

STATE OF INDIANA

) IN THE TIPPECANOE SUPERIOR COURT

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COUNTY OF TIPPECANOE)

RUSI P. TALEYARKHAN, an individual,

Plaintiff,

v.

LEFTERI TSOUKALAS, an individual,
TATJANA JEVREMOVIC, an individual, and
DOES 1-50, inclusive,

Defendants.

Case No.: 79001-0803-CC-00222

CIVIL COMPLAINT

(DEMAND FOR JURY TRIAL)

FILED

MAR 07 2008

Clerk Superior Court No. 1 Tippecanoe Co.

Plaintiff RUSI P. TALEYARKHAN (“Taleyarkhan” or “Plaintiff”) alleges as follows:

NATURE OF THIS ACTION

1. This is a conspiracy involving certain individuals who made public statements to a worldwide magazine, *Nature Magazine*, through means that have falsely and maliciously defamed Taleyarkhan and have sought to harass, discriminate and intimidate Taleyarkhan on numerous occasions for the purpose of trying to defame him and his important scientific research, all with claims that have no merit. What ensued was a successful campaign to ruin Taleyarkhan and his sonofusion research, research that would, and could have the potential to impact the world’s energy markets.

PARTIES TO THIS DISPUTE

2. Plaintiff Taleyarkhan is, and at all times relevant hereto was, a citizen of, and an individual domiciled in the State of Indiana. He is a successful nuclear engineer with business interests of national and international scope.

3. Plaintiff is informed and believes and based thereon alleges that defendant Lefteri Tsoukalas (“Tsoukalas”) and Tatjana Jevremovic (“Jevremovic”) and at all times relevant hereto

were and individuals domiciled in the State of Indiana.

4. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as Does 1 through 50, inclusive, and therefore sues said defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities of such fictitiously named defendants when the same have been ascertained. Plaintiff is informed and believes and based thereon alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences, acts and omissions alleged herein and that Plaintiff's damages were proximately caused by their conduct. For convenience, each reference to the named defendant herein shall also refer to the Doe defendants and each of them (collectively, "Defendants").

5. Plaintiff is informed and believes and based thereon alleges that at all material times Defendants, and each of them authorized, directed and/or ratified the wrongful acts of Defendants and are consequently liable to Plaintiff.

JURISDICTION & VENUE

6. This Court has jurisdiction over the claims at issue for thereason that the facts forming the basis of Plaintiff's claimss occurred in Indiana or originated in Indiana and the Plaintiff suffered injury in Indiana.

VENUE

7. Venue is proper in Tippecanoe County for the reason that the majority of Defendants reside in Tippecanoe County and the wrongful acts and injuries occurred in Tippecanoe County.

FACTS

8. Taleyarkhan lead a team of scientific researchers to make a discovery on or around 2002 which has lead to sonofusion a/k/a bubblefusion. Taleyarkhan has embarked upon a potentially important discovery, breaking the fusion barrier for the first time in world history. His results of experiments were published in the prestigious *Science* magazine. Taleyarkhan R. P., et al. *Science*, 295 . 1868 – 1873 (2002).

9. Later, on or around 2004, Dr. Taleyarkhan and his team developed a table-top

fusion device, to demonstrate sonofusion, sometimes referred to more accurately as acoustic inertial confinement nuclear fusion. Results of their discovery were published in the prestigious Physical Review Letters magazine. Taleyarkhan R. P., et al. *PRL* , 96 . 034301 (2006).

10. Dr. Taleyarkhan and his team have published their discoveries in some of the most reputable scientific journals in the world, including *Science*. Given the significance of his discovery, he has been the subject of many articles around the world. Taleyarkhan and his discovery received worldwide attention, with the *London Times* calling it “the most important development since the dawn of the nuclear age.” In August, 2005, the *Energy Times* described it as one of the “world’s top 10 must do R&D projects,” and put it at the top of their list.

11. Dr. Taleyarkhan worked as a researcher in the capacity of Distinguished R&D Staff at Oak Ridge National Laboratory (“ORNL”) during the time of his discoveries, but was recruited heavily by Tsoukalas, and others in 2003 to join his team for the purpose of teaching and expanding his sonofusion research.

12. Dr. Taleyarkhan joined Tsoukalas’ team in October of 2003, and began setting up his experiments in various laboratories there.

13. Dr. Taleyarkhan instructed Tsoukalas and others on how to perform the experiments on sonofusion while engaging in his own research at the same time.

14. Soon it became apparent that Tsoukalas was gearing up to malign Dr. Taleyarkhan, claiming that Taleyarkhan’s experiments were fraudulent, and accusations of research misconduct against Dr. Taleyarkhan began to surface from Tsoukalas and his camp.

15. Tensions arose so high that Tsoukalas unilaterally organized a committee to investigate “research misconduct” in February 2006 against Taleyarkhan.

