

NESENOFF & MILTENBERG, LLP
363 Seventh Avenue, Fifth Floor
New York, NY 10001
Tel. 212-736-4500
Counsel for Plaintiff

WORLD MISSION SOCIETY,
CHURCH OF GOD

Plaintiff

v.

MICHELE COLON,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-5274-12

Civil Action


CERTIFICATION OF
DIANA R. ZBOROVSKY IN
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS AND STRIKE

I, Diana Zborovsky, of full age, hereby certify as follows;

1. I am an attorney with Nesenoff & Miltenberg, LLP, counsel to Plaintiff World Mission Society Church of God in the above-captioned matter. As such, I am fully familiar with the facts contained herein. I submit this Certification in opposition to Defendant's Motion to Dismiss and Motion to Strike.
2. Annexed hereto as Exhibit "1" is a true and accurate copy of Plaintiff's Motion to Amend the Original Complaint filed by Plaintiff in the above-captioned action.
3. Annexed hereto as Exhibit "2" is a true and accurate copy of Plaintiff's Proposed Amended Complaint.
4. Annexed hereto as Exhibit "3" is a true and accurate copy of the Order granting Defendant Colon's Motion to Dismiss on the basis of a lack of personal jurisdiction in Virginia.


I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 19, 2012


Diana R. Zborovsky, Esq.

EXHIBIT

1


Diana R. Zborovsky, Esq.)

NESENOFF & MILTENBERG, LLP
363 Seventh Avenue, Fifth Floor
New York, NY 10001
Tel. 212-736-4500
Counsel for Plaintiff

WORLD MISSION SOCIETY,
CHURCH OF GOD

Plaintiff

v.

MICHELE COLON,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-5274-12

Civil Action

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Plaintiff World Mission Society, Church of God (the "Church" or "Plaintiff") seeks leave to file an amended complaint. Plaintiff submits its Proposed Amended Complaint prior to any responsive pleading filed by Defendant. Defendant has filed a motion to dismiss, currently pending, but has not yet answered the Complaint and no discovery has yet been taken in this case. There is no pre-trial conference, calendar call or trial date fixed at this time. No motion seeking this or similar relief was previously filed with this court. Under these circumstances, New Jersey Rule 4:9-1 provides that leave to amend pleadings "shall be freely given in the interest of justice."

As explained more fully in the Certification of Diana Zborovsky, Esq., Plaintiff's prior counsel, the author of the Complaint and architect of the legal strategy set forth therein tragically and quite unexpectedly passed away at fifty-six years old. He did so immediately after filing the Complaint in this action. His firm dissolved mere weeks after his death, and clients were

informed via email that they must retain new counsel immediately. This firm, as Plaintiff's new counsel, seeks leave to file an Amended Complaint.

To be sure, the proposed Amended Complaint is stylistically different. It adds a plaintiff, Mark Ortiz, who is Defendant Colon's husband. As set forth therein, Ortiz was the true object of Ms. Colon's campaign and experienced it first-hand. It adds a defendant, Tyler Newton, with whom Defendant Colon conspired to discredit the Church and win back her husband. It adds after-arising facts, including Defendant Colon's sending a threatening text message to Pastor Daniel Lee that succinctly distills her strategy to win back her husband from Plaintiff's grasp. It amplifies the allegations in the Complaint, adding detail to some circumstances, but it does not change facts already alleged. Finally, it adds a cause of action for intentional infliction of emotional distress, together with theories of recovery based on these after-arising facts and new parties.

Accordingly, the Proposed Amended Complaint does not attempt to evade Defendant Colon's arguments herein by changing allegations. With the exception of those arguments that lament a perceived lack of detail, all of Defendant Colon's arguments will still apply to the Proposed Amended Complaint just as they apply to the Complaint as it stands now.

The Facts Leading up to the Amendment

The Court may determine motions for leave to amend in light of the factual situation existing at the time each motion is made. *Notte v. Merchants Mut. Ins. Co.*, 185 N.J. 490, 501 (2006). A recitation of those facts follows.

The original Complaint was filed in this Court by John. W. Dozier, Jr., Esq., the founder of Dozier Internet Law, P.C. (Zborovsky Cert.¶ 3.) Mr. Dozier was Plaintiff's lead counsel until his untimely death in August 2012. Dozier Internet Law, P.C. dissolved immediately thereafter.

(Zborovsky Cert.¶ 10.) Apparently, Mr. Dozier was the only attorney at the firm working on the case, and efforts to contact his associates have turned up very little by way of information. (Zborovsky Cert.¶ 12.)

Plaintiff was informed of Dozier Intern Law's dissolution by email informing it to retain new counsel immediately. (Zborovsky Cert.¶ 11.) Batya G. Wernick, Esq. had acted as local counsel for this action, but does not specialize in internet defamation law. (Zborovsky Cert.¶ 9.) Plaintiff therefore retained this firm, Nesenoff & Miltenberg, LLP, on or about August 23, 2012 to act as lead counsel. (Zborovsky Cert.¶ 12.) However, as the original Complaint was authored by Mr. Dozier, the legal theories contained therein were chosen and crafted by him. This firm is now faced with the unenviable task of ascertaining the direction he intended to move this case and predicting the arguments he would make.

Perhaps more importantly, this firm's client is now faced – through no fault of its own - with the dubious proposition of legal counsel that must take up the theories of another lawyer without being able to contact that lawyer, or anyone who has ever worked on this case, for assistance.

