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IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

GOOD CLIENT ENTERTAINMENT, LLC, a state of Delaware limited liability company operating from and within the state of Utah, and **GOOD CLIENT**, an individual resident of the state of Utah and owner of Good Client Entertainment, LLC,

Plaintiffs,

vs.

FOX 13 KSTU, a state of Utah news media business entity, and **BAD REPORTER**, an individual and news reporter for Fox 13 KSTU,

Defendants.

COMPLAINT

(JURY DEMANDED)

TIER III CASE

Case Number:

Judge:

The above-captioned plaintiffs, Good Client Entertainment, LLC (hereinafter individually referred to as “**GCE**” or “**Plaintiff**,” and jointly with the following plaintiff as “**Plaintiffs**”), and Good Client (hereinafter individually referred to as “**Ms. Client**” or “**Plaintiff**,” and jointly with the foregoing Plaintiff (GCE) as “**Plaintiffs**”), both of whom are proceeding in this matter represented by counsel—Mr. Billy McBride—hereby file this complaint (hereinafter referred to as this “**Complaint**”) to complain against Defendants, Fox 13 KSTU (hereinafter individually referred to as “**Fox**” or “**Defendant**,” and jointly with the following Defendant as “**Defendants**”) and Bad Reporter (hereinafter individually referred to as “**Mr. Reporter**” or “**Defendant**,” and

jointly with the foregoing Defendant (Fox) as “**Defendants**”), for (1) Defamation and Defamation Per Se: Libel and Libel Per Se; (2) Defamation and Defamation Per Se: Slander and Slander Per Se; (3) Invasion of Privacy: Intrusion Upon Seclusion; (4) Invasion of Privacy: False Light; (5) Invasion of Privacy: Public Disclosure of Private Facts; (6) Intentional Infliction of Emotional Distress; (7) Tortious Interference with Prospective Economic Advantage; (8) Commercial Disparagement; (9) Injurious Falsehood; and (10) Permanent Injunction.

This is an action with damages totaling no less than \$358,000,000.00, exclusive of interest, costs, and attorney’s fees.

Below are the details of the parties to this case, as well as the actions of Defendants that inflicted Plaintiffs with significant and recurring damages and injuries.

PARTIES

1. Plaintiff **GCE** is a Delaware business entity which functions within multiple states across the country in the entertainment industry’s motion picture and television production; GCE owns and produces, and has owned and produced, movies, documentaries, television series and multimedia for the world-wide entertainment industry; GCE’s place of business is located within the state of Utah.

2. Plaintiff **Ms. Client** is an individual over the age of 18—who is, therefore, *sui juris*—who is the owner of GCE; who resides in Utah; whose (i) good character, name, image, and likeness have been defamed by Defendants’ (specifically, Mr. Reporter’s) false, slanderous, and libelous statements made against Plaintiffs, which have resulted, and will continue to result, in damages to Plaintiffs; whose (ii) privacy was invaded by Defendants (specifically, Plaintiffs claim Intrusion Upon Seclusion, False Light, and Public Disclosure of Private Facts); who (iii) has

suffered significant emotional distress intentionally inflicted by Defendants; who (iv) has suffered damages due to the tortious interference of Defendants; who (v) has suffered from commercial disparagement inflicted by Defendants; who (vi) has suffered from the Injurious Falsehood of Defendants against Ms. Client; and who (vii) seeks a Permanent Injunction as a remedy to her damages.

3. Defendant **Fox** is a business entity—specifically, a news media outlet—operating within the state of Utah, who, by extension under the doctrine of *Respondeat Superior*, is liable for the wrongdoings and tortious acts of its employee, Defendant **Mr. Reporter**.

4. Defendant **Mr. Reporter** is an individual over the age of 18—who is, therefore, *sui juris*—who is employed at Fox, whose official title at Fox was Investigative Producer and Reporter, who resides in Utah, and who is the party responsible for producing defamatory articles against Plaintiffs.

5. Plaintiffs reserve the right to include other additional defendants if said defendants become known through the process of discovery or otherwise.

JURISDICTION AND VENUE

6. Pursuant to Utah Code § 78A-5-102, this Court has subject matter jurisdiction in this case because Plaintiffs and Defendants reside, or are located in, the state of Utah.

7. Pursuant to Utah Code § 78B-3-307, the venue in this Court is proper because the events giving rise to this claim occurred within the boundaries of the state of Utah.

8. Pursuant to Rule 26 of the Utah Rules of Civil Procedure, this case is a Tier III matter because the amount of damages in controversy in this case is above \$75,000.00.

GENERAL ALLEGATIONS AND STATEMENT OF FACTS

9. This Complaint is based on a tortious, reckless, defamatory, and injurious article and video authored by Defendant Mr. Reporter and published by Defendant Fox, implying that Plaintiffs fraudulently obtained \$10,000,000.00 from the Federal Paycheck Protection Program (hereinafter referred to as the “**PPP**”).

10. Defendants also insinuate that GCE is not an actual company operating legally within the state of Utah.

11. Defendants also engaged in a pattern of misleading and fraudulent behavior not based in fact, which aimed to discredit and harass Plaintiffs and to severely mislead the public.

12. Plaintiffs made Defendants aware in writing, prior to publishing the article and airing the video described below, that the story has “false statements, misrepresentations, misconceptions, and is misconstruing.”

13. However, Defendants published the article and video regardless, ignoring the clear notice from Plaintiffs of the fraudulent nature of the article and video.

14. The damages suffered by Plaintiffs as a result of these defamatory statements—as well as the other causes of action set forth below—have been devastating upon Plaintiffs, and Plaintiffs are entitled to be made whole again through action of the Court against Defendants, as that is what the pursuit of justice demands.

Facts Pertaining to GCE

15. As aforementioned, GCE is a Delaware limited liability company with its principal place of business in Salt Lake County, state of Utah, which operates within the entertainment industry all across the country, with its own identifiable trademark.

16. GCE is a duly-instituted private company exclusive of Ms. Client and managed by Ms. Client.

17. Ms. Client is the single member/beneficial owner of GCE.

18. GCE was officially established on October 9, 2019.

19. Based on its business model, GCE is often described as a “seasonal” or “gig” business because its work is intermittent and based upon the projects that it is operating at any given time; this model often requires large crews to work together on a project before being paid; this is typical and normal for production companies such as GCE; this was understood during the application process by which GCE received its PPP loan.

Facts Pertaining to the PPP

20. As this Court and the parties are fully aware, shortly after the onset of the worldwide COVID-19 pandemic, Congress passed the “Coronavirus Aid, Relief, and Economic Security Act” (hereinafter referred to as the “**CARES Act**”).

21. The PPP was part of the CARES Act; it was a business loan program backed by the Small Business Administration (hereinafter referred to as the “**SBA**”) and available to eligible businesses across the United States.

22. Existing SBA-certified lenders (hereinafter referred to as the “**Lenders**”) were given delegated authority to administer PPP loans to eligible small businesses.

23. Under this delegated authority, Lenders were allowed to make and approve covered loans to PPP applicants.

24. Lenders were also allowed to create and shape requirements for applicants when applying for a PPP loan.

25. Lenders were ultimately responsible for approving PPP loan applications, and frequently coordinated with applicants to provide guidance regarding the information to be provided in loan applications.

26. The CARES Act explains the Sense of the Senate—it is the Sense of the Senate that the administrator should issue guidance to lenders and agents to ensure that the processing and disbursement of covered loans prioritize small business and concerns and entities . . . owned and controlled by socially and economically disadvantaged individuals (as defined in section 8(d)(3)(C)), women, and businesses in operations for less than 2 years.

Facts Pertaining to GCE's PPP Loan

27. Like most small businesses in the entertainment industry, the COVID-19 pandemic threatened GCE's ability to continue its operations.

28. GCE's investor relationships withdrew funding and left GCE, during a time of economic crisis, unable to obtain credit elsewhere and was without access to other sources of liquidity, stalling staffing and production for GCE.

29. After Congress passed the CARES Act, Ms. Client reached out to the SBA's Utah Office for guidance as to PPP loan options for GCE.

30. After Plaintiffs communicated with the SBA regarding the program, they reached out to Meridian Bank (hereinafter referred to as "**Meridian**") in Pennsylvania to commence a loan application.

31. Meridian is a financial institution that specializes in SBA loans.

32. As part of that application, GCE also submitted a Good Faith Letter (hereinafter referred to as the "**Certification**"), which was a certification made by the agent of GCE and

required by the CARES Act demonstrating the need for the loan and submitted in the form of a letter.

33. Meridian instructed Ms. Client in calculating and applying for a PPP loan.

34. GCE's PPP loan was approved and funded by Meridian.

35. Meridian, like all existing SBA-certified Lenders participating in the PPP loan program, was given delegated authority to make and approve loans; this delegated authority allowed Meridian to make eligibility determinations without the SBA's review.

36. GCE's PPP loan was properly obtained, and there is no evidence of impropriety or fraudulent behavior by Plaintiffs.

37. Regardless of there being no evidence of impropriety or fraudulent behavior by Plaintiffs, Defendants defamatorily, and unfairly, accused Plaintiffs of fraud, nevertheless.

Facts Pertaining to "Defamation and Defamation Per Se—Libel Per Se and Slander Per Se": the June 28, 2021, Fox News Article Against Plaintiffs, and the June 29, 2021, Fox News Video Against Plaintiffs

38. On June 28, 2021, Defendants published an article (hereinafter referred to as the "Article") titled, "FOX 13 Investigates: Ms. Client's company received \$10,000,000.00 in pandemic bailout despite conflicting numbers," which unfairly and defamatorily scrutinized the fact that Plaintiffs received \$10,000,000.00 under the PPP.

39. The Article, which featured a picture of Ms. Client, strongly, unfairly, and defamatorily implied that Plaintiffs perpetrated fraud in order to obtain the PPP loan.

40. What is worse is that Defendants published the Article *after* having been warned that the stories Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client drafted an email to Mr. Reporter on

June 24, 2021—which was *four days* before the day the Article was published—which read, verbatim, as follows:

Mr. Reporter, [m]y attorney has advised me to let you know that your story has false statements, misrepresentations, misconceptions and is misconstruing; therefore, it is not in the best interest of myself and my private company to accept your interview. At any other time in the future, if Fox 13 is ever interested in a positive story not associated with the PPP loan, please let me know. Thank you for understanding. Ms. Client.

41. Therefore, it is clear that Defendants had the knowledge that what they were publishing in the Article was false, but they went ahead and published it intentionally with neither any material alterations nor added known due diligence and research, and Defendants published the Article regardless; Defendants' clearly had, and demonstrated empirically, an intentional, reckless disregard for the truth and for Plaintiffs' wellbeing.

