

**ORIGINAL**

**FILED**  
LOS ANGELES SUPERIOR COURT

OCT 22 2009

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7 Disney Company and Thomas O.  
Staggs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 THE WALT DISNEY COMPANY and  
11 THOMAS O. STAGGS,

12 Plaintiffs,

13 v.

14 DOE 1, an individual, and DOES 2-25,  
15 inclusive,

16 Defendants.

Case No.

**EC 051353**

COMPLAINT FOR RIGHT OF  
PUBLICITY; FRAUD;  
MISAPPROPRIATION OF  
TRADE SECRETS; UNFAIR  
COMPETITION

DEMAND FOR A JURY TRIAL

17  
18 Plaintiffs The Walt Disney Company ("TWDC") and Thomas O. Staggs  
19 ("Staggs") (collectively "Plaintiffs") for their Complaint allege as follows:

20 **Allegations Common to All Claims for Relief**

21 **A. Introduction**

22 1. This case concerns the intentional and malicious misappropriation of the  
23 name and identity of TWDC's Chief Financial Officer, Staggs, in order to obtain  
24 confidential and proprietary business information and obtain an unfair business  
25 advantage. Defendants registered an email account under the name of "Tom Staggs"  
26 and sent emails to employees of TWDC and others, purporting to be from Staggs and  
27 requesting confidential information relating to an entity in which affiliates of TWDC

1 (TWDC with its affiliates are collectively referred to herein as “Disney”) are  
2 members. Defendants also sent emails purporting to be from plaintiff Staggs to  
3 members of the press and financial community, which implied that Disney was  
4 engaging in financially irresponsible business ventures approved by plaintiff Staggs.  
5 Defendants have interfered with the business of Disney and irreparably harmed the  
6 reputations of both Disney and Staggs.

7 **B. Plaintiffs**

8 2. TWDC is a corporation duly organized and existing under the laws of  
9 the State of Delaware, having its principal place of business in Burbank, California.

10 3. Staggs is an individual and a resident of the County of Los Angeles in  
11 the State of California. Staggs is, and has been since 1998, employed as the Chief  
12 Financial Officer of TWDC.

13 **C. Defendants**

14 4. Upon information and belief, Doe 1 is an individual who is a resident of  
15 or present in this judicial district and who is subject to the jurisdiction of this Court.  
16 Upon information and belief, Doe 1 is responsible for creating, using and/or  
17 benefiting from emails sent through the email address “tom.staggs22@gmail.com,”  
18 purporting to be from Staggs. The identity of Doe 1 is unknown to Plaintiffs at this  
19 time. The Complaint will be amended to include the name of the individual when he  
20 or she is identified.

21 5. Upon information and belief Does 2 – 25 are either entities or  
22 individuals who are residents of or present in this judicial district and who are  
23 subject to the jurisdiction of this Court. Upon information and belief, Does 1 – 10  
24 are responsible for creating, using and/or benefiting from emails sent through the  
25 email address “tom.staggs22@gmail.com,” purporting to be Staggs. The identities  
26 of the various Does are unknown to Plaintiffs at this time. The Complaint will be  
27

1 amended to include the names of such individuals when identified. Doe 1, an  
2 individual, and Does 2 – 25 are collectively referred to herein as “Defendants.”

3 **D. Defendants’ Wrongful Activities**

4 6. Upon information and belief, Defendants have registered the Google  
5 email account “tom.staggs22@gmail.com.” Defendants used this email account to  
6 send messages to Disney employees, soliciting confidential information regarding  
7 various Disney business ventures. Defendants also sent email messages to members  
8 of the press and financial community regarding allegations of impropriety in  
9 connection with those business ventures. Defendants identified themselves in the  
10 emails as “Tom” while Google identified the sender of the emails as “Tom Staggs.”  
11 Defendants are currently engaged in such unauthorized practices and, unless  
12 enjoined by this Court, will continue to do so.

13 7. By engaging in this conduct, Defendants have acted in intentional and  
14 malicious disregard of laws protecting Plaintiffs’ private information, trade secrets  
15 and reputations. By their wrongful conduct, Defendants have injured Plaintiffs and  
16 benefited from such injuries.

17 **FIRST CLAIM FOR RELIEF**

18 **(By Plaintiff Staggs For Right of Publicity)**

19 8. Staggs repeats and realleges all of the allegations contained in  
20 paragraphs 1 through 7, inclusive, as though set forth herein in full.

21 9. Staggs is informed and believes, and upon that basis alleges, that  
22 Defendants used his name to register an email account and send messages to  
23 numerous third parties purporting to be from Staggs.

24 10. Staggs is informed and believes, and upon that basis alleges, that  
25 Defendants sent the emails in order to gain a personal or commercial advantage.

26 11. Defendants did not have the consent of Staggs to use his name or send  
27 communication on his behalf.

1           12. Staggs has been injured and suffered damage as a result of Defendants'  
2 actions.

3           13. Staggs currently has no other adequate remedy at law and has suffered  
4 and continues to suffer irreparable harm and damage as a result of the above-  
5 described acts. Staggs is informed and believes, and upon that basis alleges, that,  
6 unless enjoined by the Court, Defendants' actions will continue, causing irreparable  
7 harm and damage to Staggs. Accordingly, Staggs seeks and requests permanent  
8 injunctive relief.

9                                   **SECOND CLAIM FOR RELIEF**

10                                   **(By All Plaintiffs For Fraud)**

11           14. Plaintiffs repeat and reallege all of the allegations contained in  
12 paragraphs 1 through 13, inclusive, as though set forth herein in full.