ARGUMENT

I. Leave to Amend the Complaint Shall be Freely Given

Under New Jersey Rule 4:9-1, once a motion to dismiss is served, a plaintiff may amend its complaint “by leave of court which shall be freely given in the interest of justice.” The New Jersey Supreme Court has affirmed that “Rule 4:9-1 requires that motions for leave to amend be granted liberally” and that “the granting of a motion to file an amended complaint always rests in the court's sound discretion.” *Kernan v. One Washington Park Urban Renewal Associates*, 154 N.J. 437, 456-57 (1998); *see also, Notte*, 185 N.J. at 501.

II. Defendant Has Not Been Prejudiced

While the trial court has discretion in denying motions to amend “where the interests of justice require...the achievement of substantial justice is the fundamental consideration” and “denial of such a motion in the interests of justice is appropriate only where there would be undue prejudice to another party.” *Franklin Med. v. Newark Public Schools*, 362 N.J. Super. 494, 506 (App. Div. 2003). Many amendments cause *some* prejudice to the opposing party. Therefore, the question is not whether there would be prejudice, but whether there would be *undue* prejudice. *Id.*

There would no undue prejudice here. Defendant Colon has filed a motion to dismiss the Complaint, but the Proposed Amended Complaint does not moot this motion. Because Plaintiff World Mission has not changed the underlying facts alleged against Defendant Colon, every argument Plaintiff has made in opposition to the Complaint will be just as applicable to the Proposed Amended Complaint. Defendant Colon will have the same opportunity to make her motion to dismiss the Proposed Amended Complaint if it is filed. To be sure, Defendant may have to adjust her citations, and address after-arising facts, but this is little inconvenience compared to the interests of justice served by permitting a new plaintiff to make his case against a new defendant.

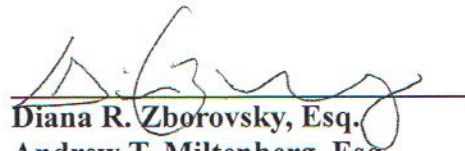
WHEREFORE, Plaintiff respectfully requests that the Court grant it leave to file the Proposed Amended Complaint.

Dated: November 19, 2012

Respectfully submitted,

**NESENOFF & MILTENBERG, LLP
Attorneys for Plaintiff**

By:

A handwritten signature in black ink, appearing to read "D. Zborovsky", is written over a horizontal line.

Diana R. Zborovsky, Esq.

Andrew T. Miltenberg, Esq.

Marco A. Santori, Esq.

363 Seventh Avenue, Fifth Floor

New York, New York 10001

(212) 736-4500

EXHIBIT

2

NESENOFF & MILTENBERG, LLP
363 Seventh Avenue - Fifth Floor
New York, New York 10001
212.736.4500

**Attorneys for Plaintiff World Mission Society
Church of God**

**WORLD MISSION SOCIETY
CHURCH OF GOD and MARK ORTIZ,**

Plaintiffs

-against-

**MICHELE COLÓN and TYLER
NEWTON,**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

DOCKET NO.: BER-L-5274-12

Civil Action

**[PROPOSED]
FIRST AMENDED COMPLAINT**

Plaintiff World Mission Society Church of God (“Plaintiff World Mission” or the “Church”) and Plaintiff Mark Ortiz (“Plaintiff Ortiz”), by their attorneys, Nesenoff & Miltenberg, LLP, allege as follows:

NATURE OF THE ACTION

1. When her new marriage to Plaintiff Ortiz began to crumble, Defendant Michele Colón (“Defendant Colón”) lashed out publicly, blaming her husband’s church, her husband’s pastor and her husband’s religious beliefs. Instead of keeping their marital issues discreet, she used every tool of internet mass media at her disposal – discussion forums, business review websites, blogs, YouTube videos, even Facebook posts – to communicate to as many people as possible a simple message: “The World Mission Society Church of God ruined my marriage.”

2. Likewise, her goal was straightforward. She sought to make it so unpalatable for the Church to retain Plaintiff Ortiz as a member, that they would “let him go” (a phrase she herself used in a message to the Church’s Pastor) and she would have her husband back.

3. To be sure, Defendant Colón used the internet to attack the beliefs of the Church. Members of the Church hold some beliefs that are common among mainstream Christians: The Bible is the word of God; Jesus is God; God's ultimate teaching is peace, reconciliation and love. Members also hold beliefs that some, especially mainstream Christians, might consider strange: God exists in a female image as well as a male image, and the Sabbath is Saturday, not Sunday.

4. Defendant Colón partnered with Defendant Tyler Newton ("Newton"), a long-standing antagonist of the Church and its congregation. Together, they publicly criticized these beliefs, pointing out where they were internally inconsistent or contradicted scripture. This Complaint does not seek redress for these criticisms; Plaintiffs welcome religious discourse, however incisive it may be. Indeed, incisive religious discourse is what fueled the Church in its infancy, and continues to fuel it today.

5. On the contrary, Plaintiffs seek to hold Defendants liable for those instances where their zealotry in winning the hearts and minds of the public crossed a line into the factually false: where Defendants stated that Plaintiff Ortiz was the subject of the Church's "North Korean prisoner-of-war" sleep deprivation and "mind-control tactics"; where Defendants stated that the Church lied to the Internal Revenue Service (the "IRS"); where they stated that "children and infants" were expected to go without food and water for days at a time; where they stated that the Church only earned the President of the United States' prestigious Volunteer Service Award because it broke the rules of the award program. Plaintiff World Mission also seeks to hold liable Defendants for those instances where – even though not speaking strictly factually – they maliciously painted Plaintiff World Mission in a false light.