42. The Article included copious defamatory and/or problematic statements made against Plaintiffs, including:

- a. "Ms. Client's company received \$10,000,000.00 in pandemic bailout despite conflicting numbers";
- b. "Big Money, Little Business";
- c. "Ms. Client received the maximum amount under the Paycheck Protection Program — \$10,000,000.00";
- d. "When the pandemic arrived months later, Ms. Client was among the business owners who sought assistance from the Paycheck Protection Program, or PPP";
- e. "Good Client Entertainment received the maximum amount under the program—\$10,000,000.00";

- f. “Why Good Client Entertainment needed so much isn’t clear”;
- g. “The company reported having 430 employees”;
- h. “But Good Client Entertainment has been telling the Utah Department of Workforce Services that it has between one and four employees”;
- i. “The lower numbers would be more typical of a production company, says Marshall Moore, the vice president of operations at Utah Film Studios in Park City”;
- j. “So, what would it take to employ more than four hundred?” Moore: “I mean, to me, that would be Pirates of the Caribbean,” Moore said. “That would be Marvel”;
- k. “He says the PPP didn’t require banks processing the applications to verify the borrower was telling the truth about their employees and needs”;
- l. “For the PPP loan, Good Client Entertainment turned to Pennsylvania-based Meridian Bank to process her application”;
- m. “Good Client Entertainment has one producing credit this year”;
- n. “Gordon, who has not researched Good Client Entertainment and is speaking only in generalities, says the PPP couldn’t be used as capital to expand”;
- o. “One way that I think Congress could have made this pretty close to fraud-free was if it was run through the Internal Revenue Service’ Gordon said”;
- p. “Only three other Utah companies received \$10,000,000.00, according to a Salt Lake Tribune analysis of PPP data”;
- q. “Those three were all in business long before Good Client Entertainment”;

- r. “Some better-established production companies received far less from the PPP”;
- s. “The Jim Henson Co. asked for \$2.3 million and said it had 110 employees”;
- t. “New Regency Productions, the film company behind such movies as ‘The Revenant,’ ‘Bohemian Rhapsody’ and the latest version of ‘Little Women,’ received \$1 million and reported 50 employees”;
- u. “According to documents on file with the Salt Lake County recorder, Ms. Client’s homeowners association filed a notice in January 2020 saying the townhome was behind on its fees; the HOA planned to sell the property to satisfy the debt”;
- v. “In July 2020, about three months after Good Client Entertainment received the \$10,000,000.00, the HOA filed a new notice saying the debt had been paid, and that the sale was canceled.”

43. Explanations as to how each above statement is defamatory and/or problematic, and how these statements damaged Plaintiffs, are included in the Causes of Action section hereinbelow.

44. Beyond the Article, Defendants also published a video (hereinafter referred to as the “**Video**”) on June 29, 2021—one day after publishing the Article—which further defamed and harmed Plaintiffs.

45. What is worse is that Defendants published the Video *after* having been warned that the stories Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client drafted an email to Mr. Reporter on

June 24, 2021—which was *five days* before the day the Video was published—which read, verbatim, as follows:

Mr. Reporter, [m]y attorney has advised me to let you know that your story has false statements, misrepresentations, misconceptions and is misconstruing; therefore, it is not in the best interest of myself and private company to accept your interview. At any other time in the future, if Fox 13 is ever interested in a positive story not associated with the PPP loan, please let me know. Thank you for understanding. Ms. Client.

46. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing in the Video was false, but they went ahead intentionally without any material alterations or added known due diligence or research, and published it regardless, and clearly had intentional, reckless disregard for the truth and for Plaintiffs' wellbeing.

47. The defamatory and/or problematic statements contained in the Video are as follows:

- a. Title of Video: "Fox 13 Investigates BIG MONEY LITTLE BUSINESS";
- b. "How did a TV and film production company incorporated just months before the pandemic receive one of the largest PPP loans of ANY business in Utah?";
- c. "That is a question Fox 13 news wants answered because we are talking about taxpayer money";
- d. "Good Client Entertainment received \$10,000,000.00, which is the maximum allowed under the program";
- e. "Utah had only three other \$10,000,000.00 recipients and all of them well established businesses";

- f. “For Ms. Client Entertainment \$8.6M was to finance what the company said was 430 jobs; that is a whole lot more than Ms. Client has been telling the state of Utah”;
- g. “You can see here in this report the company filed with the state of Utah that it has at most 4 employees”;
- h. “Other well established production companies received far less”;
- i. “Jim Henson company asked for 2.3 M dollars and said it had 110 employees”;
- j. “New regency productions, the film company behind movies such as ‘Bohemian Rhapsody’ received one million dollars and reported having 50 employees”;
- k. “So, what would it take to employee more than four hundred? Marshall Moore: ‘I mean that would be Pirates of the Caribbean; that would be Marvel’”;
- l. “[Richard Gordon] says the PPP didn’t require banks processing the applications to verify the borrowers were telling the truth about their employees and needs”;
- m. “Businesses were only supposed to receive money to cover the expenses they had in February 2020”;
- n. “So, Gordon doesn’t think financing a film would be allowed unless the production company that received the PPP could demonstrate everyone on the set had already been working for it”;

- o. Richard Gordon: “One way that I think congress could have made this pretty close to fraud free was if it was run through the internal revenue service itself’; and
- p. “Ms. Client’s Homeowner’s Association filed a notice that the townhome was behind on its fees and the HOA was going to sell the property; [however,] about three months after Ms. Client Entertainment received the PPP money, the HOA filed a new notice canceling the sale saying the fees had been paid.”

48. Explanations as to how each above statement from the Video is defamatory and/or problematic, and how these statements damaged Plaintiffs, are included in the Causes of Action section hereinbelow.

49. The Article and Video completely lacked the duty of care required of reporters to uncover accurate and truthful information; they propagated inaccurate information that resulted in significant damages to Plaintiffs.

50. The statements and references found in the Article and Video are false, misleading, and lead to the insinuation that Plaintiffs acted improperly and operated an illegitimate business; this insinuation in itself is wholly and amply defamatory to Plaintiffs.

51. Defendants published the Article and Video *knowingly, willfully, recklessly*, and in *bad faith*, knowing that the statements in the Article and Video were defamatory, false, and damaging to Plaintiffs on all levels.

52. As a direct result of the Article and Video, Ms. Client has lost name, image, and likeness opportunities both as personal talent and the use of her name, image and likeness in other

industries, including, but not limited to, keynote speaking, being a spokesperson, modeling, acting, producing, fashion and real estate.

53. Ms. Client has also suffered irreparable damages to her reputation; agencies that formerly contacted her regularly for various appearances have completely stopped contacting her.

54. After publication of the Article and Video, GCE lost significant business opportunities.

55. These damages in business opportunities included the halting of the completion of planned operations, contract interruptions and terminations, film and television projects that were once progressing well have diminished, outside funding opportunities that were intended to support GCE were lost, and irreparable reputational damages within the industry have been caused.

56. As a result of the Article and Video, Plaintiffs have suffered substantial reputational and pecuniary injury.

57. Defendants have taken no action to ameliorate this situation they created and its resulting damages against Plaintiffs, but instead stood by Mr. Reporter as he defamed Plaintiffs several times, invaded Plaintiffs' privacy several times, intentionally inflicted emotional distress upon Plaintiffs several times, committed tortious interference against Plaintiffs several times, committed commercial disparagement against Plaintiffs several times, and committed injurious falsehood against Plaintiffs several times, all with no remorse or consideration for Plaintiffs.

Facts Pertaining to the "Invasion of Privacy: Intrusion Upon Seclusion" Against Plaintiffs

58. Defendants, without authorization did, indeed, intentionally invade the private affairs of Plaintiffs; Mr. Reporter obtained the private information of Plaintiffs by harassing

Plaintiffs and Plaintiffs' employees via email, asking for private information such as, but not limited to, employee wages.

59. This invasion of private facts was offensive to Plaintiffs, and it would be offensive to any reasonable person of ordinary prudence in the same situation.

60. This intrusion into Plaintiffs' private affairs has caused significant mental anguish and suffering to Ms. Client, as well as has severely damaged GCE (perhaps not emotionally, but the damage is palpable and worth mentioning nonetheless).

61. It is indubitable that Mr. Reporter invaded the private affairs of Plaintiffs given his history of harassing people to obtain information.

62. Indeed, a February 23, 2021, article by the Davis County Cooperative Society titled "DCCS Members Targeted for Lawfully Applying for PPP Loans" provides that,

"It is the right of citizens who qualify to be able to use government initiatives without harassment, especially in the midst of the pandemic we face today. It [should not] matter whether they are in the [DCCS]." Mr. Reporter seems to think otherwise. He has a history of targeting law abiding citizens without evidence of wrong-doing in his attempts to lead his sources and paint false narratives. He has targeted plural families with false claims against college students, lawfully obtained marriage licenses, as well as law abiding small businesses for harassment.¹

63. Mr. Reporter has, indeed, targeted Plaintiffs without evidence of wrongdoing; he simply painted a false narrative to try to intrude into Plaintiffs' private affairs and the private affairs of GCE's employees.

¹ Davis County Cooperative Society, DCCS MEMBERS TARGETED FOR LAWFULLY APPLYING FOR PPP LOANS (Feb. 23, 2021), <https://www.dccsociety.org/news-page/dccs-members-targeted-for-lawfully-applying-for-ppp-loans>.

64. Mr. Reporter regularly and unduly intrudes into the private affairs of law abiding citizens.

65. Mr. Reporter clearly has no regard for people's reasonable desire and entitlement to keep their private matters undisclosed.

Facts Pertaining to the "Invasion of Privacy: False Light" Against Plaintiffs

66. False Light is a cause of action to recover against a defendant tortfeasor who portrays a plaintiff individual and/or entity unflatteringly in words, pictures, videos, or otherwise, as someone or something that that plaintiff person and/or entity is/are not.

67. The defamatory statements referenced above made against Plaintiffs by Defendants clearly showed Plaintiffs in a damaging false light, and it unfairly attributed negative connotations and implications against Plaintiffs.

68. Defendants published information about Plaintiffs in the form of the defamatory Article and Video produced and publicly published; these publications were made intentionally against Plaintiffs, as Defendants were aware of the falsity of the publications.

69. Said information portrayed Plaintiffs in a false or misleading light—specifically, *inter alia*, making Ms. Client out to seem like a reprehensible person who defrauded the government when she was granted the PPP loan of \$10,000,000.00.

