



## **Internet Trolling Establishes Jurisdiction over Out-of-State Harasser**

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The increasingly common practice of “trolling,” which is a distinct effort to evoke emotion over the internet, has the potential to cause serious injury to people harassed. As the opportunity for tortious conduct spanning electronically across state lines increases, courts are more frequently confronting issues of long arm jurisdiction. Can courts exercise jurisdiction over tortfeasors who engaged in trolling?

The answer, in some jurisdictions, is “yes.” A recent decision out of a federal court in Illinois ruled that a man who had engaged in a campaign of harassment by phone and the Internet could be hauled across state lines and subject to suit in a distant court. The case *Rusinowski v. Village of Hillside, et al*, 2011 WL 6842509 (N.D. Ill. 2011) is an extreme example of trolling. Defendant Robert DiDomenico, a New York resident, and Plaintiff Steven Rusinowski, an Illinois resident, were “gamers” who played an internet RPG (role-playing game) called Battlecam.com. For reasons not stated in the case, DiDomenico began a concerted campaign of harassment against Rusinowski.

DiDomenico began by having others (presumably fellow RPG players) send pizzas and cabs to Steven’s home. Later, DiDomenico sent multiple men to Steven’s home seeking to have sex with him. He also called local police stating that Steven was on a webcam waving guns and threatening rape, murder and suicide. Police rushed to the scene. They took Steven into custody, drugged him (even though he was not resisting arrest), and then had him involuntarily committed. Mental health workers quickly concluded that Steven was neither a threat to himself or others. Steven held up well under the pressure, but nevertheless brought suit against multiple defendants, including DiDomenico.

Steven and his father sued DiDomenico for intentional infliction of emotional distress. Defendant DiDomenico asked the Court to dismiss the intentional infliction of emotional distress claim against him for lack of jurisdiction under Rule 12(b)(6). On this point, the Court stated that “the key question is thus whether DiDomenico has sufficient minimum contacts with Illinois such that suing him here does not offend ‘traditional notions of fair play and substantial justice.’” *Id.* at \*9 [citing *Tamburo v. Dworkin*, 601 F.3d 693, 700–01 (7th Cir. 2010) (citing *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316, 66 S.Ct. 154, 90 L.Ed. 95 (1945))].

The Court concluded that sufficient contacts existed to justify the exercise of jurisdiction over DiDomenico, holding that “if DiDomenico intentionally aimed

his conduct at Illinois knowing that its effects would be felt here, and that conduct harmed Steven here, jurisdiction is permissible.” *Id.* The Court also felt that Illinois “had a strong interest” in allowing its citizens to seek vindication for harms inflicted by out-of-state actors.

The effect of this and similar decisions is potentially profound. Concerted efforts made over the Internet causing activity in a distant jurisdiction could result in an out-of-state defendant defending a case in that jurisdiction.