6. Plaintiffs' is a relatively new religion taking hold in the United States. It is very much in a nascent state, and because of its unfamiliar beliefs, it is as vulnerable to persecution as

any new religion throughout history. Defendants' campaign was, by any reasonable definition, persecution of the most systematic and insidious order, the same persecution once faced by Jews, Protestants, Muslims, Buddhists, Baha'is and Falun Gong. Instead of using their words for fair, honest discourse, Defendants have abused their right to free speech, using false speech to drive a wedge between one man – Plaintiff Ortiz – and his chosen Church, his chosen congregation and his faith in his God. In doing so, she has damaged not only Plaintiff Ortiz and the Church, but its innocent members.

PARTIES

7. Plaintiff World Mission is a New Jersey non-profit corporation having a principal place of business located at 305 Godwin Avenue, Ridgewood, New Jersey. Plaintiff is an independent branch of the World Mission Society Church of God.

8. Plaintiff Ortiz is an individual member of Plaintiff World Mission, and a resident of New Jersey.

9. Defendant Colón is an individual, and a former member of Plaintiff World Mission. Defendant Colón resides in Passaic County, New Jersey.

10. Defendant Newton is an individual who resides in Fairfax, Virginia.

JURISDICTION AND VENUE

11. Defendant Colón is subject to the jurisdiction of this Court by virtue of her residence in Passaic County, New Jersey.

12. Defendant Newton purposefully and explicitly targeted Plaintiffs in the State of New Jersey, worked in conspiracy with Defendant Colón, in and from the State of New Jersey. He knew Plaintiffs resided in New Jersey and made specific reference to the State of New Jersey

in the statements complained-of in this Complaint. As such, Defendant Newton should reasonably have anticipated being haled into court here.

13. Plaintiff is a resident of Bergen County, New Jersey. Venue is therefore proper in the County of Bergen pursuant to New Jersey Rule of Court 4:3-2(a)(3).

FACTS RELEVANT TO ALL CAUSES OF ACTION

14. Plaintiff Ortiz and Defendant Colón met on or about January 2009. They began dating and, before long, considered themselves a couple.

Defendant Colón Introduces Plaintiff Ortiz to the Church

15. Defendant Colón had been an involved member of Plaintiff World Mission prior to meeting Plaintiff Ortiz. Defendant Colón regularly attended services and bible study with the Church

16. Within two weeks of their meeting, Defendant Colón introduced Plaintiff Ortiz to other members of the Church, and asked him to attend Church services together with her. Plaintiff Ortiz agreed, and the two began attending services together regularly. Soon, they both considered themselves full-fledged members of Plaintiff World Mission. As any couple might, they spent a substantial amount of their free time together, involved in Church activities.

17. Approximately six months after their meeting, Plaintiff Ortiz and Defendant Colón encountered discord in their relationship. Defendant Colón suggested that they set a meeting with Daniel Lee, the Pastor of Plaintiff World Mission, for relationship counseling. The two subsequently met with Pastor Lee over the course of months. Ultimately, with the Pastor's guidance, the two determined that some, though not all, of their relationship challenges would be resolved by marriage in the Church.

18. Thanks largely to the Church's steady involvement and constant guidance, on May 9, 2010, Plaintiff Ortiz and Defendant Colón were married in the Church.

As Defendant Colón's Belief in World Mission Doctrine Wavers, and her Marriage Falters, She Purportedly Seeks Help from the Church

19. Upon information and belief, soon after returning from their honeymoon, Defendant Colón's belief in the religious teachings of the Church began to waiver. For example, she questioned the belief that the Sabbath day is a Saturday, and that God exists in the female form.

20. Though she attended services less regularly, she met with Pastor Lee frequently to discuss her religious doubts. Plaintiff Ortiz did not share in these doubts, but would attend these meetings so that he too could understand his wife's concerns.

21. Defendant Colón's involvement with the Church, usually regular, became sporadic. She stopped attending weekly services, skipped bible study, and limited her interaction with other congregants. Plaintiff Ortiz, on the other hand, remained steadfast in his beliefs. He continued attending services and participating in Church activities with the same regularity as he always had in the past months.

22. Despite being a newly-married couple, Defendant Colón and Plaintiff Ortiz spent less and less of their free time together, and fought more and more often.

23. Defendant Colón suggested that the couple see a marriage counselor. Plaintiff Ortiz was reluctant, but she assured him that she had selected a marriage counselor that came highly-recommended.

Defendant Colón Reveals her True Plan

24. At his wife's insistence, on or around June, 2010, Plaintiff Ortiz met Defendant Colón at the office of Rick A. Ross in Camden, New Jersey.

25. After an hour of “marriage counseling” it became apparent that Mr. Ross was not a relationship counselor at all. He is, in fact, the founder and executive director of the Rick A. Ross Institute for the Study of Destructive Cults.

26. In 1995, Ross was found liable by the United States District Court, Western District of Washington, for the forcible abduction and “deprogramming” of an eighteen-year-old member of Life Tabernacle Church in Washington State, where the church member was held down and handcuffed by the three men, gagged with duct tape from ear to ear, had his ankles tied with rope, and was kept prisoner in a locked building for days until he finally escaped.

27. Now finding himself lied to by his own wife, and duped into confiding in this man, Plaintiff Ortiz was outraged and left the “marriage counseling session” immediately, and while he still could. The sham “marriage counseling” session shall be referred to hereinafter as the “Attempted Deprogramming”.