70. Accusing Plaintiffs of defrauding the government is highly offensive and injurious to Plaintiffs, and any reasonable person of ordinary prudence and sensibilities would find the statements highly offensive if said statements were made against them; and Defendants published and publicized the information publicly, with reckless disregard as to the falsity of the false light and its offensiveness and injuriousness.

***Facts Pertaining to the “Invasion of Privacy: Public Disclosure of Private Facts”
Against Plaintiffs***

71. The aforementioned facts pertaining to the Invasion of Privacy against Plaintiffs in this matter also give rise to a claim of Public Disclosure of Private Facts, because Defendants committed a highly offensive disclosure of the private facts of Plaintiffs.

72. The disclosure itself was highly offensive because it was extremely damaging to Plaintiffs and their reputation and wellbeing.

73. The private facts of GCE are proprietary in nature, worthy of protection, and have been developed throughout the scope of GCE’s work.

74. As a private company, GCE has a strong interest in protecting its private facts; indeed, GCE has all of its employees sign a Non-Disclosure Agreement precisely to protect the private facts and affairs of GCE.

75. Furthermore, the private affairs of Ms. Client were also disclosed, causing significant harm to Ms. Client.

76. Indeed, Ms. Client’s private facts and affairs are also worthy of protection, and Ms. Client also has a right to keep her private facts and affairs undisclosed.

77. Mr. Reporter, undeterred by Plaintiffs’ right to keep their private facts and affairs undisclosed, tortiously obtained private facts of Plaintiffs and publicized them on Fox.

78. The “Public Disclosure of Private Facts” tort exists to protect plaintiffs in situations where the harm to the plaintiff outweighs the benefit to the public.

79. There was absolutely *no* tangible or real benefit to the public in disclosing Plaintiffs’ private facts; therefore, the harm to Plaintiffs clearly outweighs any meaningful or tangible benefit to the public.

Facts Pertaining to the “Intentional Infliction of Emotional Distress” Against Plaintiffs

80. Defendants acted intentionally when they disclosed information about Plaintiffs and their PPP loan to the public.

81. The way that Defendants offensively made Plaintiffs out to seem in the media constitutes conduct that was *extreme* and *outrageous* on the part of Defendants, as they unfairly, intentionally, and falsely made Plaintiffs—particularly, Ms. Client—out to seem like a reprehensible, disreputable person.

82. Indeed, publicizing the private affairs of Plaintiffs, as well as promulgating false and defamatory information against Plaintiffs, constitutes extreme and outrageous conduct on the part of Defendants because Defendants, as a professional news media outlet, had the heightened duty to avoid false narratives, as well as a duty of care to uncover accurate and truthful information and to elude false information, which duties they wholly and outrageously breached, to Plaintiffs’ great prejudice and detriment.

83. Defendants’ intentional, extreme, and outrageous conduct in this regard has inflicted Ms. Client with severe emotional distress; Defendants *intentionally* inflicted upon Ms. Client significant and substantive emotional distress by damaging her character and reputation in the media; this whole ordeal has afflicted Ms. Client with several wrongs; Ms. Client cannot even sleep at night due to Defendants’ tortious actions against her.

84. Furthermore, Defendants have inflicted Ms. Client with severe emotional distress by stalking her at her *home* and in *public*.

85. Mr. Reporter, with reckless disregard for Ms. Client’s emotional wellbeing, even stalked and harassed Ms. Client *at her home*.

86. Mr. Reporter has made Ms. Client feel beset, intimidated, stalked, harassed, anxious, panicky, fearful, embarrassed, unable to sleep, unable to work out, restricted, and watched; and Mr. Reporter's tortious actions against Ms. Client have damaged her relationships and property, they have caused international harm to Ms. Client's reputation, they have publicly harmed Ms. Client and GCE in the community, industry, country, and even, again, internationally, they have severely harmed Ms. Client's work (because of Mr. Reporter's actions, no one wants to work with Ms. Client or GCE), and because of Defendants' tortious actions, Ms. Client cannot sell her fashion wear or act in any movies or television shows.

87. Plaintiffs have unduly suffered actual, palpable, tangible harm and damages because of Defendants; Plaintiffs are, therefore, entitled to reparations and compensation from Defendants in order to *be made whole again*.

Facts Pertaining to the "Tortious Interference With Prospective Economic Advantage" Against Plaintiffs

88. Plaintiffs have intellectual property assets of significant value, and had economic relationships with several third parties.

89. Given Plaintiffs' intellectual property value, reputation, traction, and clientele, there was more than a probability of future economic benefit to Plaintiffs; it was obvious that Plaintiffs were going to make more money with their economic relationships throughout their lifetime.

90. Defendants clearly knew of Plaintiffs' high valuation and success; they were aware that Ms. Client was famous, both for GCE as an exclusive company with its own trademark and of Ms. Client individually as her own personal signature mark, and that both Plaintiffs were, in fact, going to make further income.

91. Defendants—specifically, Mr. Reporter—engaged in intentional wrongful conduct with the knowledge that the disruption of Plaintiffs’ profitability and success was substantially certain to occur due to said conduct; Defendants published the Article and Video while knowing that doing so would substantially harm Plaintiffs’ good reputation and, therefore, impact Plaintiffs’ profitability.

92. As a result of Defendants’ defamatory statements and wrongful actions against Plaintiffs, there was a devastating decrease in value to GCE’s and Ms. Client’s intellectual property and trademarks, disruption of the economic relationships that Plaintiffs had with third parties; Plaintiffs’ economic business associates withdrew from Plaintiffs as a result of the defamatory Article and Video published and publicized by Defendants.

93. Because of Defendants’ actions, Plaintiffs suffered actual, tangible, and real economic harm.

94. Obviously, if economic business associates withdraw from a corporation—meaning, that they end or halt their relationship with said corporation—the corporation will suffer economic harm due to the fact that they would be making less sales and/or closing less deals because nobody wants to collaborate with them.

95. This is what Plaintiffs have suffered due to Defendants’ intentional tortious actions against Plaintiffs.

Facts Pertaining to the “Commercial Disparagement” Against Plaintiffs

96. Counting both the Article and the Video, Defendants made a total of thirty-eight (38) false and/or problematic statements against Plaintiffs—statements which were published and publicized.

97. Defendants indubitably either had the reasonable belief or the intent that their defamatory statements would cause a financial loss for Plaintiffs.

98. There did, in fact, occur irreparable financial losses for Plaintiffs due to Defendants' defamatory statements made against Plaintiffs.

99. Defendants either knew that the defamatory statements made against Plaintiffs were false, or Defendants acted with reckless disregard as to whether the defamatory statements they made were true or false.

100. Defendants' defamation has resulted in severe harm to Plaintiffs, and it has tainted Plaintiffs' intellectual property and trademarks worldwide.

Facts Pertaining to the "Injurious Falsehood" Against Plaintiffs

101. It is clear that Defendants' false and defamatory statements made disparagingly against Plaintiffs and Plaintiffs' business interests were intentionally made.

102. Furthermore, Defendants' disparaging, false, and defamatory statements made against Plaintiffs were published and publicized to not only third persons, but to the actual global media.

103. Defendants' disparaging, false, and defamatory statements made against Plaintiffs are the actual and direct cause of the irreparable harm suffered by Plaintiffs; furthermore they are also the proximate cause of Plaintiffs' irreparable harm, as there was a clear *foreseeable* risk of harm against Plaintiffs if Defendants engaged in the conduct in which they did, indeed, engage.

104. Because of Defendants' disparaging, false, and defamatory statements made against Plaintiffs, Plaintiffs have suffered special damages; i.e., Plaintiffs have suffered actual economic damages and losses because of Defendants' deliberate, tortious actions.

Facts Pertaining to the “Permanent Injunction” Remedy Sought by Plaintiffs

105. Considering the specific content of the foregoing enumerated facts and arguments, Defendants’ tortious conduct against Plaintiffs *compels* the *strong* and *reasonable* conclusion that Plaintiffs are duly entitled to injunctive relief to, among other things, restrain Defendants from further tortious conduct against Plaintiffs; and so Plaintiffs seek, and have good cause for, a permanent injunction against Defendants to be issued by the Court.

106. Given the foregoing paragraphs and the Causes of Action that follow, it is certain that Plaintiffs are likely to succeed on the merits of their claims.

107. Plaintiffs will suffer irreparable harm unless an injunction is granted, including, but not limited to, the loss of personal and professional reputation among friends, family, acquaintances, business associates, prospective investors, business partners, and the community.

108. Legal remedies would not adequately compensate Plaintiffs for these grievous harms, given the long-lasting and immeasurable effects of such reputational losses.

109. The balance of hardships between Plaintiffs and Defendants favors Plaintiffs because the injuries incurred by Plaintiffs, and which are likely to continually be incurred by Plaintiffs as a result of Defendants’ actions, far exceeds any harm that would be imposed on Defendants as a result of being prohibited from further disseminating the false, problematic, and defamatory statements that they produced in their Article, Video, or otherwise.

110. The issuance of an injunction against Defendants by the Court would not adversely affect the public interest, because prohibiting Defendants from making or republishing false, defamatory, fraudulent, and/or problematic statements against Plaintiffs, and/or from taking other

tortious actions against Plaintiffs, benefits the public's interest in protecting private reputations against unlawful, unethical, and/or tortious attacks.

FIRST CAUSE OF ACTION

Defamation and Defamation Per Se: Libel and Libel Per Se

111. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

112. To prove Libel Per Se—i.e., defamation—one must establish that the defamatory statements made are statements that “(i) [are] false and defamatory [*written*] statement[s] concerning another; (ii) [are] an unprivileged publication to a third party; (iii) [impose] fault amounting at least to negligence on the publisher's part; [and] (iv) [the statements made are actionable because of] the existence of special harm caused by the publication.”²

113. Defendants made libelous, written statements against Plaintiffs in their June 28, 2021, Article, which statements are enumerated in paragraph 42 and its subparagraphs hereinabove.

114. The libelous, written statement in paragraph 42(a) hereinabove is defamatory because it promulgates the idea that there are “conflicting numbers” regarding the PPP loan that Plaintiffs received, but there is no compelling proof of conflicting numbers; furthermore, it falsely implies impropriety and falsely alleges criminal wrongdoing on the part of Plaintiffs.

115. What is worse is that Defendants made the libelous statements *after* having been warned that the stories that Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client drafted an email

² Restatement (Second) of Torts, Section 558.

to Mr. Reporter on June 24, 2021—which was *four days* before Defendants made the libelous statements against Plaintiffs.

116. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing was false and libelous, but they went ahead and published the Article regardless and with reckless disregard for the truth and for Plaintiffs' wellbeing.

