

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address):
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FOR COURT USE ONLY
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 08 2005

ALAN SLATER, Clerk of the Court

BY: A. KNOX, DEPUTY

ATTORNEY FOR (Name): Plaintiffs
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange County
STREET ADDRESS: 700 Civic Center Drive
MAILING ADDRESS: P.O. Box 838
CITY AND ZIP CODE: Santa Ana, CA 92702
BRANCH NAME: Central Justice Center Unlimited Civil
CASE NAME: Gentle Giants, etc., et al v. Laird

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 1811)

CASE NUMBER: 05CC09035
JUDGE DEREK G. JOHNSON
DEPT.: DEPT. C7

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|--|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
<p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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)
<p>Non-PI/PD/WD (Other) Tort</p> <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)
<p>Employment</p> <input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
<p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
<p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
<p>Judicial Review</p> <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) | <p>Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 1800-1812)</p> <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)
<p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20)
<p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
<p>Miscellaneous Civil Petition</p> <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 1800 of the California Rules of Court. If 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 post-judgment judicial supervision |
3. Type of remedies sought (check all that apply):
a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 7
5. This case is is not a class action suit.
- Date: August 4, 2005
H. Jason Cohen, Esq., #188783
(TYPE OR PRINT NAME)

(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, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) 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 1800 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 complex case, this cover sheet shall be used for statistical purposes only.

SU MONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

BARBARA LAIRD, an Individual; MARC SAYER, an Individual; JAIME GARCIA, an Individual; RENEE BRODEN, an Individual; and DOES 1 through 100, Inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

WEST JUDICIAL SERVICES
2005 AUG 22 PM 2:18

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

GENTLE GIANTS RESCUE AND ADOPTIONS, INC., a California Non-Profit Public Benefit Corporation; BURT WARD, an Individual; and TRACY WARD, an individual

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Orange County Superior Court
700 Civic Center Drive
P.O. Box 838
Santa Ana, CA 92702

Central Justice Center Unlimited Civil

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

H. Jason Cohen, Esq., #188783
Sanford M. Passman, Esq. #77701
Passman & Cohen an Association of Law Firms
6303 Wilshire Blvd., #207, Los Angeles, CA 90048-5001

DATE:

AUG 08 2005

ALAN SLATER

Clerk, by

ANGELA KNOX

Deputy
(Adjunto)

CASE NUMBER:
(Número del Caso):

05CC09035

JUDGE DEREK G. JOHNSON
DEPT. C7

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

- 4. by personal delivery on (date):

(SEAL)

Page 1 of 1

1 **PASSMAN & COHEN,**
2 *An Association of Law Firms,*
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5 6303 Wilshire Boulevard, Suite 207
6 Los Angeles, CA 90048-5001
7 Telephone (323) 852-1883
8 Facsimile (323) 852-1899

9 Attorney for Plaintiffs,
10 Gentle Giants Rescue and Adoptions, Inc.,
11 Burt Ward, and Tracy Ward

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 08 2005

ALAN SLATER, Clerk of the Court
BY: A. KNOX DEPUTY

12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
13 **COUNTY OF ORANGE**

05CC09035

14 GENTLE GIANTS RESCUE AND }
15 ADOPTIONS, INC., a California }
16 Non-Profit Public Benefit Corporation, }
17 BURT WARD, an Individual, and TRACY }
18 WARD, an Individual, }
19 Plaintiffs, }
20 vs. }
21 BARBARA LAIRD, an Individual, MARC }
22 SAYER, an Individual, JAIME GARCIA, }
23 an Individual, RENEE BRODEN, an }
24 Individual, and DOES 1 through 100, }
25 Inclusive. }
26 Defendants. }

CASE NO.: JUDGE DEREK G. JOHNSON
COMPLAINT FOR: DEPT. C7

1. DEFAMATION (LIBEL);
2. DEFAMATION (TRADE LIBEL);
3. INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE;
4. NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE;
5. INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS;
6. NEGLIGENCE; AND
7. INJUNCTION

