

NO. 12CI01017

JEFFERSON CIRCUIT COURT
DIVISION _____
JUDGE JEFFERSON CIRCUIT COURT
DIVISION FOUR (4)

LINDSAY ENTERTAINMENT ENTERPRISES,
INC. d/b/a THE GODFATHER PLAINTIFF

VS. **VERIFIED COMPLAINT**

BAR-L, INC. d/b/a TRIXIE'S LOUNGE
Serve: William D. Landrum, Registered Agent
6112 Preston Highway
Louisville, KY 40219

3 Exhibits Filed
FILED IN CLERK'S OFFICE
DAVID L. NICHOLSON, CLERK
FEB 22 2012
BY *[Signature]*
DEFENDANTS

and
KNOCKOUT SPORTS SALOON, INC.
Serve: William D. Landrum, Registered Agent
6112 Preston Highway
Louisville, KY 40219

Comes now the Plaintiff, Lindsay Entertainment Enterprises, Inc. d/b/a The Godfather (hereinafter "The Godfather"), by counsel, and for its Complaint against the Defendants, Bar-L, Inc. d/b/a Trixie's Lounge (hereinafter "Trixie's") and Knockout Sports Saloon, Inc. (hereinafter "Knockout"), states as follows:

PARTIES

1. Plaintiff, The Godfather, is a duly licensed corporation doing business in the Commonwealth of Kentucky with the power to sue and be sued, and operates an Upscale Gentleman's Club/nightclub establishment located at 5000 Preston Highway, Louisville, Kentucky 40213.

2. Defendants, Trixie's and Knockout, are duly licensed corporations doing business in the Commonwealth of Kentucky with the power to sue and be sued, and operate

2.9.

establishments in competition with The Godfather, under common ownership, which businesses are located at 6112 and 6114 Preston Highway, Louisville, Kentucky 40219; approximately 1.2 miles away from the Plaintiff's establishment.

3. A true and accurate photograph of the building located at 6112 and 6114 Preston Highway in which Trixie's and Knockout have operated their businesses at all times relevant herein is attached hereto as Exhibit "A."

FACTUAL ALLEGATIONS

4. During the week of the National Farm Machinery Show, held on February 15-18, 2012 at the Kentucky Exposition Center in Louisville, Jefferson County, Kentucky, Trixie's and Knockout displayed on the electronic sign above the entrance to their establishment the following words and phrases, to-wit: "DON'T GO TO GODFATHERS THEIR GIRLS ARE UGLY & HAVE CRABS."

5. A true and accurate photograph of the sign above the entrance to Trixie's and Knockout's establishment that was taken during the week of the National Farm Machinery Show, bearing the above message, is attached hereto as Exhibit "B."

6. The above sign bearing the above message was clearly visible to the public at large, including but not limited to prospective customers of The Godfather.

7. The above sign bearing the above message has been published on one or more social media websites, i.e., Facebook, which has drawn negative and derogatory comments about the Godfather by Internet users visiting said website(s). A true and accurate photograph of the website post displaying the above sign bearing the above message and containing negative and derogatory comments by Internet users viewing said website is attached as Exhibit "C."

COUNT I – DEFAMATION

8. The above message displayed by Defendants on the sign above the entrance to their establishment was, and is, false and defamatory *per se* at all times relevant herein.

9. Defendants published the above message with malice and intent to cause damage to The Godfather.

10. Defendants maliciously and intentionally published the above message for the purpose of falsely ascribing to The Godfather certain conduct, characteristics or conditions that would adversely affect The Godfather's fitness for the proper conduct of its lawful business.

11. Defendants maliciously and intentionally published the above message for the purpose of falsely imputing to the public at large as well as potential customers of the Godfather that The Godfather employed girls who were afflicted with a loathsome and communicable disease.

12. As a direct and proximate result of the false and defamatory message published by Defendants, The Godfather has suffered injury to its reputation and has been exposed to public hatred, contempt, scorn, obloquy, and shame; and has suffered and will continue to suffer loss of business revenue or income proximately resulting from the above false and defamatory message.

13. Defendants are therefore liable to The Godfather for general damages, compensatory damages and special harm as a result of the above false and defamatory message, as well as punitive damages and attorney's fees.

14. The foregoing damages are in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court.

**COUNT II – INTENTIONAL INTERFERENCE
WITH PROSPECTIVE BUSINESS RELATIONSHIPS**

15. Defendants, by reason of their wrongful conduct, have intentionally, improperly and maliciously interfered with The Godfather's business relationships with its prospective customers and clientele at all times relevant herein.

16. Defendants, by their wrongful conduct, have maliciously induced or otherwise caused prospective customers and clientele not to patronize or enter into The Godfather's business establishment, thereby preventing The Godfather from acquiring or engaging in the normal or usual level of business activity during the time period in question.

17. Defendants are therefore liable to The Godfather for its economic loss and other compensatory damages as well as punitive damages and its attorney's fees herein.

18. The foregoing damages are in excess of the minimum dollar amount necessary to establish the jurisdiction of this Court.

WHEREFORE, Plaintiff prays the Court for Judgment against Defendants for general, special, compensatory and punitive damages; trial by jury; its costs and attorney's fees herein expended; and any and all other relief to which it may appear entitled.

VERIFICATION

I, Scott Lindsay, upon first being duly sworn, state that I am the Secretary of the Plaintiff, Lindsay Entertainment Enterprises, Inc. d/b/a The Godfather, that I have reviewed the foregoing Complaint, and hereby verify that the facts and allegations contained herein are true to the best of my knowledge, information and belief.


SCOTT LINDSAY

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON)

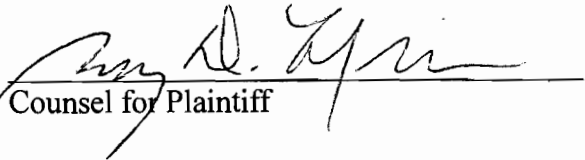
Subscribed and sworn to before me by SCOTT LINDSAY this 22nd day of February, 2012.

My Commission expires: 06-01-2013


NOTARY PUBLIC

Respectfully submitted,

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