

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NINA SINGH RADCLIFF  
248 Aschwind Court  
Galloway Township, New Jersey

**Plaintiff,**

v.

Civil Action

KRISTEN RADCLIFF  
2945 Sunset Avenue  
Longport, New Jersey

RICHARD C. KLEIN  
69 Cricket Avenue  
Ardmore, Pennsylvania 19003

**COMPLAINT & JURY TRIAL DEMAND**

COOPER LEVENSONS, P.A.  
1125 Atlantic Avenue  
Atlantic City, New Jersey 08041

JOHN DOES I-V  
Addresses unknown

**Defendants.**

Plaintiff Nina Singh Radcliff by and through her Complaint against the defendants Kristen Radcliff, Richard Klein, Cooper Levenson P.A. and John Does John Does I through V (collectively the “**Defendants**”) says:

**I. Introduction**

1. Plaintiff Nina Singh Radcliff (“**Plaintiff**”) institutes this action against her ex-husband and his former counsel, Richard Klein (“**Klein**”) Cooper Levenson P.A. (“**Cooper Levenson**”) and various unknown individuals and third parties for:

- ❖ Violation of the Computer Fraud and Abuse Act as set forth at 18 U.S.C. §1030 (the “**CFAA**”).
- ❖ Violation of the New Jersey Wiretapping and Electronic Surveillance Control Act delineated at N.J.S.A. 2A:156A et. seq. (the “**NJ Wiretap Act**”)
- ❖ Interference with contractual relations.
- ❖ Misappropriation of confidential information and attorney client communication.
- ❖ Intentional infliction of emotional distress.
- ❖ Alienation of affection.
- ❖ Invasion of privacy.
- ❖ Negligent Supervision.
- ❖ Defamation.
- ❖ Abuse of Process.

2. Plaintiff and Kristen Radcliff (“**Radcliff**”) were previously married in the Defendant’s hometown of New Orleans, Louisiana and cohabitated from 2009 until the Defendant left the marital home in or about July of, 2013. Subsequently, Radcliff initiated a divorce action in 2014, before the Superior Court of New Jersey, Atlantic County-Family Part (the “**Divorce Court**”) under docket number FM -01-234-14 (the “**Divorce Action**”).

3. From the outset of the Divorce Action, the Defendant sought to accomplish three goals. One, to alienate his wife from their minor child, a daughter through any means possible. Two, in order to cover up his improper affair with a co-worker, he claimed his wife was was delusional, “crazy” and mentally ill.<sup>1</sup> Three, to crush his wife professionally and personally.

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<sup>1</sup> As detailed below the foregoing is exactly what had happened, Radcliff was having an affair and emotionally abused and attacked his spouse to try to cover his illicit behavior from his employer.

4. In order to advance his goals, Radcliff and his counsel orchestrated a multi-prong attack against the Plaintiff.

5. First, Radcliff installed a device known as a “keylogger” on Plaintiff’s computer shortly before they separated.

6. Keylogging software falls in the domain of malware. It is installed without the user's consent to harvest confidential information and credentials related to bank accounts, email, web-history, primarily for committing fraud.

7. Radcliff installed a keylogger program known as an "AOBO Keylogger" on Plaintiff's computer.

8. The data the keylogger captured from Plaintiff’s computer was then exfiltrated to a predefined email address selected by Radcliff, [spywaRRRe9999@gmail.com](mailto:spywaRRRe9999@gmail.com). See Exhibit A-¶ 10.

9. The information forwarded from Plaintiff's computer to Radcliff included her passwords, emails, attorney/client communication and work product information. See Exhibits A & B.

10. Plaintiff never consented to the installation of a keylogger on her computer to record her every action or behavior. In fact, not until May of 2019 when the Galloway Township Police Department provided her a report issued by Lt. Hendrickson (the "**Hendrickson Report**"), did she learn of the nature and extent of the malware installed on her computer. See Exhibit C.

11. As a result of his installation of the illicit keylogger, Radcliff had access to virtually everything the Plaintiff did online for three years; or put more directly the entire time the Divorce Action was pending. See Exhibits A & B.

12. Through the installation of the keylogger, Radcliff was able to review and access a treasure trove of Plaintiff's attorney/client communications. In fact, Defendants was able to obtain:

- (i) draft emails to Defendant's lawyers
- (ii) emails from her counsel to the Plaintiff
- (iii) drafts of Plaintiff's pleadings; and
- (iv) Plaintiff's emails to her counsel, and the like.

See Exhibit B¶ 15.

13. Radcliff installed and retrieved information from the keylogger with the full knowledge of his lawyers, Klein and the Cooper Levenson. See Exhibit C pp. 6-7. Klein in fact has been disbarred from practicing law in the State of New Jersey due to his "criminal" activities, after an extensive investigation. So egregious was his misconduct that the Disciplinary Board found that he had "poisoned" the well of "justice". See Exhibit D.

14. Finally, because the keylogger allowed Radcliff to obtain the Plaintiff's passwords it provided him access to her email and personal documents. See Exhibits A & B.

15. On more than one occasion, documents were suddenly produced in the course of Divorce Action, which were purportedly generated by the Plaintiff.

16. However, Plaintiff denied ever producing such information and forensic experts have now identified that a third party, was in fact, infiltrating her system-and that third party was identified as Radcliff. See Exhibits A & B.

17. In the interim, Radcliff has repeatedly failed and refused to provide his computer, cellphones and laptops for inspection despite repeated demand.

18. Second, Radcliff caused multiple complaints to be filed against the Plaintiff with the New Jersey Department of Child Protection and Permanency (“DCPP”), claiming, among other things, that a neighborhood child sexually molested his minor daughter while under Defendant’s care; to asserting that she had abused and neglected her child.

19. Defendant repeatedly failed to establish his alleged claims and, in fact, they proved groundless, as DCPP refused to take action in response thereto.

20. Third, and consistent with the foregoing, Radcliff and his former counsel, Klein and Cooper Levenson Radcliff initiated multiple emergent relief applications seeking to alienate Plaintiff from her daughter, claiming, *inter alia*, that (i) she be forced to undergo psychiatric evaluations, (ii) she posed a risk to their child and (iii) that her time with their minor child be “supervised”.

21. Not once during such proceedings did Radcliff, Klein or Cooper Levenson disclose the existence of the keylogger and access they had to the Plaintiff’s attorney-client communication and work product.

22. Fourth, Radcliff and his counsel undertook an effort to intimidate and harass virtually every witnesses favorable to the Plaintiff.