117. The libelous, written statement in paragraph 42(b) hereinabove is defamatory because GCE is not necessarily a “little business”; GCE is in the entertainment industry, which is a global industry with global reach; GCE is not a “little business” selling lemonade or otherwise; furthermore, \$10,000,000.00 is not considered “big money” in the entertainment industry; therefore, both phrases—“big money” and “little business”—are false, because, again, \$10,000,000.00 is not big money in the entertainment industry and GCE is not a little business; and, finally, the phrases are defamatory because, in conjunction with being false, they directly harm Plaintiffs reputation.

118. The libelous, written statement in paragraph 42(c) hereinabove is defamatory because it falsely states and implies that Ms. Client received the PPP loan for herself personally, and such a statement and implication, because it directly promulgates the notion that Ms. Client committed this fabricated narrative by Defendants and supposed fraud; Defendants' narrative is false and defamatory and has caused significant, tangible harm to Plaintiffs.

119. The libelous, written statement in paragraph 42(d) hereinabove is defamatory because it falsely states and implies that Ms. Client received the PPP loan for herself personally, and such a statement and implication, because it directly promulgates the notion that Ms. Client committed this supposed fraud, have caused significant, tangible harm to Plaintiffs.

120. The libelous, written statement in paragraph 42(e) hereinabove is defamatory because it falsely states that the maximum amount a business could receive under the PPP is \$10,000,000.00, while in reality, banks could approve a company for whatever loan amount the bank choose, with the SBA guaranteeing up to \$20,000,000.00 of PPP loans in aggregate to a single corporate group, as explained in the SBA's guidance and interim final rules posted on April 28, 2020.

- a. The above is an example of biased, inaccurate journalism, because had Mr. Reporter done his due diligence in reporting this case, he would have learned that banks could approve much more than \$10,000,000.00.
- b. Saying that GCE received the "maximum" loan amount under the PPP is false and implicitly accuses Plaintiffs of wrongdoing and impropriety—i.e., Mr. Reporter implies that GCE should not have received the "maximum" loan amount; however, the loan received by GCE was not the maximum at all!

121. The libelous, written statement in paragraph 42(f) hereinabove is defamatory because it insinuates wrongdoing on the part of Plaintiffs; it insinuates that Plaintiffs did not need the money for which they applied and subsequently obtained; it insinuates that Plaintiffs took more than what they needed; and these insinuations unduly and significantly damaged and disparaged Plaintiffs.

122. The libelous, written statement in paragraph 42(g) hereinabove is defamatory because GCE *never* reported having 430 employees; this was a false statement made by Mr. Reporter in order to push his agenda; the number of a company's employees was not even information required on the loan application; this statement recklessly or intentionally damaged

Plaintiffs because Defendants had a duty to look for accurate information to report on, and that duty was breached, resulting in harm to Plaintiffs.

123. The libelous, written statement in paragraph 42(h) hereinabove is defamatory because it is false in what it implies and because it significantly harms Plaintiffs; indeed, the fact that GCE has been telling the Utah Department of Workforce Services that she has between one and four employees has been contorted and used against Plaintiffs, while ignoring the fact that GCE had several employees in other states and that GCE is not required to report these other employees to the state of Utah; the statement purposefully misrepresents Plaintiffs' actions (i.e., giving accurate numbers versus not giving accurate numbers) and implies clearly that Plaintiffs committed fraud with the state of Utah, which is a false and defamatory notion propagated by Defendants.

124. On top of ignoring the number of employees outside of Utah, it is also important to note that it is normal and customary among production companies to hire crews of workers for specific products, and, therefore, the number of hires is dependent on which productions are active.

125. Defendants are categorically discriminating against Plaintiffs and the normal business practices of production companies, and they are trying to make it seem like Plaintiff is acting fraudulently when they instead are in alignment with industry standard business structures.

126. Plaintiff certainly made Meridian well aware of the nature of its business, and Meridian was obviously fine with it to the point of approving a \$10,000,000.00 loan; this is another case of Defendants twisting the facts to meet their derogatory and defamatory agenda.

127. The libelous, written statement in paragraph 42(i) hereinabove is defamatory because it relies on the unmeritorious, unreliable, inaccurate, and biased opinions of a third party,

with no regard for the truth; furthermore, the statement implies wrongdoing and impropriety on the part of Plaintiffs, because it directly scrutinizes “the lower numbers” and asserts the idea that said lower numbers “would be more typical of a production company,” which directly implies that the number of GCE’s employees do not match that of a production company, which makes Plaintiffs look bad and like they lied to obtain the funds from the PPP loan, while such a thing is not true in any level; the opinions of the third parties are comprised of generalities; the third parties did not see Plaintiffs’ loan application nor were they part of any discussions between Plaintiffs and Meridian; for Defendants to use these statements that are general (and in many cases simply wrong even in their generality) to “prove” something against Plaintiffs of which this third party has no direct knowledge, is intentionally negligent, reckless, and misleading.

128. The libelous, written statement in paragraph 42(j) hereinabove is defamatory because it is a false statement with incorrect notions, and because it harms Plaintiffs by promulgating the idea that the number of employees that GCE has is improper and inaccurate and that, therefore, Ms. Client is giving false information to the government regarding the number of employees at GCE, and that Ms. Client *must have* given false information to Meridian to obtain the PPP loan; furthermore, a simple Google search proves that the expert that Mr. Reporter relied on is clueless; indeed, films like “Pirates of the Caribbean” and studios like Marvel do not employ only 400 employees during their productions—they employ thousands of people!

129. The amount of research needed to be taken by Defendants here would have only taken matter of minutes; Defendants, though, failed to do so because their intent was to discredit Plaintiffs, not to find out the truth.

130. The libelous, written statement in paragraph 45(k) hereinabove is defamatory because it implies that Ms. Client took advantage of the fact that “the PPP [did not] require [the] banks processing the [PPP] applications to verify [that] the borrower was telling the truth about their employees and needs,” and that, therefore, she intentionally lied to Meridian and got away with it; Ms. Client most definitely lied to no one to obtain the PPP loan, and implying that she did significantly harms Plaintiffs on all levels and at the highest level.

131. A bank is a private for-profit business that does not make money on bad loans; to imply that Meridian did not do any due diligence on this loan is completely without merit; furthermore, it makes an assertion, therefore, that Plaintiffs lied to get the loan; but here is no basis in fact for this at all; again, Defendants were obviously not present during the loan application process, nor did they present even a shred of evidence from Meridian that Plaintiffs lied on the application; this implication of lying made by Defendants is completely fabricated and without any basis in fact.

132. The libelous, written statement in paragraph 42(l) hereinabove is defamatory because it states that the PPP loan application was Ms. Client’s application instead of correctly stating that it was GCE’s application; this greatly harms and disparages Ms. Client’s character and reputation because it makes it seem like she wanted the PPP loan for herself to spend as she desired, when, in fact, GCE was the sole applicant and exclusive owner of GCE; GCE is a completely separate legal entity from Ms. Client, with GCE having exclusive contract rights and legal rights to the PPP funds it received; intentionally confusing Ms. Client and GCE is harassing and disparaging.

133. The libelous, written statement in paragraph 42(m) hereinabove is defamatory because the goal of the statement is to make it look like not much work is happening at GCE, which is a false statement because Mr. Reporter has no way of accurately knowing the work that is taking place at GCE, but despite this lack of accurate knowledge, Mr. Reporter made the statement regardless just to push his agenda; this statement is, as proven, false, and it constitutes defamation because if caused, and causes, significant harm to Plaintiffs' reputation, image, likeness, and character.

134. The libelous, written statement in paragraph 42(n) hereinabove is defamatory because it falsely states that "the PPP [could not] be used as capital to expand," while in reality, there was never a rule or limits regarding the use of the funds to expand; saying that the PPP could not be used as capital to expand directly accuses Plaintiffs of doing just that, and it purports that the use of the PPP capital in this matter is not allowed, directly implying that Plaintiffs committed wrongdoing and impropriety with respect to the PPP funds; publicly accusing Plaintiffs of such a thing has made Plaintiffs seem reprehensible to the public, and Plaintiffs reputation with the public has been severely and irreparably harmed.

135. The libelous, written statement in paragraph 42(o) hereinabove is defamatory because it directly implies that Plaintiffs committed the fraud referenced therein; indeed, the statement might as well have read, "Congress could have avoided Ms. Client's fraud by running the PPP through the IRS."

136. The above-referenced statement directly and falsely accuses Plaintiffs of fraud, which has caused and will cause irreparable harm to Plaintiffs' reputation; again, there is no

evidence that Plaintiffs committed fraud in the application process; Plaintiffs accurately went through the application process, and the loan was approved.

137. The libelous, written statement in paragraph 42(p) hereinabove is defamatory because by saying that “[o]nly three other Utah companies received [\$10,000,000.00],” it directly implies that Plaintiffs *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of how small they are, considering that “*only*” *three* other Utah companies received \$10,000,000.00.

138. There is a strong, and irresponsibly made, implication by Defendants that Plaintiffs should not have received the funds, and that because they received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs’ good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants’ statement; the fact that Plaintiffs were only one of three companies in Utah to receive \$10,000,000.00 should be lauded as a testament to the good work Plaintiffs are doing; instead, Defendants use this fact to imply and infer that it could only have been obtained through fraud.

139. The libelous, written statement in paragraph 42(q) hereinabove is defamatory because by saying that “[t]hose three [aforementioned companies] were all in business long before [Ms. Client’s] Good Client Entertainment,” it directly implies that Plaintiffs *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that the other companies who received funds as well were all in business before GCE—meaning, that the other companies deserved the PPP loan more than GCE, so there is scrutiny as to why GCE also received the loan.

140. Pursuant to the foregoing paragraph, there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs' good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants' statement.

141. The libelous, written statement in paragraph 42(r) hereinabove is defamatory because by saying that "[s]ome better-established production companies received far less from the PPP," it directly implies that Plaintiffs *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that the other "better-established" production companies received far less from the PPP, meaning that the other companies deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than these other companies.

142. In continuation of the foregoing paragraph, there is a strong and irresponsibly made implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs' good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants' statement; this is yet another example of Defendants making a judgment on who deserves and who does not deserve the PPP loan, without any facts of the loan application or loan application process for Plaintiffs or for other recipients of the loans.

143. The libelous, written statement in paragraph 42(s) hereinabove is defamatory because by saying that "[t]he Jim Henson Co. asked for \$2.3 million and said it had 110 employees," it directly implies that Plaintiffs should have asked for a lesser loan amount given its

reported number of employees, and that Plaintiffs' *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that the Jim Henson Co. received far less from the PPP, meaning that the Jim Henson Co. deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than the Jim Henson Co.

