

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

ROD SACHARNOSKI,)
)
Plaintiff,)
)
) Case No.
v.)
)
DON CUNNINGHAM and)
JEFF BOLER)
)
Defendant.)

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Amended Complaint

NOW COMES the Plaintiff, Rod Sacharnoski ("Sacharnoski"), by and through his attorneys, Davis, Mannix & McGrath, and complaining of the Defendants, Don Cunningham ("Cunningham") and Jeff Boler ("Boler"), as follows:

Background

1. Plaintiff is a martial arts instructor and practitioner who owns and operates a school of martial arts in Portland, Maine which teaches a form of martial arts known as Juko-Kai, organized as Juko-Kai International ("Juko-Kai").
2. Defendant Cunningham is a resident of the State of Illinois who resides in Kane County.
3. Defendant Boler is a resident of the Commonwealth of Kentucky who operates and moderates web site forums known as "Budo Quackwatch" and "E-Budo.com".
4. The defamatory statements upon which this action is based have appeared on those sites at the following locations. The site known as "Budo Quackwatch" is located at www.geocities.com/bolerjp/sacharnoski.htm and "E-Budo.com" at <http://204.95.207.136/>. The

content of these sites has been published in Cook County and these forums are open for postings by individuals located within Cook County. These messages have been downloaded and viewed by individuals in Cook County, and individuals from Cook County are registered as members of the E-Budo Bulletin Board system.

5. During the period of late 2000 through summer of 2001, Defendant Cunningham wrote a series of statements attacking the reputation of the Plaintiff, and published these on the Budo Quackwatch and e-budo.com internet forums.

www.geocities.com/bolerjp/sacharnoski.htm and <http://204.95.207.136/> respectively.

6. These attacks include the following statements (parenthetical information added for contextual purposes):

- a. No known legitimate Japanese koryu association ever recognized (Joku-Kai International). See www.geocities.com/bolerjp/sacharnoski.htm, a copy of which is attached hereto as Exhibit 1. Published May 31, 2001.
- b. USJF (United States Judo Federation) officials have since insisted that they never recognized his (Sacharnoski's) claim to 8th dan, and the card (indicating that such a rank was appropriate) was issued without any authority. See www.geocities.com/bolerjp/sacharnoski.htm, a copy of which is attached hereto as Exhibit 1. Published May 31, 2001.
- c. Mr. Sacharnoski apparently likes to assume academic titles, such as professor and doctor. He evidently received a Ph.D. in Criminal Justice in 1982 from Columbia Pacific University, a non-accredited school which was later ordered closed by the Marin County Superior Court after the California Department of Consumer Fraud found it to be a "diploma mill" and offering non-recognized degrees for sale. See www.geocities.com/bolerjp/sacharnoski.htm, a copy of which is attached hereto as Exhibit 1. Published May 31, 2001.
- d. Sacharnoski spent an entire session in Japan (during which he maintains he provided a demonstration with this particular Japanese master) seated in a chair due to a foot injury. This did not prevent him from later writing to Inoue Sensei (the master in question), requesting that he be awarded a dan rank in Hontai Yoshi-ryu. See www.geocities.com/bolerjp/sacharnoski.htm, a copy of which is

attached hereto as Exhibit 1. Published May 31, 2001.

e. The kanji (Japanese characters) representing "Seidokan" (on the certificates issued by Plaintiff's school) actually translates as "sex way house." See www.geocities.com/bolerjp/sacharnoski.htm, a copy of which is attached hereto as Exhibit 1. Published May 31, 2001.

f. I think this message is pretty clear. Juko-Kai is not authorized to operate or to offer any degrees in the State of Maine and never has been. See <http://204.95.207.136/vbulletin/showthread.php?s=&threadid=7005>, a copy of which is attached hereto as Exhibit 2. Published June 26, 2001.

7. These statements are false and remain published and circulating on the internet at the above referenced locations as of the date of filing of this complaint.

Count I
Defamation By Cunningham

8. The statements listed above constitute defamation *per se*, as they are defamatory on their face and incapable of reasonable innocent construction.

9. They falsely impute to the Plaintiff an inability to perform his job, and a lack of integrity in the discharge his employment by accusing him of perpetrating various frauds and lies.

10. They also falsely impute to the Plaintiff a lack of ability in his trade, profession or business by accusing him of various frauds and lies.

11. These statements are defamatory *pro se* in that the harm flowing toward the Plaintiff from them is such that a showing of special damages in this case is unnecessary.

12. Defendant Cunningham was aware that these statements were false and he acted with reckless disregard of their falsity.

