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VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY
PAUL FERGUSON, CLERK
ARLINGTON CIRCUIT COURT

JOSEPH MONDELLO,

Plaintiff,

v.

MUHAMMAD ZIA UL HAQ,
Serve: 5428 Grist Mill Woods Way
Alexandria, Virginia 22309-1591

Case Number: 16-3285

and

DELL INC.
Serve: CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, Virginia 23060



CL16003285-00
GTOR
gtor

Defendants

and

UNISYS
Serve Corporation Service Company
Bank of America Center
16th Floor, 1111 East Main Street
Richmond, Virginia 23219-000

34k.00
(3) sps

COMPLAINT

COMES NOW, the Plaintiff, JOSEPH MONDELLO, by counsel, and alleges as follows:

1. Plaintiff, JOSEPH MONDELLO ("Mondello") is a citizen of the Commonwealth of Virginia and a principal at the Mondello group. He resides at 2707 South Grove Street, Arlington, Virginia.

2. Mondello purchased a Dell computer from Costco (the "Computer") in December 2014. The Computer came with a warranty through Dell Inc. (the "Warranty").

3. In December 2015 Mondello began having difficulties with the Computer.

Namely, the Computer began malfunctioning in the following way:

a. An error message was seen on the screen stating the Computer was overheating.

4. Mondello reviewed the terms of the warranty and contacted the manufacturer of the Computer, Dell Inc. ("Dell") in accordance with the terms and conditions contained in the Warranty documentation.

5. Dell acknowledged that the terms of the warranty covered the Computer's issues and agreed to send a technician out to repair the Computer pursuant to Service Request Number 9210999093.

6. On or about December 7, 2015, technician Eric Munson, a Dell Certified technician, (Worldwide Tech Services ID Number 49194) arrived at the Mondellos' residence pursuant to Dell Dispatch #315210078. After the service call, the Computer continued to malfunction in the following way:

a. The HTMI port became dislodged and the Computer stopped performing certain necessary functions.

7. On or about December 22, 2015, a second Dell technician arrived at the Mondellos' home and attempted to repair the Computer. After several hours working on the Computer, the technician was observed hammering and prying the computer with instruments because he was unable to remove the back panel.

8. While the technician was still in the home, Mondello's wife, Lisette Mondello, ("Mrs. Mondello") contacted Dell to alert them about the technicians' treatment of the Computer. After the technician worked on the Computer, it would no longer function in any way.

9. After being informed of the situation, Dell indicated that a third, different technician would be sent to address the problems created by the second attempted repair pursuant to Dell Technical Support Service Request #921099093.

10. On December 28, 2015, Dell deployed a third technician, Muhammad Zia Ul Haq, ("Haq") to repair the Computer in accordance with the terms of the warranty. On information and belief, Haq was an employee of Unisys who provided services at the direction of Dell.

11. While Haq was in the home, Mrs. Mondello contacted a Dell representative by telephone to provide an update on the status of the Computer and repair. Specifically, Mrs. Mondello noted to Dell that the Computer would no longer "boot up" or function in anyway.

12. Haq also contacted Dell by telephone while in the Mondellos' residence and indicated that a replacement computer would have to be ordered.

13. After it became clear to Mondello that Haq could not fix the Computer, Mondello asked Haq to leave his home.

14. In turn, Haq became belligerent and irate.

15. Haq gathered up his tools and boxes of computer parts, which he had removed from Mondello's Computer, and left the premises, of his own free will without interference from a third party.

16. Approximately, three hours after Haq's threatening and abusive behavior, Haq, on the advice of his employer, visited the Arlington County Magistrate's office.

17. Haq fabricated a story to an Arlington County Magistrate Judge and others, falsely claiming that while he was at Mondello's home repairing the Computer, Mondello left the room where the computer was housed and returned holding "a handgun."

18. Haq falsely claimed to the Arlington County Magistrate Judge and others that things escalated and Mondello approached the victim as if to assault him, but Mrs. Mondello interfered and physically restrained Mondello.

19. Haq falsely claimed to the Arlington County Magistrate Judge and others that he, Haq, took this distraction "as an opportunity to run out of the house."

20. Haq falsely claimed to the Arlington County Magistrate Judge and others that Mondello "threatened to kill him."

21. Haq falsely claimed to the Arlington County Magistrate Judge and others that Mondello would not let Haq leave the house "until the Computer was repaired."

22. Haq falsely claimed to the Arlington County Magistrate and others that he was only able to leave the home when Mondello became distracted.