23. These witnesses faced criminal charges or threats of criminal prosecution, lawsuits for “defamation”, threats to their employment and ongoing and repeated harassment of their families. See Exhibits E and F.

24. Fifth, Radcliff and his counsel filed multiple claims against Plaintiff with the New Jersey Board of Medical Examiners, accused her of tax fraud, reported her to the California Attorney General for “criminal” misconduct and accused her or illegally selling drugs. See Exhibits G and H.

25. Sixth, while Plaintiff and his counsel pounded away at the Plaintiff before DCPD, the Divorce Court and harassed her witnesses, Radcliff physically assaulted the Plaintiff and then had the audacity to claim she did it to herself because she did not proceed to press charges.

26. Finally, Radcliff and his counsel recently claimed that the Plaintiff had attempted to orchestrate a “murder for hire plot” to kill him, a claim so absurd that the Atlantic County Prosecutors Office refused to take action.

27. Radcliff and Copper Levenson’s alleged that Plaintiff had attempted to orchestrate a “murder for hire plot” only after it was discovered that that Radcliff, Klein and Cooper Levenson, had illegally obtained access to Plaintiff’s computer. The Defendants leveled their latest “criminal” charges based on the “certification” of a witness they sued for defamation, and so harassed and intimidated that she admitted she was “scared” of Radcliff and just wanted out of the “defamation” lawsuit. Only when they stopped the threats and dismissed the defamation lawsuit did the “witness” have a sudden epiphany. The fact of the matter is the “murder for hire” plot is a manufactured falsehood, like all of Radcliff’s charges have proven to be over time.

28. Based on the foregoing, the Plaintiff seeks statutory and common-law relief in the form of damages, punitive damages, attorney fees and such other relief as this Court deems appropriate. In support thereof, Plaintiff avers follows:

## **II. Jurisdiction and Venue.**

29. This Court has subject matter jurisdiction over the within action as the Plaintiff has presented a Federal Question for the Court’s consideration pursuant to 28 U.S.C §1331. The Court has pendent jurisdiction over the remaining state laws claims by consent of the parties and/or because the claims arise from a common nucleus of operative facts.

30. Venue is appropriate in this jurisdiction as the Defendants are all residents of the State of New Jersey.

### **III. The Parties**

31. Plaintiff is a resident of 248 Ashwind Court Galloway Township New Jersey.

32. Radcliff presently resides at 2945 Sunset Avenue Longport New Jersey.

33. Klein is a resident of 69 Crickett Avenue, Ardmore Pennsylvania.

34. Cooper Levenson is a professional association with its principle office being located at 1125 Atlantic Avenue #320 Atlantic City New Jersey 08401.

35. John Does I-V are employees, agents or representatives of one or more of the Defendants who participated in the acts described in this complaint but whose names and addresses remain unknown to the Plaintiff.

### **IV. Factual Allegations.**

#### **A. General Background**

36. Plaintiff is a licensed physician in the States of New Jersey, Pennsylvania and California and is board certified in anesthesiology. Plaintiff is a graduate of UCLA Geffen Medical School and completed her residency at UCLA Medical Center and Kaiser Permanente Southern California.

37. Previously, the Plaintiff was associated with the Hospital of University of Pennsylvania Hospital and also served on the faculty at the University of Pennsylvania Medical School.

38. In or about March of 2009 Plaintiff married defendant Radcliff.

39. Defendant Radcliff is a board certified orthopedic surgeon employed by the Rothman Orthopedic Institute (“**Rothman**”).

40. Following their marriage, in or about the fall of 2010 Plaintiff and her husband relocated to the New Jersey shore in order to accommodate her husband's orthopedic practice.

41. Subsequently, Plaintiff became affiliated with AtlanticCare as an anesthesiologist.

42. On October 21, 2011, Plaintiff and Radcliff welcomed a daughter into their family.

43. Unbeknownst to the Plaintiff, prior to her giving birth to their only child, Radcliff had become engaged in an extramarital affair with a subordinate at his office in violation of Rothmans practice's rules. In fact, one week after their daughter was born the Defendant took a trip with his girlfriend for a week-purportedly for "work".

44. As Plaintiff questioned her husband's increasingly odd behavior, Radcliff began to portray his wife as "unstable", "irrational" and "mentally ill" to friends and family and eventually to work colleagues and supervisors, which he repeated time and again for the past 6 years.

45. As the Divorce Action evolved Radcliff and Klein launched a multi-prong, illegal and unethical attack on Plaintiff to interfere with and cripple her representation, reputation and relationship with her daughter. As the Disciplinary Board explained in their decision disbaring Klein, such criminal and unethical behavior was standard fare for Klein-a practice that Cooper Levenson overlooked for years.

B. The Installation of the Keylogger

46. Plaintiff initiated the Divorce Action on or about September of 2013. Weeks prior to initiating the couple's separation and months before he commenced the Divorce Action, Radcliff installed a "keylogger" on Plaintiff's work-related computer on July 14, 2013.



47. Plaintiff learned that her ex-husband had planted the keylogger, a form of malware, from a review of the Hendrickson Report provided to her in 2019. See Exhibits C. Further, forensic analysis confirmed the findings in the Hendrickson Report, and expounded thereon. See Exhibits A & B.

48. As Dr. Radcliff's forensic expert explains in his Preliminary Report:

- ❖ A keylogger, sometimes referred to as a keystroke logger or system monitor, is a type of surveillance technology used to monitor and record each keystroke typed on a specific computer's keyboard without the user's knowledge or consent. In this case, this software was configured to capture keystrokes and screenshots of the user's activity without Dr. Radcliff's knowledge.
- ❖ Most often, keylogging software falls in the domain of malware. It is installed without the user's consent to harvest confidential information and credentials related to bank accounts, email, web history, and more for the purpose of committing fraud.
- ❖ Average computer users would likely not be aware that malware such as a keylogger was installed and running on the computer. In fact, the surreptitious nature of keyloggers is a key feature described by the software manufacturers.
- ❖ In this instance, a keylogger program known as "AOBO Keylogger" was installed on Dr. Radcliff's computer. This software runs by operating in the background without the computer owner's knowledge and records every keystroke, chat message, email, password, login, and all other activity on the computer. This data is exfiltrated off the computer to a predefined email address, and is set to delete the local copies of the logs every 10 days.
- ❖ By using this keylogger, Kristen Radcliff, Dr. Radcliff's husband, had access to virtually everything she did online for three (3) years during the underlying divorce action, including communication with her attorneys and consultants in connection with his divorce action.
- ❖ Kristen Radcliff, the perpetrator of this installation, had all keylogged information sent every 10 to 15 minutes to an email address known as spywaRRRe9999@gmail.com.
- ❖ The forwarded information includes Dr. Nina Radcliff's account user IDs, passwords, emails, and other attorney/client information.
- ❖ We also noted that another user (not Dr. Nina Radcliff) was utilizing the laptop computer. Based on the investigation conducted by Det. Hendrickson and our

subsequent forensic analysis, we can determine with reasonable certainty that Dr. Kristen Radcliff is the individual who utilized the computer. As a result, Dr. Kristen Radcliff had the opportunity to alter, modify, and create emails, documents, and other records on his ex-wife's computer.

