

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

CIVIL CASE NUMBER Case No. 3:19-cv-30025-KAR

FILED
IN CLERK'S OFFICE
2019 JUN 17 PM 1:50
U.S. DISTRICT COURT
DISTRICT OF MASS.

DENNIS G. LOMAX Plaintiff, pro se

v.

¶

WIKIMEDIA FOUNDATION, INC. JAMES ALEXANDER

DARRYL L. SMITH

OLIVER D. SMITH

JOSHUA P. SCHROEDER

MICHAEL UMBRECHT

GUY CHAPMAN

"MAX", real name unknown

"VITUZZU," real name unknown

JOHN DOE

Defendants

AMENDED CIVIL COMPLAINT AND DEMAND FOR JURY TRIAL

- AMENDED CIVIL COMPLAINT
- PARTIES
- JURISDICTION AND VENUE
- BACKGROUND
- FACT
 - Background
 - Discovery and exposure of impersonations and attack accounts
 - Retaliation and conspiracy
 - Wikiversity administrator joins conspiracy
 - WMF complaints and action
- 6 COUNT 1: DEFAMATION -- All Defendants
- 7 COUNT 2: DEFAMATION -- WMF
- 8 COUNT 3: CIVIL CONSPIRACY -- all Defendants
- 9 COUNT 4: VIOLATION OF IMPLICIT CONTRACT -- WMF
- 10 PRAYER FOR RELIEF
 - 10.1 COUNT 1 (Defamation per se, all defendants)
 - 10.2 COUNT 2 (Defamation per se, WMF)
 - 10.3 COUNT 3 (Civil conspiracy, all defendants)
 - 10.4 COUNT 4 (Violation of Implicit Contract, WMF)
 - 10.5 All Counts
- 11 DEMAND FOR JURY TRIAL
- 12 CERTIFICATION AND CLOSING
- 13 CERTIFICATE OF SERVICE

AMENDED CIVIL COMPLAINT

Plaintiff Dennis G. Lomax, pro se, hereby amends his Complaint to claim defamation *per se* through libel, against Defendants Wikimedia Foundation, Inc., its former employee James Alexander, and other individuals, Darryl L. Smith, Oliver D. Smith, Guy Chapman, Joshua P. Schroeder, Michael Umbrecht ("Umbrecht"), "Max," real name unknown, "Vituzzu," real name unknown, and John Doe, names to be added by amendment if discovered.

The original defamation occurred in published and private false and defamatory statements written maliciously by the individual defendants. These were published on WikiMedia Foundation servers and elsewhere.

The defamation continued in private, coordinated malicious complaint to the WMF, actioned as a ban, negligently and with malice, by James Alexander, and published negligently and with malice, on WMF servers, both on behalf of the WikiMedia Foundation.

These libels and publications damaged plaintiff's personal and business reputation, causing possible loss of support for his activities as a journalist, and caused emotional distress and harm to plaintiff and plaintiff's family.

PARTIES

- Dennis G. Lomax, plaintiff ("**Lomax**"), also known as Abd ul-Rahman Lomax, was user Abd on WMF wikis, resides in Northampton, Massachusetts, and is a journalist covering cold fusion, which is emerging science.
- WikiMedia Foundation, Inc. ("**WMF**") is a Florida corporation, domiciled in California.
- Darryl L. Smith ("**DLS**"), is believed to live in Radlett, Hertfordshire, United Kingdom, has had many account names on WMF wikis, RationalWiki and elsewhere.

- Oliver D. Smith ("**ODS**"), is the twin brother of Darryl Smith, living in Raddlet, Hertfordshire, United Kingdom, and used many account names on WMF wikis, RationalWiki and elsewhere.
- Michael Umbrecht ("**Umbrecht**") is a Wikiversity administrator, WMF account Mu301, and is employed at Ladd Observatory, Providence, Rhode Island.
- Joshua P. Schroeder ("**Schroeder**") a.k.a. Joshua Tan, WMF user ଧୱଞ୍ଜ, is employed at Laguardia Community College, Long Island City, New York, and American Museum of Natural History, New York, New York.
- Guy Chapman ("**Chapman**") is a Wikipedia administrator, WMF user JzG, residing in Reading, Berkshire, United Kingdom.
- "**Max**", was WMF IP editor 74.175.117.2 13:53, 21 December 2017. Max's location is unknown. WikipediaSucks.co user "Max" admitted being a complainant.
- **Vituzzu** (WMF account name) is a WikiMedia steward (most highly privileged user), likely resident in Italy.
- James Alexander ("**Alexander**"), was Manager, Trust and Safety, WMF, at relevant times, and is now employed by Twitter Corporation, San Francisco, CA
- John Does, are WMF users and employees, with number, identities and locations not known, identities, if any, to be revealed in further investigation and discovery.

