

States Attorney explained that with respect to the tortious conduct underlying the criminal charges, Mendte's conduct constituted the torts of Intentional Interference with Prospective Contractual Relation, and Publicity Given to Private Life:

The activity which is set forth below constituted several torts under the law of the State of New York and the Commonwealth of Pennsylvania. The facts concerning Mendte's attempt to interfere with the resolution of the New York criminal case constitute the tort of Intentional Interference with Prospective Contractual Relation, Restatement 2d, Torts, § 766 B. This tort is recognized in Pennsylvania and New York. The disclosing of privileged, attorney-client communications constitutes the tort of Publicity Given to Private Life, Restatement 2d, Torts, § 652 D, an action recognized in Pennsylvania law.

(Ex. "D," p. 6.) The United States Attorney further explained: "This conduct also constitutes the tort of Intrusion upon Seclusion, Restatement 2d, Torts, § 652 B, a cause of action recognized in Pennsylvania law." (Ex. "D," p. 6, fn. 7.)

123. On August 22, 2006, Mendte pled guilty to the felony charges brought against him. As a requirement of his guilty plea, the Court explained that Mendte was pleading guilty to having committed the tortious acts identified by the United States Attorney. (See August 22, 2008 Transcript of Guilty Plea Hearing, attached as Exhibit "E," pp. 21). The Transcript of Guilty Plea Hearing is incorporated by reference as though fully set forth herein, and all admissions by Mendte are incorporated into this Complaint. Further, the Court required the United States Attorney to set forth the entire factual basis for the charge brought against Mendte, which the United States Attorney did. Mendte acknowledged that the entire factual and legal bases for the felony charge against him were correct. (Ex. "E," pp. 20-26).

124. The United States Attorney also incorporated the Government's Plea Memorandum into the Plea Hearing. Mendte stated that he previously read the Plea Memorandum, and he admitted that the "Statement of Facts" set forth in the Plea Memorandum was true and accurate.

THE COURT: Now, Mr. Levy, as I understand it, you're also incorporating what's in your plea memorandum?

MR. LEVY: Yes, Ma'am.

THE COURT: All right. Let me go over that then. Mr. Mendte, there is a statement of facts in the Government's change of plea memorandum. Have you read through all of those facts?

MR. MENDTE: Yes, I have, Your Honor.

THE COURT: And did you talk about them with Mr. Schwartz?

MR. MENDTE: Yes, I have.

THE COURT: All right. Is everything in this plea memorandum to your knowledge in the fact section accurate and correct?

MR. MENDTE: Yes, it is, Your Honor.

THE COURT: Is there anything that is inaccurate or incorrect?

MR. MENDTE: No, Your Honor.

(Ex. "E," p. 26).

125. Thus, at the conclusion of the Plea Hearing, the following colloquy took place:

THE CLERK: Lawrence Mendte, you are charged in criminal information number 08-417 with intentionally accessing a protected computer without authorization and thereby obtaining information in furtherance of a tortious

act in violation of Title 18 United States Code Section 1030
(a) (2) (C) and 1030 (c) (2) (B) (ii).

How do you plead to Count One, guilty or not guilty?

MR. MENDTE: Guilty.

THE COURT: Mr. Mendte, are you pleading guilty
because you are in fact guilty as charged?

MR. MENDTE: Yes, I am.

(Ex. "E," p. 32).

126. Due to Mendte's guilty plea, which included a direct admission as part of the Statement of Facts that his actions constituted the tort of Invasion of Privacy – Intrusion Upon Seclusion against the Plaintiff, all of the elements of this tort are satisfied for purposes of this action.

127. Thus, as a direct result of Mendte's conduct described by the United States Attorney, Mendte intentionally intruded upon the Plaintiff's solitude and seclusion of her private affairs or concerns, and the intrusion was both substantial and highly offensive to a reasonable person.

128. As a result of Mendte's activity, the Plaintiff suffered severe damages to be determined at trial, including, but not limited to harm to her interest in privacy, mental suffering, shame and humiliation, as well as significant damages in the form of severe monetary loss, economic and consequential damages discussed above, severe and irreparable impairment of her reputation and credibility in the community generally.

WHEREFORE, Plaintiff Alycia Lane respectfully requests that the Court enter judgment in her favor and against the Defendants, and at trial award the Plaintiff Alycia Lane compensatory and punitive damages in an amount in excess of the statutory

