

FILED
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Mary Angie Garcia
Bexar County District Clerk
Accepted By: Krystal Gonzalez

WJD

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CAUSE NO. **2019CI09367**

DONALD L. HILTON JR
Plaintiff

VS.

NICOLE PRAUSE and LIBEROS LLC
Defendants

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§
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§
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

408th

JUDICIAL DISTRICT



PLAINTIFF'S ORIGINAL PETITION with REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, DONALD L. HILTON JR (herein after referred to as Plaintiff Hilton or Doctor Hilton), files this Original Petition against NICOLE PRAUSE (herein after referred to as Defendant Prause) and LIBEROS LLC (herein after referred to as Defendant Liberros) and alleges as follows:

I.
DISCOVERY PLAN LEVEL 3

1. Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4. Plaintiff will seek a Court-ordered discovery control plan shortly after Defendants file their answer.

II.
CLAIM FOR RELIEF

2. Plaintiff Dr. Hilton seeks monetary relief not more than \$10,000,000.00. Plaintiff reserves the right to modify this amount as the circumstances warrant.

III.
PARTIES

3. Plaintiff is an individual residing in San Antonio, Bexar County, Texas. The last three numbers of Plaintiff's Social Security Number are, 151 and the last three numbers of his Driver License are 381.



4. Defendant Prause is an individual residing in Los Angeles County, California. She may be served with process at her residence at [REDACTED] Los Angeles, California 90024 or wherever she may be found in any manner authorized by the Texas Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court.



5. Defendant Prause is the founder of Defendant Liberos LLC and is a managing agent of that organization. At all relevant times hereto, Defendant Prause was acting within the scope and course of her agency with Liberos LLC. Defendant Liberos LLC is a business authorized to do business in Los Angeles County, California and may be served by serving its registered agent, Nicole Prause at 1650 Veteran Ave. Los Angeles, California 90024 or wherever she may be found in any manner authorized by the Texas Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court.

**IV.
JURISDICTION**

6. This Court has subject-matter jurisdiction over this lawsuit and the damages sought are within the jurisdictional limits of this Court.

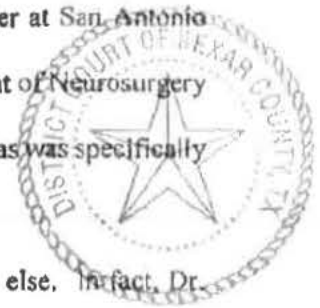
**V.
VENUE**

7. Venue is proper in Bexar County, Texas, because a substantial part of the cause of action occurred in Bexar County, specifically the defamatory statements at issue in the case were published in Bexar County and the damages sustained occurred in Bexar County, Texas.

**VI.
KEY ALLEGATIONS AND SUMMARY OF THE CASE**

8. This is a defamation *per se* case. From April 16, 2019 through April 30, 2019, Defendant Nicole Prause intentionally and maliciously sent a series of written emails wherein she formally filed a written complaint with the University of Texas falsely accusing Dr. Hilton of sexually

harassing her. Dr. Hilton is the program director of the Methodist Hospital rotation for the neurosurgical residency program at University of Texas Health Science Center at San Antonio ("UT Health"). He is also the director of the spine fellowship at the Department of Neurosurgery at UT Health. Thus, Defendant Prause's false complaint to the University of Texas was specifically designed to destroy Dr. Hilton's reputation and career.



9. Dr. Hilton has never sexually harassed Defendant Prause or anyone else. In fact, Dr. Hilton has only had one personal encounter with Defendant Prause. Dr. Hilton (with his wife standing next to him) met Defendant Prause briefly in a crowded meeting room on November 14, 2009 (almost 10 years ago) after a professional presentation he had given.¹ During that meeting, Dr. Hilton and Defendant Prause discussed the substance of Plaintiff's presentation, but nothing inappropriate was said or done during that brief encounter. Dr. Hilton and Defendant Prause have not had any personal communications or interactions since that time – not face to face, not by phone, not by email or social media – nothing. Dr. Hilton has never flirted with Defendant Prause, made any sexual advancements towards her, or committed any other type of sexual misconduct towards her. Dr. Hilton does not and never has conducted himself in that way.

10. The real reason Defendant Prause lodged the complaint is because Dr. Hilton is an internationally recognized expert on the subject of how pornography adversely impacts the brain. Dr. Hilton has published papers and chapters in prominent academic journals and textbooks demonstrating that pornography can lead to actual addiction, as that term has been defined in the scientific community. He has lectured and testified before government, academic and religious organizations all over the world explaining the adverse public health consequences caused by pornography.

¹ Remarkably, someone unknown to Dr. Hilton took a photo of that brief encounter between Dr. Hilton and Defendant Prause, and a copy of the photo is attached hereto as Exhibit "A".

11. In contrast, Defendant Prause is a vocal advocate in favor of pornography. Although she currently is unaffiliated with any academic institution, she has published papers suggesting that pornography is a harmless activity that does not cause addiction. She teaches that people who appear to be addicted to sex or pornography merely have a stronger sex drive than average people. In her papers and in other forums, Defendant Prause has critiqued/criticized Dr. Hilton's work. Dr. Hilton has responded in the literature and in his lectures by challenging both the methodology and the conclusions of Defendant Prause's work. Thus, while there has been no personal interaction between Dr. Hilton and Defendant Prause other than the brief, public encounter in 2009, there has been an important debate between the two in the literature and in the lecture halls about the state of the science as it relates to pornography and its public health hazards.