- ❖ From our preliminary forensic investigation, it is also clear that Richard Klein, Esq., the attorney for Dr. Kristen Radcliff, was well-aware of the installation of the spyware (see Hendrickson Report, page 6 and 7, annexed).

49. What is clear is that by and through Plaintiff's installation of this spyware, the Defendants were able to review Plaintiff's attorney client communication. In fact, as Plaintiff's expert discussed in a supplement to his initial report:

- ❖ The forwarded information includes Dr. Radcliff's account user IDs, passwords, emails, and other attorney/client information.
- ❖ We have found an extensive number of attorney client communication between Dr. Radcliff and her lawyers being forwarded to the Plaintiff, including:

Exhibit 1 Draft email to Dr. Radcliff's lawyers.

Exhibit 2 Email from counsel to Dr. Radcliff.

Exhibit 3 Screen shot of an email from counsel to Dr. Radcliff.

Exhibit 4 Letter from her lawyer.

Exhibit 5 Screen shot of Dr. Radcliff reviewing her response to the Plaintiff's Pleading.

Exhibit 6 Dr. Radcliff's draft email to her counsel.

Exhibit 7 Email from Dr. Radcliff to counsel.

- ❖ This situation is even more insidious than it appears. Dr. Radcliff—based on his installation of the keylogger—had full access to our client's passwords to her computer, personal and financial information, bank accounts—essentially every aspect of her electronic life.
- ❖ It is clear therefore that Plaintiff was illegally reviewing the Defendants attorney client communication—and was sharing his knowledge with, at least Klein. See also, Hendrickson Report pg. 6-7.

See Exhibit B.

50. All told, Radcliff procured more than 11,000 images from the Plaintiff's computer, including her attorney client communication, which, based on information and belief, he routinely shared or discussed with his counsel.

51. Through their illegal access to the Plaintiff's computer the Defendants were able to manipulate the Divorce Court and the ruling issued therefrom, while Radcliff was free to cyberstalk and harass the Plaintiff, her family and witnesses unmercifully.

52. Through the use of the illegally installed keylogger:

(i). Radcliff Illegally Obtained Plaintiff's Bank Records

53. The Hendrickson Report detailed the significant "screen" captures that were extracted from Plaintiff's computer by Radcliff.

54. Time and again, Radcliff extracted from Plaintiff's computer personal bank account information. See Exhibit C pp. 2-3.

55. Neither Radcliff nor his counsel had the right to remove this information from Plaintiff's computer.

(ii). Radcliff Extracted the "Maggie Reports" & His Extortion Efforts

56. Next, Radcliff accessed Plaintiff's laptop and uploaded files as well as screenshots of "the Maggie Reports".

57. The "Maggie Reports" were the Plaintiff's mother's billing invoices for a business she operated under the tradename Derma Essence LLC, which Radcliff stole from Plaintiff's computer.

58. Shortly after removing the billing records, Radcliff threatened the Plaintiff, claiming that he had "proof" that she was engaged in illegal and criminal activity. See Exhibit G.

And, consistent therewith he also claimed he would damage the Plaintiff's reputation by disclosing her alleged "lesbian affair".

59. When neither Plaintiff nor her mother reacted to Radcliff's extortion attempts, Radcliff (i) sued Plaintiff's mother civilly through her lawyers, Klein and Cooper Levenson; and (ii) reported her to the Internal Revenue Service ("IRS").

60. In addition, Radcliff reported the Plaintiff to the State of California Attorney General for her alleged criminal conduct, which included the purported sale of illegal sale of drugs. See Exhibit G.

61. After their extortion efforts failed, Radcliff and his counsel dismissed the civil suit against Plaintiff's mother.

62. Moreover, no other governmental agency took action against the Plaintiff or her mother as the allegations levelled by the Radcliff and Klein were another manufactured falsehood. .

(iii). Defendants False Claim That Plaintiff Filed a Complaint Against Her Husband With the New Jersey Medical Board of Examiner

63. Next, on or about February 17, 2015 Klein, in his capacity as Radcliff's counsel, wrote to the New Jersey Board of Medical Examiners claiming that a "fraudulent complaint" had been made against Radcliff "using" the Plaintiff's alleged IP address. See Exhibit H.

64. In Klein's letter to the New Jersey Board of Medical Examiners, he accused Plaintiff of filing a complaint with the medical board as an "injured patient's wife" on February 6, 2015.

65. Plaintiff filed no such complaint was filed. Klein and Radcliff simply manufactured the claim. To date neither Plaintiff, Klein nor Cooper Levinson have ever produced evidence of such a complaint being filed by Plaintiff or "anonymously".

66. Klein, Cooper Levinson, and Radcliff's actions placed at risk the Plaintiff's medical license by repeatedly seeking an investigation for what constituted a flagrant, professional violations.

67. Eventually, after various investigations were conducted, the New Jersey Board of Medical Examiner's determined that Plaintiff had never filed any complaints against any doctor during her career.

(iv). Radcliff's Employee Complaint to the New Jersey Board of Medical Examiners.

68. As detailed in the Hendrickson Report and in the forensic experts retained by the Plaintiff, Radcliff was accessing the Plaintiff's computer and using her laptop without her knowledge.

69. As reflected in the Hendrickson Report a screenshot captured an image of an email the Plaintiff drafted to address a complaint made against her by a co-worker (the "**Employee Complaint**"). See Exhibit B p. 4, ¶ 3.

70. That same email was lifted from Plaintiff's computer by Radcliff.

71. Shortly after Radcliff lifted Plaintiff's draft email, two formal complaints were filed against her with the New Jersey Board of Medical Examiners regarding the Patient Complaint.

