

ORIGINAL

No Summons Issued
F I L E D
Superior Court of California
County of San Francisco

JUL 15 2019

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk
BOWMAN

1 KEVIN WHITTAKER (STATE BAR NO. 224700)
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4 1000 Marsh Road
5 Menlo Park, CA 94025-1015
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8 Attorney for Plaintiff
9 JOHN DOE

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **CITY AND COUNTY OF SAN FRANCISCO**

12 JOHN DOE,
13 Plaintiff,
14 vs.
15 JANE DOE, AND DOES (1-10),
16 Defendants.

17 Case No. **CGC-19-577628**
18 **COMPLAINT FOR DAMAGES**
19 1. DEFAMATION
20 2. FALSE LIGHT
21 3. CIVIL HARASSMENT
22 **REQUEST FOR JURY TRIAL**

23 Plaintiff JOHN DOE (hereinafter "Plaintiff") by and through undersigned counsel, as and
24 for its Complaint against JANE DOE, AND DOES (1-10) (hereinafter collectively,
25 "Defendants"), hereby alleges as follows:

26 **NATURE OF ACTION**

27 1. This is an action for damages and other relief for defamation; false light; and civil
28 harassment.

THE PARTIES

2. Plaintiff is an individual over the age of 18 years, who, at all times relevant,
resides in San Francisco County, California.

3. The identity and residency of Defendants is unknown at this time and Plaintiff
pleads them as fictitiously named Defendants pursuant to section 474 of the California Code of

1 Civil Procedure, whether individuals, corporations, associations, or otherwise are in some way
2 liable or responsible to Plaintiff as alleged. At such time as Defendants' true names become
3 known to Plaintiff, Plaintiff will ask leave of this Court to amend this Complaint to insert their
4 true names and capacities. Plaintiff is informed and believes and based thereon alleges each of
5 the fictitiously named Defendants are responsible in some manner for the injuries to Plaintiff
6 alleged herein, and that such injuries as herein alleged were proximately caused by such
7 Defendants.

8 JURISDICTION AND VENUE

9 4. This Court has general as well as specific jurisdiction over this matter in that acts
10 by Defendants and each of them have caused the complained damage to Plaintiff. Further, these
11 acts were at least in part performed by said Defendants and each of them in this County, including
12 by Internet, which were directed at this State and County, and Defendants and each of them
13 reached out to and purposefully availed himself/herself of the benefits of this State.

14 5. The causes of action alleged herein arose in San Francisco, California. Thus,
15 Defendants' defamatory conduct as alleged herein has and will result in injury to Plaintiff,
16 including at his office in San Francisco County, California.

17 CAUSES OF ACTION

18 FIRST CAUSE OF ACTION

19 (Defamation)

20 6. Plaintiff incorporates and re-alleges herein by reference paragraphs 1 through 5,
21 inclusive as though fully set forth at length herein.

22 7. Plaintiff is a business executive doing business in the County of San Francisco,
23 State of California, and at all times has enjoyed an excellent reputation for uprightness of
24 character.

25 8. Plaintiff has never abused any person, nor has he been accused of abusing anyone
26 throughout his professional career. Further, Plaintiff has never been disciplined for any type of
27 improper behavior, including abuse, and has never been involved in any settlement (confidential
28 or otherwise) of any such claims.

1 9. On or about May 19, 2019, Defendants caused to be posted an anonymous
2 Craigslist advertisement in the “gigs” section (hereinafter “Advertisement”). This Advertisement
3 was titled: “FLIER DISTRIBUTION-2 DAYS AT \$100 PER DAY (financial district). The
4 Advertisement stated: “[W]e are distributing fliers making the city aware of the mistreatment of
5 women in San Francisco’s corporate environment. We need 5-10 people to come pass out fliers.
6 Cash at the end of each day, probably 4-5 hours per day with a potential for more. All will be
7 considered. Great opportunity to make some cash for a good cause!” The Advertisement also
8 contained a map with the address: “1299 18th st near Texas.” A true and correct copy of the
9 Advertisement is attached as Exhibit I.

10 10. After posting the Advertisement, on or about May 21, 2019, Defendants caused to
11 be published false and unprivileged statements directly injuring Plaintiff in his business and
12 professional reputation by expressly stating in a written flyer (hereinafter “Flyer”) that Plaintiff is
13 “an abuser.” The Flyer identified both Plaintiff and his employer’s names and their incomplete
14 email addresses, as well as the hashtags: “#BelieveVictims” and “#SupportSurvivors.” After
15 causing the Flyer to be published, Defendants retained and paid individuals who responded to the
16 Advertisement, to distribute copies of it outside of a nearby event space where Plaintiff was
17 speaking at a private conference sponsored by his employer.

18 11. The statements accusing Plaintiff of being “an abuser” are defamatory *per se*. The
19 statements maliciously impute that Plaintiff committed acts of moral turpitude, is a bad actor in
20 the community, and is unfit and/or unqualified to be employed in his profession and/or
21 occupation. The statements were designed with the intent to diminish Plaintiff’s reputation and
22 injure his good name and employment.