144. Continuing the foregoing paragraph, there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the PPP loan funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs' good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants' statement; this is yet another example, of Defendants making a judgment on who deserves and who does not deserve the PPP loan, without any facts of the loan application or loan application process for Plaintiffs or for other recipients of the loans; for example, the Jim Henson company may have only asked for or needed a \$2.3 million loan, while they could have asked for the whole \$10,000,000.00.

145. The libelous, written statement in paragraph 42(t) hereinabove is defamatory because by saying that "New Regency Productions, the film company behind such movies as 'The Revenant,' 'Bohemian Rhapsody' and the latest version of 'Little Women,' received \$1 million and reported 50 employees," it directly implies that Plaintiffs should have asked for a lesser loan amount given its reported number of employees, and that Plaintiffs' *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that New Regency Productions received far less from the PPP, meaning that New

Regency Productions deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than the New Regency Productions.

146. Continuing the foregoing paragraph, there is a strong and irresponsibly made implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs' good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants' statement; this is yet another example, of Defendants making a judgment on who deserves and who does not deserve the PPP loan, without any facts of the loan application or loan application process for Plaintiffs or for other recipients of the loans; the amount a company receives from a loan is based on many factors, and it is for the applicable lending institution to decide; Defendants give no information about this with respect to New Regency Productions; they only use New Regency Productions as a false example of a company who in their false allegation deserves more than Plaintiffs but received less.

147. The libelous, written statement in paragraph 42(u) hereinabove is defamatory because it implies that Ms. Client must have been in a state of relative impecuniosity due to the fact that she was behind on her home payments and that her HOA planned to sell the property to satisfy the debt; the statement implies that Ms. Client was in need of money, and that she satisfied that need by obtaining the PPP loan, which is a false notion propagated by Defendants, to the great detriment of Plaintiffs; the matter concerning Ms. Client's HOA is completely irrelevant to the PPP loan; in fact, the company which owns the townhouse in question is not GCE and has nothing to do with the PPP loan; Defendants only use this to disparage and discredit Plaintiffs.

148. The libelous, written statement in paragraph 45(v) hereinabove is defamatory because it directly implies that Ms. Client used the funds from the PPP loan to pay for her home fees with the HOA; indeed, by saying that “after Ms. Client Entertainment received the \$10,000,000.00, the HOA filed a new notice saying the debt had been paid[] [and that] [t]he sale was canceled,” it directly and indubitably implies that Ms. Client misappropriated the funds for the purposes of paying her HOA fees; accusing Plaintiffs of such a fraud directly, significantly, and unfairly harms Plaintiffs’ reputation; this is an outrageous accusation; the townhouse is owned by a completely separate legal entity to GCE; the dispute over HOA payments are completely irrelevant to the PPP loan and to Plaintiffs’ financial solvency.

149. The defamatory statements made against Plaintiffs constitute Libel Per Se because they (i) are “false and defamatory statement[s] concerning”³ Plaintiffs, to Plaintiffs’ detriment; they (ii) constitute “an unprivileged publication to a third party”⁴—i.e., the members of the public reading the Article and viewing the Video—and falsely claim that Plaintiffs committed a crime of moral turpitude—i.e., misappropriating the PPP loan funds; they (iii) impose “fault amounting to at least negligence on [Defendants’] part”;⁵ and they (iv) caused special harm to Plaintiffs because of the publication of the Article and Video in the media, which, therefore, makes Defendants’ statements against Plaintiffs actionable.⁶

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *See id.*

150. Defendants published and publicized statements about Plaintiffs that were false, defamatory, and that imply that Plaintiffs acted fraudulently and improperly with respect to obtaining the PPP loan.

151. Defendants' libelous statements outlined in paragraph 42 and its subparagraphs hereinabove are not only misleading and defamatory, but they insinuate and imply that Plaintiffs were engaged in improper and fraudulent behavior.

152. Had Defendants taken reasonable efforts to research the PPP and the authority delegated to Lenders, they would have learned that Plaintiffs' application and receipt of the PPP loan were appropriate in all respects; but, instead, Defendants propagated false, biased, and poorly-researched information regarding Plaintiffs.

153. Defendants' statements all constitute Libel Per Se, since they are written defamatory statements, and since they are of such common notoriety that their injurious character may be presumed from the words alone; the implication of Defendants' statements against Plaintiffs is that Plaintiffs perpetrated a fraud on the Federal Government, actions that constitute criminal conduct; furthermore, Defendants accuse and imply that GCE and Ms. Client acted incompatibly with the existence of a lawful business, trade, profession, or office.

154. It is clear and indubitable that Defendants intended that these false impressions would be conveyed by the Article and the Video, or that Defendants conducted themselves with such a degree of gross negligence and/or recklessness that such intent should be imputed to them.

155. The statements published and publicized by Defendants are not protected under any legal privilege or doctrine.

156. The statements published and publicized by Defendants against Plaintiffs caused, and will continue to cause, significant, excessive pecuniary harm to Plaintiffs.

157. Due to Defendants' defamation of Plaintiffs, Plaintiffs are entitled to actual and presumed damages in an amount to be proven at trial and determined by the trier of fact, but totaling no less than \$358,000,000.00.

158. Defendants' conduct against Plaintiffs was intentional and/or reckless, and so Plaintiffs are also entitled to punitive damages against Defendants in an amount to be proven at trial and determined by the trier of fact.

159. These false and defamatory statements made against Plaintiffs were done so with malice.

160. It is evident that the false and defamatory statements were made with malice because they were done so after (and during) Defendants' communications with Plaintiffs, and the statements were made to the public; indeed, Defendants knew or should have known that publishing false and defamatory statements against Plaintiffs to the media would result in significant and unfair damages to Plaintiffs; furthermore, despite these foreseeable damages to Plaintiffs' character and reputation, Defendants nevertheless elected to tortiously defame Plaintiffs' good name and character.

161. It is obvious that Defendants' statements were *false* defamatory statements because all the statements were made in reliance upon inaccurate facts by third parties and misinformation.

162. Plaintiffs have been significantly damaged by Defendants' false and defamatory statements because the statements subject Plaintiffs to hatred, distrust, ridicule, contempt, and disgrace, and they accuse Plaintiffs of engaging in illegal and/or immoral behavior.

163. Plaintiffs have been damaged by Defendants' false statements because the statements injured Plaintiffs in their profession and business.

164. Plaintiffs has been damaged by Defendants' false and defamatory statements because the statements attribute conduct, characteristics, and conditions incompatible with the proper exercise of Plaintiffs' lawful business.

165. The defamatory statements made against Plaintiffs were *at least* intentionally negligent on Defendants' part, but in reality, the statements made were done so maliciously, intentionally, and recklessly, with the intent to cause harm to Plaintiffs; therefore, Defendants defamatory statements against Plaintiffs go far beyond simply "fault amounting to at least negligence on [Defendants'] part";⁷ again, Defendants acted intentionally, maliciously, recklessly, and negligently, with no regard for Plaintiffs' character and reputation, and indeed, with the clear intent to cause harm to Plaintiffs.

166. It is clear that Defendants' defamatory written statements against Plaintiffs have caused special, and irreparable, harm to Plaintiffs, and continue to cause special harm; "special harm" is defined as "the loss of something having economic or pecuniary value"; the harmful diatribe promulgated by Defendants against Plaintiffs have harmed Plaintiffs' good character and reputation in the community, thereby costing Plaintiffs potential growth and investment opportunities, which have pecuniary value, as Plaintiffs' business relies on Plaintiffs' good reputation to conduct business successfully, which is now tarnished due to Defendants' defamatory statements against Plaintiffs; Plaintiffs have suffered, and will continue to suffer, irreparable losses in investment opportunities due to Plaintiffs' tarnished reputation.

⁷ *Id.*

167. It is one thing to endure defamation from a single individual, but to be subjected to such defamation publicly from a well-known news media outlet with accolades such as Fox 13 news, causes severe irreparable harm; the combined accolades and resumes off the members comprising Fox are immensely powerful and well respected, so if Fox makes claims against someone, others will believe them without question, which greatly aggravates the defamation against Plaintiffs.

SECOND CAUSE OF ACTION

Defamation and Defamation Per Se: Slander and Slander Per Se

168. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

169. To prove Slander Per Se—i.e., defamation—one must establish that the defamatory statements made are statements that “(i) [are] false and defamatory [*spoken*] statement[s] concerning another; (ii) [are] an unprivileged publication to a third party; (iii) [impose] fault amounting at least to negligence on the publisher’s part; [and] (iv) [the statements made are actionable because of] the existence of special harm caused by the publication.”

170. Defendants made slanderous, spoken statements against Plaintiffs in their June 29, 2021, Video, which statements are enumerated in paragraph 50 and its subparagraphs hereinabove.

171. What is worse is that Defendants made the slanderous statements *after* having been warned that the stories that Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client wrote an email to Mr. Reporter on June 24, 2021—which was *five days* before Defendants made the slanderous statements against Plaintiffs—which provided that Mr. Reporter’s “story ha[d] false statements, misrepresentations, misconceptions, and [was] misconstruing.”

172. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing was false and slanderous, but they went ahead and published it regardless and with reckless disregard for the truth and for Plaintiffs' wellbeing.

173. The slanderous, spoken statement in paragraph 47(a) hereinabove is defamatory because GCE is not necessarily a "little business; GCE is in the entertainment industry, which is a global industry with global reach; GCE is not a "little business" selling lemonade; furthermore, \$10,000,000.00 is not considered "big money" in the entertainment industry; therefore, both phrases—"big money" and "little business"—promulgate false notions, because, again, \$10,000,000.00 is not big money in the media industry, and GCE is not a little business; and, finally, the phrases are defamatory because, in conjunction with being false, they directly harm Plaintiffs.

174. The slanderous, spoken statement in paragraph 47(b) hereinabove is defamatory because by scrutinizing the fact that GCE received a large PPP loan while having been incorporated just months before the pandemic, it implies that Plaintiffs must have defrauded the government to receive the funds, because, Defendants' would rhetorically ask, how else would a recently established business receive one of the largest PPP loans of any business in Utah?

175. The slanderous, spoken statement in paragraph 47(c) hereinabove is defamatory because by mentioning "taxpayer money," it is implying that Plaintiffs defrauded taxpayers in order to obtain the PPP loan, which makes Plaintiffs seem reprehensible and morally corrupt, and accuses Plaintiffs of a crime of moral turpitude; because it is a false notion that Plaintiffs misappropriated, through fraud, taxpayer's money, and because that notion greatly harms Plaintiffs' reputation, this is a clear case of defamation.

