

COMMONWEALTH OF MASSACHUSETTS  
WORCESTER COUNTY, SS

SUPERIOR COURT DEPT.

19 CV 1689 C

MARC ALDANA	)
Plaintiff	)
v.	)
	)
WORCESTER DIGITAL MARKETING LLC,	)
AIDAN KEARNEY,	)
"FIESTY TURTLE LADY,"	)
	)
Defendants	)

**FILED**

NOV 14 2019

ATTEST: *[Signature]* CLERK



**VERIFIED DEFAMATION COMPLAINT**

**INTRODUCTION**

1. Plaintiff, Marc Aldana (Mr. Aldana) brings this Complaint against Worcester Digital Marketing LLC, and the acts of "Fiesty Turtle Lady" on account of false defamatory statements that are purported to be fact Worcester Digital Marketing LLC, and endorsed by Aidan Kearney. *See*, Ex. C
2. Plaintiff is informed and believes, and based on that information and belief alleges, that at all times mentioned in this complaint, defendants were the agents and employees of their codefendants and in doing the things alleged in this complaint were acting within the course and scope of such agency and employment.
3. On or about April 18<sup>th</sup> 2017 defendants published on Turtleboysports.com "Marc Aldana Career Criminal Living in Holden Arrested for Attempted Home Invasion Gone Wrong While Out on Bail Has a Lengthy Past Which Includes Making Bombs."
4. Turtleboysports.com at the full web address of <https://turtleboysports.com/marc-aldana-career-criminal-living-in-holden-arrested-for-attempted-home-invasion-gone-wrong-while-out-on-bail-has-a-lengthy-past-which-includes-making-bombs/>

5. Turtleboysports.com referred to Plaintiff by name throughout, was made of and concerning Plaintiff, and was so understood by those who read the publication.

#### **DEFAMATORY FACTS STATED BY DEFENDANT**

6. The Defendants created a persona and fact pattern that the Plaintiff is a "Career Criminal." Defendants create a headline "Marc Aldana Career Criminal..." citing *See, Ex. A pp.1<sup>1</sup>*, "Marc Aldana is a career criminal" *See, Ex. A pp. 1*. Plaintiff would note that the term Career Criminal also has legal connotations as an enhancement to one convicted of 3 felony charges. The Plaintiff has never been convicted of 3 felonies.
7. The Defendants state "let's take a look at some of his work" *See, Ex. A pp. 1*. Defendants clearly make the reference to work in relation to "Career Criminal" that the defendants clearly implies the plaintiff's career is that of a criminal.
8. "Lengthy past which includes making bombs" *See, Ex. A pp.1*. Followed by a misleading picture of a TNT type bomb. *See, Ex. A pp. 2*.
9. Plaintiff convictions under G.L. c. 266 §102(a) were overturned the reporting agencies titled above made no effort to correct the record. Moreover, plaintiff was erroneously convicted of materials that alone or in combination could create an incendiary substance. not a "bomb" in the meaning understood by the public who consumed this media.
10. "In 2013 he decided he would buy some materials to make a bomb." *See, Ex. A pp. 10*. The fact-finder of the underlying criminal action at no point found he decided he would make a bomb.

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<sup>1</sup> EXHIBIT A is the publication made by the Defendants in this claim and each page of such publication shall be designated by "A" corresponding to its Exhibit and a pp corresponding to page number.

11. "While out on bail" *See*, Ex. A pp. 1. The plaintiff was not on bail on April 15<sup>th</sup> 2017.  
"So, this all stems from an appeal because this career criminal..." *See*, Ex. A pp. 15.  
"You, think after all this bullshit he would have bail revoked and be in the slammer awaiting trial." *See*, Ex. A pp. 15.
12. Mr. Aldana was not out on bail at the time of April 15<sup>th</sup> 2017.
13. Defendant's state that Plaintiff "also sells drugs!" Ex. A *See*, pp. 8. The defendants list evidence of a traffic stop, at 5:22 pm in 2012 at White City Plaza, Shrewsbury Massachusetts *See*, Ex. A pp. 8. plaintiff's charge disposition was a civil infraction for possession, at the time of publication of this article *See*, Ex. B *Certified Dockets*.
14. "He decided a few days ago he would invade someone's home armed with a gun with an intent to murder." plaintiff did not decide to invade someone's home armed with a gun with an intent to murder. Further these are allegations that the defendants would purport to be facts, without plaintiff being adjudicated on the facts.
15. "Not only does he try to kill people with an unregistered hand gun" *See*, Ex. A pp. 8. It is not a fact, plaintiff tried to kill anyone with an unregistered handgun.
16. "look at all the trouble he has caused the laws he has broken and the lives he has in endangered." *See*, Ex. A pp. 16.
17. "Until then, hide yo' kids hide yo' wife, ya aint even safe in the burbs no more!" goes to the alleged fact the plaintiff is a criminal. *See*, Ex. A pp 16.

### **FURTHER MALICIOUS INTENT**

18. Defendants state Plaintiff is a "Cockroach." *See*, Ex. A pp. 3 "Scumbag." *See*, Ex. A pp. 8 "Belongs in main south standing in front a liquor store." *See*, Ex. A pp. 8 "Also likes to

host parties where people get stabbed and die” *See*, Ex. A pp. 8. “I truly want to put a face to the asshole who has been on a crime spree since 2012” *See*, Ex. A pp. 10. “do you know they were searching for useless waste of life?” *See*, Ex. A pp. 11 “At first I was going to make this a big joke” “This douchebag turned out to be way worse and deserved more than just a few vile jokes.” *See*, Ex. A pp. 7-8.

19. Publication lead residents of Worcester County and jurisdictions beyond to believe, Plaintiff killed his best friend as seen in the comments below citing *See*, Ex. A pp. 31.