JURISDICTION AND VENUE

This Court has subject matter jurisdiction under 28 U.S.C. §1332(a)(3) (diversity), given that the amount in controversy, two million dollars, exceeds the minimum, \$75,000, and that the plaintiff and all the defendants are citizens of different states (Lomax, WMF, Umbrecht, Schroeder) or are citizens of a foreign state (DLS, ODS, Chapman, Vituzzu). It is filed in Massachusetts because the plaintiff is a citizen of Massachusetts and has been affected by the acts of the defendants in that state, as well as globally.

BACKGROUND

The following is believed non-controversial:

The Wikimedia Foundation (WMF) operates a large family of web sites ("**wikis**") allowing users to collaborate in the creation of content.

The best-known site is **Wikipedia**, an encyclopedia, but another is very different, **Wikiversity**, for the creation of educational resources, and "learning by doing." Wikiversity may include content that would not belong at all in an encyclopedia, including student papers, essays, original research, analysis, and other materials useful for learning or in the learning process.

Meta is the global coordinating wiki for all the WMF wikis.

Originally, individual wikis were independent. Misbehavior on one wiki did not lead to sanctions on another, ordinarily.

The Terms of Use ("**TOU**") provide that the WMF reserves "the right to suspend or end the services at any time, with or without cause, and with or without notice."

Specific definitions about account suspension:

- **Block.** A prohibition of editing on a specific wiki, usually issued ad hoc by an administrator on that wiki. Most wikis have their own administrators.
- **Ban.** A discussed and agreed community decision to prohibit a user from editing, as distinct from an administrative block. Generally a ban prohibits administrators from unblocking the user.
- **Global community ban.** A broadly discussed decision by the global community to ban a user from all WMF wikis.

- **Global lock.** Generally decided and implemented by a highly privileged steward, which suspends an account globally. A locked user is not "banned," as such, but locks are also used to implement global bans. The global lock tool simply disables log-in. This does not remove the account and does not otherwise affect prior contributions from that account.
- **Office ban.** A global ban determined by the Wikimedia Foundation, as described below.

Blocks and locks are shown in public logs, unless specifically hidden. There is an alternate method of suspending an account, by changing the password, which can be easily done by any system administrator.^[1] This would create no public record.

There are over 80 million registered WMF users. About 50,000 accounts per year are locked, mostly by highly privileged volunteer users ("stewards"). No list is maintained of these users, though the logs are public, and individual account status is accessible to anyone. Generally, with these locks, a reason is visible or given; and for active users -- other than spammers -- there is normally some level of discussion, and these locks may be appealed.

Originally, nearly all content and user behavior and status issues were handled by the user community, with the Foundation taking no role (which protected the Foundation from libel claims). However, in 2012, the WMF Office-banned one user, the next year none, and in 2014 two were banned. In 2015 full central control of all accounts was established and the same year, a Global Ban Policy was established, and bans increased in number. The Global Ban Policy describes bans:^[2]

A Foundation global ban is an action the Foundation may take . . . in order to address multi-project misconduct, to help ensure the safety of the editing and reading communities of all Wikimedia sites, the public, or to assist in preventing prohibited disruptive behavior that interferes with contributions and dialogue. A global ban is . . . an extraordinary action that only supplements, without replacing, the community global ban process.

. . . there may be some rare cases where the Wikimedia Foundation must override local policy to protect the safety of the Wikimedia communities or the public or preserve the

sites, especially when the Foundation has access to information that cannot be shared with local policy enforcers.

Foundation global bans are considered a last resort and are generally implemented upon receipt of complaint, investigation, extensive review and explicit approval by several Foundation staff members.