23 12. The Flyer was made either with knowledge of its falsity or in reckless disregard of
24 its truth in that Defendants knew that Plaintiff was not “an abuser” nor has he ever been accused
25 of engaging in such conduct.

26 13. Plaintiff is informed and believes, and based thereon, alleges that the Flyer was
27 seen and read by the general public, Plaintiff’s prospective clients, and his professional colleagues
28 and co-workers.

1 allegations, Defendants intended to publicly humiliate Plaintiff and ruin his reputation.

2 21. As a proximate result of Defendants' false and defamatory statements, Plaintiff has
3 suffered injury to his reputation, shame, mortification, anguish, and injury to his feelings, all to
4 his damage in an amount according to proof.

5 22. Because the Flyer was published by Defendants with malice, oppression, and
6 fraud, Plaintiff is entitled to punitive damages against Defendants in an amount according to
7 proof.

8 **THIRD CAUSE OF ACTION**

9 **(Civil Harassment)**

10 23. Plaintiff incorporates and re-alleges herein by reference paragraphs 1 through 22,
11 inclusive as though fully set forth at length herein.

12 24. Defendants knowingly and willfully engaged in a course of conduct directed at
13 Plaintiff that seriously alarmed, annoyed, and harassed him. Namely, Defendants knowingly and
14 recklessly published false statements accusing Plaintiff of being an "abuser" in a Flyer that they
15 caused to be distributed at a May 21, 2019 event sponsored by Plaintiff's employer.

16 25. Defendants' conduct served no legitimate purpose and was intended to harass, vex,
17 and annoy Plaintiff.

18 26. As a proximate result of Defendants' willful, knowing, and intentional harassment
19 of Plaintiff, Plaintiff suffered and continues to suffer humiliation, emotional distress, and mental
20 and physical pain and anguish, all to his damage in an amount according to proof.

21 27. Defendants' harassment was committed intentionally, in a despicable, malicious,
22 fraudulent, and/or oppressive manner, which entitles Plaintiff to punitive damages against
23 Defendants.

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PRAYER FOR RELIEF

28. Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 (a) For compensatory damages, including damages for emotional distress,
4 harm to reputation, and pain and suffering, according to proof allowed by
5 law;
6 (b) For punitive damages allowed by law;
7 (c) For an award to Plaintiff of expenses, costs of suit, and reasonable
8 attorneys' fees incurred herein;
9 (d) For an award of prejudgment and post-judgment interest; and
10 (e) For an award to Plaintiffs of such other relief and further legal and
11 equitable relief as the Court deems just and proper.

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REQUEST FOR JURY TRIAL

29. Plaintiff further requests trial by jury for all matters and issues triable by jury.

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16 Dated: July 12, 2019

17 KEVIN WHITTAKER
18 Orrick, Herrington & Sutcliffe LLP

19 By: 

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KEVIN WHITTAKER
Attorney for Claimants



EXHIBIT A

<https://sfbay.craigslist.org/a/c/e/g/d/san-francisco-flier-distribution-2-days/6592863478.html>

cisco > gigs > event gigs

reply

prohibited

Posted 24 days ago

print

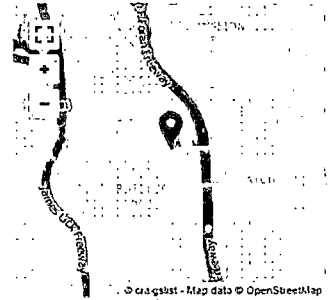
FLIER DISTRIBUTION-2 DAYS AT \$100 PER DAY (financial district)

We are distributing fliers making the city aware of the mistreatment of women in San Francisco's corporate environment.

We need 5-10 people to come pass out fliers. Cash at the end of each day, probably 4-5 hours per day with a potential for more.

All will be considered. Great opportunity to make some cash for a good cause!

- do NOT contact me with unsolicited services or offers



© 2013 csl - Map data © OpenStreetMap

1299 18th st near Texas

(google map)

compensation: Cash

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Kevin Whittaker, Esq.
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
TELEPHONE NO.: (650) 614-7400 FAX NO.: (650) 614-7401
ATTORNEY FOR (Name): John Doe, Plaintiff

FOR COURT USE ONLY
FILED
Superior Court of California
County of San Francisco

JUL 15 2019

CLERK OF THE COURT
BY: [Signature] Deputy Clerk

BOWMAN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, CA 94102-4515
BRANCH NAME: Civil

CASE NAME:
JOHN DOE v. JANE DOE, AND DOES (1-10)

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER
CGC-19-577628
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input checked="" type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Three (Defamation; False Light; Civil Harassment)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 9, 2019
Kevin Whittaker (SBN 224700)
(TYPE OR PRINT NAME)

[Signature]
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.