Defendant Colón’s Double Life

28. Unknown to Plaintiffs at the time, Defendant Colón had been leading a double life. For months, she professed “doubts” about the Church’s teachings, and purportedly sought counseling with Pastor Lee and other Church members. She attended services only selectively. When she attended Bible study meetings, she only listened. When a group of Church members organized community outreach, she only watched.

29. Upon information and belief, she was not studying the Bible; she was not worshipping with other members at services; she was not participating in community outreach. She was collecting reconnaissance on the members, administration and organization of Plaintiff World Mission. Defendant Colón used this information to launch a public assault on Plaintiff World Mission.

The Business Reviews

30. Defendant Colón took to the internet under a false name, to maintain her cover as a reverent church-goer, and posted “business review” articles, YouTube videos, and Facebook posts under various fake names, including “Hailey Stevens,” “haileystevens,” “HaileyStevens,” “HaileyStevens10”, “Hailey” and even “Tommy”:

- a. On local.com, she stated in seven different posts that Plaintiff World Mission is a “religious cult” that “destroy[s] families”, and that it “will destroy your family and take all of your money.” (the “Local.com Posts”)
- b. On yellowbot.com, Defendant Colón stated that Plaintiff World Mission “is a religious cult” that “wil [sic] destroy your family and take all of your money,” that Plaintiff World Mission is a “Religious Fraud,” and that “[m]any have had their marriages and families torn apart by this destructive mind control group.” (the “Yellowbot.com Post”)
- c. On patch.com, she stated that Plaintiff World Mission is a “religious cult” that “destroy[s] families” and “will destroy your family and take all of your money.” (the “Patch.com Post”)
- d. On findlocal.latimes.com, she stated “[the] World Mission Society Church of God deceives people” and that “the World Mission Society Church of God...purposefully withhold[s] information in order to deceptively recruit.” (the “LAtimes.com Post”)
- e. On aidpage.com, she stated that Plaintiff World Mission “destroys families. (the “Aidpage.com Post”)
- f. On kudzu.com, she stated that Plaintiff World Mission is a “religious cult” that “destroy[s] families.” (the “Kudzu.com Post”)
- g. On socialcurrent.org, she stated that Plaintiff World Mission is a “religious cult” that “destroy[s] families.” (the Socialcurrent.com Post”)
- h. On chamberofcommerce.com and dexknows.com, she stated that Plaintiff World Mission is a “religious cult” that “wil [sic] destroy your family and take all of your money”. (the “chamberofcommerce.com Post”)
- i. On maps.google.com, she pinpointed the address of Plaintiff World Mission and stated that the “so called church is a cult” that “will tear apart your marriage and your family,” and that Plaintiff “brainwash[es] members in order to take all of their money from them. (the “Google.com Post” collectively, the “Business Reviews”)

31. Each Business Review was read by millions of people searching for information on Plaintiff World Mission.

The Rick Ross Institute Web Forum Posts

32. As part of her campaign, Defendant Colón used her fake names to post false statements on the website for the Rick Ross Institute Internet Archives for the Study of Destructive Cults. She also made statements directing readers to other false statements, like those available on youtube.com, set forth in detail, *infra*. (the “Rick Ross Forum Posts”)

33. Defendant Colón stated the false conclusion: “THE WORLD MISSION SOCIETY CHURCH OF GOD LIES ABOUT HOW THEIR CHURCH WAS FOUNDED ON THEIR APPLICATION FOR TAX EXEMPT STATUS!”

34. Defendant Colón supported this conclusion by stating false facts:

"Does the organization control or is it controlled by any other organization?". The WMSCOG checked off "NO". The WMSCOG locations are NOT independent and are all controlled by the main location in Seoul, S. Korea. Why would they answer "NO" to this question?

35. In fact, Plaintiff is not “controlled by the main location in Seoul S. Korea.” It is an independent entity, legally and functionally.

36. Defendant Colón further stated on this website that Plaintiff World Mission is “a destructive mind-control cult.”

37. This statement is false. Plaintiff World Mission is not a destructive mind-control cult.

The “Examining” Series of Articles

38. Defendant Newton operates a website and discussion forum dedicated to attacking the Church, available at examiningthewmscog.com. On this website, Defendant Colón and

Defendant Newton published a series of communications, each published a day or more apart from each other. The series was titled “How The WMSCOG Turned my Life Upside Down.” Defendants stated that the report originated from “our correspondent from New Jersey.” (the “Examining Articles”)

39. Defendants stated that “I noticed that married couples and families did not study together unless there was a longer study being offered on a Sunday afternoon.” This statement is false. Defendant Colón could never have noticed that married couples and families “did not study together unless there was a longer study being offered” because couples frequently study together, and often studied together in the presence of Defendant Colón. The statement implies that Plaintiff World Mission separates families when it does not.

40. Defendants stated that “Members...would attend an approximately six-hour long group study.” This statement is false. Group study is never for six hours. Study lasts for, at most, one hour at a time. This statement implies that the Church requires long, uninterrupted blocks of its members’ time without permitting breaks.

41. Defendants stated that the Church, during its recruiting efforts was “targeting people in their 20s and 30s since we never approached anyone that appeared to be older than that.” This statement is false. The Church does not target people in their 20s and 30s and frequently approaches people of all ages when it evangelizes. This statement falsely implies that the Church targets the youthful and inexperienced when it evangelizes.