176. The slanderous, spoken statement in paragraph 47(d) hereinabove is defamatory because it falsely states that the maximum amount a business could receive under the PPP is \$10,000,000.00, while in reality, banks could approve much more than that; this is an example of biased, inaccurate journalism, because had Mr. Reporter done his due diligence in reporting this case, he would have learned that banks could approve much more than \$10,000,000.00; saying that GCE received the “maximum” loan amount under the PPP implicitly accuses Plaintiffs of wrongdoing and impropriety—i.e., Mr. Reporter implies that GCE should not have received the “maximum” loan amount, however, the loan received by GCE was not the maximum at all!

177. The slanderous, spoken statement in paragraph 47(e) hereinabove is defamatory because by saying that “[o]nly three other Utah companies received [\$10,000,000.00],” it directly implies that Plaintiffs must have done something wrong in order to obtain the funds, and that Plaintiffs should not have received the funds because of how small they are, considering that “only” three other Utah companies received \$10,000,000.00; there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the funds, and that because they received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs’ good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants’ statement; the fact that Plaintiffs were only one of three companies in Utah to receive \$10,000,000 should be lauded as a testament to the good work Plaintiffs are doing; instead, Defendants use this fact to imply and infer that it could only have been obtained through fraud.

178. The slanderous, spoken statement in paragraph 47(f) hereinabove is defamatory because GCE *never* reported having 430 employees; this was a false statement made by Mr.

Reporter in order to push his agenda; the number of a company's employees was not even information required on the loan application; this statement recklessly or intentionally damaged Plaintiffs because Defendants had a duty to look for accurate information to report on, and that duty was breached, resulting in harm to Plaintiffs.

179. The slanderous, spoken statement in paragraph 47(g) hereinabove is defamatory because it is false in what it implies and because it significantly harms Plaintiffs; indeed, the fact that GCE has been telling the Utah Department of Workforce Services that she has between one and four employees has been contorted and used against Plaintiffs, while ignoring the fact that GCE had several employees in other states and that GCE is not required to report these other employees to the state of Utah; the statement purposefully misrepresents Plaintiffs' actions (i.e., giving accurate numbers versus not giving accurate numbers) and implies clearly that Plaintiffs committed fraud with the state, which is a false and defamatory notion propagated by Defendants; on top of ignoring the number of employees outside of Utah, it is also important to note that both the entertainment industry was hard-hit and is normal and customary among production companies to hire crews of workers for specific products, and, therefore, the number of hires is dependent on which productions are active; Defendants are ignoring the normal business practices of production companies, and are trying to make it seem like Plaintiffs are acting fraudulently when they instead are acting in alignment with industry standard business structure; Plaintiffs certainly made Meridian well aware of the nature of its business, and Meridian was obviously fine with it to the point of approving a \$10,000,000.00 loan; this is another case of Defendants twisting the facts to meet their derogatory and defamatory agenda.

180. The slanderous, spoken statement in paragraph 47(h) hereinabove is defamatory because by saying that “[s]ome better-established production companies received far less from the PPP,” it directly implies that Plaintiffs *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that the other “better-established” production companies received far less from the PPP, meaning that the other companies deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than these other companies; there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs’ good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants’ statement.

181. The slanderous, spoken statement in paragraph 47(i) hereinabove is defamatory because by saying that “[t]he Jim Henson Co. asked for \$2.3 million and said it had 110 employees,” it directly implies that Plaintiffs should have asked for a lesser loan amount given its reported number of employees, and that Plaintiffs’ *must have done something* wrong in order to obtain the funds, and that Plaintiffs should *not* have received the funds because of the fact that the Jim Henson Co. received far less from the PPP, meaning that the Jim Henson Co. deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than the Jim Henson Co.; there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs’ good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants’

statement; again, this is another example of Defendants making a judgment on who deserves and who does not deserve a loan, without any facts of the loan application or loan application process for Plaintiffs or for other recipients of the loans; for example, the Jim Henson company may have only asked for or needed a \$2.3 million loan.

182. The slanderous, spoken statement in paragraph 47(j) hereinabove is defamatory because by saying that “New Regency Productions, the film company behind such movies as ‘The Revenant,’ ‘Bohemian Rhapsody’ and the latest version of ‘Little Women,’ received \$1 million and reported 50 employees,” it directly implies that Plaintiffs should have asked for a lesser loan amount given its reported number of employees, and that Plaintiffs’ must have done something wrong in order to obtain the funds, and that Plaintiffs should not have received the funds because of the fact that New Regency Productions received far less from the PPP, meaning that New Regency Productions deserved the PPP loan more than GCE, so there is scrutiny as to why GCE received a greater loan amount than the New Regency Productions; there is a strong, and irresponsibly made, implication that Plaintiffs should not have received the funds, and that because they indeed received the funds, they must have engaged in wrongdoing and fraud to obtain it; this defamatorily disparaged Plaintiffs’ good character and reputation, and Plaintiffs have suffered extensive damages because of Defendants’ statement; again, this is another example of Defendants making a judgment on who deserves and who does not deserve a loan, without any facts of the loan application or loan application process for Plaintiffs or for other recipients of the loans; Defendants give no information about this with respect to New Regency Productions; they only use New Regency Productions as a false example of a company who in their false allegation deserves more than Plaintiffs but received less.

183. The slanderous, spoken statement in paragraph 47(k) hereinabove is defamatory because it is a false statement with incorrect notions, and because it harms Plaintiffs by promulgating the idea that the number of employees that GCE has is improper and inaccurate and that, therefore, Ms. Client is giving false information to the government regarding the number of employees at GCE, and that Ms. Client *must have* given false information to Meridian to obtain the PPP loan; furthermore, a simple Google search proves that the expert that Mr. Reporter relied on is clueless; indeed, films like “Pirates of the Caribbean” and studios like Marvel do not employ only 400 employees during their productions—they employ thousands of people!

184. The slanderous, spoken statement in paragraph 47(l) hereinabove is defamatory because it implies that Ms. Client took advantage of the fact that “the PPP [did not] require [the] banks processing the [PPP] applications to verify [that] the borrower was telling the truth about their employees and needs,” and that, therefore, she intentionally lied to Meridian and got away with it; Ms. Client most definitely lied to no one to obtain the PPP loan, and implying that she did significantly harms Plaintiffs on all levels.

185. The slanderous, spoken statement in paragraph 47(m) hereinabove is defamatory because by saying that “[b]usinesses were only supposed to receive money to cover the expenses they had in February 2020,” it directly and strongly implies that Plaintiffs used the PPP funds to cover expenses beyond the date of February of 2020; the statement falsely accuses Plaintiffs of wrongdoing and impropriety, so it is a clear example of defamation.

186. The slanderous, spoken statement in paragraph 47(n) hereinabove is defamatory because it first attempts to establish, through a supposed “expert” opinion, that using the PPP loan to finance a film is not allowed, which is a false and fabricated notion, and then the statement

implicitly accuses Plaintiffs of precisely using the PPP loan to finance its film projects; this directly and falsely accuses Plaintiffs of wrongdoing and impropriety, and so, the statement was defamatory.

187. The slanderous, spoken statement in paragraph 47(o) hereinabove is defamatory because it directly implies that Plaintiffs committed the fraud referenced; indeed, the statement might as well have read, “Congress could have avoided Ms. Client’s fraud by running the PPP through the IRS”; the statement directly and falsely accuses Plaintiffs of fraud, which has caused and will cause irreparable harm to Plaintiffs’ reputation.

188. The slanderous, spoken statement in paragraph 47(p) hereinabove is defamatory because it implies that Ms. Client must have been in a state of relative impecuniosity due to the fact that she was behind on her home payments and that her HOA planned to sell the property to satisfy the debt; the statement implies that Ms. Client was in need of money, and that she satisfied that need by obtaining the PPP loan, which is a false notion propagated by Defendants, to the great detriment of Plaintiffs; furthermore, Defendants’ statement directly implies that Ms. Client used the funds from the PPP loan to pay for her home fees with the HOA; indeed, by saying that “after Ms. Client Entertainment received the \$10,000,000.00, the HOA filed a new notice saying the debt had been paid[] [and that] [t]he sale was canceled,” it directly and indubitably implies that Ms. Client misappropriated the funds for the purposes of paying her HOA fees; accusing Plaintiffs of such a fraud directly, significantly, and unfairly harms Plaintiffs’ reputation.

189. The defamatory statements made against Plaintiffs constitute Slander Per Se because they (i) are “false and defamatory statement[s] concerning”⁸ Plaintiffs, to Plaintiffs’

⁸ *Id.*

detriment; they (ii) constitute “an unprivileged publication to a third party”⁹—i.e., the members of the public reading the Article and viewing the Video—and falsely claim that Plaintiffs committed a crime of moral turpitude; they (iii) impose “fault amounting to at least negligence on [Defendants’] part”;¹⁰ and they (iv) caused special harm to Plaintiffs because of the publication of the Article and Video in the media, which, therefore, makes Defendants’ statements against Plaintiffs actionable.¹¹

190. Defendants published and publicized statements about Plaintiffs that were false, defamatory, and that imply that Plaintiffs acted fraudulently and improperly with respect to obtaining the PPP loan.

191. Defendants’ slanderous statements outlined in paragraph 47 and its subparagraphs hereinabove are not only misleading and defamatory, but they insinuate and imply that Plaintiffs were engaged in improper and fraudulent behavior.

192. Had Defendants taken reasonable efforts to research the PPP and the authority delegated to Lenders, they would have learned that Plaintiffs’ application and receipt of the PPP loan were appropriate in all respects; but, instead, Defendants propagated false and poorly-researched information regarding Plaintiffs.

193. Defendants’ statements from the Video all constitute Slander Per Se, since they are spoken defamatory statements, and since they are of such common notoriety that their injurious character may be presumed from the words alone; the implication of Defendants’ statements

⁹ *Id.*

¹⁰ Restatement (Second) of Torts, Section 558.

¹¹ *See id.*

against Plaintiffs is that Plaintiffs perpetrated a fraud on the Federal Government, actions that constitute criminal conduct; furthermore, Defendants accuse and imply that GCE and Ms. Client acted incompatibly with the existence of a lawful business, trade, profession, or office.

194. It is clear and indubitable that Defendants intended that these false impressions would be conveyed by the Article and the Video, or that Defendants conducted themselves with such a degree of gross negligence and/or recklessness that such intent should be imputed to them.

195. The statements published and publicized by Defendants in the Article and Video are not protected under any legal privilege or doctrine.

196. The statements published and publicized by Defendants against Plaintiffs caused, and will continue to cause, significant, excessive pecuniary harm to Plaintiffs.