12. Over the past two decades, a vigorous academic debate has continued, and the concept of sexuality having an addictive potential has been advocated by many. For instance, the medical diagnostic classification instrument, the ICD-11, recently classified compulsive sexual behavior (CSB) as an impulse control disorder for the first time, and the American Society of Addiction Medicine (ASAM) has also recognized sexual addiction as a brain disease. Another mental health diagnostic instrument, the DSM-5, has classified gambling as a natural addiction, and many feel that given the similarities in the data between CBS and gambling, CSB, including compulsive pornography use, might be included as in impulse control disorder (as in the ICD-11) or even as a behavior addiction in the next edition. To date, 15 states have declared pornography a public health hazard by passing resolutions in at least one of their legislative chambers, with such a resolution having passed a Texas legislative committee last month.

13. Unfortunately, Defendant Prause has responded to these developments by attempting to assassinate the character of the researchers and experts who teach and publish about the adverse

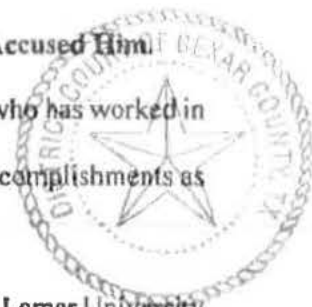
effects of pornography. She has falsely accused more than 10 scholars or activists – filing written complaints with various medical boards, academic institutions and employers. With some of these complaints, Defendant Prause has falsely accused her critics of personally sexually harassing her, stalking her, committing Title IX violations and/or committing other forms of sexual misconduct towards her. She also made other false accusations against these individuals. In April of 2019, she did this to Dr. Hilton because, again, he is one of the leading experts on the adverse public health consequences caused by pornography.

14. Defendant Prause is entitled to write whatever she wants about pornography and sexuality. It is all part of the marketplace of ideas. However, Defendant Prause “crossed the line” when she attempted to silence Dr. Hilton by making serious and false accusations against Dr. Hilton and others in an effort to ruin their careers and defame their characters. These false accusations need to stop and Defendant Prause needs to be held accountable. Thus, Dr. Hilton now files a defamation *per se* case against Defendant Prause. Defendant Prause’s actions constitute defamation “*per se*” for two reasons: (1) the false statements directly impugn Dr. Hilton’s professional reputation and (2) the statements falsely accuse Dr. Hilton of sexual misconduct. Thus, damages are presumed in this case. Plaintiff further alleges that, while he is an academic authority in his field, he is not a “public figure” as that term is used in the relevant jurisprudence. Defendant Prause knew that the accusations she was making against Dr. Hilton were false, and she acted with actual malice in making them. Thus, Dr. Hilton seeks a preliminary and permanent injunction preventing Defendant Prause from making any future false accusations against him. Dr. Hilton also seeks damages for the injury to his personal and professional reputation as well as punitive damages from Defendant Prause for what she has already done to Dr. Hilton’s reputation.

VII. SPECIFIC FACTUAL ALLEGATIONS

A. Dr. Hilton Had a Stellar Reputation Before Defendant Prause Falsely Accused Him

15. Dr. Donald L. Hilton, Jr. is an internationally recognized neurosurgeon who has worked in San Antonio, Texas for the past 25 years. Some of Dr. Hilton's professional accomplishments as a brain and spine surgeon are summarized below:



1. Dr. Hilton was an excellent student, graduating with highest honors from Lamar University in 1983 and graduating from medical school at UTMB with honors in 1988.
2. From 1988 to 1994, Dr. Hilton was in training (internship, then residency). The entirety of that training was at the University of Tennessee, where he worked with Dr. Kevin Foley, a pioneer in minimally invasive spinal surgery. During that time Dr. Hilton performed a high volume of both cranial and spinal surgeries. After finishing his training in Memphis and beginning his practice in San Antonio, he prototyped modifications of the original two dimensional optical minimally invasive systems by using the equipment and techniques typically used in brain surgery. These minimally invasive techniques have significantly improved recovery times and patient outcomes in spinal surgery.
3. Dr. Hilton is careful to give Dr. Foley credit for inventing the first endoscopic system for minimally invasive spinal surgery (termed the MED). However, it was primarily Dr. Hilton who transformed Dr. Foley's MED into a three dimensional visualization application, and he worked with Dr. Foley and others to develop the METRx (Medtronic) system for minimally invasive spinal surgery. This system is still likely the most widely used system in the world for minimally invasive spinal surgery.
4. Dr. Hilton wrote the first manual on the use of the METRx system, along with Dr. Sylvain Palmer, and he taught many neurosurgeons at the annual American Association of Neurological Surgery (AANS) and the Congress of Neurosurgery (CNS) meetings for many years. Dr. Hilton authored a section one of the first academic book ever published in the field of minimally invasive spinal surgery in 2002 (*Outpatient Spinal Surgery*, editors Mick Perez Cruet and Richard Fessler, Quality Medical Publishing). He also authored one of the first chapters on minimally invasive spinal surgery in a respected orthopedic academic textbook in 2003 (*Operative Arthroscopy*, John B. McGinty, editor, Lippincott Williams and Wilkins). He has published many peer-reviewed papers, abstracts, and posters at national meetings about minimally invasive spinal surgery, and is considered to be a pioneer in this field. He continues to speak and lecture on this subject throughout the country and in other nations.
5. Dr. Hilton is an adjunct associate professor in the department of neurosurgery at the University of Texas Medical School at San Antonio, where he is program director of the Methodist rotation for the residency training program. He is also the director of the spine fellowship at the medical school. His directorship of the spine fellowship is a particularly important position and professional honor. There is a regulatory board functioning under

the auspices of the American Board of Neurosurgery called the Committee on Advanced Subspecialty Training, (CAST). When the department of neurosurgery at UT Health applied for a CAST-approved spinal fellowship, CAST approved the application with the specification at the time that Dr. Hilton serve as the head of the fellowship, even though it was understood that Dr. Hilton was not a full-time or paid UT employee. This is an unusual arrangement, and it speaks to Dr. Hilton's national reputation in spinal surgery.