72. Based on the information disclosed in the Hendrickson Report, the Employee Complaint was submitted by Radcliff.

73. The New Jersey Board of Medical Examiners reviewed and dismissed each of the allegations set forth in the Complaints filed by Radcliff.

74. Radcliff did not have authority to review or lift Plaintiffs email from her computer. His filing of the two complaints was malicious, intentional and designed to damage the Plaintiff.

(v). Radcliff's Money Laundering Complaint to the New Jersey Board of Medical Examiners

75. On January 11, 2015, Radcliff filed a complaint with the New Jersey Board of Medical Examiners using the information he hacked from Plaintiff's computer to claim that she was engaged in money laundering and tax fraud. See Exhibit G. Based on information and belief Klein assisted and guided Radcliff in submitting this false allegation.

76. Once again, these baseless allegations were dismissed by the New Jersey Board of Medical Examiners.

77. Radcliff's third complaint was filed with malicious intent, without foundation and was designed to damage the Plaintiff.

(vi). Radcliff Assaults Plaintiff & Intimidates Witnesses

78. On August 18, 2015, Radcliff assaulted the Plaintiff by striking her in the face and breaking her nose. A critical witness to the incident was Jennifer Colon ("**Colon**").

79. As she advised the police, Colon witnessed the fact that Plaintiff's hair had been torn out of her head by Radcliff, and her face was swollen after having been hit by him.

80. After being identified as a witness to the assault, Radcliff, investigators and counsel repeatedly harassed, threatened and sought to intimidate Colon.

81. First, Radcliff or his counsel "anonymously" sent details of her prior criminal records to her employer to embarrass, humiliate and intimidate her. See Exhibit E.

82. Second, Radcliff sued Colon for "defamation".

83. So severe was the harassment that Colon filed a complaint (the “**Harassment Complaint**”) with the Atlantic City Police Department in March of 2016. Colon's complaint to the police stated as follows:

"This action makes me feel harassment...and now that they (Chris and his investigators) are making me decide not to testify to assault. They have made it clear they want to drag my past into public and jeopardize my work."

See Exhibit E.

84. As Colon stated therein, Radcliff, Klein, and their investigators made it clear to Colon that if she testified her life would be a misery.

85. As Colon confessed to the Plaintiff Radcliff was a "scary man with enough money to bother me until the day I die." In fact, according to Colon she was so beaten down by the Defendants tactics that she was “defeated”, was having a “meltdown” as a result, and was desperate to get out of the “defamation” suit.

86. Finally, after terrorizing Colon, Radliff and his lawyers suddenly dismissed their defamation case for "lack of prosecution" in June of 2018.

(iv) The “murder for hire plot” & Radliff’s Bribery Attempt.

87. The dismissal of the defamation lawsuit filed by Radcliff against Colon coincided with Colon's sudden recollection that Plaintiff had attempted to orchestrate a "murder for hire plot" to kill Radcliff.

88. Radcliff and his counsel once again reported this latest alleged “criminal” activity to the Atlantic City Prosecutors Officee.

89. So absurd were the allegations that the Atlantic City Prosecutors Department took no action with respect thereto.

90. When the prosecutor's office refused to take action against the Plaintiff Radcliff retained an unlicensed "investigator" Fabian Blanche, III ("**Blanche**") to intimidate and threaten Colon's cousin-whom she claimed Plaintiff had sought to hire to kill Radcliff. In writing, the alleged "hitman" denied that he ever had any such discussion with Plaintiff.

91. Instead, he advised that Colon-when she was being sued and harassed by Radcliff and his counsel-had asked him to kill Radcliff, which he took as a joke.

92. This third party "witness" and his family were repeatedly harassed, followed and badgered by Blanche at Radcliff's direction to provide false testimony against the Plaintiff.

93. The actions by Radcliff,his investigators and others were malicious and outrageous.

C. Radcliff's False DCPD Claims

94. Finally, throughout the course of the Divorce Action Radcliff initiated claims with DCPD alleging various allegations against the Plaintiff, including, but not limited to allegations that his daughter was:

- (i) Being sexually assaulted by a family friend's child—a claim that DCPD found baseless.
- (ii) Suffering from irritable bowel syndrome-a claim that no profession supported.
- (iii) Being abused by the Plaintiff.
- (iv) Being "cursed" at by the Plaintiff.
- (v) Depressed and anxious because of her mother's treatment of her.
- (vi) Unable to perform well in school due to the stress she is under resulting from her mother's abuse.

95. The multiple complaints filed with DCPD coincided directly with the allegations Radcliff has leveled against Plaintiff in the Divorce Court.



96. To date DCPD has never taken action as the claims have time and again proven baseless.

D. Radcliff's Fraudulent Representations to the Court and Court Appointed Therapists

97. In addition to the foregoing, Radcliff repeatedly filed emergent actions before the Divorce Court seeking to remove the minor child from the Plaintiff's life.

98. In the course of the foregoing, not one Court appointed expert or witness who interacted with the party's minor child ever supported any of the foregoing allegations.

99. The minor child was seen by a court-appointed therapist for approximately two years until it was determined she did not need therapy and never voiced any concerns as to her mother's conduct.

100. While under a therapist's care Radcliff claimed that Plaintiff's minor daughter had been sexually assaulted by another minor-which was rejected. When that failed, Radcliff next asserted that Carmen suffered from irritable bowel syndrome, which was somehow related to the Plaintiff's care.

101. Radcliff then subjected the minor child to fecal monitoring in his quest to determine that Plaintiff was somehow responsible for harming her daughter. Once again, this claim went nowhere, as it was manufactured nonsense.

102. Later, Radcliff informed DCPD that his minor daughter was fearful of the Plaintiff because she "cursed" at her.

103. In that course Plaintiff further contended that his minor daughter had been "severely" depressed and "anxious" and was having difficulty at school and socially—again, because of the Plaintiff's alleged abuse.

104. To date no independent, credible professional has made any such finding.

105. In fact in direct contradiction to his claims, the minor child's school has reported that she has thrived in school. In fact, the school has reported "no concerns...is making excellent progress. When I see her with friends during Friday recess, she is playing and laughing. She is doing very well in school."

106. The school further reported that the minor child worked very well independently, had a 93% average in mathematics, and was doing quite well in all of her subjects.

107. The overwhelming evidence establishes that Radcliff maliciously manufactured these claims and manipulated the Court through his misappropriation of Plaintiff's attorney client communication and work product in order to damage Plaintiff's relationship with her daughter.

