

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

PATRICIA D. CORNWELL,

Plaintiff,

v.

LESLIE RAYMOND SACHS,

Defendant.

CIVIL No. 3:07cv00236

MEMORANDUM OPINION AND
ORDER

JUDGE NORMAN K. MOON¹

This matter is before the Court on its October 2, 2007 Order to Show Cause Why Leslie Raymond Sachs Should Not Be Held in Contempt. The defendant, Leslie Raymond Sachs, has failed to comply with this Order despite ample time to do so. For the reasons stated below, the Court HOLDS Defendant Leslie Raymond Sachs in civil contempt and ORDERS him to pay to the Court a fine of \$500 for each day, beginning December 7, 2007, that he is not in compliance with the Consent Decree for Permanent Injunction approved by this Court on August 14, 2000 (the “2000 Injunction”) and the June 5 and June 6, 2007 Orders (“June 2007 Orders”) preliminarily enjoining Defendant from publishing further defamatory statements regarding Plaintiff.

I. BACKGROUND

The facts in this case are well established. Plaintiff Patricia Cornwell (“Cornwell”) is a best-selling author who previously lived in Virginia, but who now resides in Massachusetts. Plaintiff has been engaged in an ongoing dispute with Defendant Dr. Leslie Raymond Sachs (“Sachs”) for the past eight years. The dispute arose in the late 1990s when Sachs accused

Plaintiff of copying ideas for her upcoming book, *The Last Precinct*, from his 1998 novel, *The Virginia Ghost Orders*. Sachs fabricated a scandal from the alleged plagiarism, issuing false and defamatory press releases about Cornwell and advertising *The Virginia Ghost Murders* as “The book that famous PATRICIA CORNWELL threatened to destroy.” (Compl. ¶ 12.) Cornwell subsequently filed suit,² and on August 14, 2000, this Court dismissed the action after the parties entered into a Consent Decree for Permanent Injunction barring Sachs from further use of Cornwell’s name to advertise his book.

In April 2007, Cornwell again filed suit against Sachs, claiming that Sachs had published defamatory statements about her on the Internet since the entry of the 2000 Injunction. Specifically, Cornwell alleged that Sachs had posted messages that (1) Cornwell faced criminal charges as the result of racketeering, court fraud, perjury, extortion, and obstruction of justice; (2) Cornwell is an anti-Semite, follower of Adolf Hitler, or hater of Jews; (3) Cornwell advocated or participated in book burning; and (4) Cornwell plagiarized *The Virginia Ghost Murders*. The Court entered a preliminary injunction on June 5, 2007 and June 6, 2007 directing Sachs to remove these statements from all Internet websites and enjoining him from publishing the statements in the future.

On August 10, 2007, Cornwell filed a motion requesting the Court to enter an order to show cause why Sachs should not be held in contempt after she discovered that Sachs had not removed Internet postings subject to the 2000 Injunction and June 2007 Orders and had posted additional defamatory attacks on Cornwell.³ The Court held a hearing on Cornwell’s motion and

¹ Judge Moon is presiding by designation.

² See *Patricia D. Cornwell v. Leslie Raymond Sachs*, Civil Action No. 3:00cv00229-REP (E.D. Va. 2000).

³ For example, Sachs posted a message after the entry of the Preliminary Injunction in June 2007 directing Cornwell and this Court to “take their newest fake and illegal ‘court orders’ and stuff them up their neo-Nazi buttocks – each right up her or his rectum.” Dr Les Sachs – Author, Expert Critic of US Corruption, <http://www.dr-les-sachs.be> (last visited November 20, 2007).

entered an order on October 2, 2007, directing Sachs to show cause why he should not be held in contempt by October 12, 2007. Sachs did not respond to this Order.

II. DISCUSSION

1. Defendant Held in Civil Contempt

The judicial system's inherent need for order and finality requires that all orders and judgments of the court be complied with promptly and fully. *Maness v. Meyers*, 419 U.S. 449, 458 (1975). Absent a stay, an appeal, not non-compliance, is the proper remedy for a ruling perceived to be erroneous. *McLean v. Central States, Se. & Sw. Areas Pension Fund*, 762 F.2d 1204, 1210 (4th Cir. 1985). A court may impose sanctions for civil contempt to "coerce obedience to a court order or to compensate the complainant for losses sustained as a result of the contumacy."⁴ *In re General Motors Corp.*, 61 F.3d 256, 258 (4th Cir. 1995) (quoting *Connolly v. J.T. Ventures*, 851 F.2d 930, 932 (7th Cir. 1988)).

Civil contempt is an appropriate sanction if a court order "'set[s] forth in specific detail an unequivocal command' which a party has violated. *Id.* (quoting *Ferrell v. Pierce*, 785 F.2d 1372, 1378 (7th Cir. 1986)). A party seeking civil contempt must establish each of the following elements by clear and convincing evidence:

- (1) the existence of a valid decree of which the alleged contemnor had actual or constructive knowledge; (2) . . . that the decree was in the movant's "favor";
- (3) . . . that the alleged contemnor by its conduct violated the terms of the decree, and had knowledge (at least constructive) of such violations; and (4) . . . that [the] movant suffered harm as a result.

JTH Tax, Inc. v. H. & R. Block E. Tax Servs., Inc., 359 F.3d 699, 705 (4th Cir. 2004) (citation omitted).