26 COME NOW, GENTLE GIANTS RESCUE AND ADOPTIONS, a California Non-Profit
27 Public Benefit Corporation, BURT WARD, an Individual, TRACY WARD, an Individual, by and
28 through their undersigned counsel, hereby sues the Defendants, BARBARA LAIRD, an Individual,
MARC SAYER, an Individual, JAIME GARCIA, an Individual, RENEE BRODEN, an Individual,
and DOES 1 through 100 inclusive, as follows:

//

1 **GENERAL ALLEGATIONS**

2 1. At all material times mentioned, Plaintiff, GENTLE GIANTS RESCUE AND
3 ADOPTIONS, INC. ("Gentle Giants") is a California Non-Profit Public Benefit Corporation, duly
4 authorized under the laws of the State of California, with its principal place of business in the County
5 of Riverside, State of California.

6 2. At all times mentioned Plaintiff, BURT WARD ("Burt") is an individual resident of
7 the city of Norco, County of Riverside, California.

8 3. At all times mentioned Plaintiff, TRACY WARD ("Tracy") is an individual resident
9 of the city of Norco, County of Riverside, California.

10 4. At all times mentioned, Defendant BARBARA LAIRD ("Laird") is an individual
11 resident of the city of Westminster, County of Orange, California.

12 5. At all times mentioned, Defendant MARC SAYER ("Sayer") is an individual resident
13 of the State of Oregon. Defendant Sayer operates a breeding facility in Oregon. Plaintiffs are
14 informed and believe and based thereon allege that Defendant Sayer frequently conducts his business
15 within the State of California, including but not limited to Orange County, thereby establishing the
16 required minimum contacts for personal jurisdiction.

17 6. At all times mentioned, Defendant JAMIE GARCIA ("Garcia") is an individual
18 resident of the State of Arizona. Plaintiffs are informed and believe and based thereon allege that
19 Defendant Garcia frequently conducts her business within the State of California, including but not
20 limited to Orange County, thereby establishing the required minimum contacts for personal
21 jurisdiction.

22 7. At all times mentioned, Defendant RENEE BRODEN ("Broden") is an individual
23 resident of the State of California. Plaintiffs are informed and believe and based thereon allege that
24 Defendant Broden frequently conducts her business within the Southern California area, including
25 the County of Orange, thereby establishing venue within said County.

26 8. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
27

1 DOES 1 - 100, inclusive, and therefore sues those Defendant(s) by such fictitious names. Plaintiff
2 will amend this complaint to allege the true names and capacities of said DOES when ascertained.
3 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
4 Defendant(s) is responsible in some manner for the occurrences herein alleged, and that Plaintiff's
5 damages as herein alleged were proximately caused by their conduct.

6 9. Each Defendant is sued both as a principal and as the servant, agent, employee, co-
7 venturer, and co-tortfeasor of the remaining Defendants, and each of them, and is liable in some
8 manner for the damage to Plaintiff complained of herein. On information and belief, Defendants and
9 each of them did at all material times foresee the nature and extent of the probable consequences of
10 their acts in proximately causing said damage to Plaintiff, and acted within the course and scope of
11 such service, agency, employment and joint venture, and with the knowledge, permission, and
12 authority, actual and apparent, express and implied, direct and vicarious, of the remaining
13 Defendants, and each of them.

14 10. Gentle Giants is a non-profit animal rescue and adoption organization which rescues
15 and adopts large breed dogs to the public. It, and its predecessor, Great Dane Adoptions, have been
16 in operation for a period of time exceeding ten (10) years. Plaintiff's Burt and Tracy are the
17 directors, and officers of Gentle Giants, and Tracy is the single shareholder of same.

18 11. On or about January, 2005, Defendant Laird adopted a dog from Gentle Giants, and
19 subsequent thereto, a dispute arose between said Defendant and the Plaintiffs, regarding the manner
20 within which Defendant Laird was maintaining her adopted dog.