16. Tsoukalas and Jevremovic and others reported various allegations of research misconduct against Dr. Taleyarkhan to reporter Eugenie Reich from Nature Magazine and for web-posting to the New York Times reporter Kenneth Chang. False statements were made by Tsoukalas, and by Jevremovic, to public media despite the very clear rules prohibiting such reporting and investigating of research misconduct as set forth in C-22.

17. On or about March 8, 2006, an article by Eugenie Reich quoting Tsoukalas and Jevremovic, falsely claimed that Dr. Taleyarkhan was prohibiting the progress of sonofusion research and understanding. See Reich, "Is bubble fusion simply hot air? Concerns gather momentum over claims for table-top energy production," Nature Magazine, published online 8 March 2006, doi:10.1038/news060306-2. The article goes on to state that professors and individuals (including Tsoukalas, Jevremovic, and "several" others who did not wish to be named (Defendant Does 1-50)) called into question sonofusion and its validity and cited Dr. Taleyarkhan's alleged acts to thwart sonofusion understanding.

18. Among the many alleged acts called into question, Tsoukalas and Jevremovic claimed to Nature that Dr. Taleyarkhan stole laboratory equipment in an effort to hide, disrupt, or corrupt ongoing research. This was an outright lie, as Taleyarkhan was directed to move such equipment and was allowed to do so with the blessing, approval and acceptance of Tsoukalas himself in 2004.

19. This single article spawned additional articles by Nature, and in particular Reich, which falsely maligned Dr. Taleyarkhan's character, reputation, and research into sonofusion to the world. See, following Nature articles:

- Reich, "Bubble bursts for table-top fusion, Data analysis calls bubble fusion into question," Nature, published online March 8, 2006, doi:10.1038/news060306-3;
- Reich, "Bubble fusion: silencing the hype, Nature reveals serious doubts over claims for fusion in collapsing bubbles," Nature, published online March 8, 2006, doi:10.1038/news060306-1;
- Reich, "A sound investment? Rejection leaves bubble-fusion patent high and dry," Nature, published online March 8, 2006, doi:10.1038/news060306-4;
- Reich, "Bubble-fusion group suffer setback, Team admits a mix-up with one of their neutron detectors," Nature, published online May 10, 2006, doi:10.1038/news060508-8;
- Reich, "Evidence for bubble fusion called into question," Nature, Vol. 440, March 9, 2006;
- Reich, "Concerns grow over secrecy of bubble-fusion inquiry," and "Where Did the Money Go?" Nature, Vol. 442, July 20, 2006;
- Reich, "Purdue attacked over fusion inquiry," Nature, Vol. 444, December 7, 2006;
- Geoff Brumfiel, "Misconduct? It's all academic..." Nature, Vol. 445, January 18, 2007;
- Reich, "Disputed inquiry clears bubble-fusion engineer," Nature, Vol. 445, February 15, 2007;

- Reich, "Congress requests bubble-fusion reports," Nature, Vol. 446, March 29, 2007;
- Reich, "Purdue dogged by misconduct claims," Nature, Vol 447, May 17, 2007.

20. Each of the articles by Nature were written and published to the world, and falsely accused Dr. Taleyarkhan without factual support, or objective writing.

21. All the while, Tsoukalas and others were conspiring to destroy Dr. Taleyarkhan and his reputation. This conspiracy against Taleyarkhan amounted to outright discrimination, with Tsoukalas discriminating against Dr. Taleyarkhan's Indian ethnicity, claiming that Dr. Taleyarkhan would be sent back to India, and calling him and others of Indian descent "stupid," "ignorant," "idiot," "liar," "thief," "fraud," and "stupid Indian," and "useless Indian." In addition, Tsoukalas resorted to discriminatory and harassment actions aimed at destroying Taleyarkhan's research by maliciously discouraging Taleyarkhan's staff, and engaging in attempts to have equipment removed from Taleyarkhan's laboratory to squelch his research activities.

22. Defendants communicated specious claims to certain third parties, callously, or intending to frustrate or prevent Dr. Taleyarkhan in its efforts to proceed with his promising sonofusion research.

23. Plaintiff is informed and believes and thereon alleges that the foregoing misconduct by Defendants was intended to, and did in fact, harm Plaintiff in Indiana, where he works and resides, and adversely affected his reputation and character worldwide.

FIRST CAUSE OF ACTION

(For Defamation Against All Defendants)

24. Plaintiff repeats, realleges and incorporates by reference Paragraphs 1 through 23, inclusive, of this Complaint as if fully set forth herein.

25. Defendants orally and in print disseminated, published or circulated, or caused to be printed, disseminated, published or circulated in Indiana, and elsewhere throughout the world, a number of false statements of and regarding Dr. Taleyarkhan, including but not limited to statements (a) that Dr. Taleyarkhan had engaged in research misconduct with respect to his

sonofusion research and studies; (b) that Dr. Taleyarkhan misused research funding; and (c) that Dr. Taleyarkhan engaged in various means of fraudulent activity, including but not limited to theft of laboratory equipment in the guise of thwarting sonofusion research (the "Statements").