6. Although Dr. Hilton has had a busy practice performing brain and spine surgeries for the past 25 years, he has never had to defend a medical malpractice suit—something that is rare for even the best of surgeons. A copy of Dr. Hilton's CV, which further details his academic and professional accomplishments is attached hereto as Exhibit "B".

16. Dr. Hilton has also become a recognized expert in the field of how human sexuality, including problematic pornography use, can become addictive, and why this should be considered a public health issue. The following summarizes some of his accomplishments in this field:

1. Dr. Hilton was a co-author of a paper published in the *Proceedings of the National Academy of Sciences (PNAS)* in 2011 demonstrating that the same brain mechanisms that drive a natural craving for salt also drive craving in drug addiction. His understanding of the anatomy, physiology, and pathology of the human nervous system have helped him understand and teach the concept of natural addiction, or addiction to behaviors such as gambling, food, and sex. He has published extensively in this field, including co-authoring a chapter in a prominent academic psychiatric textbook. The book is titled *Neurobiology of Addiction* (2016), and is published by Oxford University Press. Dr. Hilton co-authored the chapter titled "The Neurobiology of Behavioral Addiction: Evidence for Assessment, Diagnosis, and Response to Critics." The book was endorsed by Dr. Mark Potenza at Yale University, a nationally recognized expert on addiction, who said, "The topics covered in this book include timely coverage of important areas (for example, the boundaries of addiction, with a chapter on sex addiction)."
2. Dr. Hilton has published other peer-reviewed papers in journals on this subject, including Pornography Addiction: A Neuroscience Perspective, in the journal *Surgical Neurology International* (2011), Pornography Addiction: A Supranormal Stimulus Considered in the Context of Neuroplasticity, in the journal *Socioaffective Neuroscience and Psychology* (2013), High Desire, or Merely an Addiction?, also in that same journal (2014), and Sex Addiction as a Disease: Evidence for Assessment, Diagnosis, and Response to Critics, in the journal *Sexual Addiction and Compulsivity* (2015).
3. Dr. Hilton has spoken in numerous professional therapy conferences and symposiums, including at the Society for the Advancement of Sexual Health (SASH) in 2012, the International Institute for Trauma and Addiction Professionals (IITAP) in 2013. He spoke at a symposium sponsored by the Minnesota Department of Public Health in 2014 on developing a public health approach to pornography, and at the Sex and Love Addiction Symposium at the invitation of Dr. Patrick Carnes in 2014. In 2015, he spoke in the Polish

Parliament Building in Warsaw on a public health approach to pornography at a national symposium, and in 2015 gave another talk on a public health perspective on pornography at a Congressional Symposium in the US Senate Building sponsored by Senator Grassley. He has also spoken on this subject at multiple universities, including Harvard, Princeton, the University of Virginia, Holy Cross, Brigham Young University, Utah Valley University, and Gonzaga University.

4. In 2017 Dr. Hilton was invited to an academic conference sponsored by the Gregorian Pontifical University at the Vatican titled Child Dignity in the Digital World/ World Conference. His talk was titled Pornography and the Developing Brain: Protecting the Children. The conference concluded with a private audience with Pope Francis. A copy of a photograph of Dr. Hilton meeting the Pope is attached hereto as Exhibit "C".
5. Dr. Hilton has been featured in numerous documentaries and podcasts on the neuroscience of pornography addiction and on the public health aspects of this problem. Examples include:
 - a. The Porn Pandemic <https://www.youtube.com/watch?v=NJIExvcsyLk>
 - b. Addicted to Porn: Chasing the Cardboard Butterfly.
<https://www.amazon.com/Addicted-Porn-Chasing-Cardboard-Butterfly/dp/B01LT1ABIE>
 - c. Porn on the Brain. Nationwide New Zealand broadcast
https://www.youtube.com/watch?v=3iWY_Q3pqII
 - d. W5:Generation XXX. Nationwide Canadian broadcast
<http://www.ctvnews.ca/w5/freely-available-online-pornography-exposes-children-to-violent-abusive-sex-1.2590997>
6. Dr. Hilton currently serves on the board of the Washington DC-based National Center on Sexual Exploitation (NCOSE), and has served on the board of the Society for the Advancement of Sexual Health (SASH). He also wrote a book esoteric to his religious faith titled *He Restoreth My Soul* in 2009 on spiritual paradigms of healing from pornography addiction.
7. For more than a decade, Dr. Hilton and his wife Jana have worked together as program coordinators of the addiction recovery program in the San Antonio and Austin areas for the Church of Jesus Christ of Latter-day Saints. In this role, they help organize groups for individuals and couples struggling to recover from the effects of addictive behaviors and betrayal trauma, and they lead some of these groups themselves. They find great joy in using all their knowledge and experience to personally mentor and help others recover from their addictions.
17. Dr. Hilton has been married for 37 years to Jana Kunzler Hilton. He has dedicated his considerable gifts and talents towards relieving human suffering and advancing the body of scientific knowledge in his two fields of expertise, and his stellar reputation reflects his

commitment to these ideals. Thus, it was a particularly egregious act for Defendant Prause to attempt to destroy Dr. Hilton's well-earned reputation.