197. As aforementioned, due to Defendants' defamation of Plaintiffs, Plaintiffs are entitled to actual and presumed damages in an amount to be proven at trial and determined by the trier of fact, but totaling no less than \$358,000,000.00.

198. Defendants' conduct against Plaintiffs was intentional and/or reckless, and so Plaintiffs are also entitled to punitive damages against Defendants in an amount to be proven at trial and determined by the trier of fact.

199. These false and defamatory statements made against Plaintiffs in the Video were done so with malice.

200. It is evident that the false and defamatory statements made in the Video were made with malice because they were done so after (and during) Defendants' communications with Plaintiffs, and the statements were made to the public; indeed, Defendants knew or should have known that publishing false and defamatory statements against Plaintiffs to the media would result

in significant and unfair damages to Plaintiffs; furthermore, despite these foreseeable damages to Plaintiffs' character and reputation, Defendants nevertheless elected to tortiously defame Plaintiffs' good name and character.

201. It is obvious that Defendants' statements were *false* defamatory statements because all the statements were made in reliance upon inaccurate facts by third parties and misinformation.

202. Plaintiffs have been significantly damaged by Defendants' false and defamatory statements because the statements subject Plaintiffs to hatred, distrust, ridicule, contempt, and disgrace, and they accuse Plaintiffs of engaging in illegal and/or immoral behavior.

203. Plaintiffs have been damaged by Defendants' false statements because the statements injured Plaintiffs in their profession and business.

204. Plaintiffs has been damaged by Defendants' false and defamatory statements because the statements attribute conduct, characteristics, and conditions incompatible with the proper exercise of Plaintiffs' lawful business.

205. The defamatory statements made against Plaintiffs were *at least* negligent on Defendants' part, but in reality, the statements made were done so maliciously, intentionally, and recklessly, with the intent to cause harm to Plaintiffs; therefore, Defendants defamatory statements against Plaintiffs go far beyond simply "fault amounting to at least negligence on [Defendants'] part";¹² again, Defendants acted intentionally, maliciously, recklessly, and negligently, with no regard for Plaintiffs' character and reputation, and indeed, with the clear intent to cause harm to Plaintiffs.

¹² *Id.*

206. It is clear that Defendants' defamatory spoken statements against Plaintiffs have caused special, and irreparable, harm to Plaintiffs, and continue to cause special harm; "special harm" is defined as "the loss of something having economic or pecuniary value"; the harmful diatribe promulgated by Defendants against Plaintiffs have harmed Plaintiffs' good character and reputation in the community, thereby costing Plaintiffs potential growth and investment opportunities, which have pecuniary value, as Plaintiffs' business relies on Plaintiffs' good reputation to conduct business successfully, which is now tarnished due to Defendants' defamatory statements against Plaintiffs; Plaintiffs have suffered, and will continue to suffer, irreparable losses in investment opportunities due to Plaintiffs' tarnished reputation.

207. It is one thing to endure slander from a single individual, but to be subjected to such slander publicly from a well-known news media outlet with accolades such as Fox 13 news, causes severe irreparable harm; the combined accolades and resumes off the members comprising Fox are immensely powerful and well respected, so if Fox makes claims against someone, others will believe them without question, which greatly aggravates the defamation against Plaintiffs.

THIRD CAUSE OF ACTION

Invasion of Privacy: Intrusion Upon Seclusion

208. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

209. Pursuant to the Restatement (Second) of Torts § 652B, in an Intrusion Upon Seclusion claim, the plaintiff must prove the following elements:

- a. "One who intentionally intrudes . . .";
- b. "physically or otherwise . . .";
- c. "upon the solitude or seclusion of another . . .";

- d. “or his private affairs and concerns . . .”;
- e. “is subject to liability to the other for invasion of his privacy . . .”; and
- f. “the intrusion would be highly offensive to a reasonable person”

210. Upon the foregoing and its elements as set forth above, it is clear and easy to establish that,

- a. Mr. Reporter is one who intentionally intruded;
- b. physically *and* otherwise;
- c. upon the solitude or seclusion of Plaintiffs;
- d. *and* Plaintiffs’ private affairs and concerns;
- e. and so, Defendants are subject to liability for the intrusion; and
- f. Defendants’ intrusion would be highly offensive to any reasonable person, and it was, indeed, highly offensive to Plaintiffs

211. Plaintiffs hereby reiterate and use the facts set forth in paragraphs 58 – 65 hereinabove to argue and show that the factors of this case do amply amount to Intrusion Upon Seclusion.

212. Therefore, in consideration of the facts set forth in paragraphs 58 – 65 hereinabove, it is clear that Defendants are liable for Intrusion Upon Seclusion against Plaintiffs.

FOURTH CAUSE OF ACTION
Invasion of Privacy: False Light

213. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

214. Pursuant to the Restatement (Second) of Torts § 652E, in a False Light claim, the plaintiff must prove the following elements:

- a. the defendant published some information about the plaintiff;
- b. the information must portray the plaintiff in a false or misleading light;
- c. the information is highly offensive or embarrassing to a reasonable person of ordinary sensibilities; and
- d. the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and its offensiveness, and the false light in which the other would be placed.

215. In this case, it is clear that the defamatory statements made against Plaintiffs showed Plaintiffs in a false and damaging light.

216. In satisfaction of the above elements, it is undisputable that (i) Defendants published information about Plaintiffs in the form of the Article and Video publicized to the public; that (ii) the information portrayed Plaintiffs in a false or misleading light—specifically, *inter alia*, falsely making Ms. Client out to seem as a reprehensible, disreputable, and ill-willed person who would be capable of defrauding the government to obtain \$10,000,000.00; that (iii) accusing Plaintiffs of defrauding the government is highly offensive and embarrassing to Plaintiffs, and any reasonable person of ordinary sensibilities would find the statements highly offensive *and* embarrassing if said statements were made against them, especially considering that the statements were made by Defendants, whom have accolades and an established presence in Utah as a news media outlet and, therefore, their accusations carry more weight and appear more truthful and reliable than statements made by a layperson individual; and (iv) Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and its offensiveness; indeed,

it is false that Plaintiffs defrauded the government in any way, and so the statements made by Defendants were done with the foreknowledge that the statements were false.

217. What is worse is that Defendants published the defamatory statements *after* having been warned that the stories that Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client wrote an email to Mr. Reporter on June 24, 2021—which was *four and five days* before Defendants published the defamatory information against Plaintiffs—specifically detailing that their stories contained false statements, misrepresentations, misconceptions, and were misconstruing.

218. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing was false and defamatory, but they went ahead and published it regardless and with reckless disregard for the truth and for Plaintiffs' wellbeing.

219. Therefore, Defendants *intentionally* and with *foreknowledge* of the potential damages associated with their actions put Plaintiffs in a false light and disparaged their good name, reputation, and character via the published and publicized Article and Video.

220. Plaintiffs were greatly aggrieved and damaged, and will continue to suffer grievances and damages, due to the false light that Defendants put them under.

221. Therefore, Plaintiffs have a valid claim of False Light to make against Defendants for the defamatory statements made against Plaintiffs.

FIFTH CAUSE OF ACTION

Invasion of Privacy: Public Disclosure of Private Facts

222. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

223. Plaintiffs hereby specifically, and with particularity, reiterate and reincorporate paragraphs 71 – 79 hereinabove to establish the facts necessary to prove their “Public Disclosure of Private Facts” claim against Defendants.

224. Given the facts set forth in paragraphs 71 – 79 hereinabove, it is plainly clear that Defendants publicly disclosed the private facts of Plaintiffs, including, *inter alia*, the nature of Plaintiffs’ PPP loan and proprietary information regarding GCE’s productions.

225. It is also plainly clear that the matter publicized was of no legitimate concern to the public.

226. Furthermore, this private information of Plaintiffs was not only published, but was also *publicized* to the public, causing additional great grievances to Plaintiffs.

227. The publicized information was highly offensive to Plaintiffs, as the private information was publicized by Fox—who carries accolades, certifications, and credentials—and so the information publicized by them carries more weight than if the information was publicized by a layperson individual.

228. Therefore, the private information of Plaintiffs disclosed by Defendants was more damaging to Plaintiffs and their reputation than if the information had been publicized by a layperson individual.

229. And, finally, any reasonable person of ordinary prudence and sensibilities in Plaintiffs’ shoes would find the publication of his or her private affairs to the media highly offensive and damaging, especially because, again, Defendants carry accolades, certifications, credentials, accreditations, and have influence with the public, and so their statements carry more weight and authority than an individual layperson’s statements.

230. Therefore, Plaintiffs have a valid claim of Public Disclosure of Private Facts to make against Defendants for the undue and tortious disclosure of the private information of Plaintiffs that Defendants made to the public.

231. Indeed, by publicizing the private affairs between of Plaintiffs, which included Defendants' false and tortious accusations against Plaintiffs, which damaged Plaintiffs' good name, reputation, and character to the public, caused Plaintiffs significant damages to them, their relationships, and their business.

232. Defendants cannot escape the fact that they caused significant, palpable damages to Plaintiffs by their tortious actions, and so Plaintiffs are entitled to relief from the Court against Defendants.

SIXTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress

233. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

234. Pursuant to the Restatement (Second) of Torts § 46, in an Intentional Infliction of Emotional Distress claim, the plaintiff must prove the following elements:

- e. the defendant's conduct must be outrageous;
- f. the defendant must act intentionally or recklessly;
- g. there must be actual suffering of severe or extreme emotional distress; and
- h. the defendant's conduct must be the actual and proximate cause of severe emotional distress to the plaintiff.

235. To prove their Intentional Infliction of Emotional Distress claim, Plaintiffs hereby reiterate and reincorporate the facts set forth in paragraphs 80 – 87 hereinabove.

236. Matching the elements set forth in paragraph 234 with the material facts referenced in paragraphs 80 – 87, causes the indubitable conclusion that Plaintiffs have an amply valid claim of Intentional Infliction of Emotional Distress against Defendants.

237. It is clear by Defendants' conduct that they *purposefully, intentionally, and maliciously* investigated Plaintiffs to uncover facts that they may use to harm Plaintiffs; indeed, they accomplished this goal; Plaintiffs were harmed severely do to Defendants' actions.

238. Defendants engaged in bullying and intimidation tactic against Plaintiffs in order to bully and intimidate Plaintiffs into complying with Defendants' wishes.

239. Defendants have intentionally stalked and harassed Plaintiffs online, on social media, in public, and even at Ms. Client's own home!

240. Stalking and harassing Plaintiffs in this manner constitutes extreme and outrageous conduct, considering the way that a professional, accredited news station *should* act in contrast to the way that Defendants actually acted.