108. Over time it has become evident to Plaintiff and her family that the minor child believes that Plaintiff is a "problem" based on what her father has told her.

109. She has, in fact, told Plaintiff and other members of her family the court was going to take her away from her mother; that she should not be alone with her mother, that she is lucky her father works so hard, because all the Plaintiff does is buy clothes and go shopping.

110. The foregoing has caused the Plaintiff extraordinary emotional damage and distress.

E. The Ethics Investigation Into Klein's Criminal Conduct & Disbarment

111. At all relevant times to this action, Klein was employed by Cooper Levenson. During the course of his association with Cooper Levenson, Klein engaged in what could only be described as heinous and "criminal" conduct as an attorney.

112. During the pendency of the Divorce Action Klein was under investigation for severe ethical and criminal violations, which eventually led to his disbarment. At no time during

and since has Cooper Levenson disclosed that Klein had routinely poisoned the “well of justice” though his criminal conduct.

113. In fact, the District Review Board found that:

Here, Respondent's misconduct not only victimized his individual clients but constituted the commission of serious crimes that directly poison the well of justice—conduct beckoning the ultimate sanction of disbarment.

114. The District Review Board further found that:

He (Mr. Klein) perverted the administration of justice and continued, undeterred for years, despite the effected courts every rule that he had committed brazen crimes and lies, under oath about his conduct.

115. Defendant Klein’s conduct, which is attributable to Cooper Levenson, violated his professional obligations and duties to the Court and Plaintiff by their:

(i) repeated failure to properly disclose and return attorney/client communication intercepted by Radcliff;

(ii) support and/or advice in instructing Radcliff to install an illegal, criminal device on the Plaintiff's computer so that he could cyberstalk her more than almost three years;

(iii) manufacturing claims against the Plaintiff and her family without justification or good faith belief;

(iv) repeated attempt to interfere and intimidate witnesses from testifying against his client; and

(v) constant use of criminal threats to advance their clients cause, without justification or reliable basis.

116. At all relevant times, Cooper Levenson knew, or should have known, of Klein’s egregious misconduct, and yet, took no action to oversee and ensure that his behavior was corrected or that he was discharged so that such activity would cease and desist. In fact, based on

the Disciplinary Board's findings Cooper Levenson had to know, or should have known that many clients and adversaries were complaining about Klein's behavior.

117. Instead, not only did Cooper Levenson sit idly by while Klein was under intensive disciplinary investigation, they economically benefitted from his criminal and outrageous behavior.

118. Moreover, Cooper Levenson has continued to not only ignore its obligations to the Plaintiff; but interfered with the Plaintiff's legitimate rights to determine what has happened, what was stolen from her personal computer and turned over to their offices.

119. There is no question that Klein and Cooper Levenson were aware of the keylogger installed on the Plaintiff's computer or that he was obtaining attorney/client communication in this regard and sharing it with the Cooper Levenson firm

120. In fact, Cooper Levenson has refused to turnover such material or to respond to a subpoena turning over such material despite their ethical mandates under Rule 4.4 of the New Jersey Rules of Professional Conduct.

121. The foregoing has damaged the Plaintiff and resulted in her suffering from extraordinary emotional distress.

**Count I**  
**Computer Fraud and Abuse**  
**(Defendants)**

122. Plaintiff repeats the allegations of paragraphs 1 through 122 as if set forth herein at length.

123. 18 U.S.C. §1030 sets forth the statutory provisions of the Consumer Fraud and Abuse Act (the "CFAA").

124. The CFAA provides that:

(a) Whoever—

(2) intentionally accesses a **computer** without authorization or **exceeds authorized access**, and thereby obtains—

(A) information contained in a financial record of a financial institution, or of a card issuer as defined in section 1602(n) [1] of title 15, or contained in a file of a consumer reporting agency on a consumer, as such terms are defined in the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

(C) information from any **protected computer**;

(4) knowingly and with intent to defraud, accesses a protected computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than \$5,000 in any 1-year period;

(5)

(A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer;

(B) intentionally accesses a protected computer without authorization, and as a result of such conduct, recklessly causes damage; or

(C) intentionally accesses a protected computer without authorization, and as a result of such conduct, causes damage and loss.

125. The term “protected computer” under the CFAA, which means computer, *inter alia*, which is used in interstate or foreign commerce or communication, including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication with the United States.

126. Plaintiff and Radcliff were previously married and cohabitated from 2009 until the Defendant left the marital home in July of 2013. Subsequently, Radcliff initiated a divorce action in 2014, before the Superior Court of New Jersey, Atlantic County-Family Part (the “**Divorce Court**”) under docket number FM -01-234-14 (the “**Divorce Action**”).

127. From the outset of the Divorce Action, the Defendant sought to accomplish three goals. One, to alienate his wife from their minor child, a daughter through any means possible. Two, in order to cover up his improper affair with a co-worker, he claimed his wife was delusional, “crazy” and mentally ill. Three, to crush his wife professionally and personally.

128. In order to advance his goals, Radcliff and his counsel orchestrated a multi-prong attack against the Plaintiff.

129. To start, Radcliff installed a device known as a “keylogger” on Plaintiff’s computer shortly before they separated.

130. Keylogging software falls in the domain of malware. It is installed without the user's consent to harvest confidential information and credentials related to bank accounts, email, web-history, primarily for committing fraud.

131. Here, Radcliff, with the knowledge, guidance or approval of his Klein and others, installed a keylogger program known as an "AOBO Keylogger" on Plaintiff's computer.

132. The data the keylogger captured from Plaintiff’s computer was then exfiltrated to a predefined email address selected by Radcliff, [spywaRRRe9999@gmail.com](mailto:spywaRRRe9999@gmail.com). See Exhibit A-2 ¶ 10.

133. The information forwarded from Plaintiff's computer to Radcliff included her passwords, emails, and attorney/client communication and work product information.

134. Plaintiff never consented to the installation of a keylogger on her computer to record her every action or behavior. In fact, not until May of 2019 when the Galloway Township Police Department provided her a report issued by Lt. Hendrickson (the "**Hendrickson Report**"), did she learn of the nature and extent of the malware installed on her computer.

135. As a result of his installation of the illicit keylogger, Radcliff, Klein and Cooper Levenson had access to virtually everything the Plaintiff did online for three years or the entire time the Divorce Action was pending.

136. Radcliff installed and retrieved information from the keylogger with the full knowledge of his lawyers, Klein and the Cooper Levenson. See Exhibit C pp. 6-7.