21 12. Shortly thereafter, Defendant Laird commenced a campaign against the Plaintiffs, and
22 contacted many of Plaintiffs' actual and prospective clients, other individuals, governmental
23 agencies and other animal welfare entities, nationwide, all with the intent to disseminate
24 unprivileged, false and misleading information about Plaintiffs Gentle Giants, Burt and Tracy.
25 Laird made contact with the above described individuals and entities using various Internet
26 electronic mail addresses, Internet Chat Rooms, and Internet Discussion Groups and Forums.

1 13. Defendant Laird's initial contact with said individuals, governmental agencies, and
2 other animal welfare entities, included a factually untrue account of her experience with the
3 Plaintiffs, accusing them of knowingly adopting sick and dangerous large breed dogs to the public,
4 without any disclosure of same to the adopter(s). She further requested they visit a Internet Website
5 identified as <http://gracieland.org/ROARS/>, which is allegedly owned and operated by Defendant
6 Sayer ("Sayer Site"), in order to "spread the word around with anyone that NEEDS to be 'educated'
7 about Gentle Giants 'Current Events.'" Plaintiffs are informed and believe that the aforementioned
8 Internet Website consisted solely of false and negative information about the Plaintiffs.

9 14. Thereafter, Defendant Laird again contacted said individuals and entities, and
10 requested that they share their experiences, if any, with the Plaintiffs, and reduce same to writing on
11 an Internet Website identified as <http://groups.yahoo.com/group/GentleGiantsAdoptees/>, (the "First
12 Yahoo Group"), and subsequently, after the First Yahoo Group was shut down, on another Internet
13 Website identified as http://groups.yahoo.com/groups/Tiergans_Roar/, (the "Second Yahoo Group).
14 Plaintiffs are informed and believe, that these Internet Websites were created and moderated by
15 Defendants Laird and Sayer, and solely devoted to disseminating unprivileged, false and misleading
16 information about the Plaintiffs.

17 15. Plaintiffs are further informed and believe, and based thereon allege that because
18 Laird and Sayer created and moderated said Internet Websites, they were also able to manipulate
19 same, so as to only display negative information about the Plaintiffs. Furthermore, said Defendants
20 induced such negative information by publishing statements and accusations that Sayer and Laird
21 knew, or should have known, to be untrue, including several accusations that the Plaintiffs were
22 guilty of gross neglect of their rescued dogs, theft of dogs to be adopted, copyright infringement, tax
23 fraud, and consumer fraud.

24 16. Additionally, during the period of time beginning in June, 2005 through July, 2005,
25 on a Internet Website identified as www.danesonline.com, Defendant Laird, using the electronic mail
26 addresses of "KeepingthePeace@aol.com", "Svnt4God@aol.com", and "Trouble4GG", repeatedly
27

1 accused the Plaintiffs, sometime referring to them as the "Warts", of adopting dogs that were
2 knowingly sick and dangerous without fully disclosing same to prospective adopter(s), and
3 intentionally neglecting the welfare of said rescued dogs.

4 17. Specifically, on June 5, 2005, Defendant Laird published statements on
5 www.danesonline.com that the dogs in the Plaintiffs' care were either "cancer ridden" or "vicious".

6 18. On June 24, 2005, Defendant Laird also sent correspondence to a company identified
7 as "Petfinder.com", a organization that assists prospective animal adopters with referrals to certain
8 rescue agencies. In said correspondence, Defendant Laird again accused the Plaintiffs of knowingly
9 adopting sick and dangerous dogs, willfully neglecting them, and ultimately requested that Plaintiff
10 Gentle Giants be removed from the Petfinder.com Internet Website.

11 19. Likewise, Defendant Sayer has also campaigned against the Plaintiffs, via the
12 Internet. Hidden behind the cloak of an entity identified as "ROARS", which Plaintiffs are
13 informed and believe is owned and controlled by Defendant Sayer, Sayer repeatedly published, on all
14 of the aforesaid Internet Websites, false and misleading information with the intent to harm the
15 Plaintiffs, and prevent them from further conducting their business. Plaintiffs are further informed
16 and believe that contrary to what Sayer has published about ROARS, said entity is neither
17 incorporated, nor trademarked, nor copyrighted in any jurisdiction of this Country.

