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LOS ANGELES SUPERIOR COURT

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

10
11 MARIO LAVANDEIRA, dba PEREZ
HILTON, an individual,
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13 Plaintiff,
14 v.
15 JONATHAN WAYNE LEWANDOWSKI, aka
JONATHAN JAXSON, aka JONATHAN
16 TAYLOR, an individual; and DOES 1 through
25, inclusive,
17
18 Defendants.

CASE NO.: BC388760

COMPLAINT FOR:

- 1. Libel;
- 2. Slander;
- 3. Invasion of Privacy - Intrusion;
- 4. Invasion of Privacy - Public Disclosure of Private Facts;
- 5. Harassment; and
- 6. Intentional Infliction of Emotional Distress

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20 Plaintiff Mario Lavandeira, dba Perez Hilton ("Lavandeira"), an individual, hereby alleges as
21 follows:

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23 **INTRODUCTION**

24 1. Hiding behind various aliases and intentional falsehoods, Defendant Jonathan Wayne
25 Lewandowski, aka Jonathan Jaxson, aka Jonathan Taylor ("Jaxson"), an Internet blogger, embarked
26 on a campaign to intentionally and maliciously interfere with Lavandeira's business by publishing a
27 continuous onslaught of defamatory statements and publishing Lavandeira's private cell phone

1 number, while encouraging people to call that number to harass him. This conduct by Jaxson
2 defamed Lavandeira and caused him to suffer extreme business interruption and constant
3 harassment.

4 2. The defamatory statements, which Jaxson made with actual malice to the New York
5 Post, Page Six, and other media outlets, are concerning a purported agreement between Jaxson and
6 Lavandeira to help Jaxson publicize his blog, www.jonathanjaxson.blogspot.com (the "Blog").

7 3. Lavandeira is a world-renowned Internet celebrity gossip "blogger" and the owner of
8 a web log or "blog" found on the Internet at www.perezhilton.com (the "Website"). Celebrities are
9 the focus of his blog, and when the sometimes newsworthy events of their lives unfold, the content
10 of his site transforms gossip into journalism. Lavandeira has developed a successful business
11 posting photos of celebrities, transforming them visually, and commenting on them using his own
12 brand of humor.

13 4. Jaxson is the former publicist of the group "Backstreet Boys" and has recently
14 attempted to cash in on the popularity of on-line blogging by creating the Blog in competition with
15 the Website.

16 PRELIMINARY ALLEGATIONS

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18 5. Lavandeira is, and at all times herein mentioned was, an individual residing in
19 Los Angeles County, California.

20 6. Lavandeira is informed and believes, and thereon alleges, that Jaxson is, and at all
21 times herein mentioned was, an individual residing in Jacksonville, Florida.

22 7. The true names and capacities, whether individual, corporate, associate or
23 otherwise of the defendants named herein as DOES 1 through 25, inclusive, are unknown to
24 Lavandeira who therefore sues said defendants by such fictitious names. Lavandeira alleges on
25 information and belief that each of the defendants, including those designated as a DOE, are
26 responsible for the events alleged herein and the damages caused thereby as a principal, agent, co-

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1 conspirator or aider and abettor. Lavandeira will seek leave of this Court to amend this Complaint to
2 allege the true names and capacities of such defendants when the same have been ascertained.

3 8. Lavandeira alleges on information and belief that defendants, at all times relative to
4 this action, were the agents, servants, partners, joint venturers and employees of each of the other
5 defendants and, in doing the acts alleged herein, were acting with the knowledge and consent of each
6 of the other defendants in this action.

7 9. Jaxson and DOES 1 through 25 are hereinafter collectively referred to as
8 "defendants."

9 10. This Court is the proper court for trial of this matter because the acts and occurrences
10 alleged herein were published on Internet websites accessible in Los Angeles County, California. In
11 particular, Lavandeira is informed and believes, and thereon alleges, that the defamatory statements,
12 and disclosure of facts, alleged herein, were made by defendants, and each of them, outside
13 California and published on Internet websites, accessible and read by people in California and
14 around the world, or re-published to residents of California, and the focal point of the defamatory
15 statements and factual disclosure, as well as the harm suffered, was Lavandeira, who resides in
16 California.

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18 **FIRST CAUSE OF ACTION**

19 **(For Libel, against all defendants)**

20 11. Lavandeira re-alleges herein by this reference each and every allegation contained in
21 paragraphs 1 through 10, inclusive, of this Complaint as if set forth fully herein.