137. Through the installation of the keylogger Radcliff was able to review and access a treasure trove of Plaintiff's attorney/client communications. In fact, Defendants was able to obtain:

- (i) draft emails to Defendant's lawyers
- (ii) emails from her counsel to the Plaintiff
- (iii) drafts of Plaintiff's pleadings; and
- (iv) Plaintiff's emails to her counsel, and the like.

See Exhibit A-2 ¶ 15.

138. In addition to procuring her attorney client communication, Radcliff gathered also used the keylogger to obtain information about Plaintiff's parents' finances and business in an attempt to intimidate them. And then with his counsel, used the information to try to extort a favorable resolution to his divorce and favorable custody terms.

139. He also clearly monitored every aspect of Plaintiff's personal, social and financial life. See Exhibit B ¶ 17-18.

140. Finally, because the keylogger allowed Radcliff to obtain the Plaintiff's passwords it him access to her email and personal documents.

141. On more than one occasion, documents were suddenly produced in the course of Divorce Action, which were purportedly generated by the Plaintiff.

142. However, Plaintiff denied ever producing such information and forensic experts have now identified that a third party, was in fact, infiltrating her system-and that the third party was identified as Radcliff. Cooper Levenson knew or should have known based on the ethics investigation and repeated “criminal” acts of Klein that something was amiss-but did nothing to address the foregoing.

143. In the interim, Radcliff has repeatedly failed and refused to provide his computer, cellphones and laptops for inspection despite repeated demand. And Cooper Levenson has objected to advising Plaintiff what documents they received that were stolen from her computer-including her attorney client communication.

144. Radcliff, Klein, and Cooper Levenson's use of the information obtained pursuant to the keylogger was improper and resulted in damage to Plaintiff's system far in excess of \$10,000.

145. In fact, the use of such information resulted in Plaintiff expending hundreds of thousands of dollars in counsel fees in the Divorce Action; tens of thousands of dollars on forensic experts; and caused her extraordinary emotional and psychological distress.

146. As a consequence of the foregoing, the Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.



**Count II**  
**The New Jersey Wiretap Act**  
**(Defendants)**

147. Plaintiff repeats the allegations of paragraphs 1 through 146 as if set forth herein at length.

148. Through the installation of the keylogger, Radcliff and his counsel purposely intercepted and electronic communication, confidential information, private data and attorney/client communication.

149. The State of New Jersey adopted the New Jersey Wiretapping and Electronic Surveillance Control Act pursuant to N.J.S.A 2A:156A et seq.

150. This Act provides that, except as specifically provided therein, no person shall purposely intercept, endeavor to intercept or procure another person to intercept or endeavor to intercept any wire, electronic, or oral communication of another.

151. In any event that an individual violates the foregoing Act, the aggrieved party shall be entitled to recover from any such person actual damages, but not less than liquated damages, computed at the rate of \$100 per day for each violation or \$1,000, which is higher; punitive damages; attorneys' fees and other litigation costs reasonably incurred.

152. The keylogger installed by Radcliff was designed to continuously monitor and forward to Defendant Radcliff all of Plaintiff's information existing on her computer and to allow him to access her computer through the use of private passwords.

153. Klein and Cooper Levenson were well aware of the foregoing and rather than address the criminal conduct engaged in by their client used the same in the Divorce Action to advance their Radcliff's "interests".

154. As Defendant Radcliff and/or his counsel accessed the computer for almost three years, the Plaintiff is entitled to actual damages, statutory damages, punitive damages, attorney fees, and litigation costs.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count III**  
**Interference with Contractual Relations**  
**(Defendants)**

155. Plaintiff repeats the allegations of paragraphs 1 through 154 as if set forth herein at length.

156. Under New Jersey law, a person who unjustifiably interferes with the contract of another is guilty of a wrong. The protection offered by the law extends not only to these contracts already made but also protects a person's interest and a reasonable expectation of economic gain. *Harris v. Perl* 41 N.J. 455 (1964).

157. In this case, the Defendants interfered with the Plaintiff's contractual agreement with her attorneys. Specifically, Defendant Radcliff installed a keylogger pursuant to which he was able to review and download all of her communication with her attorneys by email or electronic communication.

158. Plaintiff had a reasonable expectation that the monies she expended on counsel be utilized to represent her interests. At no time did she expect or understand that the Defendants would review and utilize her communications so that they would understand her litigation strategy, planning, concerns, considerations, theories discussed, and alternatives considered the same time that she was.

159. The Defendants' actions constitute intentional interference with her contractual agreement with her attorneys for which the Plaintiff paid fees in excess of \$600,000.

160. As such, the Defendant has damaged the Plaintiff.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count IV**  
**Interference with Prospective Economic Advantage**  
**(Defendants)**

161. The Plaintiff repeats the allegations of paragraphs 1 through 160 as of set forth here and at length.

162. Under New Jersey Law, the tort of interference with a prospective economic advantage (tortious interference) contains four elements:

- 1) a protectable interest;
- 2) malice—the defendant's intentional interference without justification;

- 3) a reasonable likelihood that the interference caused the loss of a prospective gain; and
- 4) resulting damage.

*Printing Mart-Morristown v. Sharp Electronics Corp.*, 116 N.J. 739, 751-52; *Accord DiMaria Construction, Inc. v. Interarch*, 351 N.J. Super. 558, 567 (App.Div. 2001)(Affirmed 172 N.J. 182 2002)

163. Plaintiff had a protectable interest in her attorney client communication, medical license, employment contract, and career prospects.

164. As detailed above, the Defendants have repeatedly and maliciously portrayed the Plaintiff to colleagues and professional associations such as the New Jersey Board of Medical Examiners as irrational, crazy, in need of psychiatric counseling, and otherwise.

165. Defendant Radcliff has further manufactured and manipulated information obtained from Plaintiff's computer to present it to her employer and/or others such as to damage her reputation in the medical community. Defendants then utilized the material in the Divorce Action to the Plaintiff's disadvantage; and sought to extort financial gain from the same.

166. The Defendants' actions were deliberate, intentional, and designed to cause the Plaintiff damage, not only to her career at present, but on her prospective economic advantage.

167. The Defendants' conduct, therefore, constitutes interference with the Plaintiff's prospective economic advantage. As a result, the Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;

- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count V**  
**Intentional Infliction of Emotional Distress**  
**(Defendants)**

168. Pursuant to New Jersey law, Plaintiff may establish a claim for intentional infliction of emotional distress when:

- i) the defendant acted intentionally or recklessly in doing the act alleged to be wrongful, which produced the emotional distress;
- ii) the conduct was so extreme and outrageous as to go beyond all bounds of human decency;
- iii) the defendant's actions caused the emotional distress; and
- iv) the distress was so severe that no reasonable person could be expected to endure it.