23. As a result of Haq's false statements, two felony warrants were issued on December 28, 2015, by the Arlington County Magistrate unlawfully charging Mondello with (i) abduction of Haq and (ii) use of a firearm in the commission of a felony (the "Warrants"). Copies of the Warrants are attached as Exhibit A.

24. On the evening of December 28, 2015, Mondello received a phone call from an individual who identified himself as an Arlington County police officer.

25. The individual stated to Mondello that he had Mrs. Mondello and the parties' son in his custody.

26. Mondello was told by the individual on the telephone to leave his home.

27. When Mondello stepped out of the front door of his home he observed several red laser beams on his chest and multiple police officers with police canines in his front yard.

28. Mondello also observed his home surrounded by an Arlington SWAT team; an armored vehicle was parked in his front yard.

29. Based on Haq's false statements to the Arlington County Magistrate Judge and others, Mondello was handcuffed by Arlington County police in his front yard in his underwear in full view of his neighbors and was required to stand out in the rain for several hours while a search of his home was conducted by Arlington County Police.

30. No handgun was found on the premises. (the search warrant produced a gun which the inventory described as "fake wooden 'Pirate' style handgun.")

31. Based on Haq's false statements to police, Mondello was arrested and charged with (i) abduction and (ii) the use of a firearm during the commission of a felony.

32. Mondello was arrested due to Haq's false statements.

33. Mondello was arrested because Haq intentionally and maliciously lied to police to have felony arrest warrants issued by Arlington County, Virginia.

34. As a direct result of the felony warrants and Haq's false and malicious statements, Mondello was unlawfully arrested in Arlington County on December 28, 2015.

35. Because of the unlawful arrest, multiple media outlets ran stories stating that Mondello had been charged with abduction by force or intimidation and use of a firearm in the commission of a felony.

36. The widespread media coverage had short and long term deleterious consequences on Mondello, his family and his career.

37. On December 29, 2015, Mondello was arraigned on felony charges of abduction and possession of a firearm in the commission of a felony in Arlington County and a preliminary hearing date was set.

38. On December 30, 2015, Mondello was released on bond, placed on supervised release, and required to meet with a probationer officer on a weekly basis. He was also required to participate in phone calls with the probation officer.

39. On May 27, 2016, an Arlington County prosecutor met and questioned Haq regarding the two felony charges.

40. During the course of the meeting, Haq made very different statements than he previously reported to the Arlington County Magistrate Judge and Arlington Police, namely:

- a. Haq admitted that at no time did Mondello restrain him from leaving his residence;
- b. Haq admitted that he left the Mondellos' home because Mondello asked him to do so; and
- c. Haq admitted that he was unsure what Mondello was holding in his hand on the night of December 28, 2015, and that it could have been a remote-control device.

41. On May 27, 2016, as a direct result of Haq's aforementioned admissions in paragraph 40 above, the felony charges of abduction and use of a firearm in the commission of a felony were dismissed by the Arlington County Circuit Court on motion of the prosecutor.

42. At all times Haq knew that Mondello did not abduct him or restrain his liberty or freedom of movement in any way while Haq was inside Mondello's home.

43. At all times Haq knew that Mondello did not possess a firearm or use a firearm to abduct Haq, restrict Haq's movements in any manner while Haq was present in Mondello's home, or use a firearm in any manner to commit any felony.

44. Indeed, Haq maliciously and intentionally caused felony warrants to be issued against Mondello, without probable cause or legal justification and did so with actual malice aforethought.

45. Haq's false and malicious statements to Arlington County Police and the Arlington County Magistrate resulted in the unlawful arrest and false imprisonment of Mondello.

46. At all times throughout his conduct, Haq was acting within the scope of his employment with Dell and Unisys.

47. Mondello has suffered and continues to suffer a loss of freedom, mental anguish, loss of income, insult and harm to his personal and business reputation, and has incurred expenses, all as a direct result of Haq's defamation, malicious prosecution of Mondello and his subsequent false imprisonment in an amount to be proven at trial but not to exceed \$4,000,000.00.

COUNT ONE
Malicious Prosecution

48. The preceding paragraphs are incorporated by reference as if fully re-stated herein.

49. Haq's false statements to the Arlington County Magistrate Judge and to Arlington police were done with a malicious intent and specifically designed to initiate a false prosecution of Mondello;

50. The prosecution of Mondello by the Arlington County Magistrate Judge and the Arlington County Police was instituted by or accomplished with the direct and malicious cooperation of Haq;

51. Haq's false and malicious statements and the prosecution that followed directly from them were unsupported by any probable cause; and

52. The prosecution of Mondello ultimately terminated in a manner not unfavorable to the plaintiff.

53. At all times throughout his conduct, Haq was acting within the scope of his employment with Unisys and Dell.

54. As a result of Haq's false and malicious statements and resulting malicious prosecution, and Dell's and Unisys' responsibility under a theory of respondeat superior, Mondello has suffered a loss of freedom, mental anguish, loss of income, insult, and harm to his business reputation and has incurred expenses.

