in values, and substitution of the cult as the new "family"; evidence of subtle or abrupt personality changes.

Exploitation: Can be financial, physical, or psychological; pressure to give money, to spend a great deal on course or give excessively to special projects and to engage inappropriate sexual activities, even child abuse.

Totalitarian world view (we/they syndrome): Effecting dependence, promoting goals of the group over the individual and approving unethical behavior while claiming goodness."

9. That on information and belief, said false, misleading, inaccurate, demeaning, defamatory, and injurious statements were deliberately and maliciously published and re-published, distributed and disseminated with the full knowledge that same were not true, or in reckless disregard for the truth or falsity thereof so as to intentionally defame and injure LANDMARK's reputation, business and educational endeavors and interests, as well as LANDMARK's business character, community standing, and educational services.

10. That on information and belief Defendants made no genuine, professional or proper investigation or attempt to verify the truth or falsity of said statements and information contained

in said "packet" and "flyer" and acted with malice and a total utter and reckless disregard as to the truth or falsity of said statements or their incomplete or misleading nature, deliberately causing them to be authored, published, re-published, and disseminated as aforesaid.

11. That despite a duty owed LANDMARK by Defendants to not publish, re-publish, or publicize false or misleading statements or misinformation concerning it, Defendants intentionally and with malice proceeded and continues to disseminate, publish, and republish said defamatory statements without proper verification or sufficient investigation and confirmation or bias and the knowledge or suspicion of the author's motives, bias, prejudice, lack of trustworthiness, reliability or veracity, and deliberately, recklessly, wantonly, maliciously and intentionally causes and continues to cause publication and republication of said false and misleading statements. The Defendants did and continues to do so with malice for the express and specific purpose of injuring LANDMARK's character, reputation, business, educational services and programs as well as its community standing.

12. That LANDMARK's damages flowing from Defendants said defamatory publication and re-publication are of a continuing and ongoing nature and are presently incapable of or fully accurate compilation and ascertainment.

13. That said defamatory publication and republication falsely and directly accuses, attributes, imputes or implies to

LANDMARK the commission of deceit, fraud, criminal offenses, unfair, unethical, illegal business practices and conduct and/or other illegal and immoral acts and improprieties which in truth and in fact did not occur.

14. That as a foreseeable and proximate consequence of the foregoing which continues to impugn and denigrate the public perception of LANDMARK's activities, services, programs, integrity, dignity, honor, and undermines its ability to engage in the aforesaid business and endeavors, LANDMARK has been and continues to be otherwise prejudiced and greatly damaged it in the aforesaid business, its reputation, character, activities, services, programs, credit worthiness, ability to produce income so as to incur and be subjected to great damage, injury, ruination, scorn, ridicule, degradation, disgrace, contempt, aversion, social stigmatization, obloquy. Further, the same has wrongfully created an evil opinion of LANDMARK in the perception of the public and fair minded persons, has damaged the perception of potential clientele, and caused it to suffer financial loss, substantial legal and other professional fees and expenses.

WHEREFORE, LANDMARK prays that judgment be entered in its favor and against Defendants, for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate plus reasonable attorneys fees, costs, and expenses.

SECOND CAUSE OF ACTION

For Injurious Falsehood

1-14. That LANDMARK re-alleges paragraphs 1 through 14 of the First Cause of Action as and for paragraphs 1 through 14 of this Second Cause of Action.

15. That Defendant's intention by means of falsehoods and said inaccurate, misleading communications, was to deter and prevent prospective clientele from participating in LANDMARK's programs and services and unjustly demean and disparage same, particularly its core program known as "THE FORUM".

16. That on information and belief Defendants failed to adequately investigate the truth of said allegations and disseminated, published and re-published same with a conscious and reckless disregard for the truth or falsity thereof and intention to harm LANDMARK by disparaging its services and programs and intending that third parties, i.e., potential consumers and participants of those services, rely and act on those disparaging communications and articles which resulted in injury and commercial disparagement to LANDMARK's business and educational endeavors and the reputation of its services as aforesaid.

17. That LANDMARK as a direct and proximate result suffered and incurred special damages, which are ongoing and have not yet been fully determined.

18. That Defendants intended to harm interests of LANDMARK, by permitting the above or should have recognized the likelihood of doing so.

WHEREFORE, LANDMARK prays that judgment be entered in its favor and against Defendants, jointly for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate plus reasonable attorneys fees costs, and expenses.

FOURTH CAUSE OF ACTION

False Light in the Public Eye

1-21. That LANDMARK re-alleges paragraphs 1 through 21 of the Third Cause of Action as and for paragraphs 1 through 21 of this Fourth Cause of Action.

