

ORIGINAL

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AB-10
9/14/23

John A. Clarke
Rugena Lopez

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 04 2009

John A. Clarke, Executive Officer/Clerk
By *[Signature]* Deputy
RUGENA LOPEZ

6 Attorneys for Plaintiff Coupleguys, Inc.

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 COUPLEGUYS, INC., a California
12 corporation,

13 Plaintiff,

14 vs.

15 JOHN DOE, an individual,

16 Defendant.

CASE NO.

BC427389

COMPLAINT FOR:

- 1. LIBEL;
- 2. FALSE LIGHT INVASION OF PRIVACY;
- 3. COMMON LAW MISAPPROPRIATION OF NAME AND LIKENESS; AND
- 4. VIOLATION OF CALIFORNIA CIVIL CODE § 3344

DEMAND FOR JURY TRIAL

Trial Date: None Set

CIT/CASE: BC427389 LEA/DEF#:
 RECEIPT #: CH47728994
 DATE PAID: 12/04/09 03:35:33 PM
 PAYMENT: \$355.00 3310
 RECEIVED:
 CHECK: 355.00
 CASH:
 CHANGE:
 CARD:

1 Plaintiff Coupleguys, Inc. ("Plaintiff") alleges as follows:

2 **The Parties**

3 1. Plaintiff is, and at all relevant times was, a corporation organized and existing
4 under the laws of the state of California, with its principal place of business in Los Angeles,
5 California. Plaintiff is a "loan-out" corporation that furnishes the professional services of Ron
6 Livingston in the entertainment industry.

7 2. The true name of Defendant John Doe ("Doe") is unknown to Plaintiff at this time,
8 who therefore sues Doe by such fictitious name. When the true name of Doe is ascertained,
9 Plaintiff will amend this Complaint to identify him or her.

10 **Jurisdiction**

11 3. Jurisdiction is proper in the Superior Court of the State of California for the County
12 of Los Angeles pursuant to section 410.10 of the Code of Civil Procedure.

13 **General Allegations**

14 4. Plaintiff incorporates by reference paragraphs 1 through 3 as though fully set forth
15 herein.

16 5. Since the spring of 2009, Doe has maintained an ongoing campaign to spread lies
17 about Livingston on the internet. Doe's online smear tactics include, but are not limited to,
18 (a) falsely asserting that Livingston is in a romantic relationship with a man named "Lee
19 Dennison," (b) creating websites devoted to propagating his or her lies, (c) impersonating
20 Livingston online, and (d) secretly and maliciously altering legitimate websites about Livingston
21 to include false statements about Livingston's relationship status and sexual orientation. These
22 lies have reached potentially millions of people, and Plaintiff's representatives have received
23 inquiries from the press asking about the veracity of the false statements Doe has published.

24 6. Specifically, and by way of example, starting in or about May 2009 and continuing
25 through the present, Doe accessed the "Ron Livingston" page on the encyclopedia website
26 www.wikipedia.org (the "Wikipedia Page") and published or caused to be published on the
27 Wikipedia Page, without Plaintiff's knowledge or consent, false allegations regarding Livingston's
28 alleged relationship with a man named "Lee Dennison." Plaintiff's representatives frequently

1 access the Wikipedia Page to correct these false statements, but Doe changes them back almost
2 immediately.

3 7. In or about August 2009, Doe published or caused to be published, without
4 Plaintiff's knowledge or consent, a false "profile" on the popular social networking website
5 www.facebook.com ("Facebook"), which profile purports to represent, be created by, be
6 authorized by, and/or be associated with Livingston (the "Livingston Profile"). The Livingston
7 Profile contains a photograph of Livingston and the statement that Livingston is "in a relationship
8 with Lee Dennison." Doe has also impersonated Livingston through the Livingston Profile by
9 writing and posting "updates" on the Livingston Profile purportedly authored by Livingston.

10 8. In or about August 2009, Doe also published or caused to be published a profile on
11 Facebook under the name "Lee Dennison" (the "Dennison Profile"). The Dennison Profile also
12 contains pictures of Livingston, states that "Lee Dennison" is "friends" with Livingston, and states
13 that "Lee Dennison" is "in a relationship with Ron Livingston." The Dennison Profile also
14 contains links to two fictional and fabricated "interviews" (which, on information and belief, are
15 written by Doe) that further allege that Livingston is romantically involved with "Lee Dennison."
16 (The Livingston Profile and the Dennison Profile are referred to collectively herein as the
17 "Facebook Profiles.")

18 9. Plaintiff is informed and believes, and based thereon alleges, that Doe created other
19 false Facebook profiles for the purpose of posting "comments" on the Facebook Profiles in an
20 attempt to add credibility to the story that Livingston and "Lee Dennison" are romantically
21 involved and/or living together.

22 10. Doe also published or caused to be published, on a Facebook "fan page" dedicated
23 to Livingston, similar false allegations regarding an alleged relationship between Livingston and
24 "Lee Dennison."

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FIRST CAUSE OF ACTION

(Libel)

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3 11. Plaintiff incorporates by reference paragraphs 1 through 10 as though fully set forth
4 herein.

5 12. The misrepresentations contained in the Wikipedia Page, the Facebook Profiles,
6 and the Facebook "fan page" described above are libelous per se because they have a tendency on
7 their face to injure Plaintiff's business and reputation.

8 13. The Wikipedia Page, Facebook Profiles, and Facebook "fan page" and have been
9 seen and read by members of the public who searched for a Facebook or Wikipedia entry for Mr.
10 Livingston.

11 14. As a direct and proximate result of the above-described publications, Plaintiff has
12 suffered a loss to its business and reputation and has suffered damages in an amount to be
13 determined at trial, but which exceeds the jurisdictional minimum of this Court.