22 12. In or about February 2008, March 2008 and April 2008, Jaxson made the following
23 false and defamatory statements, which were published in writing, on the Internet, about Lavandeira:

24 a. "[Lavandeira] used [Jaxson]." (Published on-line by the New York Post, Page
25 Six, on February 28, 2008 and at www.popcrunch.com on February 28, 2008).

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1 b. Jaxson sent Lavandeira videos of himself masturbating and other forms of
2 "sex videos." (Published on-line by the New York Post, Page Six, on February 28, 2008 and at
3 www.popcrunch.com on February 28, 2008).

4 c. "[Lavandeira] was using [Jaxson] as [Lavandeira's] personal porn service."
5 (Published on-line by ABC News.com on February 28, 2008 and at www.hollywoodcrap.com on
6 March 1, 2008).

7 d. Jaxson sent several sex tapes and photographs to Lavandeira featuring Jaxson
8 on the condition that Lavandeira would alert Jaxson to breaking celebrity news. (Published on-line
9 by ABC News.com on February 28, 2008).

10 e. Lavandeira manipulated Jaxson. (Published on-line at
11 www.hollywoodcrap.com on March 1, 2008).

12 f. "Perez Hilton and I had more than a friendship and many of you saw some of
13 our private conversations that were leaked out, in turn I attempted to set the record straight with
14 never a response from Hilton himself." (Published on-line at www.jonathanjaxson.blogspot.com on
15 April 2, 2008).

16 g. "One MAJOR change in the site this time around is going to be all the
17 celebrity interviews from the slew of artists that come through Atlanta and less salacious gossip
18 We will leave that for pigs like Perez [Hilton]." (Published on-line at
19 www.jonathanjaxson.blogspot.com on April 8, 2008).

20 13. All of the statements alleged in paragraph 12 above are false, in their entirety, as they
21 pertain to Lavandeira.

22 14. All of the statements alleged in paragraph 12 are also libelous because they expose
23 Lavandeira to hatred, contempt, ridicule, and obloquy in that they insinuate that Lavandeira was
24 manipulating Jaxson in exchange for sex and/or that the sex was not part of a consensual
25 relationship, but rather a form of consideration in exchange for Lavandeira helping publicize
26 Jaxson's Blog.

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1 15. The above-alleged statements were seen and read by potentially millions of people
2 who reside in California, and elsewhere, by logging on to the various websites listed above to access
3 each statement, and were directed, specifically, at Lavandeira, a California resident.

4 16. Defendants, and each of them, published the statements either with knowledge that
5 they were false and defamatory of Lavandeira or with reckless disregard for the false and defamatory
6 nature of the statements.

7 17. As a proximate result of the above-described publication, Lavandeira has suffered
8 loss of his reputation, shame and mortification, all to his general damage in an amount to be
9 determined at the time of trial, but well in excess of this Court's general jurisdiction.

10 18. The above-described statements were published by defendants, and each of them,
11 with malice, oppression and fraud, and because of their feelings of hatred and ill-will toward
12 Lavandeira, and with willful and conscious disregard for Lavandeira's rights, thereby justifying an
13 award of punitive damages against defendants, and each of them.

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15 **SECOND CAUSE OF ACTION**

16 **(For Slander, against all defendants)**

17 19. Lavandeira re-alleges herein by this reference each and every allegation contained in
18 paragraphs 1 through 18, inclusive, of this Complaint as if set forth fully herein.

19 20. In or about February 2008 Jaxson spoke the following words of and concerning
20 Lavandeira: Jaxson and Lavandeira had sex and dated.

21 21. These words were heard by Corynne Steindler, a reporter for the New York Post,
22 Page Six, and several other persons whose names are not known to Lavandeira. Lavandeira
23 subsequently learned that Jaxson made such a statement to Steindler. Said words, as alleged in
24 paragraph 20, were directed, specifically, at Lavandeira, a California resident.

25 22. The statement alleged in paragraph 20 above is false, in its entirety, as it pertains to
26 Lavandeira.

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1 23. The statement alleged in paragraph 20 is also libelous because it exposes
2 Lavandeira to hatred, contempt, ridicule, and obloquy in that it insinuates that Lavandeira was
3 manipulating Jaxson in exchange for sex and/or that the sex was not part of a consensual
4 relationship, but rather a form of consideration in exchange for Lavandeira helping publicize
5 Jaxson's Blog.

6 24. Defendants, and each of them, published said statement either with knowledge that
7 it was false and defamatory of Lavandeira or with reckless disregard for the false and defamatory
8 nature of the statements.