18 20. On or about February 3, 2005 and on numerous other occasions, Sayer published
19 unprivileged, private information about the Plaintiffs, and accused them of being involved in the
20 theft of dogs, various violations of the Internal Revenue Codes, regarding 501c3 corporations, and
21 other violations of certain California State Laws. These accusations were published on the
22 <http://gracieland.org/ROARS/> and the www.danesonline.com Internet Websites. Additionally, on
23 June 24, 2005, Sayer published on all of the aforementioned Internet Websites, information that
24 stated "the ROARS coalition has been making sure we intercept as many dogs as possible, to prevent
25 them from ending up at GG [Gentle Giants]", and on July 1, 2005 Sayer also published certain
26 unprivileged information on the http://groups.yahoo.com/groups/Tiorgans_Roar/ Internet Website,
27

1 accusing the Plaintiffs of "lying and feeding their adopters misinformation."

2 21. In addition to Defendants Laird and Sayer, other individuals have also published
3 unprivileged defamatory statements about Gentle Giants. On June 4, 2005 Defendant Broden
4 published comments on www.danesonline.com Internet Website, claiming that the Plaintiffs "have
5 stolen dogs from owners backyards, traveled out of their area to pick up lost dogs so they could get
6 the reward money. They turn around and sell sick, ill tempered, and intact dogs for outrageous
7 amounts. When the owners try to reach them regarding sick dogs their calls are NOT answered."
8 Likewise, on June 27, 2005, Defendant Garcia published a letter on the
9 http://groups.yahoo.com/groups/Tiergans_Roar/ Internet Website wherein she stated "My name is
10 Jaime Garcia, I joined this list specifically to join the efforts to shut down Gentle Giants rescue.... I
11 believe I just might hold in my hand the final nail for their coffin so to speak.... This case is what put
12 a hold on my mission to put an end to consumer fraud by GG "[Gentle Giants].

13 22. As a direct result of the above described conduct of the Defendants, on or about July
14 1, 2005, Defendant Laird, published information, under the caption of "A Small Victory", on the
15 http://groups.yahoo.com/groups/Tiergans_Roar/ Internet Website stating that certain individuals
16 whom were in the process of adopting a dog from the Plaintiffs, cancelled because of the information
17 received from Laird, Sayer and the other individuals. Plaintiffs are informed and believe and based
18 thereon allege that Defendants published the above described information on numerous other
19 occasions, as well.

20 23. As a result of the above described conduct, Plaintiffs, and each of them, have
21 suffered damages and lost business in an amount yet to be determined but according to proof at time
22 of trial.

23 **FIRST CAUSE OF ACTION**

24 **DEFAMATION (LIBEL)**

25 **(AS AGAINST DEFENDANTS)**

26 24. By this reference, the Plaintiffs, Burt and Tracy hereby incorporate into this paragraph
27

1 the allegations contained in paragraph 1 through 23 of the General Allegations, as though the same
2 were fully set forth herein.

3
4 25. Defendants, and each of them, published unprivileged, false and disparaging
5 information about Plaintiffs, Burt and Tracy, which was published on the aforementioned publicly
6 accessible and disseminated Internet Websites.

7 26. Said information was viewed by individuals and entities who reside, and conduct
8 business, not only in and around California, but Worldwide.

9 27. The contents of the unprivileged information Defendants, and each of them,
10 published, as they relate to Burt and Tracy, are libelous on its face as a result the false accusations
11 having charged the said Plaintiffs with engaging in a multitude of criminal activity.

12 28. As a proximate result of the above described publication, Plaintiffs Burt and Tracy
13 have suffered loss of their reputation, shame, and mortification and hurt feelings all to their general
14 damage in the sum that exceeds the jurisdictional amount, to be proven at time of trial.

15 29. The above described publication was published by the Defendants, and each of them,
16 with malice, oppression or fraud in that Defendants knew that the information disseminated lacked
17 any basis in fact, yet published said unprivileged information about Burt and Tracy, and portrayed
18 them as being involved in criminal conduct, so as to justify an award of exemplary and punitive
19 damages.