B. Defendant Prause Defamed Dr. Hilton.

18. Defendant Prause has made several false and defamatory statements about Dr. Hilton over the years on social media and in other internet forums. However, she went after Dr. Hilton's livelihood and career when, in April 2019, she authored a series of written communications to the University of Texas making serious and false accusation of sexual harassment against Dr. Hilton. Specifically, on April 16, 2019, Defendant Prause sent an email to the University of Texas Health Science Center at San Antonio, which included the following statements:

- "I am a neuroscientist with two university appointments being openly sexually harassed by your faculty member Dr. Donald Hilton."
- Dr. Hilton "publicly claims that I personally appear in pornographic films, attend the Adult Video Network awards, and molest children in my laboratory, because I trained at The Kinsey Institute."²
- "I have filed a complaint against Hilton's medical license for sexual harassment.³ However, he clearly uses his UT affiliation to promote his sexual harassment. As a female scientist, he is uniquely attacking my gender with these false claims about my sexuality."
- "Please direct my sexual harassment complaint against Donald Hilton to the appropriate officer for investigation."

19. Defendant Prause authored and sent other emails to the University of Texas Health Science Center at San Antonio including the following:

² Dr. Hilton has never claimed that Defendant Prause personally appeared in any pornographic film or that she molested children in her laboratory. Defendant Prause did, in fact, attend the Adult Video Network awards ceremony as evidenced by her own public statements that she placed on her social media accounts, and Dr. Hilton has pointed this out when discussing the issue of bias in some of his lectures. Complete, accurate and unaltered screenshots of Defendant Prause's posts on her social media describing that she attended the Adult Video Network awards are attached as Exhibit "D".

³ At this point, Dr. Hilton does not know if Defendant Prause actually did file a complaint against him with the Texas Board of Medical Examiners. He does know that she told the UT Health Science Center that she filed such a complaint in her April 16, 2019 email as quoted above.

- "Would you please confirm that this sexual harassment complaint is being directed to the appropriate office for investigation?" (April 17, 2019).
- "Would you confirm that this sexual harassment will be or is being investigated? I will need to start escalating to others if these inquiries are unresponsive." (April 19, 2019).
- "Hilton has been defaming and libeling me using misogyny for years, while claiming to be representing the views of UTSA. I want the sexual harassment and the libel to stop, and the false information (that I molest children in my lab and perform in pornography) publicly corrected." (April 29, 2019).
- "If you are giving these titles to people, and they use them to defame and sexually harass scientists, it seems their title should be rescinded. Here are a few of the many places he has claimed to be an 'adjunct' at your institution. If these are incorrect, please let me know and I will address his false credentials with his licensing board." (April 30, 2019).

20. A complete, accurate and un-redacted copy of all known written communications from Defendant Prause to the University of Texas Health Science Center at San Antonio is attached hereto and incorporated herein as Exhibit "E". The accusations made in these written communications are completely false, and Defendant Prause knew perfectly well that they were false when she made them. As alleged above, these accusations were made with actual malice and are defamatory as alleged more fully herein.⁴

C. Defendant Prause Has a Pattern of Falsely Accusing Academicians and Activists Who Disagree With Her.

21. Unfortunately, Dr. Hilton is not the only victim of Defendant Prause's effort to silence her critics by falsely accusing them. The following is a partial summary of such activity. All of these witnesses have agreed to provide affidavits and are willing to testify as to the unprofessional and defamatory behavior of Defendant Prause.

1. **John Adler, MD.** Dr. Adler is a Harvard-trained neurosurgeon who is the editor of the peer-reviewed journal *Cureus*. He is the Dorothy and Thye King emeritus professor of neurosurgery at Stanford University. Defendant Prause did not agree with a paper his journal published, so she made an allegation of "stalking" against Dr. Adler and filed

⁴ Based on information and belief, Dr. Hilton alleges that Defendant Prause also sent at least one of these personal communications to a certain individual(s) within the UT organization who were not in the chain of authority. Dr. Hilton understands and alleges herein that these communications were also defamatory.

a Title IX violation against him with Stanford University. This claim was found to be false.

