

(SPACE BELOW FOR FILING STAMP ONLY)

FILED

SEP 14 2012

FRESNO COUNTY SUPERIOR COURT
By *Dawn Houston*
DEPUTY

1 Nathan S. Miller, #240278
2 Mary Castro-Ayala, #242267
3 **MILLER & AYALA, LLP**
4 191 W. Shaw, Suite 102
5 Fresno, CA 93711
6 Telephone: (559) 222-6622
7 Facsimile: (559) 222-6626

8 Attorneys for Plaintiff:
9 **KASEY KAHL**

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF FRESNO

12 169177
13 435.00

14 KASEY KAHL,

15 Case No. **12 CE CG 02916**

16 Plaintiff,

17 **COMPLAINT FOR:**

18 v.

- 19 1. **LIBEL**
- 20 2. **INTENTIONAL INFLICTION OF**
- 21 **EMOTIONAL DISTRESS**

22 WARNER BROS ENTERTAINMENT
23 INC.; EHM PRODUCTIONS, INC.;
24 TMZ.COM; and DOES 1 through 200,

25 Defendants.

26 **GENERAL ALLEGATIONS**

27 Plaintiff, KASEY KAHL (referred to hereinafter as "Plaintiff") alleges as follows:

28 1. Plaintiff is an individual and is now, and at all times mentioned in this Complaint,
a resident of Fresno County, California and at all times herein mentioned enjoyed a good
reputation both generally and in his occupation and prior to the actions of Defendants as alleged
herein; had not had been accused of inhaling or ingesting paint thinner in any manner.

2. Plaintiff is informed and believes and thereupon alleges that Defendants,
WARNER BROS ENTERTAINMENT INC.; EHM PRODUCTIONS, INC. and TMZ.COM are
all entities which manage, own and or control TMZ.COM, and at all times herein mentioned are

related business entities unknown, with a principal place of business in Los Angeles, California.

3. Plaintiff is unaware of the true names, identities and capacities of Defendants sued herein as does 1 through 200, inclusive, and therefore sues said Defendants by such fictitious names, pursuant to California Code of Civil Procedure, §474. Plaintiff will seek leave of court to amend this complaint to allege the true names and capacities of said DOE Defendants when ascertained. Plaintiff is informed and believes and thereupon alleges that each of the fictitiously named Defendants are responsible for the occurrences alleged herein and are liable to Plaintiff for the damages proximately caused thereby.

4. The Plaintiff alleges on the information and belief that each of the Defendants was the agent of the other on all of the actions set forth, that each was acting in the course and scope of its agency with its principle, and that every act of each Defendant was ratified by the others.

5. Because TMZ.com directed its conduct toward Mr. Kahl, a resident of Fresno, California and because the harm occurred in Fresno, California, where Mr. Kahl resides, venue is proper in the Fresno County Superior Court

6. On or about August 3, 2012, Defendant published on its website TMZ.com an article alleging that Plaintiff was jailed for "allegedly huffing paint thinner".

7. Defendants' statements and publications described above ("Statements") concerned Kahl and were false.

8. The Statements were made publicly, were false, defamatory and injurious to Kahl's professional and personal reputation.

9. Defendants' August 3, 2012 publication and its contents were reported, and continue to be reported, as Defendants knew would be the case, by essentially every major internet website in the United States.

10. Defendants knew and intended that the contents of the August 3, 2012 publication

1 would be disseminated publicly and they were in fact disseminated publicly.

2 11. Defendants' Statements were widely published and not privileged in any manner.

3 12. Defendants' Statements were made with reckless disregard of their truth or falsity
4 and/or with malice.

5 13. Defendants' Statements were libelous per se because they injure Kahl's personal
6 reputation, professional reputation and allege that he engaged in criminal conduct.

7
8 14. Defendants' Statements forever falsely taint and permanently damage Kahl, in the
9 eyes of media, friends, family, fans and the general public, as a person engaged in the taboo,
10 socially unacceptable, unlawful action of "huffing" paint thinners. Media will forever mention his
11 name in the context of huffing paint and fans will forever remember Kahl with ill repute rather
12 than remember his accomplishments in and out of the spotlight. In addition, it will be less likely
13 for Kahl to have any further career in television or any other industry as a result of his tainted
14 reputation of huffing paint.

15
16 **FIRST CAUSE OF ACTION**

17 **(Libel Per Se)**

18 15. Plaintiff re-alleges, and by this reference, incorporates herein, each and every
19 allegation contained in paragraphs 1 through 14 above as though fully set forth herein.

20 16. Defendants' Statements concerned Kahl and were false.

21 17. Defendants' Statements were widely published and not privileged in any manner.

22 18. Defendants' Statements were made with reckless disregard of their truth or falsity
23 and/or with malice.

24 19. Defendants' Statements were libelous per se because they injure Kahl's
25 professional reputation.

26 20. Defendants' Statements were libelous per se because they injure Kahl's personal
27
28

1 reputation.

2 21. Defendants' Statements were libelous per se because they allege Kahl was
3 engaged in criminal conduct.

4 22. As a proximate result of the above-described publication, Plaintiff has suffered
5 loss of his reputation, shame, mortification, and hurt feelings all to his general damage. Plaintiff
6 has also suffered special damages.
7

8 23. Because Defendants publication was published with malice, Plaintiff seeks an
9 award of punitive damages.

10 **SECOND CAUSE OF ACTION**

11 **(Intentional Infliction of Emotional Distress)**

12 24. Plaintiff re-alleges, and by this reference, incorporates herein, each and every
13 allegation contained in paragraphs 1 through 23 above as though fully set forth herein.
14

15 25. Defendants' Statements and conduct were extreme and outrageous.

16 26. Defendants' Statements and conduct have caused Kahl to suffer severe emotional
17 distress.

18 27. Defendant knew and intended that Kahl would suffer severe emotional distress as
19 a result of its Statements and conduct
20

21 28. As a proximate result of Defendant's conduct, as alleged in herein, Plaintiff
22 suffered humiliation, extreme mental anguish and emotional and physical distress, all to his
23 general damage in an amount to be proven at trial.

24 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

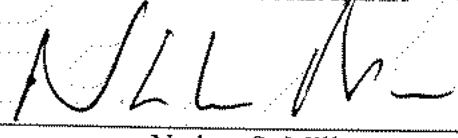
- 25 1. For general and special damages in an amount according to proof but believed to
26 be no less than \$20,000,000.00;
27 2. For interest on this sum at the prevailing legal rate;
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. For costs of suit herein incurred; and
4. For punitive and exemplary damages in an amount sufficient to punish Defendants for their wrongdoing and to deter others from engaging in similar future misconduct; and
5. For such other and further relief as the court may deem proper.

Dated: September 13, 2012

MILLER & AYALA, LLP

By: 
Nathan S. Miller
Attorney for Plaintiff