*CEG Turner v. Wong, 363 N.J. Super. 186, 190 (App. Div. 2003).*

169. In this instance, Radcliff and Klein engaged in every possible deplorable act available to them during the pendency of the divorce act resulting in significant emotional distress.

170. Among their intentional and malicious acts were:

- i) installation of a keylogger cyberstalking of the Plaintiff;
- ii) harassing the Plaintiff with false allegations;
- iii) filing false charges with DCPD;
- iv) filing false charges with the Divorce Court;
- v) accusing Plaintiff's mother of tax fraud;
- vi) suing Plaintiff's mother;
- vii) manufacturing a "murder for hire" plot;
- ix) accusing the Plaintiff of child abuse;
- x) accusing the Plaintiff of allowing her child to be sexually molested;
- xi) accusing the Plaintiff of mental and psychological abuse of her child; and
- xii) alleging that the Plaintiff had caused her child to suffer from irritable bowel syndrome.

171. In addition to the foregoing, the Defendants intentionally and maliciously recovered and reviewed her attorney/client communication so as to manipulate the Divorce Court throughout the entirety of the action.

172. The Defendant's conduct was outrageous, intentional, and malicious and has resulted in the Plaintiff suffering from extreme emotional distress.

173. As a consequence of the foregoing, the Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count VI**  
**Alienation of Affection**  
**(Radcliff)**

174. The Plaintiff repeats the allegations of paragraphs 1 through 173 as of set forth here and at length.

175. In the action, *Digna v. Fernandez*, the New Jersey Superior Court held that a husband could recover damages against his former wife and maternal grandparents for asserting that he had sexually abused the couple's children under the theory of alienation of affection.

176. In this case, Radcliff has taken every step imaginable to interfere with the Plaintiff's relationship with her daughter. He has filed repeated claims with DCPD accusing her of abuse, neglect, and drug use.

177. In addition, Radcliff filed repeated claims with the Divorce Court alleging that Plaintiff was incapable of caring for her daughter.

178. Time after time, the Plaintiff caused the minor child to be seen by psychiatrists and therapists claiming that she was suffering from depression, anxiety, and other assorted ailments all arising from her mother's alleged misconduct-without disclosing that they had illegal access to the Plaintiff's computer.

179. Over the course of the past several years, the minor child has shared with the Plaintiff, her parents, and others that she had been manipulated into making such various representations against her mother to please her father.

180. The minor child has further advised the Plaintiff, her friends, and parents and further advised them that Plaintiff is fortunate that Radcliff makes so much money because all she does is shop and is otherwise unproductive.

181. The minor child has also informed friends, family, and the Plaintiff that Radcliff is going to take her away from her mother because her mother poses a significant risk to her.

182. The Defendants' conduct has been nothing short of abusive, intentional, and malicious and designed to interfere with the relationship between Plaintiff and the minor child.

183. The Defendants' conduct has been repeatedly false, misleading, and unsupported. No better example exists than the fact that DCPD, despite repeated claims orchestrated by the Radcliff, has taken no action whatsoever.

184. In addition, the New Jersey Superior Court has, time and again, rejected Radcliff's allegations of misconduct by the Plaintiff.

185. No question exists that the Plaintiff's relationship has been damaged with her minor child who clearly has expressed concerns as to her mother's conduct to Plaintiff, her parents, and others.

186. Radcliff's conduct has been inexcusable, particularly considering his illegal and criminal actions as described above.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against Radcliff as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count VII**  
**Invasion of Privacy**  
**(Defendants)**

187. The Plaintiff repeats the allegations of paragraphs 1 through 186 as of set forth here and at length.

188. Invasion of privacy under New Jersey Law involves not a single tort but is four distinct kinds of invasion of four different interests of the Plaintiff, which are tied together by the common name.

189. The four categories of invasion of privacy are:

- a) unreasonable intrusion upon the seclusion of another;



- b) appropriation of another's name or likeness;
- c) unreasonable publicity given to one's private life; and
- d) publicity that normally places another in false light before the public.

*Bisbee v. John C. Conover Agency, Inc.*, 186 N.J. Super. 335, 339 (App. Div. 1982), *Restatement, Torts 2d*, § 562A at 376 (1977).

190. As detailed above, Radcliff and Klein repeatedly intruded upon the seclusion of the Plaintiff.

191. More specifically, the Defendants action in installed a keylogger to cyberstalk the Plaintiff and for more than three years misappropriated her personal communication, attorney/client communication, privileged work product, bank and financial information, patient and medical information, information she shared with her parents, and other personal data to which they had no right.

192. The Defendants' conduct was, succinctly stated, criminal.

193. Moreover, it was disgraceful and clearly an intrusion upon the Plaintiff's seclusion.

194. In addition, both Defendants misappropriated Plaintiff's name by manufacturing documents that they claim she authored and then directing them to the New Jersey court, the divorce court, or third parties, including the New Jersey Board of Medical Examiners asserting, inter alia, that she had legitimately filed such claims.

195. The Defendants' appropriation of Plaintiff's name was a breach of her right to privacy.

196. As a result of the Plaintiff's invasion of privacy, the Plaintiff has sustained severe damages, including, but not limited to, economic losses, emotional distress, attorneys' fees, expert costs, and cost of suit.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count VIII**  
**Negligent Supervision**  
**(Cooper Levenson)**

197. Plaintiff repeats the allegations of paragraphs 1 through 196 as if set forth herein at length.

198. At all relevant times to this action, Klein was employed by Cooper Levenson. During the course of his association with Cooper Levenson, Klein engaged in what could only be described as heinous conduct as an attorney.

199. During a significant portion of that time, Klein was under investigation for severe ethical violations and criminal conduct, which eventually led to his disbarment.

200. Klein's conduct, as described by the District Review Board, found that:

Here, Respondent's misconduct not only victimized his individual clients but constituted the commission of serious crimes that directly poison the well of justice—conduct beckoning the ultimate sanction of disbarment.

201. The District Review Board further found that:

He (Mr. Klein) perverted the administration of justice and continued, undeterred for years, despite the effected courts every rule that he had committed brazen crimes and lies, under oath about his conduct.