42. Defendants stated that Plaintiff Ortiz “was in his second day of a three day fast...fasting means no food or water...participation in the fast is expected from all members, including children and infants.” This statement is false. The Church does not require or expect fasting from any member, and fasting is *specifically prohibited* from children and infants for

myriad reasons, especially health reasons. This statement falsely implies that the Church set up a program that was dangerous to the health and safety of infants and children.

43. Defendants asked “why are there so many divorced or separated members?” This question implies false facts, namely that there are “so many” divorced or separated members. This statement is false. On information belief, very few Church members, less than one in one hundred, are separated or divorced.

44. Defendants stated that Colón’s research had uncovered that “the WMSCOG was said to have been using the same mind control tactics used on US prisoners of war in N. Korea.” Defendants further stated that Colón “could not ignore the similarities to what she had experienced in the WMSCOG.” This statement is false. Plaintiff World Mission does not use North Korean-style mind control techniques. This statement is particularly damaging because the Church was founded in South Korea. As such, Defendants injected racial and historical half-truths to fuel their falsehoods.

45. Defendants stated that Plaintiff Ortiz “informs me that he had been recently chosen to participate in an intense Bible study training course where he would learn to teach 30 subjects in 30 days.” This statement is false. Plaintiff Ortiz was never chosen to participate in the program at issue. On the contrary, he volunteered. This false statement implies an improper motive on the part of Plaintiff World Mission in tune with the thesis of Defendants’ articles: that the Church maliciously selected her husband for a “special” program, so as to wrest his free time away from his wife, Defendant Colón. Moreover, the course was to teach 3 subjects in 30 days. This statement falsely implies that the Church hastily and poorly glosses over doctrine that it claims is important to it, and that the teaching is only pretext for dominating its members’ time and keeping them away from their families.

46. Based on the foregoing false statements, Defendants ultimately state that Plaintiff World Mission is a “cult”. Defendants state that Defendant Colón gave Plaintiff Ortiz an ultimatum: “either the cult or me.” This statement is false. Plaintiff World Mission is not a cult. Moreover, the statements upon which this statement is based are false.

47. Based on the foregoing false statements, Defendants also state that Plaintiff World Mission “destroyed her marriage” and that the Church is a “destructive organization.” This statement is false. Plaintiff World Mission did not destroy her marriage and the Church is not a destructive organization. On the contrary, as alleged, *supra*, the Church was a substantial factor in Defendant Colón’s reconciliation with and marriage to Plaintiff Ortiz in the first instance. Moreover, the statements upon which this statement is based are false.

48. Based upon the foregoing false statements, Defendants stated that the Church’s “intention was to cause division between my husband and I.” This statement is false. Neither the Church nor any of its members intended to cause division between Defendant Colón and Plaintiff Ortiz.

The Presidential Volunteer Service Award Article

49. Defendants published an article titled “The WMSCOG ‘Awarded by President Obama’?” (the “PVSA Article”).

50. The article stated:

According to the representative of the Presidential Volunteer Service Award office, the WMSCOG **should not have nominated their Ridgewood, New Jersey location** for the award since the “certifying organization” would in essence be **awarding themselves**.

(emphasis in original). Defendants further stated: “my church isn’t signing up to nominate itself to receive such a prestigious award.”

51. The PVSA article is false. On information and belief, no “representative” of the Presidential Volunteer Service Award office ever advised Defendants that “the WMSCOG should not have nominated their Ridgewood, New Jersey location for the award.” This information is confidential and only provided to the certifying organization. Organizations are permitted to certify the volunteer hours of their own members and other branches of the same organization so that they may be recognized by this award.

52. Moreover, the PVSA Article implies that the award was made to Plaintiff World Mission dishonestly, and that Plaintiff World Mission should not, under established rules, have received the award. This is also false.

The YouTube Videos

53. Defendant Colón created a series of YouTube videos using a movie-making service provided by the company Xtranormal. Xtranormal offers a service through its website that allows its users to create cartoon videos. The user submits written dialogue content. The cartoon characters speak this dialogue aloud in the generated cartoon video.

54. Through a fake username “HaileyStevens10”, in one such video, entitled “The World Mission Society Church of God – Destroys Families”, Defendant Colón stated: “The World Mission Society Church of God uses mind control tactics on its members in order to tear them apart from their families.” (the “Destroys Families Video”) This statement is false. Plaintiff World Mission does not use mind control tactics on its members in order to tear them apart from their families.

55. Defendant Colón further stated “The World Mission Society Church of God uses fear and guilt to prevent its members from going on vacation.” This statement is false. Plaintiff World Mission does not use fear and guilt to prevent its members from going on vacation.

56. Defendant Colón further stated “The World Mission Society Church of God uses sleep deprivation as a means to make their members more vulnerable to the indoctrination process.” This statement is false. Plaintiff World Mission does not use sleep deprivation as a means to make its members more vulnerable to any indoctrination process.

57. Defendant Colón further stated “Every waking moment must be focused on controlling the member’s mind.” This statement is false. Plaintiff World Mission does not focus on controlling members’ minds.

58. Taken together, the statements imply that Plaintiff World Mission uses sleep-deprivation and mind-control tactics to indoctrinate and control its members. Further, it implies knowledge of more hidden facts and personal experiences that would support these statements.