They are considered an appropriate course of action when any of the following situations apply:

. . . activity that may lead to a Foundation global ban includes, but is not limited to:

- engaging in significant or repeated harassment of users on multiple projects;
- engaging in significant or repeated harassment off of the Wikimedia sites so as to threaten (emotionally or physically) users;
- endangering, significantly compromising or otherwise threatening the trust or safety of our users or employees;
- repeatedly or egregiously violating our Terms of Use, such as through hosting illegal content on Wikimedia servers; or
- threatening or compromising the security of Wikimedia infrastructure.

The page then lists all banned users, 36 total to date. Plaintiff (WMF user "Abd") is listed as banned February 24, 2018, and was the 27th user listed.

The ban is also announced in other places, prominently, with displays of information about the user.

The Foundation sends an email to those who complained informing them that they had acted.

Office bans have been issued without warning to the user, and without explanation, and appeal is explicitly prohibited.

[1] Rather than printing complex links, active links for this and all references in this pleading may be found in context on a draft page [http://coldfusioncommunity.net/w/index.php/User:Abd/Lomax v. WikiMedia Foundation/Draft Amended Complaint](http://coldfusioncommunity.net/w/index.php/User:Abd/Lomax_v._WikiMedia_Foundation/Draft_Amended_Complaint), and archived here: <http://archive.is/mE3F7>

FACT

On information and belief, with direct evidentiary support, or with cause for suspicion and a belief that claims here will likely have such support after a reasonable opportunity for further investigation or discovery:

Background

1. Lomax registered as a Wikipedia user in 2005, and, by 2009, became known as a critic of administrative abuse and, later, of the star chamber global ban process (private, without notice to the banned individual, and explicitly prohibiting appeal).
2. Over a period of years, certain WMF administrators and allied factions, on WMF wikis, maliciously and with false claims, retaliated against plaintiff Lomax for his support of neutrality and fair administration. Notably this included Chapman, who was reprimanded in 2009 for his improper administrative actions through process begun by Lomax,^[3] and who expressed his resentment many times.
3. Because of increasing harassment, Lomax had abandoned most work on all WMF projects, coming to consider them unsafe, moving his activities elsewhere, including supporting real-world scientific research in low energy nuclear reactions ("LENR" or "cold fusion"), an emerging science, covered on Wikipedia with a dominant "debunking" point of view, maintained by a so-called "skeptical" faction, including Chapman, Schroeder, and on other topics, also DLS and later Umbrecht.
4. That faction, in its editing, suppresses positive scientific, academic reviews and information from other reliable sources, and emphasizes older and obsolete reviews and sources confirming the beliefs of the faction, creating unbalanced and misleading articles, in a project intended to be neutral and often believed by the public to be such.
In general, this faction falsely attacks fringe or emerging science as "pseudoscientific"

and maliciously identifies researchers employing the scientific method in controversial areas as "pseudoscientists." This habit or agenda is distinct from genuine skepticism.

5. For a time, Lomax collected information for the study of cold fusion, on Wikiversity. Wikiversity was neutral-by-inclusion, (allowing deep study of sources, original research and the expression of opinion), unlike an encyclopedia, which presents only a "sum," This approach was opposed by some so-called "skeptics," who, in general, attacked whatever was not "mainstream." However, there had been no disruption on Wikiversity over cold fusion, no content conflict, contrary to what was later claimed.[4] Skeptical participation was welcome and useful.
6. At the request of a group of scientists, Lomax started a Parapsychology resource on Wikiversity, designing it to be neutral, which attracted participation from at least two professional scientists, including one Nobel laureate. Parapsychology is generally considered "fringe," and it is even often called a "pseudoscience," though it is explicitly the scientific study of not-understood phenomena and not "belief" in them. This resource, again, was not disruptive in itself, but did suffer from attack on several occasions by accounts, anonymous and with no other edits, now believed to be defendant DLS.[5] It was rigorously neutral, confirmed administratively, and those attacks were not successful.[6]

Discovery and exposure of impersonations and attack accounts

7. In September, 2017, Lomax discovered defamatory impersonation on Wikipedia. A user active on a Parapsychology page on Wikiversity, and who had actually edited a little on Wikipedia, though blocked, was reported by a user claiming to be legitimate but hiding his identity.https://en.wikipedia.org/wiki/Wikipedia:Sockpuppet_investigations/Blastikus/Archive#22_June_2017] No action ensuing, a flurry of abusive accounts appeared,

pretending to be this Wikiversity user.[7] An Wikipedia administrator arrived on Wikiversity to request sanctions.[8] Then another anonymous account joined the deletion request[9] and the user's collection and annotation of parapsychology sources on Wikiversity, several years of work,[10] was deleted, and the user was blocked without warning on a flimsy excuse. not a violation of policy.

