

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
9th DIVISION

TERRY HOBBS

PLAINTIFF

VS.

CASE NO. CV-08-13038

FILE25/11/25/08 16:35:42
Pat O'Brien Pulaski Circuit Clerk
CR7 By [Signature]

NATALIE PASDAR, Individually;
NATALIE PASDAR, EMILY ROBINSON
MARTHA SEIDEL d/b/a DIXIE CHICKS

DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, Terry Hobbs, by and through his attorney, J. Cody Hiland, and for his cause of action against the Defendants, states as follows:

I.

JURISDICTION

1. Plaintiff is a private citizen and resident of Memphis, Tennessee.
2. Defendant, Emily Robinson is a citizen and resident of San Antonio located in Bexar County Texas.
3. Defendant, Natalie Pasdar is a citizen and resident of Austin located in Travis County Texas.
4. Defendant, Martha Seidel is a citizen and resident of Austin located in Travis County Texas.
5. Each of the above referenced Defendants, d/b/a Dixie Chicks, have systematically and continuously done business in Arkansas by promoting and selling music in Arkansas at retail, over the internet and by performance in Arkansas.
6. The Court has jurisdiction over the parties and over the subject matter of this Complaint, and venue is proper in this Court.

II.

FACTUAL ALLEGATIONS

7. That the Plaintiff was the stepfather of Steve Branch, now deceased.
8. That on or about May 5, 1993, the bodies of Steve Branch, Christopher Byers and Michael Moore were discovered in Robin Hood Hills located in Crittenden County Arkansas.
9. That Steve Branch, Christopher Byers and Michael Moore were severely beaten about their heads and faces and brutally murdered.
10. That Damien Echols, Jessie Misskelley and Jason Baldwin were charged and convicted of the murders of Steve Branch, Christopher Byers and Michael Moore.
11. That the convictions of Damien Echols, Jessie Misskelley and Jason Baldwin have not been reversed on direct appeal.
12. That Damien Echols has been unsuccessful in seeking a retrial based on what he has characterized as "new" DNA evidence believed to be sufficient to cast doubt on his conviction.
13. That the case involving Damien Echols, Jessie Misskelley and Jason Baldwin (hereinafter referred to as the "West Memphis Three") has attracted national attention focused on the sufficiency of the evidence used in achieving the convictions.
14. That on or about November 26, 2007, Defendant, Natalie Pasdar recklessly published or caused to be published malicious, libelous, slanderous, and false statements concerning Plaintiff over the world-wide internet via an open letter on the Defendant Dixie Chick's website.

15. That Defendant's letter, when taken as a whole, accused Plaintiff of committing the murder of Steve Branch, Christopher Byers and Michael Moore. A copy of the letter is attached hereto as Exhibit "A".

16. That the aforementioned libelous, slanderous, and false statements by the Defendant were republished by numerous media outlets and prominently viewed websites including, but not limited to, *Fox News*, *The Commercial Appeal* in Memphis Tennessee, *People*, *Huffington Post*, *Free Republic* and *ABC News*.

17. That on or about December 19, 2007, Defendant, Natalie Pasdar was a featured speaker at a "Free the West Memphis Three" rally on the steps of the Arkansas State Capitol in Little Rock Arkansas in which she reiterated her position that the recent DNA and forensic results had "given this case wings" and made other statements that amounted to a false and reckless claim that Plaintiff committed the murders of Steve Branch, Christopher Byers and Michael Moore.

18. That the Defendant's Little Rock Arkansas appearance and statements attracted significant media attention and were widely printed, disseminated and broadcast to an expansive audience.

19. That Defendant's repeated libelous publications concerning the involvement of the Plaintiff in the murders of Steve Branch, Christopher Byers and Michael Moore were not based on fact and, in fact, were false and reckless at the time of publication.

III.

CAUSES OF ACTION

A.

DEFAMATION/LIBEL

20. Plaintiffs re-allege paragraphs one through nineteen as if fully set out herein.

21. The acts of the Defendants as set forth hereinabove are libelous and libelous *per se* and defamed Plaintiff, causing him to suffer personal injuries, injury to his reputation and professional and business damages for which he is entitled to recover compensatory and punitive damages as determined by a jury.

B.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGEOUS
CONDUCT**

22. Plaintiffs re-allege paragraphs one through twenty-one as if fully set out herein.

23. Plaintiff alleges that the aforementioned wrongs constitute intentional, reckless and/or negligent infliction of emotional distress and are actions that are so outrageous in character, and so extreme in degree, as to be beyond the pale of decency and to be regarded as atrocious and utterly intolerable in civilized society, thereby resulting in severe emotional, mental, and physical injuries entitling Plaintiff to recover compensatory and punitive damages to be determined by the jury.

C.

FALSE LIGHT INVASION OF PRIVACY

24. Plaintiffs re-allege paragraphs one through twenty-three as if fully set out herein.

25. The acts of the Defendants placed the Plaintiff in a false light and were a false light invasion of Plaintiff's privacy as recognized in Arkansas.

26. Defendants gave publicity to matters concerning the Plaintiff which were false and/or which placed the Plaintiff before the public in a false light, which were and are highly offensive to any reasonable person, and the Defendants had knowledge or should have known that the publicized matters were false or each and all acted recklessly and with reckless disregard as to the falsity of the matter they were publicizing and the false light in which the Plaintiff would be and was placed.

27. As a direct and proximate result of the wrongful acts of the Defendants herein, acting in a manner specifically designed to harm and damage the Plaintiff and his person, did, by invading his privacy and casting him in a false light commit the tort of false light invasion of privacy causing the Plaintiff to suffer mental and emotional distress and other special damages which he is entitled to recover.

IV.