13. These statements were made with the intention of destroying the good name and

reputation of the Plaintiff and his school.

14. As a direct result of these false and malicious statements, Plaintiff has suffered damages of both a personal and economic nature, including but not limited to a loss of student enrollment in his martial arts programs, a loss of prestige among the martial arts community and a loss of sales volume for his books, videos and other media.

WHEREFORE, Plaintiff, Rod Sacharnoski, respectfully prays that this Court enter a judgment in his favor and against Defendant Don Cunningham, in an amount to be determined, but in excess of Fifty Thousand Dollars (\$50,000.00) as well as such further relief as this Court deems just and appropriate.

Count II
False Light Invasion of Privacy By Cunningham

15. Plaintiff hereby incorporates in full the contents of paragraphs 1-13 above.

16. The statements enumerated in paragraph 5 have placed the Plaintiff in a false light before the public by wrongfully attributing various misdeeds and falsehoods to him.

17. These statements place the Plaintiff in a false light that is highly offensive to a reasonable person, as it wrongfully paints the Plaintiff as a dishonest teacher as well as a criminal.

18. Defendant Cunningham knew the statements were false or acted in reckless disregard of their falsity.

19. As a direct result of these false and malicious statements, Plaintiff has suffered damages of both a personal and economic nature, including but not limited to a loss of student enrollment in his martial arts programs, a loss of prestige among the martial arts community and

a loss of sales volume for his books, videos and other media.

WHEREFORE, Plaintiff, Rod Sacharnoski, respectfully prays that this Court enter a judgment in his favor and against Defendant Don Cunningham, in an amount to be determined, but in excess of Fifty Thousand Dollars (\$50,000.00) as well as such further relief as this Court deems just and appropriate.

**Count III
Defamation By Boler**

20. Plaintiff hereby incorporates in full and realleges the contents paragraphs 1-19 above.

21. Boler was at all times pertinent to this action the moderator/administrator of the message boards which contained the language specified in paragraph 5.

22. As the moderator/administrator of those boards, Boler was in the position to grant or deny individual access to the forum and was capable of removing individual posts and discussion threads.

23. Boler was aware of the defamatory statements made by Cunningham.

24. Despite his awareness of the false and defamatory statements posted by Cunningham, Boler continued to allow the sites under his control to publish them.

25. Boler was aware of the falsity of the statements, and he allowed them to be published with reckless disregard of their falsity.

26. The publication of these statements was done with the intention of destroying the good name and reputation of the Plaintiff and his school.

27. As a direct result of the publication of these false and misleading statements, Plaintiff has suffered damages of both a personal and economic nature, including but not limited to a loss

of student enrollment in his martial arts programs, a loss of prestige among the martial arts community and a loss of sales volume for his books, videos and other media ventures.

28. There is no adequate remedy at law available to the Plaintiff as a remedy for the actions perpetrated by Boler.

WHEREFORE, Plaintiff, Rod Sacharnoski, respectfully prays that this Court enter a judgment in his favor and against Defendant Jeff Boler, in an amount to be determined, but in excess of Fifty Thousand Dollars (\$50,000.00), as well as an injunction ordering Boler to remove the defamatory language from the web sites under his control, and such further relief as this Court deems just and appropriate.

Count IV
False Light Invasion of Privacy by Boler

29. Plaintiff hereby incorporates in full and realleges the contents paragraphs 1-28 above.

30. The statements made in paragraph 5 and published in forums over which Boler exercised control have placed the Plaintiff in a false light before the public by wrongfully attributing various misdeeds and falsehoods to him.

31. Boler knew that these statements were false, yet he acted with reckless disregard for their falsity by failing to remove them.

32. The statements which were published by Boler place the Plaintiff in a light that is highly offensive to a reasonable person, as it wrongly portrays the Plaintiff as a dishonest teacher as well as a criminal.


33. As a direct result of the publication of these false and misleading statements, Plaintiff has suffered damages of both a personal and economic nature, including but not limited to a loss

of student enrollment in his martial arts programs, a loss of prestige among the martial arts community and a loss of sales volume for his books, videos and other media ventures.

34. There is no adequate remedy at law available to the Plaintiff as a remedy for the actions perpetrated by Boler

WHEREFORE, Plaintiff, Rod Sacharnoski, respectfully prays that this Court enter a judgment in his favor and against Defendant Jeff Boler, in an amount to be determined, but in excess of Fifty Thousand Dollars (\$50,000.00), as well as an injunction ordering Boler to remove the defamatory language from the web sites under his control, and such further relief as this Court deems just and appropriate.

Rod Sacharnoski, Plaintiff,

By: 
One of his attorneys

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