8. Through requests by Lomax on Meta,[11][12] involved anonymous accounts were globally locked,[13] and on Wikiversity, the resource was undeleted, and the user unblocked, and Lomax began to document how such impersonations and single-purpose accounts could cause such damage.

Retaliation and conspiracy

9. Many new accounts appeared to attack this study and Lomax. Again, these accounts were globally locked as being cross-wiki abuse from the same source.
10. Lomax moved his study from Wikiversity to Meta, because Meta could more efficiently handle disruption. This was all done in full view and attention (and support) from Meta administration and stewards. Again, many accounts were globally locked.
11. September 30, 2017, Lomax was threatened by defendant DLS that "I will do my best behind the scenes via email to get admins to delete all your material." [14] The account used was locked as using the same access as the other disruptive accounts.
12. October 5, 2017. a defamatory article about Lomax appeared, on RationalWiki (not affiliated with the WMF), written with malice by DLS.[15] RationalWiki enjoys high Google rank, so the defamation appears prominently to anyone looking for information about plaintiff, both under his legal name (Dennis G. Lomax) and the name by which he is most widely known (Abd or Abd ul-Rahman Lomax).

13. Eventually, Abd moved all study to his blog, to reduce disruption on Meta. The blog study was open to comment and correction. No specific errors or offensive reports were noted, unless promptly corrected.
14. Defendants DLS, Chapman, and Schroeder were commonly associated on Wikipedia with the "skeptical faction." DLS was banned on Wikipedia and routinely blocked whenever discovered, under the name of "Anglo Pyramidologist,"^[16] which, as a specific account, was actually his twin brother ODS, also banned. Chapman had been reprimanded in 2009 for his actions regarding cold fusion, in a process begun by Lomax, (at that time fully neutral on the topic and uninvolved). Schroeder had been, at times, banned from Wikipedia for his aggressive and offensive editing with regard to fringe topics.^[17]
15. DLS invited Schroeder to participate in the attack on Lomax. "Help get this guy banned on Wikiversity."^[18] See also ^{[19][20]}. Schroeder agreed to email a complaint to the WMF as drafted by this anonymous user.
16. New anonymous disruption then appeared on Wikiversity. Provided the opportunity by DLS, and pursuing revenge, Chapman, concealing his identity, created a Request for Deletion ("RFD") for the Cold fusion resource on Wikiversity, making false and malicious claims about it and Lomax.
17. The IP address, used by Chapman to open the RFD geolocates to Reading, where he is believed to reside.^[21] See contributions for this IP.^{[22][23][24]}
18. Chapman also solicited others through private email, to join and add, again, false, malicious, and defamatory claims, as well as to complain to the WMF. Those commenting in the RFD included "Max," Schroeder, Chapman (as himself in addition to the anonymous opening), DLS, ODS, and Vituzzu.^[25]
19. Vituzzu made false, defamatory and malicious claims in his comments, and has continued to claim the like of it.^{[26][27]}

20. Schroeder, in his RFD comment, claimed he had been harassed by Lomax through email, and was complaining to the WMF. [28] There had been no such harassment.[29]
21. Previously, Schroeder had acknowledged the emails and did not term them harassment.[30] I had emailed him through the WMF interface, and my email access on Wikipedia had never been blocked, nor was it blocked. A complaint of email abuse would have been immediately actioned for a banned user.