202. During the entirety of this case, Kline was under investigation for a myriad of ethics violations. His conduct, as described above in this case, clearly breached a myriad of provisions of the New Jersey Rules of Ethical Conduct, including but not limited to

RPC 3.3 Candor Toward the Tribunal

RPC 3.4 Fairness to Opposing Party and Counsel

RPC 3.5 Impartiality and Decorum Toward the Tribunal

RPC 4.1 Truthfulness in Statements to Others

RPC 4.4 Respect for the Rights of Others

RPC 5.1 Responsibilities of Partners, Supervisory Lawyers

203. Defendant Klein's conduct violated the foregoing provisions by his failure to properly disclose and return attorney/client communication intercepted by his client; his support and/or advice in instructing Radcliff to install an illegal and criminal device on the Plaintiff's computer so that he could cyberstalk her more than almost three years, his manufacturing of claims against the Plaintiff and her family without justification or good faith belief; and his attempt to interfere and intimidate witnesses from testifying against his client.

204. Klein's conduct proved consistent with why he was disbarred.

205. At all relevant times, Cooper Levenson knew, or should have known, of Klein's egregious misconduct, and yet, took no action to oversee and ensure that his behavior was corrected or that he was discharged so that such activity would cease and desist.

206. Instead, not only did Cooper Levenson sit idly by while Klein was under intensive disciplinary investigation they economically benefitted from his criminal and outrageous behavior.

207. Moreover, Cooper Levenson has continued to not only ignore its obligations to the Plaintiff; but interfered with the Plaintiff's legitimate rights to determine what has happened, what was stolen from her personal computer and turned over to their offices.

208. No doubt exists that Klein and Cooper Levenson were aware of the keylogger installed on the Plaintiff's computer or that he was obtaining attorney/client communication in this regard and sharing it with the Cooper Levenson firm—which has refused to turn over such information to the Plaintiff despite repeated demand..

209. In fact, Cooper Levenson has refused to respond to a subpoena turning over such material despite their ethical mandates under Rule 4.4 of the New Jersey Rules of Professional Conduct.

210. As a consequence of the Defendants negligent supervision, reckless and outrageous behavior, the Plaintiff has suffered severe damages, including the loss of hundreds of thousands of dollars of legal fees, interference with her relationship with her child, and the loss of future professional opportunities.

211. As a consequence, the Plaintiff has been damaged for which the Defendants must recompense her.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count IX**  
**Abuse of Process**  
**(Defendants)**

212. Plaintiff repeats the allegations of paragraphs 1 through 211 as if set forth herein at length.

213. For a Plaintiff to establish a claim for malicious use of process the claimant must establish that the original cause of action:

(i) was brought without probably cause

(ii) was actuated by malice

(iii) was terminated favorably to Plaintiff

(iv) the Plaintiff suffered a special grievance.

214. Time and again Radcliff and his counsel initiated claims with the DCPD, the Atlantic County Prosecutors Office; the Longport and Galloway Police Departments, the New Jersey Board of Medical Examiners, the California Attorney General, which failed to result in adverse claim let alone a finding against the Plaintiff.

215. Moreover, time and again, the Defendants initiated Order to Show Cause proceedings before the Divorce Court without disclosing that they had access to Plaintiffs attorney client communication and work product.

216. The actions by the Defendants were actuated by malice and designed to injure the Plaintiff both financially and professionally.

217. The actions were terminated favorably to the Plaintiff, who lost her rights to a fair and equitable process administratively or judicially and as a result she suffered substantial economic harm.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count X**  
**Defamation**  
**(Radcliff)**

218. Plaintiff repeats the allegations of paragraphs 1 through 217 as if set forth herein at length.

219. New Jersey defamation law states, "Defamation imposes liability for publication of false statements that injure the reputation of another." *Printing Mart-Morristown v. Sharp Elecs. Corp.*, 116 N.J. 739, 765 (1989).

220. In order to succeed in a defamation claim under New Jersey defamation law, plaintiffs must prove the following four (4) elements:

- ❖ The assertion of a false and defamatory statement concerning another;
- ❖ The unprivileged publication of that statement to a third party;
- ❖ Fault amounting at least to negligence by the publisher;
- ❖ The Plaintiff was damaged by the statement. *DeAngelis v. Hill*, 180 N.J. 1 (2004).

221. Over the course of the past 5 years the Radcliff has defamed the Plaintiff by, *inter alia* publishing to third parties, including her employer, DCPD, the Atlantic County Prosecutor's Office, the Atlantic City Police, her child's school and others one or more of the following false statements:

(i) A neighborhood child sexually molested his minor daughter due to the Plaintiffs neglect;

(ii) She had abused and neglected her child.

(iii) Plaintiff was emotionally unstable and unfit to care for her child

(iv) She had engaged in tax fraud and criminal misconduct

(iii) She posed a risk to their child

(iv) Claimed she abused her child

(v) Plaintiff engaged in a murder for hire plot

222. Plaintiff published the foregoing knowing they were willfully and deliberately false, with the express that they damage the Plaintiff professionally and personally.

223. As a consequence the Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count XI**  
**Assault & Battery**  
**(Radcliff)**

224. Plaintiff repeats the allegations of paragraphs 1 through 223 as if set forth herein at length.

225. At various times during the marriage Radcliff physically assaulted his wife, the Plaintiff.

226. Plaintiff has and continues to psychologically abuse and assault the Plaintiff.

227. As a direct and proximate cause of the foregoing the Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;
- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**Count XII**  
**Misappropriation of Confidential and Privileged Information**  
**(Defendants)**

228. Plaintiff repeats the allegations of paragraphs 1 through 228 as if set forth herein at length.

229. By and through their conduct as set forth above the Defendants misappropriated Plaintiff's confidential and privileged communication with her lawyers.

230. Such conduct was an egregious violation of the Plaintiff's right to confidential communication with her attorneys and professionals assisting her.

231. As such Plaintiff has been damaged.

WHEREFORE, Plaintiff requests the Court to enter judgment in its favor against the Defendants, individually and severally, as follows:

- a. awarding a judgment in favor of Plaintiff and against the Defendants, individually and severally, for compensatory damages;
- b. awarding Plaintiff punitive damages;



- c. awarding Plaintiff attorney's fees, interest, costs of suit and disbursements;
- d. awarding such other relief as the Court deems just and proper including, but not limited to, temporary, preliminary and permanent injunctive relief.

**JURY TRIAL DEMAND**

PLAINTIFF DEMANDS A TRIAL BY JURY

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