DAMAGES

28. Plaintiffs re-allege paragraphs one through twenty-seven as if fully set out herein.

29. As a direct and proximate result of the wrongful acts set forth hereinabove by the Defendants, the Plaintiff, Terry Hobbs, a respected, private citizen, was injured in his person and business and in his personal and business reputation.

30. As the direct and proximate result of the false, malicious and libelous information published by the Defendants about him, Plaintiff has suffered embarrassment, humiliation, and severe psychological, emotional, mental trauma, loss of income and other compensatory damages in an amount to be determined by a jury.

31. Plaintiff is entitled to recover punitive damages.

WHEREFORE, Plaintiff sues the Defendants for compensatory and punitive damages and demands a jury to try this case when the issues are joined and for all other just and proper relief to which he may be entitled.

RESPECTFULLY SUBMITTED this the 25th day of November, 2008.

TERRY HOBBS

BY: 

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EXHIBIT

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A

November 26, 2007

Letter from Natalie Maines: WM3 Call to Action

I'm writing this letter today because I believe that three men have spent the past 13 years in prison for crimes they didn't commit.

On May 5th, 1993 in West Memphis, Arkansas three 8 eight-year-old boys, Steve Branch, Christopher Byers, and Michael Moore were murdered.

Three teenage boys, Damien Echols, Jesse Misskelley, and Jason Baldwin were convicted of the murders in 1994. Jason Baldwin and Jesse Misskelley received life sentences without parole, and Damien Echols sits on death row.

I encourage everyone to see the HBO documentaries, Paradise Lost and Paradise Lost 2 for the whole history of the case.

I only discovered the films about 6 months ago, and when I finished Paradise Lost 2 I immediately got online to make sure that these three wrongly convicted boys had been set free since the films were released. My heart sank when I learned that the boys were now men and were still in prison. I couldn't believe it.

I searched for answers as to what had been done and what was being done to correct this injustice. I donated to the defense fund and received a letter from Damien Echols wife, Lorri. She is a lovely woman who has dedicated her time and heart to her husband. I was glad to hear that after so many years of fighting for justice it looked like things were finally happening. Below, I have written what the DNA and forensics evidence shows. I hope after reading it and looking at the WM3.org website, you will know that the wrong guys are sitting in jail right now, and feel compelled to help.

Inspired and determined to see the justice system work, many people have worked on this case pro bono for the past 13 years. However, there are still costs that go along with the struggle to freeing these three men.

There has been a wonderful resurgence of interest by the media for this case, but nobody mentions the need for funds. Donations to the defense fund are desperately needed. DNA and forensics tests are expensive. They are also what will finally set these men free. Due to so many people's passion and generosity, what would normally be a case that costs millions is costing a fraction of that. I know around the holidays we all get inundated with deserving causes and charities that are in need of donations, but this can't wait!

With all of the new evidence things are finally moving, and fast!

Any money that you can donate is desperately needed to pay for the experts and the federal court hearing that is just weeks away. There is also a letter campaign that has been started by a new and energized group of people in Arkansas. [Click here](#) to download the sample letter. Signing and sending this letter makes it very difficult for this case to be ignored. Please mail the letters to the following address:

Arkansas Take Action
Capi Peck, Coordinator
P.O. Box 17788
Little Rock, AR 72222-7788

After so many years it literally all comes down to this hearing.

The evidence is so strong that at the very least the judge will grant a new trial, but hopefully he will overturn the verdict and these guys will finally be sent home to their lives and families. I know that this is a hard thing to just take my word on, so please look at the case and the evidence for yourself. I am confident that you will see the DNA evidence is irrefutable and that these three men did not get the kind of trial that is promised to us - as Americans.

The system hasn't only failed Damien, Jesse, and Jason, but it has failed the three little boys that were murdered. Their killer(s) is still out there, and justice has yet to be served. Please know that your generosity will make a difference.

Please know that your generosity will make a difference.

Sincerely,
Natalie Maines Pasdar

The following is just some of the DNA and forensic evidence that will be presented in the federal court hearing.

In late October, legal papers were filed in federal court in Arkansas showing that Damien Echols was wrongfully convicted. The 200-page court filing includes DNA evidence that fail to link any of the three boys

to the crime scene. This is very important because the prosecution claimed that Echols had sodomized the victims.

-DNA tests also show that a hair belonging to Terry Hobbs, the step-father of one of the victims, was found in the ligature of one of the victims.

-DNA tests also match a hair at the crime scene to a friend of Hobbs that was with him that day.

-DNA test results show foreign DNA-from someone other than Echols, Misskelly, or Baldwin-on the penises of two of the victims.

-Scientific analysis from some of the nation's leading forensics experts, stating that wounds on the victims' bodies were caused by animals at the crime scene-not by knives used by the perpetrators, as the prosecution claimed. These wounds were the centerpiece of the prosecution's case, and evidence was presented that a knife recovered from a lake near one defendant's home caused the wounds.

-Sworn affidavits outlining new evidence uncovered by Pam Hobbs (the ex-wife of Terry Hobbs) who found a knife in Terry Hobbs' drawer that her son (one of the victims) had carried with him at all times. After her son was killed, the knife was not among his personal effects that police gave to the Hobbs family, and Pam Hobbs always assumed that her son's murderer had taken it during the crime.

-New information implicating Terry Hobbs-including his own statements made to police in recent interviews where he acknowledged that several of his relatives suspect him in the crime. The filing also includes a chronology of Hobbs' activities on the night of the crimes, when he washed his clothes and sheets at odd hours for no reason other than to hide evidence from the crimes.

- A sworn affidavit that refutes hearsay evidence from Echols' trial. The mother of one of two girls who testified that they overheard Echols admit to the crime at a softball game now says that Echols' statement was not serious and that neither she nor her daughter believes he committed the crime.

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