Wikiversity administrator joins conspiracy

22. Seeing the Wikipedia and other activity of DLS and the invitation to join in "Getting this guy banned", and canvassing to create Wikipedian comment in the RFD, Lomax filed a Request for custodian action ("RCA") on Wikiversity, documenting the activity.[31]
23. Umbrecht blanked it, not allowing discussion, which was unheard of for a request from an established user.[32].
24. Umbrecht, again violating long-standing traditions and deletion policy, cut short the RFD discussion, deleting the resource as "fringe science," study of which had always been allowed on Wikiversity.[33] The resource had existed since 2006 (long before Lomax's involvement),[34] with no disruption, no edit warring or controversy, and useful study accomplished.
25. Far from waiting for conclusions, as he claimed he was doing in the RCA blanking, Umbrecht maliciously and falsely complained on Meta about "excessive, frivolous, and nuisance abuse" in checkuser requests by Lomax,[35] clearly looking for an excuse to block him. (There had been no prior disputes with Umbrecht, and his abrupt appearance out of relative inactivity was mysterious at the time. Lomax now believes that his involvement was solicited by the "skeptical faction," especially Chapman -- and DLS. Umbrecht acknowledged private complaints.) Umbrecht and others commenting in the checkuser request led to its rejection as "not done."

26. 31 December, 2017, 18:20, Umbrecht blocked Lomax on an excuse that was not a blockable offense, completely unexpected.[36][37]
27. 31 December 2017, 21:02, Umbrecht extended the block to indefinite, with malicious and defamatory claims, violating block policy.[38][39]
28. Umbrecht falsely and maliciously claimed that Lomax had been abusing Wikiversity to pursue private "vendettas." [40]
29. Another administrator who had declared his intention to unblock,[41] seeking objections, was threatened with retaliation if he unblocked.
30. Umbrecht's blocks were quickly used as evidence supporting the defamatory claims of the RationalWiki article,18:5721:29 and cited widely across the internet.
31. Umbrecht also deleted the entire Parapsychology resource similarly and reblocked that user, who had not violated any policy, and, as well, deleted all of Lomax's user space pages and other pages created by Lomax without warning and contrary to policy,[42] thus more extensively carrying out the promise of DLS to "get admins to delete all your material."
32. Vituzzu falsely and maliciously claimed Lomax had requested that stewards "violate a basket of policies and laws basing upon illegally collected, untrustworthy and useless data." This was defamation per se ("illegally.") Lomax did not violate laws, and had not requested any violation of policy or law.[43]
33. Lomax continued to research the behavior of what became known as the Smith brothers, who had caused similar harm to others.

WMF complaints and action

34. Six users have been reported to have filed complaints with the WMF: DLS, ODS, Chapman, Schroeder, Umbrecht, and "Max."^[44]^[45] Vituzzu, from numerous hostile comments, may have supported the complaints. "Max," editing anonymously, together in concert with other users concealing identity and reasonably suspected of being the former abusers, but then revealing his identity to the stewards, created the impression of "excessive, frivolous and nuisance abuse" of checkuser requests by Lomax.
35. The direct involvement of JzG, a Wikipedia administrator, Umbrecht (a Wikiversity bureaucrat, more highly privileged than administrator), and perhaps Vituzzu, a steward, would have lent credence and cover to the claims, but those claims were easily recognized as false, if the WMF had properly investigated.
36. The WMF has a history of apparently banning users for critique of the Foundation of of Wikipedia and Wikipedia administration, even banning one person, a journalist, with no account.^[46] It is then plausible, from overall behavior, that it may have acted with malice.
37. February 24, Alexander, for the WMF, banned Lomax, and published the ban with malice and without necessity.
38. It has been widely understood that an office ban "meant things like paedophile advocacy, realistic threats of harm against other users, deception in access to non-public personal information, or something to that effect. It was big, it was major, and it was quite literally unaddressable by the community, and it justified a permanent removal from all projects."^[47]
39. This fact (with its defamatory implications made explicit) was then used by DLS and ODS to strengthen their deframatory and malicious claims about Lomax with "proof" from the WMF, widely considered reliable and responsible.

40. The fact of the ban and the content of the RationalWiki article have been used extensively to defame plaintiff. One of his daughters received a message reproduced here: <http://coldfusioncommunity.net/libel>. The WMF global ban was used to strengthen defamation, as was intended.

