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KING COUNTY, WASHINGTON

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ORIGINAL

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

YUE TING JIA, an individual,	
	Plaintiff,
v.	
YINGQIONG GU, an individual,	
	Defendant.

No. 17-2-27517-4 KNT

**ORDER GRANTING PLAINTIFF YUE
TING JIA'S MOTION FOR
PRELIMINARY INJUNCTION**

~~PROPOSED~~ *RJM*

WHEREAS, Plaintiff Yue Ting Jia ("Plaintiff") filed a Motion for Preliminary Injunction ("Motion") against Defendant Yingqiong Gu ("Defendant"); and

WHEREAS, the Court considered Plaintiff's Motion and the evidentiary materials filed therewith (and Defendant's opposition), and having heard argument on November 9, 2017, the Court finds that a preliminary injunction is warranted. Now, therefore, the Court hereby enters the following findings and conclusions:

1. To obtain injunctive relief, a party must show (1) that it has a clear legal or equitable right, (2) that it has a well-grounded fear of immediate invasion of that right, and (3) that the acts complained of are either resulting in or will result in actual and substantial injury. *Tyler Pipe Indus., Inc. v. Dep't of Revenue*, 96 Wn.2d 785, 792, 638 P.2d 1213 (1982); *see also* RCW 7.40.020.

ORDER GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION - 1

CORR CRONIN MICHELSON
BAUMGARDNER FOGG & MOORE LLP
1001 Fourth Avenue, Suite 3900
Seattle, Washington 98154-1051
Tel (206) 625-8600
Fax (206) 625-0900

1 2. To determine whether a party has a clear legal or equitable right, the Court
2 must examine the likelihood of that party ultimately prevailing on the merits. *Tyler Pipe*, 96
3 Wn.2d at 793. In making that determination, however, the Court does not adjudicate the
4 ultimate rights in the lawsuit. *Id.* Plaintiff has asserted claims for defamation, invasion of
5 privacy, and intentional infliction of emotional distress. For the reasons discussed below,
6 the Court finds that Plaintiff is likely to prevail on the merits of each of these three claims.

7 3. A defamation plaintiff must show four essential elements: falsity, an
8 unprivileged communication, fault, and damages. *Mark v. Seattle Times*, 96 Wn.2d 473,
9 486, 635 P.2d 1081 (1981). Defendant has published numerous false claims on
10 WeChat.com and other social media outlets about Plaintiff, including claims that Plaintiff
11 has engaged in money laundering and a Ponzi scheme, attempted to evade Chinese
12 authorities by relocating to the United States, created a purported irrevocable trust to his
13 daughters which is in fact a forgery to protect assets from creditors, and raised money from
14 Chinese-national investors in a purported racist scheme to transfer wealth to non-Chinese
15 individuals. Defendant's false statements are not privileged and they have been published
16 on platforms that reach hundreds of millions of individuals. These statements are
17 defamatory *per se* because they injure Plaintiff in his "business, trade, profession or office,"
18 and are, therefore, actionable without proof of special damages. *Maison de France, Ltd. v.*
19 *Mais Ouil, Inc.*, 126 Wn. App. 34, 44-45, 108 P.3d 787 (2005). Plaintiff has also shown
20 actual harm to his reputation and the reputation of his company, Faraday & Future,
21 including, without limitation, by submitting evidence that Defendant's statements have
22 placed doubts in the minds of potential investors about the integrity of Plaintiff.
23 Accordingly, Plaintiff is likely to succeed on his defamation claim.

24 4. Defendant has also invaded Plaintiff's privacy in two ways. First, he has
25 intruded on Plaintiff's seclusion by posting Plaintiff's address onto the internet, claiming to

1 have followed and surveilled Plaintiff, and by attempting to access, and claiming to have
2 accessed, documents protected by the attorney-client privilege. Plaintiff has demonstrated,
3 more likely than not, that the purported trust Defendant posted is a forgery and that the
4 signature on the purported document is not Mr. Jia's signature. Second, Defendant has
5 placed Plaintiff in a false light, for the same reasons discussed above in connection with
6 Plaintiff's defamation claim. Plaintiff has suffered damages from these actions in the form
7 of mental distress, in addition to the harm to his general interest in, and right to, privacy.
8 *White v. Twp. of Winthrop*, 128 Wn. App. 588, 597 (2005). Accordingly, Plaintiff is likely
9 to succeed on his invasion of privacy claim.