20 **SECOND CAUSE OF ACTION**
21 **DEFAMATION (TRADE LIBEL)**
22 **AS AGAINST ALL DEFENDANTS**

23 30. By this reference, the Plaintiff, Gentle Giants hereby incorporates into this paragraph the
24 allegations contained in paragraph 1 through 23 of the General Allegations, as though the same were
25 fully set forth herein.

26 31. Defendants, and each of them, published unprivileged, false and disparaging information
27

1 about the Plaintiff, Gentle Giants, which was published on the aforementioned publically accessible and
2 disseminated Internet Websites.

3 32. Said information was viewed by individuals and entities who reside, and conduct
4 business, not only in and around California, but Worldwide. As a result of the publishing of said false
5 and disparaging information, certain actual and prospective clients of Gentle Giants refused to further
6 conduct any business with said Plaintiff.

7 33. The contents of the unprivileged information Defendants, and each of them, published,
8 as they relate to Gentle Giants, are libelous on its face because said accusations charge Gentle Giants
9 with engaging in a multitude of criminal activity.

10 34. As a further proximate result of the above-described publication, Plaintiff, Gentle Giants
11 has suffered special damages in an amount that exceeds the jurisdictional amount, to be proven at time
12 of trial.

13 35. Defendants conduct was undertaken with malice, oppression or fraud in that said
14 Defendants knew the aforementioned information lacked any basis in fact, yet published same about
15 Gentle Giants, and portrayed it as being involved in certain criminal activities, so as to justify an award
16 of exemplary and punitive damages.

17 **THIRD CAUSE OF ACTION**

18 **INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC**

19 **ADVANTAGE**

20 **(AS AGAINST ALL DEFENDANTS)**

21 36. By this reference, the Plaintiff, Gentle Giants hereby incorporates into this paragraph the
22 allegations contained in paragraph 1 through 23 of the General Allegations, as though the same were
23 fully set forth herein.

24 37. Defendants', and each of them, knew of Gentle Giants' existing business relationship,
25 and prospective business relationship, with those individuals and entities who viewed the aforesaid false
26 and disparaging information.

27
28

1 diligence to ascertain the truth of the matters they published about the Plaintiffs. Furthermore, said
2 Defendants, and each of them owed a duty, to said Plaintiff, not to conduct themselves in any manner
3 that would cause any harm to Gentle Giants.

4 45. Despite owing Gentle Giants said duties, Defendants, and each of them, interfered with
5 those business relationships by soliciting said Plaintiff's actual and prospective clientele, said
6 governmental agencies and other animal welfare entities, in order to provide them, along with the general
7 public, the above described false and disparaging information about Gentle Giants, its alleged business
8 practices, and to "intercept as many dogs as possible, to prevent them from ending up at GG [Gentle
9 Giants]".

10 46. As a direct and proximate result of Defendants' conduct, the aforementioned individuals
11 and entities have ceased conducting any business with Gentle Giants.

12 47. As a further direct and proximate result of the Defendants' conduct, Plaintiff, Gentle
13 Giants was damaged in an amount according to proof, due to the loss of those adoptions fees that would
14 have been generated by said adoptions, and the loss of the placement of those dogs that were to be
15 offered for adoption by Gentle Giants.

16 **FIFTH CAUSE OF ACTION**

17 **INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS**

18 **AS AGAINST ALL DEFENDANTS**

19 48. By this reference, Plaintiffs, Burt and Tracy, hereby incorporate into this Paragraph
20 the allegations contained in Paragraphs 1 through 23, inclusive, of this pleading, as though the same
21 were fully set forth herein.

22 49. At all relevant times mentioned herein, Defendants, and each of them published,
23 unprivileged, false and disparaging information about the said Plaintiffs, on several publically
24 accessible and disseminated Internet Websites. Pursuant thereto, said individuals and entities,
25 viewed said false and disparaging information.

1 50. Defendants' conduct was intentional, malicious, and undertaken for the purpose of
2 causing Burt and Tracy to suffer humiliation, mental anguish, and emotional and physical distress.
3 Moreover, the Defendants' aforementioned conduct was done with a wanton and reckless disregard
4 for not only the truth, but of the consequences to the said Plaintiffs.