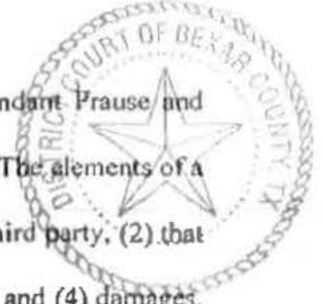
2. **Gary Wilson.** Mr. Wilson manages a web page called Your Brain on Porn, has written a book by the same name, and has given a TED talk on this subject. Defendant Prause has relentlessly attacked Mr. Wilson with numerous false accusations. For instance, she has claimed that Mr. Wilson physically stalked her in Los Angeles when, in fact, he has not even been in Los Angeles for years. She also reported him to the Oregon Counseling Board, which complaint was ultimately dismissed because it was meritless. She filed a police report in which she told the police that she saw Mr. Wilson "wearing a sleeping bag and armed with a long sleeved sweater." All these allegations are false. Defendant Prause also claims that she reported Mr. Wilson to the police for stalking her, threatening her lab and mapping a route to her lab. Defendant Prause has publicly stated that she filed two FBI reports on Mr. Wilson.
3. **Alexander Rhodes.** Mr. Rhodes founded an online community of over 200,000 individuals trying to quit using pornography. Defendant Prause stated that she had filed a complaint against Mr. Rhodes with the FBI and claimed that he was being investigated by that agency. We do not have confirmation that she actually made a complaint to the FBI or that the agency ever conducted any investigation. However, the mere statement in writing wherein Defendant Prause claimed that she reported him to the FBI and that the FBI was investigating him is an intimidating false statement designed to silence Mr. Rhodes.
4. **Staci Sprouse, LCSW.** Staci Sprouse is a therapist in Washington State. Defendant Prause reported Ms. Sprouse to the state licensure agency, falsely accusing her of engaging in conspiracy theories. This was after falsely accusing her on Facebook of practicing without a license. Defendant Prause did this because Ms. Sprouse supports an addictive model for problematic sexuality and pornography use.
5. **Linda Hatch, PhD.** Defendant Prause falsely reported Dr. Hatch to the California Psychology Board, because Dr. Hatch supports an addictive model for problematic pornography use. She had to defend herself to the Board and go through an extensive process. She was exonerated.
6. **Bradley Green, PhD.** Defendant Prause falsely reported Dr. Green to the University of Southern Mississippi, his academic institution, because Dr. Green supports an addictive model for problematic pornography use. She accused him of unethical behavior and of lying, and reported the paper he wrote with Dr. Stefanie Carnes to the publisher Taylor and Francis, which initiated a lengthy review. The paper has not been retracted over a year later.
7. **Stefanie Carnes, PhD.** Dr. Carnes was a co-author with Dr. Green on the above-referenced paper. In addition, Defendant Prause defamed and smeared the organization headed by Dr. Carnes, the International Institute for Trauma and Addiction Professionals, (IITAP) of profiting from treating people seeking help from compulsive,

addictive, and or out of control sexual behavior. Defendant Prause has accused IITAP of profiting from helping people overcome sexual addiction, a problem Defendant Prause says doesn't exist.

8. **Geoff Goodman, PhD.** Defendant Prause falsely reported him to his institution (Long Island University) because he supports an addictive model for problematic pornography use. He underwent an extensive and embarrassing process in clearing his name from what were ultimately found to be false allegations.
9. **Exodus Cry.** This is an abolition group fighting prostitution. Defendant Prause falsely reported this organization to the Missouri Attorney General for allegedly having a fraudulent 501(c)(3) (non-profit) mission statement. Their attorneys had to defend Exodus Cry and go through a lengthy process, and they were ultimately exonerated.

22. As these examples demonstrate, Defendant Prause's *modus operandi* is to falsely accuse people with whom she disagrees in an effort to disparage, discredit and silence her critics. It is a ruthless and dishonest thing to do, and it is totally inconsistent with the principles of peer-review and free academic discussion. Of course, it harms the people who are falsely accused. Additionally, these types of false and unfounded complaints also have a chilling effect on women who have actually been abused, assaulted, stalked or harassed.

VIII.
CAUSE OF ACTION-Defamation Per Se.



23. Dr. Hilton alleges a defamation *per se* cause of action against Defendant Prause and incorporates paragraphs 1 through 22 of this Petition into this cause of action. The elements of a defamation action include (1) the publication of a false statement of fact to a third party, (2) that was defamatory concerning the Plaintiff, (3) with the requisite degree of fault, and (4) damages. Because the false statements made by Defendant Prause constitute defamation *per se*, Dr. Hilton must prove the first three elements, but not the fourth element, as he is entitled to recover general damages without proof of any specific loss. This is because, as defamation *per se*, Defendant Prause's false statements are so obviously harmful that damages, such as mental anguish and loss of reputation, are presumed. Plaintiff will specifically address each element of the case of action:

1. Defendant Prause published a false statement of fact to a third party.

24. In this case, the emails sent by Defendant Prause constitute a clear "publication." Moreover the statements allege that Dr. Hilton "sexually harassed" Defendant Prause. Thus, these accusations involve alleged facts (not opinions or conjecture). Furthermore, the allegations are completely and totally false as explained more fully above. Finally, the fact that the emails were intentionally sent to the University of Texas satisfies the requirement that the defamatory statements be published to a third party.

2. Defendant Prause's statements were defamatory concerning Dr. Hilton.

25. The false accusations made by Defendant Prause are, and were intended to be defamatory. Defendant Prause has accused Dr. Hilton of sexually harassing her, which suggests that he engaged in unwanted sexual behavior towards someone other than his wife. For Dr. Hilton, it is difficult to imagine a more defamatory (and false) statement she could have made against him.

3. Defendant Prause made the defamatory statements with the requisite degree of fault.

26. Because Dr. Hilton is not a public figure, he need only prove that Defendant Prause acted negligently with respect to the truth or falsity of the allegations she made against him. Dr. Hilton easily satisfies that standard. In fact, Defendant Prause acted with actual malice in making these false and defamatory statements. She has perfect knowledge that Dr. Hilton did not commit the misconduct she alleged. After all, since the sexual harassment was supposedly committed against her, she obviously knows that it never happened.