22. That at all times relevant LANDMARK had a right to be free from unreasonable, inaccurate, false or misleading publicity concerning it which is incomplete or incorrect, or false.

23. That the foregoing constituted false, unreasonable, demeaning, disparaging, inaccurate or misleading public portrayal of LANDMARK's business and educational endeavors, as well as an unreasonable placing it in a false light in the public eye and the matters made public would be highly offensive to a reasonable person.

WHEREFORE, LANDMARK prays that judgment be entered in its favor and against Defendants jointly for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate plus reasonable attorneys fees, costs, and expenses.

FIFTH CAUSE OF ACTION

For Commercial Disparagement

1-23. That LANDMARK re-alleges paragraphs 1 through 23 of the Third Cause of Action as and for paragraphs 1 through 23 of this Fifth Cause of Action.

24. That the foregoing constituted commercial disparagement to LANDMARK and its educational services and core program The Forum.

WHEREFORE, LANDMARK prays that judgment be entered in its favor and against Defendants jointly for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate plus reasonable attorneys fees, costs, and expenses.

SIXTH CAUSE OF ACTION

Conspiracy

1-24. LANDMARK re-alleges paragraphs 1 through 24 of the Fifth Cause of Action as and for paragraphs 1 through 24 of this Sixth Cause of Action.

25. That on information and belief the Defendants acted in concert and combination with each other and certain unknown aiders, abettors, and co-conspirators who participated with and aided Defendants in the authorship and publication and re-publication of the foregoing defamatory communications.

WHEREFORE, LANDMARK prays that Judgment be entered in its favor and against Defendants jointly for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that

amount as a jury may deem appropriate plus reasonable attorneys fees, costs, and expenses.

SEVENTH CAUSE OF ACTION

For Deceptive Trade Practice

1-25. LANDMARK re-alleges paragraphs 1 through 25 of the Sixth Cause of Action as and for paragraphs 1 through 25 of this Seventh Cause of Action.

26. That Chapter 815, ILCS 510/2 provides in pertinent part as follows:

> §2 A person engages in a deceptive trade practice when in the course of his business, vocation or occupation, he:
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> * * *
>
> (2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;
>
> (3) cause likelihood of confusion or of misunderstanding as to affiliation, connect, or association with or certification by another;
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> * * *
>
> (5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have;
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> * * *
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> (8) disparages the goods, services or business of another by false or misleading representation of fact;
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> * * *
>
> (12) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.
>
> In order to prevail in an action under this Act, a plaintiff need not prove competition between the parties or actual confusion or misunderstanding.

> This Section does not affect unfair trade practices otherwise actionable at common law or under other statues of this state.

27. That Chapter 815, ILCS 510/3 provides in pertinent part as follows:

> §3 ...Proof of monetary damage, loss of profits or intent to deceive is not required. Costs or attorneys' fees or both may be assessed against a defendant only if the court finds that he has wilfully engaged in a deceptive trade practice.
>
> The relief provided in this Section is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this state.

28. That in the course of their business, vocation and occupation, Defendants by their actions aforesaid engaged in and on information and belief continue to engage and will continue to engage in said in deceptive practices as against LANDMARK and its business and educational services is in violation of one or more of the above referenced section of the Uniform Deceptive Trade Practice Act unless restrained and enjoined.

WHEREFORE, LANDMARK prays that Judgment be entered in its favor and against Defendants jointly for compensatory and punitive damages in excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate and orders temporarily, preliminarily and permanently enjoining Defendants from engaging in said deceptive trade practices as aforesaid, plus attorney's fees and costs, as provided by statute.

EIGHTH CAUSE OF ACTION

For Consumer Fraud

1-28. LANDMARK re-alleges paragraphs 1 through 28 of the Seventh Cause of Action as and for paragraphs 1 through 28 of this Eighth Cause of Action.

29. That the aforesaid action of Defendant's constituted Consumer Fraud within the meaning of 815 ILCS 505/1 *et. seq.* entitling Plaintiff to damages, attorney's fees and injunctive relief pursuant to 815 ILCS 505/10 (a) *et. seq.*

WHEREFORE, LANDMARK prays that Judgment be entered in its favor and against Defendants jointly for compensatory and punitive damages in great excess of five million dollars ($5,000,000.00) or that amount as a jury may deem appropriate and enter orders temporarily, preliminarily, and permanently enjoining Defendants from engaging in said consumer fraud as aforesaid, plus attorney's fees and costs, pursuant to the statute in such cases made and provided.

TRIAL BY JURY DEMANDED

Landmark Education Corporation,
a California Corporation

By _____
Walter P. Maksym, its Attorney

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