241. Defendants' status makes it outrageous that they have chosen to defame and harm Plaintiffs, because the damage they have caused to Plaintiffs was significantly more severe than if they did not have a high social status; it is outrageous how irresponsibly and tortiously Defendants acted given their social status, accolades, accreditations, influence with the public, etc.; Defendants should have been more responsible with their power, and should have avoided honing in on an individual and using their power to abuse said individual, as was and is the case in this matter at hand between Plaintiffs and Defendants.

242. Defendants' *intentional* and *outrageous* conduct is plain and clear in this case, and said conduct has irreparably and severely damaged Plaintiffs' reputation in the community.

243. Again, given Defendants' influence with the public, Defendants should have acted responsibly and refrained from injuring Plaintiffs as they did.

244. Indeed, with this great power that Defendants have—regarding their influence with the public, their reputation, accolades, certifications, accreditations, etc.—comes great responsibility, and Defendants clearly acted irresponsibly when they chose to defame Plaintiffs in the media, which caused great emotional and mental distress to Ms. Client, which was inflicted *intentionally* by Defendants upon Plaintiffs.

245. Ms. Client has *actually* suffered extreme emotional distress due to Defendants' actions; Ms. Client has been harmed severely by Defendants and their continuous stalking of her personal life, as well as the disparaging comments made by them to the public, which ruin and have ruined Plaintiffs reputation with the public.

246. The irreparable harm to Plaintiffs reputation has caused Ms. Client severe emotional injury, anxiety, and distress, which were inflicted *intentionally* and recklessly by Defendants, with no care as to how their actions may negatively impact Plaintiffs.

247. Plaintiffs' entire work is based around the relationships they have with others, and Ms. Client's sole income is from her relationships with others.

248. The *intentional* defamatory comments made against Plaintiffs by Defendants, the *intentional* false light they put Plaintiffs under to the public, the private affairs of Plaintiffs that Defendants *intentionally* disclosed, and the *intentional* constant stalking of Plaintiffs affairs have left Ms. Client with severe anxiety and other severe emotional repercussions.

249. Ms. Client has found it difficult to focus on work.

250. Plaintiffs are extremely concerned with how people now view them after the *intentional* disparaging remarks made by Defendants.

251. Defendants' *intentional* actions have put Plaintiffs' entire income in jeopardy, inflicting Plaintiffs with severe and unfair emotional damage.

252. For an entire news organization to attack an individual, and to *purposedly* try to ruin that individual's name and character in public, is completely unacceptable and warrants the highest level of recourse available; Plaintiffs are clearly being *bullied* by someone bigger and stronger than them, and so Plaintiffs pray to the Court for relief from this incessant bullying on the part of Defendants against Plaintiffs.

253. Defendants, constituting an organization with prestige and influence in the public, have *intentionally* attacked Ms. Client, an individual, and have *purposedly* tried to ruin Plaintiffs' name by making defamatory remarks against Plaintiffs to the public, putting Plaintiffs under a false light to the public, and publicizing Plaintiffs' private affairs.

254. Plaintiffs' significant and palpable damages to their reputation, and the mental and emotional health of Ms. Client, therefore, warrant the highest level of recourse available.

255. Defendants' *intentional* conduct is the *actual cause* of Ms. Client's emotional injuries because *but for* Defendants' outrageous conduct in defaming Plaintiffs publicly, stalking Plaintiffs affairs, putting Plaintiffs under a false light to the public, and publicizing Plaintiffs' private affairs, Ms. Client would not have suffered the severe emotional injuries, as well as the other injuries, she has suffered.

256. Therefore, Defendants' entire conduct, as expounded upon hereinabove, is the clear *actual cause* of Ms. Client's emotional injuries and the other damages alleged herein.

257. Furthermore, Defendants' conduct is the *proximate cause* of Ms. Client's emotional injuries and other injuries because the *risk of harm* against Plaintiffs associated with Defendants' conduct was plainly *foreseeable* and *preventable*.

258. Indeed, Defendants were aware, or should have been aware, of the harm their conduct would cause upon Plaintiffs, but they went forward with that course of conduct regardless of the *foreseeable and preventable* damages to Plaintiffs and the high likelihood that Plaintiffs would suffer said damages.

SEVENTH CAUSE OF ACTION

Tortious Interference With Prospective Economic Advantage

259. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

260. Plaintiffs enjoyed a strong reputation and had reasonable expectations of economic relationships with numerous people and entities within the surrounding communities in the media industry.

261. Defendants were aware, or should have been aware, that Plaintiffs depend on their good reputation to earn income, that word-of-mouth referrals are critical to Plaintiffs' business, and that the false and defamatory Article and Video made against Plaintiffs would be seen quickly by Plaintiffs' business contacts.

262. Defendants published false and defamatory statements about Plaintiffs as set forth above; these statements were wrongful and constitute an intentional interference by improper means in Plaintiffs' prospective economic relations.

263. Defendants' published statements are not protected under any legal privilege.

264. As a result of Defendant's published statements, Plaintiffs were deprived of the benefits of numerous relationships, which would have provided substantial revenue with which Plaintiffs would have been able to further build their business.

265. What is worse is that Defendants published the defamatory statements *after* having been warned that the stories that Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client drafted an email to Mr. Reporter on June 24, 2021—which was *four and five days* before Defendants published the defamatory information against Plaintiffs.

266. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing was false and defamatory, but they went ahead and published the information regardless and with reckless disregard for the truth and for Plaintiffs' wellbeing.

267. Plaintiffs have suffered significant economic and reputational injuries as a result of Defendants' interfering conduct.

EIGHTH CAUSE OF ACTION
Commercial Disparagement

268. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

269. In order to prevail on a claim for business disparagement, a plaintiff must prove the following elements:

- a. The false statement is published;
- b. with the intent, or reasonable belief, that the statement will cause financial loss for the business;
- c. there is in fact a financial loss for the business; and

- d. the defendant makes the statement knowing that it is false, or with reckless disregard of whether the statement is true or false.

270. With the above elements established, Petitioner now hereby reiterates and reincorporates the facts contained in paragraphs 96 – 100 hereinabove to argue that Defendants committed Commercial Disparagement against Plaintiffs.

271. With the established facts satisfying the requirements of the tort, it is clear that Defendants committed Commercial Disparagement against Plaintiffs.

NINTH CAUSE OF ACTION
Injurious Falsehood

272. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

273. In order to prove a prima facie case of injurious falsehood, the plaintiff must prove that:

- a. the defendant intentionally made false statements disparaging the plaintiff's property or business interests;
- b. the statements were published to third persons;
- c. the defendant's statements were the cause of the harm suffered by the plaintiff;
- and
- d. the plaintiff suffered special damages—i.e., economic damages.

274. With the above elements established, Petitioner now hereby reiterates and reincorporates the facts contained in paragraphs 101 – 104 hereinabove to argue that Defendants committed Injurious Falsehood against Plaintiffs.

275. Defendants published the defamatory statements *after* having been warned that the stories that Defendants had about Plaintiffs contained false statements, misrepresentations, misconceptions, and were misconstruing; indeed, Ms. Client drafted an email to Mr. Reporter on June 24, 2021—which was *four and five days* before Defendants published the defamatory information against Plaintiffs.

276. Therefore, it is clear that Defendants *had the knowledge* that what they were publishing was false and defamatory, but they went ahead and published it regardless and with reckless disregard for the truth and for Plaintiffs' wellbeing; they intentionally made false statements against Plaintiffs, and they had the foreknowledge that what they were publishing was false.

277. With the established facts set forth in this section, as well as in paragraphs 101 – 104, satisfying the requirements of the tort, it is clear that Defendants committed Injurious Falsehood against Plaintiffs.

TENTH CAUSE OF ACTION
Permanent Injunction

278. Plaintiffs incorporate and reallege the foregoing paragraphs as if fully set forth herein.

279. Plaintiffs now hereby reiterate and reincorporate the facts set forth in paragraphs 105 – 110 hereinabove to demonstrate that they are entitled to the injunctive relief requested herein against Defendants.

280. With the cause shown in paragraphs 105 – 110 above, Plaintiffs are, accordingly, entitled to a permanent injunction barring Defendants from circulating or otherwise publishing the statements made against Defendants, as detailed herein.

JURY DEMAND

281. Plaintiffs hereby demand a jury to adjudicate the facts of this case, as well as to try all the issues triable.

CONCLUSION

In conclusion, it is evident that Plaintiffs have suffered significant damages due to Defendants' course of conduct, as has heretofore been explained and demonstrated.

Defendants, as a prestigious organization with accolades, accreditations, and influence in the public, should have refrained from defaming Plaintiffs, putting Plaintiffs under a false light to the public, publicizing Plaintiffs' private affairs, and intentionally causing Ms. Client severe emotional injuries as a result of their actions.

Indeed, Defendants were aware, or should have been aware, of the severe consequences that their actions would have in Plaintiffs' lives, but they went forward with that tortious course of conduct regardless of the palpable, foreseeable damages against Plaintiffs associated with Defendants' actions.

Truly, it is not fair that an entire organization disparage an individual and ruin their reputation.

Ms. Client did not deserve the severe damages caused to her by Defendants, and so she is entitled to relief from the Court against Defendants.

Ms. Client was, and is being, indisputably bullied by Defendants and their greater power over her, as well as is being bullied by Defendants' influence over the public; indeed, if Defendants paint Plaintiffs in a certain way in the media, the public consuming such media is bound to believe Defendants' illustrations without any doubt or scrutiny, to Plaintiffs' great detriment.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants for the damages suffered as alleged herein, as follows:

- A. awarding Plaintiffs all compensatory damages, including consequential and incidental damages, as well as actual and proximate damages, as a result of Defendants' wrongdoings against Plaintiffs, in an amount to be proven at trial and determined by the trier of fact, but totaling no less than \$358,000,000.00;
- B. awarding Plaintiffs all punitive and exemplary damages against Defendants in an amount to be proven at trial and determined by the trier of fact;
- C. awarding Plaintiffs with attorney's fees, legal fees, court costs, and other reasonable and appropriate legal costs;
- D. for a restraining order and a permanent injunction restraining and enjoining Defendants from circulating or otherwise publishing any of the defamatory statements described herein;
- E. requiring Defendants to make a public and *publicized* retraction of the false and defamatory statements made against Plaintiffs; and
- F. awarding such other, further, and different relief as the Court deems just, proper, and equitable under the circumstances.

DATED July 25, 2022.

Altioirem Legal Services, PLLC

/s/ Billy McBride

Billy McBride

Attorney for Plaintiffs