10 5. Plaintiff has also shown that he is likely to succeed on the merits of his claim
11 for intentional infliction of emotional distress, which requires him to show "(1) extreme and
12 outrageous conduct, (2) intentional or reckless infliction of emotional distress, and (3)
13 actual result to the plaintiff of severe emotional distress." *Christian v. Tohmeh*, 191 Wn.
14 App. 709, 735 (2015). Defendant's conduct is extreme and outrageous. He has falsely
15 accused Plaintiff of fraud and claimed that he is under government investigation, published
16 a forged document purporting to document a trust established to defraud investors,
17 published Plaintiff's private address, and claims to have followed Plaintiff and obtained
18 documents protected by the attorney-client privilege. His self-professed motivation for his
19 behavior is self-aggrandization and money. Defendant's conduct is also intentional, as
20 evidenced by the fact that it has continued after the issuance of two prior Temporary
21 Restraining Orders against him. Given the severity of Defendant's behavior, damage to
22 Plaintiff may be presumed. *See Kloepfel v. Bokor*, 149 Wn. 2d 192, 202 (2003). However,
23 Plaintiff has submitted evidence that Defendant's outrageous, false claims, in the face of
24 court orders requiring him to stop his behavior, have in fact caused distress to Plaintiff.

1 Accordingly, Plaintiff is likely to succeed on his intentional infliction of emotional distress
2 claim.

3 6. The Court further finds that Plaintiff has established that he has a well-
4 grounded fear of immediate invasion of his rights. Plaintiff's rights have already been
5 invaded, and damage is likely to continue as long as the defamatory posts remain available
6 online, and as long as Defendant continues to post false and misleading information in an
7 effort to harm Plaintiff.

8 7. The Court further finds that Plaintiff has established that Defendant's acts
9 have resulted in, and, unless enjoined, will continue to cause, actual and substantial injury in
10 the form of harm to Plaintiff's business, reputation, and goodwill.

11 Based upon the foregoing findings and conclusions, therefore, the Court hereby
12 **ORDERS** as follows:

13 A. Defendant, including his agents, employees, or representatives or anyone
14 acting on their behalf, are required to immediately remove the posts on WeChat.com that
15 contain defamatory statements concerning Plaintiff and/or reveal private information
16 concerning Plaintiff and his family, and which are attached hereto as Exhibits 1 to 9, within
17 twenty-four (24) hours of the issuance of this Order.

18 B. Defendant, including his agents, employees or representatives or anyone
19 acting on their behalf, are required to immediately remove any additional posts made by
20 Defendant on WeChat.com, TouTiao or any other internet location or website that contain
21 defamatory statements concerning Plaintiff and/or reveal private information concerning
22 Plaintiff and his family.

23 C. Defendant, including his agents, employees or representatives or anyone
24 acting on their behalf, are further enjoined from publishing or causing to be published any
25 posts or commentary concerning Plaintiff or his family on WeChat.com, TouTiao.com or any

1 other internet location or website.

2 D. Defendant is enjoined from harassing, contacting, surveilling, or otherwise
3 intruding on Plaintiff's privacy. Defendant is enjoined from contact with or attempting to
4 contact employees or former employees of Plaintiff's law firms, employees or former
5 employees of Faraday & Future, Inc., and employees or former employees Leshi Holdings
6 (Beijing) Co., Ltd. or any associated companies. Defendant is further enjoined from obtaining
7 or attempting to obtain private, privileged or confidential information concerning Plaintiff and
8 his family.

9 E. The Court does not require Plaintiff to post a bond at this time.

10 This Order shall remain in effect until February 1, 2018.

11 IT IS SO ORDERED this 9th day of November, 2017.

12 
13 Richard McDermott
14 Judge

15 Presented By:

16 CORR CRONIN MICHELSON
17 BAUMGARDNER FOGG & MOORE LLP

18 By: s/ Emily Harris

19 Emily J. Harris, WSBA No. 35763
20 William R. Squires III, WSBA No. 4976
21 Michael A. Moore, WSBA No. 27047
22 Jeff Bone, WSBA No. 43965
23 1001 Fourth Avenue, Suite 3900
24 Seattle, WA 98154
25 (206) 625-8600 Phone
(206) 625-0900 Fax
rsquires@corrchronin.com
mmoore@corrchronin.com
eharris@corrchronin.com
jbone@corrchronin.com
Attorneys for Plaintiff Yue Ting Jia

ORDER GRANTING PLAINTIFF'S MOTION FOR
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BAUMGARDNER FOGG & MOORE LLP
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