14 15. Doe's conduct as herein alleged is despicable and was undertaken by Doe with a
15 willful and conscious disregard of Plaintiff's rights. Plaintiff is informed and believes, and based
16 thereon alleges, that Doe did the acts as herein alleged with an intent to injure Plaintiff and to
17 subject Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, and that
18 said acts were done willfully, maliciously, and oppressively. Plaintiff is therefore entitled to an
19 additional award of punitive and/or exemplary damages in an amount sufficient to punish Doe and
20 to deter him or her from committing such despicable acts in the future.

SECOND CAUSE OF ACTION

(False Light Invasion of Privacy)

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23 16. Plaintiff incorporates by reference paragraphs 1 through 15 as though fully set forth
24 herein.

25 17. By publishing or causing to be published the false allegations described above, Doe
26 has portrayed Plaintiff in a false light.

27 18. The false light created by Doe's actions as alleged herein would be highly offensive
28 to a reasonable person in Plaintiff's position.

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1 19. Doe knew the publications alleged herein would create a false impression about
2 Plaintiff or acted with reckless disregard for the truth.

3 20. As a direct and proximate result of the above-described publications, Plaintiff has
4 suffered a loss to its business and reputation and has suffered damages in an amount to be
5 determined at trial, but which exceeds the jurisdictional minimum of this Court.

6 21. Doe's conduct as herein alleged is despicable and was undertaken by Doe with a
7 willful and conscious disregard of Plaintiff's rights. Plaintiff is informed and believes, and based
8 thereon alleges, that Doe did the acts as herein alleged with an intent to injure Plaintiff and to
9 subject Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, and that
10 said acts were done willfully, maliciously, and oppressively. Plaintiff is therefore entitled to an
11 additional award of punitive and/or exemplary damages in an amount sufficient to punish Doe and
12 to deter him or her from committing such despicable acts in the future.

13 **THIRD CAUSE OF ACTION**

14 **(Common Law Misappropriation of Name and Likeness)**

15 22. Plaintiff incorporates by reference paragraphs 1 through 21 as though fully set forth
16 herein.

17 23. In publishing or causing to be published the allegations described above, Doe used
18 Plaintiff's name, likeness, and identity without Plaintiff's permission.

19 24. Doe gained an advantage by using Plaintiff's name, likeness, and identity on
20 internet sites not associated with or endorsed by Plaintiff, but rather created and maintained by
21 Doe.

22 25. As a direct and proximate result of the above-described use of Plaintiff's name,
23 likeness, and identity, Plaintiff has suffered a loss to its business and reputation and has suffered
24 damages in an amount to be determined at trial, but which exceeds the jurisdictional minimum of
25 this Court.

26 26. Doe's conduct as herein alleged is despicable and was undertaken by Doe with a
27 willful and conscious disregard of Plaintiff's rights. Plaintiff is informed and believes, and based
28 thereon alleges, that Doe did the acts as herein alleged with an intent to injure Plaintiff and to

1 subject Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, and that
2 said acts were done willfully, maliciously, and oppressively. Plaintiff is therefore entitled to an
3 additional award of punitive and/or exemplary damages in an amount sufficient to punish Doe and
4 to deter him or her from committing such despicable acts in the future.

5 **FOURTH CAUSE OF ACTION**

6 **(Violation of California Civil Code § 3344)**

7 27. Plaintiff incorporates by reference paragraphs 1 through 26 as though fully set forth
8 herein.

9 28. In publishing or causing to be published the allegations described above, Doe
10 knowingly used Plaintiff's name, likeness, and photograph, without Plaintiff's consent, to
11 advertise the false and misleading Facebook Profiles and other internet sites.

12 29. The above-described use of Plaintiff's name, likeness, and photograph was directly
13 connected to Doe's purpose of promoting the Facebook Profiles and other internet sites containing
14 false allegations about Plaintiff.

15 30. As a direct and proximate result of the above-described use of Plaintiff's name,
16 likeness, and photograph, Plaintiff has suffered a loss to its business and reputation and has
17 suffered damages in an amount to be determined at trial, but which exceeds the jurisdictional
18 minimum of this Court.

19 31. Doe's conduct as herein alleged is despicable and was undertaken by Doe with a
20 willful and conscious disregard of Plaintiff's rights. Plaintiff is informed and believes, and based
21 thereon alleges, that Doe did the acts as herein alleged with an intent to injure Plaintiff and to
22 subject Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, and that
23 said acts were done willfully, maliciously, and oppressively. Plaintiff is therefore entitled to an
24 additional award of punitive and/or exemplary damages in an amount sufficient to punish Doe and
25 to deter him or her from committing such despicable acts in the future.

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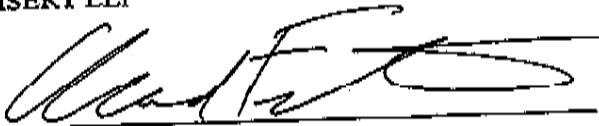
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Doe as follows:

1. For damages according to proof;
2. For punitive damages in a sum to be determined at the time of trial;
3. For Plaintiff's attorneys' fees and costs of suit as allowable by statute and law; and
4. For such other and further relief as the Court may deem just and proper.

DATED: December 4, 2009

KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP

By: 
Chad R. Fitzgerald
Attorneys for Plaintiff Coupleguys, Inc.

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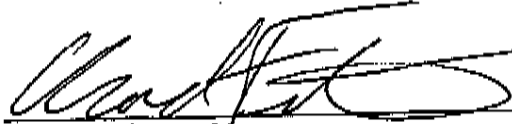
DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands trial by jury on all issues and causes of action triable by jury.

DATED: December 4, 2009

KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP

By:



Chad R. Fitzgerald
Attorneys for Plaintiff Coupleguys, Inc.

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