9 25. As a proximate result of the above-described publication, Lavandeira has suffered
10 loss of his reputation, shame and mortification, all to his general damage in an amount to be
11 determined at the time of trial, but well in excess of this Court's general jurisdiction.

12 26. The above-described publication was published by defendants, and each of them,
13 with malice, oppression and fraud, and because of their feelings of hatred and ill-will toward
14 Lavandeira, and with willful and conscious disregard for Lavandeira's rights, thereby justifying an
15 award of punitive damages against defendants, and each of them.

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17 **THIRD CAUSE OF ACTION**

18 (For Invasion of Privacy - Intrusion, against all defendants)

19 27. Lavandeira re-alleges herein by this reference each and every allegation contained in
20 paragraphs 1 through 26, inclusive, of this Complaint as if set forth fully herein.

21 28. On or about April 2, 2008, defendants, and each of them, without Lavandeira's
22 consent, invaded Lavandeira's right of privacy by posting Lavandeira's private cell phone number on
23 the Blog and encouraging people to call Lavandeira and harass him. On the post made by Jaxson, he
24 states, in pertinent part, that "I can't stand Perez and the way he has hurt me and millions others,
25 because of this I think you should call him and let him know how you feel. Since he gives out
26 everyone's phone number, here is his mobile: Happy late birthday Perez!!"

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1 29. Within a few days after Lavandeira's private cell phone number had been published
2 by Jaxson, Jaxson published the following statement on Jaxson's Blog: "Perez's number is now
3 every where, so [no] need to keep it up. I served my purpose."

4 30. The intrusion was offensive and objectionable to Lavandeira and to a reasonable
5 person of ordinary sensibilities in that it consisted of an intrusion into Lavandeira's personal affairs.

6 31. The intrusion was into a thing which was private and entitled to be private in that
7 defendants, and each of them, published Lavandeira's personal, private cell phone number without
8 his permission.

9 32. Lavandeira relies on his cell phone to obtain tips from a plethora of sources in order
10 to be the leader of his field in breaking entertainment-related news on-line. For most of those
11 sources, the only number they have in order to contact Lavandeira to provide him with tips is his cell
12 phone number. By Jaxson's publication of Lavandeira's private cell phone number, and the resulting
13 flood of calls Lavandeira received on his cell phone after the publication, Lavandeira was unable to
14 decipher which phone calls were from sources breaking entertainment-related news that Lavandeira
15 could publish on his Website, and which were not. Additionally, Lavandeira receives a number of
16 phone calls each day on his cell phone for appearances and other business-related opportunities.

17 33. As a proximate result of defendants' invasion of Lavandeira's privacy via intrusion
18 into his personal affairs, Lavandeira received over one thousand calls on his private cell phone
19 (which he also uses for business) during the course of one or two days, causing Lavandeira to sustain
20 extreme interference with his business, including the Website, and suffer a loss of productivity by
21 virtue of having his cell phone ringing non-stop since the publication was made. The deluge of
22 phone calls that Lavandeira received over such a short period of time caused him to miss important
23 calls about business trips, story leads and other information vital to his business and the Website.
24 Lavandeira is informed and believes, and thereon alleges, that he will thereby be prevented from
25 attending to his usual occupation for a period in the future which Lavandeira cannot ascertain, and
26 will thereby sustain a further loss of earnings. Accordingly, Lavandeira has been damaged in an
27 amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

1 34. The above-described invasion of Lavandeira's privacy by defendants, and each of
2 them, was done with malice, oppression and fraud, and because of their feelings of hatred and ill-will
3 toward Lavandeira, and with willful and conscious disregard for Lavandeira's rights, thereby
4 justifying an award of punitive damages against defendants, and each of them.

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6 **FOURTH CAUSE OF ACTION**

7 **(For Invasion of Privacy - Public Disclosure of Private Facts, against all defendants)**

8 35. Lavandeira re-alleges herein by this reference each and every allegation contained in
9 paragraphs 1 through 34, inclusive, of this Complaint as if set forth fully herein.

10 36. The disclosure by defendants, and each of them, of Lavandeira's private cell phone
11 number was a public disclosure to a large number of people in that the disclosure was made on the
12 Blog, which is potentially accessible by millions of people world-wide.

13 37. The facts disclosed about Lavandeira (i.e., his cell phone number) were private facts
14 that Lavandeira desired to keep private. Lavandeira has never sought to publicize his private cell
15 phone number or any of his other contact information.

16 38. The disclosure by defendants, and each of them, of the above facts was offensive and
17 objectionable to Lavandeira and to a reasonable person of ordinary sensibilities in that it revealed
18 extremely private information about Lavandeira that he had attempted to keep private.