5 51. As the proximate result of Defendants aforementioned acts, said Plaintiffs suffered
6 humiliation, mental anguish, and emotional and physical distress, and have been injured in mind and
7 body all to Plaintiffs' damages to be proven at time of trial.

8 52. Defendants, and each of them, undertook the aforementioned conduct with malice,
9 oppression or fraud in that Defendants knew that said published information lacked any basis in fact,
10 so as to justify an award of exemplary and punitive damages.

11 **SIXTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 **(AS AGAINST ALL DEFENDANTS)**

14 53. By this reference, Plaintiffs hereby incorporate into this Paragraph the allegations
15 contained in Paragraphs 1 through 23, inclusive, of this pleading, as though the same were fully set forth
16 herein.

17
18 54. Defendants, and each of them owed a duty to exercise due care and diligence to ascertain
19 the truth of the matters published about the Plaintiffs. Furthermore, said Defendants, and each of them
20 owed the Plaintiffs a duty not to conduct themselves in any manner that would cause any harm to any
21 of the Plaintiffs.

22
23 55. At no time during the aforementioned events did the Defendants, or each of them,
24 perform any due diligence to ascertain whether any of the accusation they made about any of the
25 Plaintiffs were based on any truth in fact.

1 Plaintiff through the ongoing loss of reputation and economic advantage.

2 61. Plaintiffs have no adequate remedy at law for the injuries which are threatened in that
3 Defendants will continue to publish said false and disparaging information, all to the detriment of the
4 Plaintiffs, and each of them.
5

6 **PRAYER FOR RELIEF**

7 **WHEREFORE, Plaintiff prays that judgment be entered against the Defendants for relief**
8 **as follows:**

9 **AS TO THE FIRST CAUSE OF ACTION**

- 10 1. For General Damages according to proof at time of trial;
11 2. For Special Damages according to proof at time of trial;
12 3. For an Injunction, enjoining the Defendants from disseminating any information
13 about the Plaintiff in any medium;
14 4. For Punitive Damages;

15 **AS TO THE SECOND CAUSE OF ACTION**

- 16 5. For General Damages according to proof at time of trial;
17 6. For Special Damages according to proof at time of trial; and
18 7. For Punitive Damages;

19 **AS TO THE THIRD CAUSE OF ACTION**

- 20 8. For General Damages according to proof at time of trial;
21 9. For Special Damages according to proof at time of trial; and
22 10. For Punitive Damages;

23 **AS TO THE FOURTH CAUSE OF ACTION**

- 24 11. For General Damages according to proof at time of trial;
25 12. For Special Damages according to proof at time of trial;

26 **AS TO THE FIFTH CAUSE OF ACTION**

- 27 13. For General Damages according to proof at time of trial;

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- 14. For Special Damages according to proof at time of trial; and
- 15. For Punitive Damages;

AS TO THE SIXTH CAUSE OF ACTION

- 16. For General Damages according to proof at time of trial;
- 17. For Special Damages according to proof at time of trial;

AS TO THE SEVENTH CAUSE OF ACTION

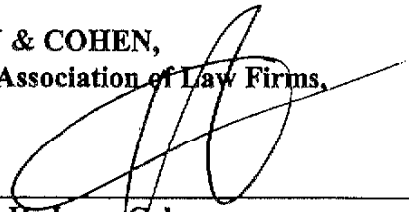
- 18. That this Court enter a preliminary and permanent injunction restraining and enjoining all defendants, and their agents, servants, employees, representatives, and anyone acting on their behalf or at their direction from publishing, disseminating, or otherwise providing to any person or entity, in any medium, any information about the Plaintiffs, or each of them.

AS TO ALL CAUSES OF ACTION

- 19. For costs of suit herein incurred;
- 20. For attorney's fees where applicable; and,
- 21. For such other and further relief as the court may deem just and proper.

DATED: August 1, 2005

PASSMAN & COHEN,
An Association of Law Firms,

By: 

H. Jason Cohen,
Attorney for the Plaintiffs