

MICHAEL K. JEANES
Clerk of the Superior Court
By Cassandra Knotts, Deputy
Date 05/20/2016 Time 14:47:12

Description	Amount
CASE# CV2016-004734	
CIVIL NEW COMPLAINT	319.00
TOTAL AMOUNT	319.00
Receipt# 25257984	

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11 **IN SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 MEGAN WELTER an individual;
14
15 Plaintiff,

16 v.

17 JOHN and JANE DOES 1-10 are fictitious
18 persons who may have an interest herein.
19 ABC PARTNERSHIPS 1-10; XYZ
20 CORPORATIONS 1-10; and DEF LIMITED
21 LIABILITY COMPANIES 1-10,

22 Defendants.

NO. CV2016-004734

**COMPLAINT AND
APPLICATION FOR
INJUNCTIVE RELIEF**

(Defamation, False Light)

23 For her claims for relief against Defendants, Plaintiff, by and through
24 undersigned counsel, alleges as follows:

PARTIES, JURISDICTION AND VENUE

25 1. Plaintiff Megan Welter ("Welters" or "Plaintiff") is an individual who
26 resides in Arizona.

27 2. Defendants John and Jane Does are individuals residing within
28 Maricopa County, Arizona.

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1 3. Defendants ABC PARTNERSHIPS 1-10; XYZ CORPORATIONS 1-10;
2 and DEF LIMITED LIABILITY COMPANIES 1-10 are entities formed or
3 otherwise doing business in Arizona.

4 4. Defendants all purposefully availed themselves to the benefits of
5 Arizona law by publishing defamatory content on Arizona-based websites, new
6 agencies, and/or by directing the tort of defamation against Plaintiff, an Arizona
7 resident.
8

9
10 5. Upon information and belief, Defendants have caused things to occur
11 in Maricopa County that have damaged Plaintiff.

12 6. Upon information and belief, all acts of each named Defendant as
13 alleged herein were performed for the benefit of each Defendant's marital
14 community.
15

16 7. JOHN and JANE DOES 1-10 are fictitious persons who may have an
17 interest herein. ABC PARTNERSHIPS 1-10; XYZ CORPORATIONS 1-10; and
18 DEF LIMITED LIABILITY COMPANIES 1-10 are fictitious entities who may have
19 an interest herein. At such time as the true name of said fictitious persons
20 and/or entities become known to Plaintiff, Plaintiff may amend their pleadings to
21 reflect same.
22

23 8. The amount in controversy herein exceeds the minimum amount
24 required for jurisdiction in this Court.
25

26 9. Upon information and belief, jurisdiction and venue are proper in this
27 Court.
28

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FACTS

1
2 10. All of the allegations contained within the paragraphs above and
3 below are hereby incorporated by reference as if fully set out herein.

4
5 11. Upon information and belief, Defendants posted voluminous false,
6 damaging, misleading and defamatory statements about Plaintiff on the Internet,
7 located at numerous web links, and making a variety of untrue and damaging
8 statements and implications aimed at Plaintiff (collectively the "False
9 Statements"). The False Statements have been attached as **Exhibit "A"** hereto.

10
11 12. Upon information and belief, Defendants have posted and/or
12 contributed to posting and disseminating the false, defamatory, damaging, and
13 misleading statements about Plaintiff.

14
15 13. Plaintiff is not a criminal, and did not commit the crime of assault.

16
17 14. Defendants posted the False Statements with the intent to injure
18 Plaintiff and/or with conscious disregard of the rights of Plaintiff.

19
20 15. Defendants have exhibited a malicious intent and purpose.

21
22 16. Defendants failed to use reasonable efforts to ascertain the truth or
23 conduct due diligence prior to publishing the False Statements.

24
25 17. The False Statements made by Defendant tends to injure Plaintiff,
26 and portray her in a false light, and accuses Plaintiff of misconduct and/or attack
27 her reputation as a professional cheerleader for the Arizona Cardinals at the
28 time, and as a reservist in the military.

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1 18. Plaintiff has suffered substantial harm and damages as a result of
2 these false statements and will continue to suffer damages if the defamation
3 persists.

4 **COUNT I – DEFAMATION AND DEFAMATION PER SE**

5
6 19. All of the allegations contained within the paragraphs above and
7 below are hereby incorporated by reference as if fully set out herein.

8
9 20. The False Statements made by Defendants are about and
10 concerning Plaintiff.

11 21. Without privilege, Defendants communicated the False Statements
12 to third parties via the Internet and/or intentionally made such statements on the
13 Internet, which were accessible to third parties without password protection.

14
15 22. Defendants' False Statements are and would be highly offensive to
16 a reasonable person and have been published to third parties with the apparent
17 intent of causing harm to the reputation and economic interests of Plaintiff.

18
19 23. In making and publishing the False Statements, Defendants had
20 knowledge of or acted in reckless disregard as to the falsity of the False
21 Statements.