59. Defendant Colón also made statements in a similar video, titled “World Mission Society Church of God – Public Financial Info!” (the “Financial Info Video”)

60. Defendant Colón stated that Plaintiff World Mission “does not provide any form of financial disclosures to its members,” and asks “so where does the money go?” Defendant Colón stated Plaintiff World Mission denied that “the organization has a direct business relationship through ownership of another entity.” Defendant Colón then stated that Plaintiff World Mission’s relationship to Big Shine Worldwide, Inc. is “a clear business relationship.” She further stated that this relationship is “quite suspect.”

61. Taken together, these statements imply that Plaintiff World Mission lied to the IRS because of its suspect business relationship with Big Shine Worldwide, Inc, that it disguised its business relationship, and that it is misusing its funds from the perspective of the IRS. Further, they imply hidden facts supporting that the relationship is “quite suspect”.

62. Defendant Colón states in the Financial Info Video that she is reading an IRS filing from one of the Church's branches in the video and notes that the form reports receipt of "a little over \$26,000 from a, quote, parental church." She then states that the form does not also report a corporate subsidiary relationship to its parent church headquartered in South Korea, and that this is suspect.

63. Plaintiff World Mission is not a corporate subsidiary of the parent church headquartered in South Korea. As such, this statement falsely implies that Plaintiff World Mission made dishonest statements to the IRS.

64. Defendant Colón states in the Financial Info Video that Plaintiff World Mission claimed "\$300,000 in missionary expenses" but states that Plaintiff's members pay their own expenses when they do missionary work. She then promises "[m]ore information on the WMSCOG's questionable business connections and tax filings to come." These statements imply the existence of false facts, namely that Plaintiff World Mission lies to the IRS about the source and use of its funding.

The Facebook Group

65. Defendant Newton posted on facebook.com, stating that Plaintiff World Mission is "laundering money". (the "Facebook Post") This statement is false. Plaintiff World Mission does not launder money.

66. Defendant Newton and Colón have further established a "Facebook group" wherein they have made further false statements, have urged others to view the false statements published on other websites, and urged others to publish their false statements to others.

Defendant Colón Reaches Beyond the Internet

67. When Plaintiff Ortiz discovered that Defendant Colón had spent the last several months campaigning to destroy his reputation and that of his church, he felt hurt, betrayed and finally, outraged.

68. Still, she made another twisted attempt to “save” him. Defendant Colón telephoned Plaintiff Ortiz’s mother. She explained that Plaintiff World Mission was a cult, that it used North-Korean style sleep-deprivation and mind-control tactics on her son, and that it forced him to go without food and water for days. She further stated that Plaintiff Ortiz was “going to Korea for the church, and never coming back.” (the “Statements to Mrs. Ortiz”) As set forth, *supra*, these statements are false.

69. As a result of these false statements, family members of Plaintiff Ortiz, including his mother, to this day believe that he is in a “mind control” cult that forces him to fast. They have, on multiple occasions telephoned Plaintiff Ortiz, crying, trying to prevent him from attending services at this “cult”.

70. On a separate occasion, at a public hearing concerning Plaintiff World Mission’s application to obtain a building code variance approval, Defendant Colón publicly stated that Plaintiff “damage[s] families, “ruined [her] marriage,” and “takes its members’ money.” (the “Variance Hearing Statements”) As set forth in detail, *supra*, these statements are false. Further, they suggest further hidden facts.

71. The audience of the Variance Hearing Statements consisted of Plaintiff Ortiz’s local church community, familiar with the Church and with Plaintiff Ortiz. As such, much of the audience would have understood these statements to have been of and concerning Plaintiff Ortiz, Defendant Colón’s husband. These statements implied that Plaintiff Ortiz allowed the Church to “damage” and “ruin” his marriage to Plaintiff Colón.

72. Because of its controversial beliefs, Plaintiff Ortiz was careful whom he told of his membership in the Church. Fearing false attacks on his beliefs, he did not make a habit of reporting his religious affiliation to people he was not close with. Now, Defendant Colón has not only “outed” his religious affiliation to his family and his entire community, she has done so on egregious terms – false terms – from which Plaintiff Ortiz may never recover.

Defendant Colón Distils her Campaign into one Final, Threatening Communication

73. Finally, Defendant Colón sent a threatening text message to Pastor Lee that distilled her months-long campaign into one, succinct statement: **“Mr. BigShine: All of your secrets will be revealed to your congregation if you do not let him go.”** Defendant Colón used another fake name and email address to send this message from an anonymous text-message forwarder. (the “Text Message”)

74. As his ordeal continued, Plaintiff Ortiz soon found himself with a congregation that distrusted him and a wife who used their intimacy to drive a wedge between him and his faith.

75. Plaintiff Ortiz has sued for divorce from Defendant Colón, which is currently pending. He still lives in fear that she will continue her attacks on him and his Church, and use those attacks to frustrate the public practice of his religion.

At all Times, Defendants Acted with Malice

76. Defendant Colón was a member of Plaintiff World Mission. She had inside knowledge of, among other things, the Church’s beliefs, daily rituals, bible study techniques and fellowship outings. This personal experience gave her the most effective means for determining whether their statements were true or false. She was there to witness whether, for example, the Church used “North-Korean style” sleep deprivation or mind-control techniques. She had the

ability to experience, in person, whether it required fasting from infants. Defendant Colón was Plaintiff Ortiz's wife: he shared with her his most private experiences, and she was privy to his most intimate thoughts. To be sure, Defendant Colon had the *opportunity*.

77. Defendant Colon also had *means*. She knew that her membership would give her credibility in the minds of their readers. Precisely because she was an ex-member, she knew that she would be able to impart upon her stories an air of truth that a member of the general public would not possess.