26. These Statements, made by Defendants both orally and in writing, are untrue as a matter of fact.

27. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, knew that the Statements were false and/or had no reasonable grounds for believing that they were true. Plaintiff further alleges on information and belief that Defendants, and each of them, recklessly and maliciously proceeded to make such Statements without properly investigating whether they were true or false and/or even after their investigation into their veracity failed to confirm that the Statements were true.

28. Persons who heard and read such Statements reasonably understood the references therein to pertain and refer to Plaintiff. As alleged herein, Defendants made fabricated, false, malicious and defamatory statements of facts of and concerning Plaintiff.

29. The Statements were intended by Defendants, and each of them, to be heard and read, and were heard and read, by persons in the State of Indiana, and throughout the United States and the world.

30. Defendants' false Statements expose Plaintiff to hatred, contempt, ridicule and obloquy, and have a tendency to injure Plaintiff in his occupation. Defendants' false Statements expose Plaintiff to hatred, contempt, ridicule and obloquy, and have thwarted research funding for Dr. Taleyarkhan's, and his team's, research into sonofusion which also adversely affected Taleyarkhan's health and well-being. Plaintiff is informed and believes and based thereon alleges that Defendants, and each of them, intentionally portrayed Plaintiff in this manner knowing that the depiction was false, or without any reasonable grounds for believing it to be true.

31. Defendants had no privilege in making those Statements and said Statements were made in bad faith for ulterior and illegal purposes. The Statements were intended by Defendants

to directly injure Plaintiff in Indiana with respect to his reputation, goodwill, trade and business. Plaintiff is informed and believes and based thereon alleges that Defendants knew, or recklessly disregarded the fact that the Statements were likely to damage the reputation and goodwill of Plaintiff and cause damage to his standing in the scientific, research, academic, academic funding, and scholarship community in Indiana and elsewhere throughout the world.

32. The Statements are susceptible of a defamatory meaning on their face in that they have a direct tendency to injure Plaintiff with respect to his reputation, goodwill, trade and business.

33. As a direct and proximate result of the above-described conduct by Defendants, and each of them, Plaintiff has suffered general and special damages each in an amount not presently known to Plaintiff but which include but are not limited to damage to Plaintiff's reputation, goodwill and standing in the community. Although the full nature, extent and amount of these damages are currently unknown, this Complaint will be amended at or before trial to insert such information if such amendment is deemed necessary by the Court.

34. Plaintiff is informed and believes and based thereon alleges that the aforesaid acts of Defendants, and each of them, were done intentionally or with a conscious disregard of Plaintiff's rights, and with an intent to vex, injure or annoy Plaintiff, such as to constitute oppression, fraud or malice thus entitling Plaintiff to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants, and each of them, and to deter such conduct in the future, which amount will be proved at trial.

SECOND CAUSE OF ACTION

(For Civil Harassment Against All Defendants)

35. Plaintiff repeats, realleges and incorporates by reference Paragraphs 1 through 34, inclusive, of this Complaint as if fully set forth herein.

36. By their conduct as alleged hereinabove, Defendants, and each of them, without lawful authority, knowingly harassed Dr. Taleyarkhan by, *inter alia*, threatening to do act(s) intended to substantially harm him and/or others.

37. By their words and/or conduct, Defendants placed Dr. Taleyarkhan in reasonable fear that Defendants' threat(s) to him and his reputation would be carried out.

38. As a direct and proximate result of the above-described harassment by Defendants, and each of them, Plaintiff has suffered general and special damages each in an amount not presently known to Plaintiff. Although the full nature, extent and amount of these damages are currently unknown, this Complaint will be amended at or before trial to insert such information if such amendment is deemed necessary by the Court.

39. Plaintiff is informed and believes and based thereon alleges that the aforesaid acts of Defendants, and each of them, were done intentionally or with a conscious disregard of Plaintiff's rights, and with an intent to vex, injure or annoy Plaintiff, such as to constitute oppression, fraud or malice thus entitling Plaintiff to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants, and each of them, and to deter such conduct in the future, which amount will be proved at trial.

THIRD CAUSE OF ACTION

(For Intentional Infliction of Emotional Distress Against All Defendants)

40. Plaintiff repeats, realleges and incorporates by reference Paragraphs 1 through 39, inclusive, of this Complaint as if fully set forth herein.

41. Defendant Tsoukalas, Jevremovic, and others intentionally provided to Nature and Reich information about research misconduct of Dr. Taleyarkhan. This information was provided in repeated interviews over a prolonged period of time with intentional or reckless disregard for the truth. Nature and Reich relied on this misinformation, and without it harm would not have occurred against Dr. Taleyarkhan and his sonofusion research. Defendants' conduct was extreme and outrageous and exceeded all bounds of decency tolerated by society. It was intended to and did cause mental anguish and severe emotional distress to the Plaintiff or was committed with reckless disregard for its foreseeable impact on the Plaintiff's emotional state.