COUNT 1: DEFAMATION -- All Defendants

41. The allegations in paragraphs 1-40 are incorporated by reference.
42. Defendants published written and highly visible statements concerning the plaintiff.
43. These statements were defamatory, malicious, and false or misleading.
44. At the very least, these statements were negligent and/or malicious.
45. They caused plaintiff to be ridiculed, hated, or held in contempt and were used widely, and generally anonymously, to discredit any content contributed by plaintiff.
46. They caused harm to plaintiff's investment in educational resources on Wikiversity.
47. They caused harm to his reputation for honesty and reliability, crucial to his profession as a writer and journalist, where he depends on public support.
48. They caused social harm and distress in his relationships with friends and family.

WHEREFORE, Plaintiff prays for judgment against all defendants for loss of reputation and credibility, loss of income and value, and any further relief that this court may deem just and proper.

COUNT 2: DEFAMATION -- WMF

49. The allegations in paragraphs 1-48 are incorporated by reference.
50. There is no necessity, for the protection of the community, absent specific cause which did not exist with plaintiff, to publish the fact of a global ban. There are alternate, simple means of banning a user which would create no defamation of the user, should it be necessary to ban.

51. A competent investigation in this case would have revealed that claims in the complaints were malicious libel, misleading at best, not even close to warranting the extreme measure of a global ban.
52. The lack of notice and rejection of any possibility of appeal is an unconscionable policy, making the process highly vulnerable to malicious complaints, and especially coordinated complaints from multiple persons with a common malicious agenda (who might be assumed to be independent).
53. That such a deficient policy has been allowed to continue, in spite of the obvious problem, is evidence that the Foundation is hostile in general to criticism, and will retaliate against it, intending to cause harm so as to discourage criticism.
54. In the alternative, the Foundation intended to support "valuable users," thus collaborating with a malicious agenda on the part of those users and becoming negligently responsible.
55. By not stating a cause, while making statements that bans are very unusual, issued only for major abuse and repeated harassment of users and the like, and through the general reputation of the Foundation for being a responsible nonprofit organization, the Foundation has defamed all office-banned users.
56. The TOU allows the WMF to ban without cause, but does not permit publication of the fact.

WHEREFORE, distinct from and in addition to damages for defamation, plaintiff prays that the court order the WMF to remove from public visibility all office bans (which is technically easy), absent user consent for that publication, and that the WMF establish a ban appeal process adequate to protect falsely accused users by allowing a neutral review.

COUNT 3: CIVIL CONSPIRACY -- all Defendants

57. The allegations in paragraphs 1-56 are incorporated by reference.
58. The conspiracy originated with DLS seeking revenge for Lomax properly exposing defamatory impersonations on Wikiversity and Meta.
59. DLS, evading Wikipedia and global blocks and locks, then solicited the participation of Chapman and Schroeder, both of whom held long-term grudges against Lomax.
60. Persons involved with the conspiracy then filed coordinated private complaints with Umbricht, inducing him to defame Lomax, and "Max," recruited by Chapman, joined the conspiracy with defamatory comment on Wikiversity. Vituzzu, also holding a long-term grudge, is believed to have joined the conspiracy around this time.
61. DLS, ODS, Chapman, Schroeder, Umbricht, and "Max" then filed coordinated false, defamatory and malicious complaints with the WMF. It is plausible that Vituzzu joined them.
62. Alexander joined the conspirators in issuing a ban, falsely and maliciously implying serious violations of the Terms of Use, and maliciously publishing it.
63. The WMF is responsible for the actions of Alexander.

WHEREFORE, Plaintiff prays for judgment against all defendants for loss of reputation and credibility, loss of income and value, distress, holding all conspirators responsible for the actions of other conspirators, and any further relief that this court may deem just and proper, including punitive damages.