4. Defendant Prause's defamatory statements have caused harm to Dr. Hilton.

27. Again, general damages are presumed because the false statements constitute defamation *per se*. Moreover, Dr. Hilton alleges that the defamation has cost him worry, mental anguish and time and stress. People talk, and even when he is ultimately exonerated by the University of Texas, he worries that some people may still wonder about him. This is particularly troubling for him as he teaches about sexual addiction and helps people recover from their own addictions. If people think Dr. Hilton might possibly be a sexual harasser, then his ability to speak authoritatively on the subject of sexual addiction or help people overcome their addictions becomes severely diminished. Defendant Prause knows this, which is why she made the false accusations.

Cause of Action – Preliminary and Permanent Injunction

28. Plaintiff seeks a preliminary and permanent injunction preventing Defendant Prause from making additional false statements about him. Plaintiff will seek a temporary injunction through separate application, which will show that he has a probable right to recover on final trial and probable injury in the interim. Plaintiff also seeks a permanent injunction ordering Defendant Prause to refrain from any further false or disparaging written or oral communications regarding Dr. Hilton.

IX.
PUNITIVE OR EXEMPLARY DAMAGES

29. Defendants acted with actual malice in making the false and defamatory statements against Dr. Hilton. Stated another way, Defendants intentionally wanted to destroy Dr. Hilton's career and credibility, so they intentionally made false accusations of sexual harassment to silence him and/or diminish his ability to speak authoritatively about the harmful effects of pornography. Thus, Defendants are liable for punitive damages in an amount that the jury shall determine to be proper.



X.
DIRECT AND VICARIOUS LIABILITY.

30. Defendant Prause is a vice principal of Defendant Liberos and, at all the relevant times, she was acting within the scope and course of her agency with Liberos when she defamed Dr. Hilton. Thus, Defendant Liberos is both directly liable and vicariously liable for Defendant Prause's actions and is liable for actual and punitive damages arising out of Defendant Prause's malicious and defamatory actions.

XI.
JURY DEMAND

31. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

XII.
REQUEST FOR DISCLOSURE

32. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of service of this request, the information or material described in Rule 194.

XIII.
PRAYER

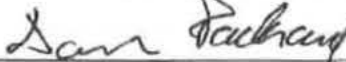
33. Plaintiff prays that he have judgment against both Defendants for actual damages shown and proved at trial, for punitive damages, for prejudgment and post-judgment interest, for costs of

court, for preliminary and permanent injunction and for all other relief, legal and equitable, to which he is entitled.

Respectfully submitted,

THE PACKARD LAW FIRM

By:



Daniel W. Packard

State Bar No. 00791392

Email: dan@packardfirm.com

Samuel W. Packard

State Bar No. 24043857

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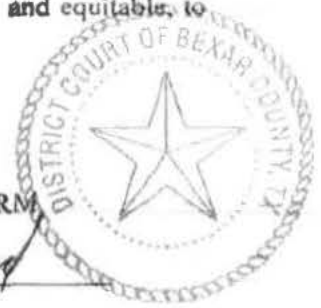
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Attorneys for Plaintiff







Case Number: 2019CI09367

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Nicole Prause, Ph.D.

@NicolePrause

 Follow

@Melissa_Hillxxx @jeannesilverXXX I think
Jeanne's story I heard at AVN was amazing.
I'll refrain from getting myself in more trouble!

RETWEETS

2

FAVORITES

2



6:56 PM · 1 Jun 2015



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EXHIBIT

1 D

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From: Nicole Prause <nicole.prause@gmail.com>

Sent: Friday, April 19, 2019 11:00 AM

To: OGC Intake <OGC_Intake@utsystem.edu>; Blankmeyer, Bonnie - UT HSC San Antonio <blankmeyer@uthscsa.edu>

Subject: Re: Sexual harassment complaint: Dr. Donald Hilton, Dept Neurosurgery

External Mail

Would you confirm that this sexual harassment will be or is being investigated? I will need to start escalating to others if these inquiries are unresponsive.

On Wed, Apr 17, 2019, 7:19 PM Nicole Prause <nicole.prause@gmail.com> wrote:

Would you please confirm that this sexual harassment complaint is being directed to the appropriate office for investigation?

Nicole Prause, Ph.D.
Liberos

On Tue, Apr 16, 2019 at 6:58 PM Nicole Prause <nicole.prause@gmail.com> wrote:

To whom it may concern:

I am a neuroscientist with two university appointments being openly sexually harassed by your faculty member Dr. Donald Hilton. Specifically, he publicly claims that I personally appear in pornographic films, attend the Adult Video Network awards, and molest children in my laboratory, because I trained at The Kinsey Institute. These are all demonstrably false. The latter is a well-known, long-falsified conspiracy theory of a religious right group of which Hilton is a member. Of course, claiming I sexually molest children at my workplace places me in immediate danger by soliciting violence against me as occurred with other false accusations of pedophilia online.

Some of the claims Hilton placed in an extensively circulated document (attached) that he created and linked to his University of Texas adjunct appointment. He also attempted to get a Houston Chronicle reporter, Mr. Sokol, to print that I was in pornography with no evidence (attached). Mr. Sokol was able to determine Donald Hilton's claims were fabricated (attached) and did not print them.