78. Defendants had *motive*. Each Defendant had a vendetta against the Church. Defendant Colón, in particular, felt that the church had destroyed her family and taken her husband from her. In an attempt to get the church to "let him go" as she put it, she crossed the line from fair, honest discourse to publishing damaging falsehoods.

79. Defendants were in the best possible position to know the falsity of their statements. In their zeal to "free" Plaintiff Ortiz and defame the Church, however, they chose to disregard the truth, intentionally or at least with knowledge of the substantial likelihood that they were wrong.

AS AND FOR A FIRST CAUSE OF ACTION
(Defamation and Conspiracy as to Plaintiff World Mission)

80. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

81. Defendant Colón made defamatory statements in the Local.com Post, the Yellowbot.com Post, the LATimes.com Post, the Aidpage.com Post, the Kudzu.com Post, the Socialcurrent.com Post, the Chamberofcommerce.com Post, the Google.com Post, the Rick Ross Forum Post, the Examining Articles, the PVSA Article, the Destroys Families Video, the Variance Hearing Statements and the Financial Info Video.

82. Defendant Newton made defamatory statements in the Facebook Post.

83. Defendant Newton and Defendant Colón each made and conspired to make defamatory statements in in the Examining Articles and the PVSA Articles. Defendant Colón submitted to Defendant Newton for publication, and Defendant Newton published, these statements on Defendant Newton's website. Defendant Newton adopted and represented the truth of these statements, reviewed the statements and also added his own commentary.

84. These statements were false and communicated to millions of people via the internet at large, especially to those who would search for information on Plaintiff World Mission.

85. As set forth, *supra*, they were made with malice.

86. Defendants have directly and proximately caused reputational damage in that these statements have lowered Plaintiff World Mission's reputation in the minds of its members, its community and the public at large. These statements have deterred third persons, including potential members and donors, from associating with it.

87. Defendants have directly and proximately caused pecuniary damage in that these statements have diminished Plaintiff World Mission's membership growth, thereby diminishing the donative revenue Plaintiff World Mission receives from its members.

AS AND FOR A SECOND CAUSE OF ACTION
(Defamation as to Plaintiff Ortiz)

88. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

89. Defendant Colón made the Statements to Mrs. Ortiz and the Variance Hearing Statements.

90. These statements were false.

91. As set forth, *supra*, they were made with malice.

92. Defendant Colón has directly and proximately caused reputational damage to Plaintiff Ortiz in that these statements have lowered Plaintiff Ortiz's estimation in the mind of his mother and his family. Plaintiff Ortiz's religious beliefs are unfamiliar to many, and so to avoid persecution for them, he kept them closely guarded. Fearing false attacks on his beliefs, he did not make a habit of reporting his religious affiliation to people he was not close with. Indeed, much of his own family did not know of his affiliation with the Church. Now, Defendant Colón has not only revealed his religious affiliation to those Plaintiff Ortiz did not want it revealed, she has done so on false and egregious terms from which Plaintiff Ortiz's reputation may never recover.

AS AND FOR A THIRD CAUSE OF ACTION
(False Light/Defamation by Implication and Conspiracy as to Plaintiff World Mission)

93. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

94. Defendant Colón made statements in the Local.com Post, the Yellowbot.com Post, the LATimes.com Post, the Aidpage.com Post, the Kudzu.com Post, the Socialcurrent.com Post, the Chamberofcommerce.com Post, the Google.com Post, the Rick Ross Forum Post, the Examining Articles, the PVSA Article, the Destroys Families Video, the Variance Hearing Statements and the Financial Info Video.

95. Defendant Newton made statements in the Facebook Post.

96. Defendant Newton and Defendant Colón each made and conspired to make statements in in the Examining Articles and the PVSA Articles. Defendant Colón submitted to Defendant Newton for publication, and Defendant Newton published, these statements on Defendant Newton's website. Defendant Newton adopted and represented the truth of these statements, reviewed the statements and also added his own commentary.

97. These statements were communicated to millions of people via the internet at large, especially to those who would search for information on Plaintiff World Mission.

98. As set forth, *supra*, in detail for each statement, these statements put Plaintiff World Mission in a false light that would be highly offensive to a reasonable person.

99. As set forth, *supra*, in detail, Defendants acted with malice, had knowledge of the falsity of their statements, or, at minimum, acted with reckless disregard as to the falsity of the statements and the light in which Plaintiff World Mission would be placed.

100. Defendants have directly and proximately caused reputational damage in that these statements have lowered Plaintiff World Mission's reputation in the minds of its members, its community and the public at large. These statements have deterred third persons, including potential members and donors, from associating with it.

101. Defendants have directly and proximately caused pecuniary damage in that these statements have diminished Plaintiff World Mission's membership growth, thereby diminishing the donative revenue Plaintiff World Mission receives from its members.

AS AND FOR A FOURTH CAUSE OF ACTION
(False Light/Defamation by Implication and Conspiracy as to Plaintiff Ortiz)

102. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

103. Defendant Colón made the Statements to Mrs. Ortiz and the Variance Hearing Statements.

104. As set forth in detail, *supra*, these statements put Plaintiff Ortiz in a false light that would be highly offensive to a reasonable person.

105. As set forth, *supra*, in detail, Defendant Colón acted with malice, had knowledge of the falsity of their statements, or, at minimum, acted with reckless disregard as to the falsity of the statements and the light in which Plaintiff World Mission would be placed.