COUNT TWO
False Imprisonment

55. The preceding paragraphs are incorporated by reference as if fully stated herein.

56. As a direct and proximate result of Haq's false and malicious statements to the Arlington Magistrate Judge and the Arlington County Police, Mondello suffered an intentional restriction of his freedom of movement;

57. Mondello's restriction was accomplished without legal right;

58. As a direct and proximate result of Haq's false and malicious statements to the Arlington Magistrate Judge and the Arlington County Police, Mondello suffered an intentional

use of force, words, or acts which Mondello was afraid to ignore or to which he reasonably believed he must submit.

59. At all times throughout his conduct, Haq was acting within the scope of his employment with Dell and Unisys.

60. As a result of Haq's false and malicious statements and resulting intentional restriction of Mondello's freedom of movement, and Dell's and Unisys' responsibility under a theory of respondeat superior Mondello has suffered a loss of freedom, mental anguish, loss of income, insult, and harm to his business reputation and has incurred expenses.

COUNT THREE
Intentional Infliction of Emotional Distress

61. The preceding paragraphs are incorporated by reference as if fully stated herein.

62. Haq's false and malicious statements and malicious and tortious behavior, described above, was intentional or reckless;

63. Haq's false statements and malicious and tortious behavior, described above, was outrageous or intolerable;

64. There exists a direct causal connection between Haq's false and malicious statements and malicious and tortious behavior, described above, and the resulting emotional distress Mondello has suffered; and

65. The resulting emotional distress Mondello has suffered is severe in that Mondello has suffered and continues to suffer a loss of freedom, mental anguish, loss of income, insult and harm to his personal and business reputation, and has incurred expenses, all as a direct result of Haq's conduct.

66. At all times throughout his conduct, Haq was acting within the scope of his employment with Dell and Unisys.

67. As a result of Haq's intentional, outrageous and intolerable behavior directed at Mondello, and Dell's and Unisys' responsibility under a theory of respondeat superior, Mondello has suffered damages.

COUNT FOUR
Defamation

68. The preceding paragraphs are incorporated by reference as if fully stated herein.

69. Haq maliciously made the false and defamatory statements. The false and defamatory statements are injurious to Plaintiff's reputation, are defamatory per se, and have subjected the Plaintiff to hatred, ridicule and contempt.

70. Plaintiff is entitled to recover presumed and punitive damages from Defendant because the falsity is defamatory *per se* and Defendant uttered the false and defamatory statements with knowledge of its falsity or a reckless disregard for the its truth.

71. Plaintiff suffered special damages as a direct and proximate cause of the defamatory statements in that he experienced embarrassment, humiliation, anxiety, and mental anguish.

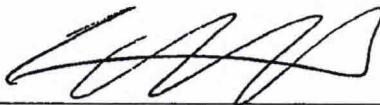
72. Plaintiff experiences the constant fear that Haq has ruined his reputation; jeopardized his reputation and his ability to be employed in the future; undermined the trust and confidence that his friends, associates and neighbors have in him; and left him with miasma of anxiety, vulnerability and impending disaster that haunt him in his daily life.

PRAYER FOR RELIEF

WHEREFORE, your Plaintiff, JOSEPH MONDELLO, prays that on Count I this Court award him compensatory damages in the amount of Five Hundred Thousand (\$500,000) dollars, and punitive damages in the amount of Five Hundred Thousand (\$500,000) dollars; and on Count II that this Court award him compensatory damages in the amount of Five Hundred Thousand (\$500,000) dollars, and punitive damages in the amount of Five Hundred Thousand (\$500,000) dollars; and that on Count III this court award him compensatory damages in the amount of Five Hundred Thousand (\$500,000) dollars, and punitive damages in the amount of Five Hundred Thousand (\$500,000) dollars; and on Count IV this court award compensatory damages in the amount of Five Hundred Thousand (\$500,000) dollars, and punitive damages in the amount of Five Hundred Thousand (\$500,000) dollars: jointly and severally, against MUHAMMAD ZIA UL HAQ and DELL INC and UNISYS, and for his costs and attorney fees incurred herein, and for any other relief that this Court deems just and appropriate.

Trial by jury is demanded.

Respectfully submitted,

By: 
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