I have filed a complaint against Hilton's medical license for sexual harassment. However, he clearly uses his UT affiliation to promote his sexual harassment. As a female scientist, he is uniquely attacking my gender with these false claims about my sexuality.

Please direct my sexual harassment complaint against Donald Hilton to the appropriate officer for investigation.

Nicole Prause, Ph.D.
Liberos





From: Nicole Prause <nicole.prause@gmail.com>
Sent: Wednesday, April 17, 2019 9:20 PM
To: OGC Intake <OGC_Intake@utsystem.edu>; Blankmeyer, Bonnie - UT HSC San Antonio <blankmeyer@uthscsa.edu>
Subject: Re: Sexual harassment complaint: Dr. Donald Hilton, Dept Neurosurgery

**** External Mail ****

Would you please confirm that this sexual harassment complaint is being directed to the appropriate office for investigation?

Nicole Prause, Ph.D.

Liberos

On Tue, Apr 16, 2019 at 6:58 PM Nicole Prause <nicole.prause@gmail.com> wrote:

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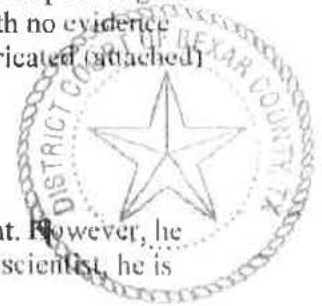
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Please direct my sexual harassment complaint against Donald Hilton to the appropriate officer for investigation.

Nicole Prause, Ph.D.

Liberos





From: Nicole Prause [mailto:nicole.prause@gmail.com]

Sent: Tuesday, April 30, 2019 10:40 AM

To: Kopplin, Carol L <KOPPLIN@uthscsa.edu>

Subject: Re: Your Voice Mail Message

Hi Carol,

My apologies, the person I spoke with was in the health sciences center. She also stated that he was not an employee, but had a "courtesy" title due to volunteering to do something. If you are giving these titles to people, and they use them to defame and sexually harass scientists, it seems their title should be rescinded.

Here are a few of the many places he has claimed to be an "adjunct" at your institution. If these are incorrect, please let me know and I will address his false credentials with his licensing board.

<https://endsexualexploitation.org/people/donald-hilton-m-d/> (attached)

<https://vimeo.com/190633252> (attached)

http://uthscsa.edu/neurology/nsgr_2017.asp (attached)

<https://cdn.website.thryv.com/f1d2863c49d04a6986c0489f3c0655a0/files/uploaded/CVDLH.pdf> (attached)

Nicole Prause, Ph.D.

Liberos



From: Nicole Prause [mailto:nicole.prause@gmail.com]
Sent: Monday, April 29, 2019 4:30 PM
To: Kopplin, Carol L <KOPPLIN@uthscsa.edu>
Subject: Re: Your Voice Mail Message

Missing attachment

On Mon, Apr 29, 2019 at 2:28 PM Nicole Prause <nicole.prause@gmail.com> wrote:

Hi Carol,

Email might be easier anyway. Donald Hilton has an adjunct appointment in Neurosurgery. I was told by UTSA that it is a courtesy volunteer appointment, so he does not receive any pay nor have responsibilities from UTSA. Since my appointment is at a different university, the UTSA Title IX office indicated that they could not act on my complaint (attached).

Hilton has been defaming and libeling me using misogyny for years, while claiming to be representing the views of UTSA. I want the sexual harassment and the libel to stop, and the false information (that I molest children in my lab and perform in pornography) publicly corrected.

Nikky

https://dn.website.thryv.com/f1d2863c49d04a6986c0489f3c0655a0/files/uploaded/CVDLH.pdf

CVDLH

2/12

APPOINTMENTS:

Chief, Department of Neurosurgery, Santa Rosa Hospital
Northwest, 1999 to 2000

Chief, Department of Neurosurgery, Baptist Medical Center,
2001 to 2002

Vice-Chief, Department of Neurosurgery, Southwest Texas
Methodist Hospital, 2001 to 2003

Chief, Department of Neurosurgery, Southwest Texas
Methodist Hospital, 2003-2004

Chief, Department of Surgery, Stone Oak Methodist Hospital,
March 2009 to 2010

**ACADEMIC
APPOINTMENTS:**

Adjunct Associate Professor, current
Department of Neurosurgery
University of Texas Health Science Center
San Antonio, TX
2006 to present

Director, Spine Fellowship, current
Department of Neurosurgery,
University of Texas School of Medicine
San Antonio, TX

Director, Residency Training, Methodist Hospital, current
Department of Neurosurgery,
University of Texas School of Medicine
San Antonio, TX

**TEACHING
APPOINTMENTS:**

The Osler Institute
Instructor, Neurosurgery Board Review Course
Chicago, IL 1998.



<https://endsexualexploitation.org/people/donald-hilton-m-d/>



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Donald Hilton, M.D.

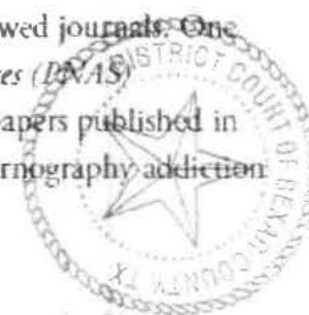
BOARD MEMBER

Dr. Hilton is a neurosurgeon and clinical associate professor in the Department of Neurosurgery at the University of Texas Health Sciences Center, serving as director of the spine fellowship at the medical school program, and director of neurosurgical training for the residency program at the Methodist Hospital. He travels and speaks nationally and internationally, and has published book chapters and peer-reviewed journal articles, with special interest in minimally invasive spinal surgery and neural mechanisms involving addiction.