13           15. Plaintiffs are informed and believe, and upon that basis allege, that  
14 Defendants have willfully deceived Disney and its employees as well as other  
15 members of the press and financial communities by sending emails representing that  
16 Defendants were Staggs. Among the email recipients were employees who report  
17 directly to Staggs. Plaintiffs are informed and believe, and upon that basis allege,  
18 that Defendants registered and used the email account "tom.staggs22@gmail.com"  
19 and indicated that the emails were coming from "Tom." Plaintiffs are informed and  
20 believe, and upon that basis allege, that Defendants referred in the email messages to  
21 business transactions and/or other matters that concerned Disney and/or Staggs' job  
22 responsibilities as Chief Financial Officer of TWDC.

23           16. Plaintiffs are informed and believe, and upon that basis allege, that  
24 Defendants intended to defraud the recipients of the emails, including Disney and its  
25 employees, by obtaining confidential business information that would otherwise not  
26 be disclosed to the general public. Plaintiffs are further informed and believe, and  
27 upon that basis allege, that Defendants intended for the recipients of the emails,  
28

1 including those not employed by Disney, to form negative opinions of Plaintiffs and  
2 conclude that Plaintiffs were engaged in financially irresponsible business deals  
3 approved by Staggs.

4 17. Plaintiffs are informed and believe, and upon that basis allege, that  
5 some of the recipients of the email messages sent by Defendants believed the emails  
6 to have been sent by Staggs and did indeed change their positions in relation to  
7 various business relationships or changed their opinion of Plaintiffs.

8 18. Plaintiffs have been injured and suffered damage as a result of  
9 Defendants' actions. Plaintiffs' business relationships and reputations have been  
10 irreparably harmed.

11 19. Plaintiffs currently have no other adequate remedy at law and have  
12 suffered and continue to suffer irreparable harm and damage as a result of the above-  
13 described acts. Plaintiffs are informed and believe, and upon that basis allege, that,  
14 unless enjoined by the Court, Defendants' actions will continue, causing irreparable  
15 harm and damage to Plaintiffs. Accordingly, Plaintiffs seek and request permanent  
16 injunctive relief.

### 17 **THIRD CLAIM FOR RELIEF**

#### 18 **(By Plaintiff TWDC For Misappropriation of Trade Secrets)**

19 20. TWDC repeats and realleges all the allegations contained in paragraphs  
20 1 through 19, inclusive, as though set forth herein in full.

21 21. TWDC is informed and believes, and upon that basis alleges, that  
22 Defendants obtained confidential business information and trade secrets regarding  
23 TWDC's businesses by misappropriating Staggs's name in emails sent to TWDC  
24 employees, among others.

25 22. TWDC is informed and believes, and upon that basis alleges, that  
26 Defendants have used this information for their own advantage. TWDC is also  
27

1 informed and believes that Defendants disclosed this confidential proprietary  
2 information to others.

3 23. TWDC has been injured and suffered damage as a result of Defendants'  
4 actions.

5 24. TWDC currently has no other adequate remedy at law and has suffered  
6 and continues to suffer irreparable harm and damage as a result of the above-  
7 described acts. TWDC is informed and believes, and upon that basis alleges, that,  
8 unless enjoined by the Court, Defendants' actions will continue, causing irreparable  
9 harm and damage to TWDC. Accordingly, TWDC seeks and requests permanent  
10 injunctive relief.

11 **FOURTH CLAIM OF RELIEF**

12 **(By All Plaintiffs For Unfair Competition)**

13 25. Plaintiffs repeat and reallege all the allegations contained in paragraphs  
14 1 through 24, inclusive, as though set forth herein in full.

15 26. Plaintiffs are informed and believe, and upon that basis allege, that  
16 Defendants have intentionally misappropriated Staggs's name in order to obtain  
17 confidential business information and trade secrets for the advantage of Defendants,  
18 all in violation of the California Unfair Business Practices Act, Cal. Bus. & Prof.  
19 Code, § 17200, *et seq.*

20 27. Plaintiffs have been injured and suffered damage as a result of  
21 Defendants' actions.

22 28. Plaintiffs currently have no other adequate remedy at law and have  
23 suffered and continue to suffer irreparable harm and damage as a result of the above-  
24 described acts. Plaintiffs are informed and believe, and upon that basis allege, that,  
25 unless enjoined by the Court, Defendants' actions will continue, causing irreparable  
26 harm and damage to Plaintiffs. Accordingly, Plaintiffs seek and request permanent  
27 injunctive relief.



1 reason of Defendants' unlawful acts herein alleged and that those profits be  
2 increased as provided by law;


3 C. That Defendants be required to pay punitive damages due the malicious  
4 and unlawful act herein alleged;

5 D. That Plaintiffs recover from Defendants their costs of this action and  
6 reasonable attorneys' fees; and

7 E. That Plaintiffs have all other and further relief as the Court may deem  
8 just and proper under the circumstances.

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10 Dated: October 22, 2009

J. Andrew Coombs, A Professional Corp.

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13 By: ~~J. Andrew Coombs~~  
14 Nicole L. Drey  
15 Attorneys for Plaintiffs The Walt Disney  
16 Company and Thomas O. Staggs  
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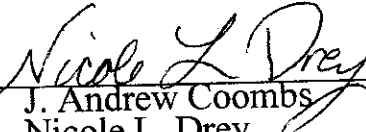


DEMAND FOR JURY TRIAL

1  
2 Plaintiffs The Walt Disney Company and Thomas O. Staggs hereby demand a  
3 trial by jury of all issues so triable.

4 DATED: October 22, 2009

J. Andrew Coombs, A Professional Corp.

5  
6 By:   
7 J. Andrew Coombs  
8 Nicole L. Drey  
9 Attorneys for Plaintiffs The Walt Disney  
10 Company and Thomas O. Staggs  
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