106. Defendants have directly and proximately caused reputational damage to Plaintiff Ortiz in that these statements have lowered Plaintiff Ortiz's estimation in the mind of his mother and his family. As set forth in detail, supra, Defendant Colón has "outed" Plaintiff Ortiz on false terms from which he may never recover.

AS AND FOR A FIFTH CAUSE OF ACTION
(Trade Libel as to Plaintiff World Mission)

107. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

108. As a non-profit organization, Plaintiff World Mission depends on revenue generated from the donations of its members and other benefactors to pursue its good works in the community, to and for the continuation of its mission.

109. Defendant Colón made false statements in the Local.com Post, the Yellowbot.com Post, the LATimes.com Post, the Aidpage.com Post, the Kudzu.com Post, the Socialcurrent.com Post, the Chamberofcommerce.com Post, the Google.com Post, the Rick Ross Forum Post, the Examining Articles, the PVSA Article, the Destroys Families Video, the Variance Hearing Statements and the Financial Info Video.

110. Defendant Newton made false statements in the Facebook Post.

111. Defendant Newton and Defendant Colón each made and conspired to make false statements in in the Examining Articles and the PVSA Articles. Defendant Colón submitted to Defendant Newton for publication, and Defendant Newton published, these statements on Defendant Newton's website. Defendant Newton adopted and represented the truth of these statements, reviewed the statements and also added his own commentary.

112. These statements were false and were communicated to millions of people via the internet at large, especially to those who would search for information on Plaintiff World Mission.

113. As set forth, *supra*, in detail, Defendants acted with malice, had knowledge of the falsity of their statements, or, at minimum, acted with reckless disregard as to the falsity of the statements and the light in which Plaintiff World Mission would be placed.

114. These statements are of a kind designed to prevent members, potential members and donors from dealing with Plaintiff World Mission or otherwise designed to interfere with Plaintiff World Mission's relations with others. Defendants published these statements with this express purpose.

115. Defendants have directly and proximately caused reputational damage in that these statements have lowered Plaintiff World Mission's reputation in the minds of its members, its community and the public at large. These statements have deterred third persons, including potential members and donors, from associating with it.

116. Defendants have directly and proximately caused pecuniary damage in that these statements have diminished Plaintiff World Mission's membership growth, thereby diminishing the donative revenue Plaintiff World Mission receives from its members.

AS AND FOR A SIXTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress as to Plaintiff Ortiz)

117. Plaintiffs repeat and reallege all allegations as if set forth more fully herein.

118. Defendant Colón made false statements in the Local.com Post, the Yellowbot.com Post, the LATimes.com Post, the Aidpage.com Post, the Kudzu.com Post, the Socialcurrent.com Post, the Chamberofcommerce.com Post, the Google.com Post, the Rick Ross Forum Post, the Examining Articles, the PVSA Article, the Destroys Families Video, the Variance Hearing Statements and the Financial Info Video.

119. Defendant Newton made false statements in the Facebook Post.

120. Defendant Newton and Defendant Colón each made and conspired to make false statements in in the Examining Articles and the PVSA Articles. Defendant Colón submitted to Defendant Newton for publication, and Defendant Newton published, these statements on Defendant Newton's website. Defendant Newton adopted and represented the truth of these statements, reviewed the statements and also added his own commentary.

121. These statements were made intentionally, were false and were communicated to millions of people via the internet at large.

122. Defendant Colón duped Plaintiff Ortiz into attending the Attempted Deprogramming. She further made the Statements to Mrs. Ortiz and the Variance Hearing Statements, causing Plaintiff Ortiz and his religious beliefs – which he had not shared with them – to be “outed” and revealed to his family on false and damaging terms.

123. Defendants took these acts specifically to place Plaintiff Ortiz in such emotional distress that he would leave the Church. Indeed, Defendant Colón specifically stated to the Church's Pastor: “All of your secrets will be revealed to your congregation if you do not let him go.”

--remainder of page intentionally left blank--

124. Taken together, Defendants' campaign of religious persecution constitutes extreme and outrageous conduct that directly and proximately caused Plaintiff Ortiz emotional distress so severe that a reasonable person could not be expected to endure it.

**Dated: New York, New York
November ____, 2012**

NESENOFF & MILTENBERG, LLP

**By: _____
Diana R. Zborovsky, Esq.
Andrew T. Miltenberg, Esq.
Marco A. Santori, Esq.
Attorneys for Plaintiffs
363 Seventh Avenue, Fifth Floor
New York, New York 10001
(212) 736-4500**

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Plaintiff designates Andrew T. Miltenberg as counsel to try this action on its behalf.

Dated: November ____, 2012

**_____
Diana R. Zborovsky**

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: November ____, 2012

**_____
Diana R. Zborovsky**

EXHIBIT

3

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WORLD MISSION SOCIETY CHURCH
OF GOD, A NEW JERSEY NON-PROFIT
CORPORATION,

Plaintiff,

v.

MICHELE COLON and
TYLER J. NEWTON

Defendants.

Case No. 2011-17163

ORDER GRANTING DEFENDANT COLON'S MOTION TO DISMISS

This cause comes before the Court upon Defendant Michele Colon's Motion to Dismiss for Lack of Personal Jurisdiction. It appearing to the Court that Defendant Colon lacks minimum contacts with the Commonwealth of Virginia, and for the reasons stated in open court, it is hereby

ORDERED that the Motion to Dismiss is GRANTED and Defendant Michele Colon is hereby dismissed from this action, ~~with prejudice.~~

ENTERED this 16th day of March, 2012.


The Honorable Randy I. Bellows