COUNT 4: VIOLATION OF IMPLICIT CONTRACT -- WMF

64. The allegations in paragraphs 1-63 are incorporated by reference.
65. The WMF claims that its major project, Wikipedia, is the "encyclopedia that anyone can edit." The policies and guidelines developed and published imply that only necessity will restrict editing, but interpretation of this was turned over to the community, immunizing the WMF from claims of defamation in the process. However, by creating an unappealable global ban process, the WMF, a responsible actor, made itself liable for this count: a violation of due process and a reasonable expectation of fair treatment.
66. Users, especially on Wikiversity, quite differently from Wikipedia, may contribute literally years of work, thousands of hours of labor, with great personal value, expecting that, unless they violate policies (and especially if they do not persist after being warned), the work will stand and either be unmolested or improved, but nevertheless available, at worst, in page history. Thus the work is not lost. Deleted material may be recovered by any administrator, and there are administrators who will provide copies. However, doing this for a globally banned user could be considered a violation of the TOU, and for a globally banned user to contact an administrator through the WMF interface is a TOU violation.
67. The prior community ban process required specific and predictable preconditions, including discussed community bans on at least two wikis, that being a bare minimum, and a full discussion by the community. Such bans were truly rare (there are eight, four of which were later office-banned[48]). If defamation were involved, it was relatively open and possibly actionable against the defaming individuals. Stewards globally locked accounts, ad hoc, but this was not considered a ban, and locked users could create new accounts without violating the Terms of Use. Thus a globally locked user could still create an account and contact administrators to appeal a ban.

68. That the WMF would institute a global ban process to handle serious hazards was reasonable. Evidence of, say, sexual solicitation of minors could not be publicly discussed. However, this then became a barn door through which could be driven bans motivated by abusive considerations, and from the list of banned users, it is obvious that criticism of the WMF became one of these considerations. One user was globally banned who had no account at all, a journalist who was investigating Wikipedia, banned under his real name and location.
69. The WMF, while the terms of service do properly allow it to terminate service without cause, has created a process that is harmful, defamatory without necessity, and does not allow a banned user any appeal. Emails and, in my case, certified mail to the registered agent are ignored, leaving a banned user no recourse but filing an action like this.
70. Users have always been subject to local ban by community decision on individual wikis, and these are routine and appealable. A community global ban process existed, requiring community-discussed and decided bans on a bare minimum of two wikis. Lomax was banned only on one wiki, Wikipedia (in 2011), and had caused no disruption over that.
71. There was no Lomax activity that was prevented by the ban except for requesting checkuser review of suspected socks, which had not been, by any means, abusive, and which had shown, in fact, actual TOU violations and genuine harassment.
72. None of the allegations that were made against Lomax, as far as known, were of a nature such that they could not have been openly addressed.
73. There was, then, a reasonable expectation of fairness and due process, violated by the global ban, with its complete lack of warning, notice and prohibition of appeal.

WHEREFORE, distinct from removal of publication and damages for defamation, plaintiff prays that the court order the WMF to unlock plaintiff's account.

PRAYER FOR RELIEF

COUNT 1 (Defamation per se, all defendants)

1. For all general damages, in a sum to be proven at trial, but in an amount no less than \$2,000,000
2. For all special damages, in a sum to be proven at trial; and
3. For exemplary and punitive damages, as allowed by law, and in a sum to be proven at trial.

COUNT 2 (Defamation per se, WMF)

1. For all general damages, in a sum to be proven at trial, but in an amount no less than \$2,000,000
2. For all special damages, in a sum to be proven at trial; and
3. For exemplary and punitive damages, as allowed by law, and in a sum to be proven at trial.

COUNT 3 (Civil conspiracy, all defendants)

1. For all general damages, in a sum to be proven at trial, but in an amount no less than \$2,000,000
2. For all special damages, in a sum to be proven at trial; and
3. For exemplary and punitive damages, as allowed by law, and in a sum to be proven at trial.

COUNT 4 (Violation of Implicit Contract, WMF)

1. For all general damages, in a sum to be proven at trial, but in an amount no less than \$1,000

2. For all special damages, in a sum to be proven at trial; and
3. For exemplary and punitive damages, as allowed by law, and in a sum to be proven at trial.

All Counts

1. For costs and fees incurred herein;
2. Attorney's fees as permitted by law;
3. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues so triable as a matter of right.

RULE 11 CERTIFICATION

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

June 17, 2019



Dennis G. Lomax, pro se

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2019, a true and correct copy of the foregoing pleading was forwarded by first class mail to Christopher M. Morrison, the attorney for Wikimedia Foundation, Inc. (defendant) at the address of JONES DAY.100 High Street, 21st Floor, Boston, MA 02110 .

June 17, 2019



Dennis G. Lomax, pro se