He is currently listed in Best Doctors in America, is a member of Alpha Omega Alpha Medical Honor Society, and is a fellow of the American College of Surgeons and of the American Association of Neurological Surgeons.

He has recently authored and co-authored several papers on addiction in peer-reviewed journals. One published in 2011 in the *Journal of the Proceedings of the National Academy of Sciences (PNAS)* investigated the role of natural instinctive craving in addiction. In addition, other papers published in 2013 and 2014 in the journal *Socioaffective Neuroscience and Psychology* explored pornography addiction from the perspective of neural learning models.



Case Number: 2019-09-09



Dr. Donald Hilton, M.D. Interview || Truth About Porn

2 years ago



Truth About Porn

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Dr. Donald Hilton, M.D.
Neurosurgeon, University of Texas, San Antonio

Dr. Hilton is an adjunct associate professor of neurosurgery at the University of Texas Health Science Center at San Antonio, where he is the director of the spine fellowship and the director of neurosurgical training at the Methodist Hospital rotation. He is a fellow of the American College of Surgeons and of the American

More from Truth About Porn

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Dr. Donald Hilton, ...
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Dr. Melissa Farley...
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ORIGINAL PETITION

Page 44 of 47

uthscs.edu/neurology/nsgr_2017.asp

Friday, June 23, 2017

Donald Hilton, MD

Topic - TRA

The speaker has no relevant financial relationships with commercial interests to disclose.



FILED
6/24/2019 10:19 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Alexandra Johnson

CAUSE NO. 2019CI09367

DONALD L. HILTON JR
Plaintiff,

V.

NICOLE PRAUSE and
LIBEROS, LLC
Defendants.

§
§
§
§
§
§
§

IN THE DISTRICT COURT

BEXAR COUNTY, TEXAS

408TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendants Nicole Prause ("Prause") and Libereros, LLC ("Libereros") (collectively, "Defendants") and file this Original Answer to the Original Petition filed by Plaintiff Donald L. Hilton, Jr. ("Plaintiff") and would respectfully show the Court as follows:

A. General Denial

1. Pursuant to the Texas Rules of Civil Procedure, Defendants generally deny each and every allegation in Plaintiff's Original Petition and any amendments or supplements thereto.

B. Affirmative Defenses

2. Defendants assert that Plaintiff's own acts or omissions caused or contributed to his alleged injuries.

3. Defendants assert the defense of truth.

4. Defendant asserts the defense of limitations.

5. Defendant asserts the defense that the allegedly defamatory statement was protected by a common law qualified privilege.

6. Pursuant to TEX. CIV. PRAC. & REM. CODE §33.001, *et seq.*, upon submission of this case to a fact-finder, Defendants are entitled to a submission of the percentage of responsibility, if any, of Plaintiff, other defendants or third parties for the damages claimed.

7. Defendants assert that Plaintiff is not entitled to injunctive relief to restrain Defendants right to speak freely. Texas Constitution, Article 1, §8.

8. Defendants assert that Plaintiff failed to mitigate his damages, if any, and any damages awarded should be reduced by the amount Plaintiff could reasonably have avoided.

9. The Exemplary Damages Act, TEX. CIV. PRAC. & REM. CODE § 41.001, *et seq.*, applies to restrict and limit Plaintiff's claims for exemplary damages, and Defendants intend to invoke the damage cap in the unlikely event that exemplary damages are awarded.

10. Defendants assert that Plaintiff's claims for punitive damages cannot be sustained because an award of punitive damages under Texas law without proof of every element beyond a reasonable doubt would violate Defendants' rights under Amendments IV, V, VI, and XIV of the United States Constitution and by Sections 9, 10, 14, and 19 of Article I of the Texas Constitution.

11. Defendants assert that the assessment and award of punitive and/or exemplary damages is in violation of the Eighth Amendment of the United States Constitution as it applies to the Fourteenth Amendment of the United States Constitution and Article 1, Section 13 of the Texas Constitution in that such awards potentially constitute an excessive fine imposed without the protection of fundamental due process.

12. Accordingly, Defendants invoke their rights under the Eighth and Fourteenth Amendments of the United States Constitution and respectfully requests that this Court disallow the award of punitive and/or exemplary damages inasmuch as an award in this case would be violative of Defendants' United States Constitutional rights.

13. Defendants would further invoke their rights under the Fifth Amendment of the United States Constitution wherein it reads in part, "No person shall be . . . deprived of . . . property, without due process of law; . . ." for the same reasons enumerated above.

14. Defendants assert their right to demand proof of punitive and/or exemplary damages by clear and convincing evidence of each element of such damages, as required by Chapter 41 of the Texas Civil Practice and Remedies Code.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP**

By: /s/ Claire W. Parsons

Claire W. Parsons
State Bar No. 24051159
Samantha L. Owens
State Bar No. 24054899
909 Fannin Street, Suite 3300
Houston, Texas 77010
Telephone: 713-353-2000
Facsimile: 713-785-7780
Claire.Parsons@wilsonelser.com
ATTORNEYS FOR DEFENDANT
NICOLE PRAUSE AND LIBEROS, LLC