20. The publication is libelous on its face. It clearly exposes plaintiff to hatred, contempt, ridicule and obloquy making false statement of fact asserting plaintiff has committed several crimes that Plaintiff has never been convicted of.

21. The publication was seen and read from April 18<sup>th</sup> 2017 onward. The publication was seen by nearly all of the Plaintiff’s friends, acquaintances and family members. And a greater portion of Worcester County and users of internet throughout the country. As an example, police officers, who plaintiff had never met before, in the UMASS memorial hospital on Lake Ave in Worcester had described publication to plaintiff while plaintiff was injured in hospital care in April of 2017. Michelle Azar of Worcester now deceased, plaintiffs’ friends’ mother, expressed emotional suffering as a result of this publication. Unknown assailants have come to plaintiff’s past and current residences listed in the publication stating plaintiff had committed crimes against them, threatening plaintiff’s family and demanding they produce the plaintiff.

#### PARTIES

22. Plaintiff, Marc Aldana, at all times relevant herein was and is a resident of Massachusetts

23. The Defendant, Worcester Digital Marketing LLC, of 2 Foster St. Worcester, MA 01608 Registered Agent: Aidan Kearny
24. The Defendant, Aidan Kearny of 111 Mason Rd. Jefferson, MA 01522
25. The Defendant, "Feisty Turtle Lady" is a pseudonym of the purported author acting within the scope of her employment of the above defendants.
26. Plaintiff reserves the right to amend his complaint upon verification of identity and or additional parties of these acts.
27. At all times mentioned herein the Defendants were acting in concert and cooperation with one and other.

**ATTACHMENT**

EXHIBIT A. "Marc Aldana Career Criminal Living in Holden Arrested for Attempted Home Invasion Gone Wrong While Out on Bail Has a Lengthy Past Which Includes Making Bombs."

**STATEMENT OF CLAIM**

*All the paragraphs contained in prior and subsequent sections are incorporated herein*

**COUNT I**

**VIOLATIONS OF CONSTITUTIONAL RIGHTS; CIVIL ACTIONS BY  
AGGRIEVED PERSONS; COSTS AND FEES**

**G.L. C. 12, § 11I**

*All the paragraphs contained in prior and subsequent sections are incorporated herein*

28. Defendant's named above, have interfered by threats, intimidation and coercion, or at minimum attempted to interfere by threats, intimidation or coercion.
29. The Defendants have engaged in practices inciting other members of Worcester County to threaten and intimidate Plaintiff and his family.

30. Defendants have prevented the Plaintiff's exercise and enjoyment of the rights secured by federal and state constitutions or laws of the Commonwealth.

**COUNT II**  
**DEFAMATION (LIBEL)**

*All the paragraphs contained in prior and subsequent sections are incorporated herein*

31. Defendants has made false statement of fact that Plaintiff has committed crime(s)

32. Defendants have damaged Plaintiff's reputation in the community and exposed the Plaintiff to hatred, ridicule and contempt

33. Defendants have demonstrated ill will and malice by the nature of the publication

**COUNT III**  
**INVASION OF PRIVACY G.L. 214 §1B**

*All the paragraphs contained in prior and subsequent sections are incorporated herein*

34. Defendant's misappropriation of Plaintiff's name or likeness.

35. Defendant's Intrusion on seclusion of Plaintiff.

36. false light in the public eye of the Plaintiff.

**COUNT IV**  
**NEGLIGENCE IN COMMONLAW**

37. The defendants have incited violence, hate and contempt to be directed at the plaintiff through the use of its media platform. By means of hateful speech, untrue facts and designating the plaintiff a virtual "menace" and the perpetrator of crimes upon the citizens it has reached through its platform; to further its own profit margins.

**VENUE**

38. The Massachusetts Worcester Superior Court has jurisdiction over this action pursuant to G.L. c. 223A, § 3 and G.L. c. 214, § 1. The amount in controversy exceeds twenty-five

thousand dollars (\$25,000), exclusive of interest and costs. Venue in this forum is proper pursuant to G.L. c. 223, § 1.

### DAMAGES

39. As a direct result of the above described publication Mr. Aldana sustained the following damages: personal injuries, pain and suffering; severe mental anguish; emotional distress; infliction of psychological harm; privacy, reputation, shame, mortification, humiliation, indignities and embarrassment; degradation; permanent loss of natural psychological development; educational opportunity, vocational opportunity; Prejudice against plaintiff's profession or business opportunities as well as financial opportunities, personal fulfillment, family relations, friends, acquaintances; travel, enjoyment, and expression.

WHEREFORE, plaintiff demands judgment against defendants, ordering:

1. Removal of all libel publications on Marc Aldana;
2. Compensatory damages;
3. Punitive damages;
4. Interest as allowed by law;
5. Costs of Litigation; and reasonable attorney's fees
6. Any other relief as this court may deem just and proper.

### **JURY TRIAL DEMANDED**

### VERIFICATION

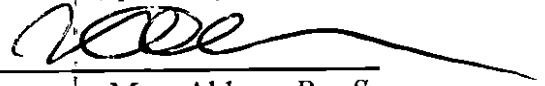
I, Marc Aldana, am a plaintiff in the above entitled action. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration Sworn to me this 13 day of NOVEMBER 2019 and executed in Worcester County, Massachusetts.



Marc Aldana

Respectfully Submitted,



Marc Aldana, *Pro Se*  
MarcAldana508@gmail.com

At this time due to the malicious nature of the defendant it is requested he not have to provide his current physical address however the plaintiff has provided his electronic address, Mass. Civ. P. 4(b) requires an address, to that end the rule has been satisfied.

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