22
23 24. Plaintiff alleges, on information and belief, that Defendants
24 published the False Statements knowing that they would be widely disseminated
25 across the world.

26
27 25. As a direct and proximate result of Defendants posting the False
28 Statements, Plaintiff has sustained, and will continue to sustain, immediate and

1 irreparable harm and injury including, but not limited to, damage to reputation,
2 losses in revenues, loss of profits, loss of goodwill, loss of business relations
3 with existing and future business prospects, and loss of competitive business
4 advantage, opportunity, and/or expectancy.
5

6 26. The written False Statements made by Defendants impeaches the
7 honesty, integrity or reputation of Plaintiff.
8

9 27. The False Statements made by Defendants constitutes defamation
10 per se and general damages are presumed as a matter of law.

11 28. Plaintiff has suffered general and special damages in an amount to
12 be proved at trial.
13

14 29. In making and publishing the False Statements, Defendants acted
15 maliciously, willfully, wantonly, and unlawfully.
16

17 30. For such willful and malicious acts, Plaintiff hereby seeks punitive
18 damages in addition to their actual damages.

19 31. Defendants' acts, omissions, conduct and transactions alleged
20 herein were aggravated, outrageous, and guided by evil motives wherein
21 Defendants intended to harm Plaintiff and/or consciously pursued a course of
22 conduct knowing that it created a substantial risk of significant harm to Plaintiff.
23

24 32. To dissuade Defendants from pursuing a similar course of conduct
25 in the future and to discourage other persons from similar conduct in the future,
26 an award of punitive damages should be awarded against Defendants in the
27
28

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1 sum of sufficient magnitude to punish Defendant and to deter similar conduct by
2 others.

3 **COUNT II – APPLICATION FOR PRELIMINARY AND PERMANENT**
4 **INJUNCTION**

5 33. All of the allegations contained within the paragraphs above and
6 below are hereby incorporated by reference as if fully set out herein.

7
8 34. As a direct and proximate result of the Defendants posting the
9 False Statements, Plaintiff has sustained, and will continue to sustain,
10 immediate and irreparable harm and injury including, but not limited to, damage
11 to reputation, losses in revenues, loss of profits, loss of goodwill, loss of
12 business relations with existing and future business prospects, and loss of
13 competitive business advantage, opportunity, and/or expectancy.

14
15
16 35. The False Statements made by Defendants impeach the honesty,
17 integrity or reputation of Plaintiff.

18
19 36. The False Statements made by Defendants are defamatory on their
20 face.

21 37. There is a substantial risk that unless Defendants' wrongful acts
22 described herein are temporarily, preliminarily, and/or permanently enjoined,
23 Defendants will continue to irreparably injure Plaintiff.

24
25 38. Plaintiff has no adequate remedy at law; therefore, Plaintiff is
26 entitled to injunctive relief.

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COUNT III – FALSE LIGHT / INVASION OF PRIVACY

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2 39. All of the allegations contained within the paragraphs above and
3 below are hereby incorporated by reference as if fully set out herein.

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5 40. Defendants published a private matter concerning Plaintiff's private
6 life to the public, including partial video footage of a private incidence that
7 occurred at Plaintiff's home, placing Plaintiff in a false light. The False
8 Statements omit substantial facts and portray Plaintiff in a false light.
9

10 41. The voluminous publications made about Plaintiff would be
11 considered highly offensive to any reasonable person.

12 42. The Defendants had knowledge of the truth and/or acted in reckless
13 disregard as to the falsity of the private False Statements that they published
14 and the false light in which Plaintiff was placed.
15

16 43. To dissuade Defendants from pursuing a similar course of conduct
17 in the future and to discourage other persons from similar conduct in the future,
18 an award of punitive damages should be awarded against Defendants in the
19 sum of sufficient magnitude to punish Defendants and to deter similar conduct
20 by others.
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22
23 **WHEREFORE**, Plaintiff demands judgment against Defendants as
24 follows:
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- 26 A. For a preliminary and permanent injunction compelling
27 Defendants to remove from the Internet all material pertaining
28 to Plaintiff;


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- B. For a preliminary and permanent injunction enjoining Defendants from publishing any false statements or defamatory material to any third party about or pertaining to Plaintiff;
- C. For general damages in an amount to be proven at trial;
- D. For special damages in an amount to be proven at trial;
- E. For punitive damages in an amount to be proven at trial;
- F. For Plaintiff's costs herein incurred;
- G. For Plaintiff's reasonable attorneys' fees incurred herein, which are not less than \$5,000.00 in the event of default;
- H. For interest on the foregoing attorneys' fees and court costs at the statutory rate from the date of judgment until paid;
- I. For prejudgment and postjudgment interest on all damages at the highest rate allowed by law from the date of injury until paid in full; and
- J. For such other and further relief as the Court deems just and proper

RESPECTFULLY SUBMITTED this 18th day of May, 2016.

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By: 
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