In this case, I find that Plaintiff has established the requisite elements of civil contempt.

⁴ Civil contempt, unlike criminal contempt, is used to coerce prospective behavior. *Consolidation Coal Co. v.*

First, both the 2000 Injunction and the June 2007 Orders are valid decrees of which the Defendant had actual knowledge. Defendant was a party to the litigation that resulted in the entry of the Consent Decree for Permanent Injunction on August 14, 2000 and has acknowledged repeatedly through his Internet postings that he has actual knowledge of its terms. (Compl., Ex. D, E.) Similarly, Defendant has indicated that he is aware of the Preliminary Injunction issued on June 5, 2007 and June 6, 2007 by Internet postings and electronic mail to Plaintiff's counsel. As a result, Plaintiff has satisfied the first element required for civil contempt.

Second, the 2000 Injunction and the June 2007 Orders were in Plaintiff's favor. The 2000 Injunction permanently enjoined Defendant from further use of Plaintiff's name to advertise his book, *The Virginia Ghost Murders*. Likewise, the June 2007 Orders preliminarily enjoined Defendant from posting false and defamatory statements about the Plaintiff on Internet websites. Accordingly, Plaintiff has satisfied the second element.

Third, Defendant knowingly violated both the 2000 Injunction and the June 2007 Orders. Despite the clear directive not to use Plaintiff's name in advertising his book, *The Virginia Ghost Murders*, Defendant has continued to claim that Plaintiff plagiarized his book. For example, Defendant alleges that "[d]ocuments prove that Dr. Sachs' novel, *The Virginia Ghost Murders*, was in the hands of Cornwell's editors and literary agents at a very early date, long before Cornwell announced in December 1999, a new novel that sounded like the plot of Dr. Sachs' book" and that "[a]fter Dr. Sachs' protests, Cornwell delayed publication of her novel and re-wrote it, to try to eliminate the more overt copying of Dr. Sachs' already-published novel." Detailed Biography, <http://www.dr-les-sachs.be/detailed-biography.html> (last visited November 20, 2007). Moreover, these allegations were made knowingly. Defendant acknowledges in his

Local 1702, United Mineworkers of America, 683 F.2d 827, 830 (4th Cir. 1982). In contrast, criminal contempt punishes past misconduct. *Id.*

Internet postings that the 2000 Injunction prohibits him from mentioning Plaintiff's name, but claims that the 2000 Injunction is invalid because it is fake, fraudulent, and worthless now that he is safe in Europe. In sum, these Internet postings clearly establish that Defendant has willfully disobeyed the 2000 Injunction.

Similarly, Defendant has failed to comply with the Court's June 2007 Orders that directed him to remove all defamatory statements regarding Plaintiff from his Internet websites. Instead, the forty-five statements specifically identified by the Court, which describe Plaintiff as a Jew-hater, a felon, a plagiarist, and a would-be murderer, remain. In addition, Defendant has created new websites in Europe in an attempt to circumvent the so-called "fake" and "illegal" June 2007 Orders. As a result, it is clear that Defendant has openly and knowingly disregarded the Court's June 2007 Orders.

Finally, Plaintiff has suffered harm as a result of Defendant's violations of the 2000 Injunction and the June 2007 Orders. The Defendant's false and defamatory allegations could confuse potential buyers of Plaintiff's books and injure her reputation as an author. Indeed, Defendant's very intent is to deter potential buyers of Plaintiff's books, advising that "if you buy the books of Patricia Cornwell, you are supporting extortion, court fraud, right wing neo-Nazi terrorism, the jailing of innocent blacks and minorities, the crimes of the Bush family, attacks upon the US Bill of Rights and Constitution, [and] the holding of fake US 'legal proceedings' with bribed judges" Patricia Cornwell Serves Court Papers on Google to Ban Articles on US Legal Corruption, <http://www.banned-in-the-usa.net/patricia-cornwell-serves-papers-on-google.html> (last visited November 20, 2007). Therefore, Plaintiff has satisfied the final requirement for civil contempt. Accordingly, I find the Defendant to be in contempt of the 2000 Injunction and the June 2007 Orders.

2. *Remedy for Defendant's Contempt*

Having found the Defendant in contempt, I must determine the appropriate remedy. The Court has broad discretion to fashion a remedy for civil contempt in order to "coerce obedience to a court order or to compensate the complainant for losses sustained as a result of the contumacy." *In re General Motors Corp.*, 61 F.3d at 258-59. However, the remedy must be limited to remedial or compensatory purposes, "lest the contempt fine become punitive in nature." *Id.* at 259.

In this case, I find that a civil fine of \$500 per day, payable to the Court, is appropriate and necessary to coerce Defendant to comply with the 2000 Injunction and the June 2007 Orders. This fine may be avoided altogether by permanently complying with the 2000 Injunction and the June 2007 Orders beginning on or before December 7, 2007. Otherwise, the fine shall accrue each day that the Defendant is not in compliance with the Court's orders.

III. CONCLUSION

For the foregoing reasons, the Defendant is hereby HELD in civil contempt and ORDERED to pay \$500, payable to the Court, for each day that he is not in compliance with the 2000 Injunction and the June 2007 Orders. This fine will be effective on December 7, 2007.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record and parties.

ENTERED:


United States District Judge

11-29-07
Date