19 39. The private facts disclosed by defendants, and each of them, were not of legitimate
20 public concern, or newsworthy. The disclosed facts did not bear a logical relationship to the
21 newsworthy subject of the publication and were intrusive in great disproportion to their relevance in
22 that any potentially positive outcome to be achieved by publishing Lavandeira's cell phone number
23 to the public is clearly outweighed by the damage sustained by Lavandeira and his Website as a
24 result thereof.

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1 44. The publication by defendants, and each of them, of Lavandeira's private cell
2 phone number, as alleged above, as well as the failure by defendants, and each of them, to
3 immediately remove Lavandeira's personal cell phone number from the Blog and further publication
4 of a statement that "Perez's number is now every where, so [no] need to keep it up. I served my
5 purpose," constitutes a knowing and willful course of conduct by defendants, and each of them,
6 entailing a pattern of a series of acts over a period of time, however short, evidencing a continuity of
7 purpose directed at Lavandeira which seriously alarmed, annoyed and harassed Lavandeira.

8 45. Defendants, and each of them, intentionally published Lavandeira's private cell
9 phone number on the Blog, without Lavandeira's permission, and said publication served no
10 legitimate purpose, other than to harass Lavandeira. Said publication also does not constitute
11 constitutionally-protected activity.

12 46. Defendants' publication of Lavandeira's private cell phone number would cause a
13 reasonable person to suffer substantial emotional distress, and actually caused substantial emotional
14 distress to Lavandeira.

15 47. By Jaxson's publication of Lavandeira's private cell phone number, and the resulting
16 flood of calls Lavandeira received on his cell phone after the publication, Lavandeira was unable to
17 decipher which phone calls were from sources breaking entertainment-related news that Lavandeira
18 could publish on his Website, and from people providing information about appearances and other
19 business-related opportunities, and which were not.

20 48. As a proximate result of the above-alleged disclosure, Lavandeira received over one
21 thousand calls on his private cell phone (which he also uses for business) during the course of one or
22 two days, causing Lavandeira to sustain extreme interference with his business, including the
23 Website, and suffer a loss of productivity by virtue of having his cell phone ringing non-stop since
24 the publication was made. The deluge of phone calls that Lavandeira received over such a short
25 period of time caused him to miss important calls about business trips, story leads and other
26 information vital to his business and the Website. Lavandeira is informed and believes, and thereon
27 alleges, that he will thereby be prevented from attending to his usual occupation for a period in the

1 future which Lavandeira cannot ascertain, and will thereby sustain a further loss of earnings.
2 Accordingly, Lavandeira has been damaged in an amount to be determined at the time of trial, but
3 well in excess of this Court's general jurisdiction.

4 49. In making the above-alleged disclosure, defendants, and each of them, were guilty of
5 oppression, fraud or malice in that defendants, and each of them, made the disclosure with the intent
6 to vex, injure, or annoy Lavandeira, or with a willful and conscious disregard of Lavandeira's rights.
7 Lavandeira therefore seeks an award of punitive damages against defendants, and each of them.

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9 **SIXTH CAUSE OF ACTION**

10 **(For Intentional Infliction of Emotional Distress, against all defendants)**

11 50. Lavandeira re-alleges herein by this reference each and every allegation contained in
12 paragraphs 1 through 49, inclusive, of this Complaint as if set forth fully herein.

13 51. The acts of defendants, and each of them, of publishing Lavandeira's private cell
14 phone number, as alleged above, the failure by defendants, and each of them, to immediately remove
15 Lavandeira's personal cell phone number from the Blog and defendants' further publication of a
16 statement that "Perez's number is now every where, so [no] need to keep it up. I served my
17 purpose," constitutes extreme and outrageous conduct that is intolerable in a civilized society.

18 52. Defendants' conduct was intentional and malicious and done for the purpose of
19 causing Lavandeira to suffer humiliation, mental anguish, and emotional and physical distress.
20 Defendants' conduct was also done with knowledge that Lavandeira's emotional and physical
21 distress would increase over time as long as Lavandeira's private cell phone number was published
22 on the Blog and, hence, was done with a wanton and reckless disregard of the consequences to
23 Lavandeira.

24 53. By Jaxson's publication of Lavandeira's private cell phone number, and the resulting
25 flood of calls Lavandeira received on his cell phone after the publication, Lavandeira was unable to
26 decipher which phone calls were from sources breaking entertainment-related news that Lavandeira
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1 could publish on his Website, and from people providing information about appearances and other
2 business-related opportunities, and which were not.

3 54. As the proximate result of defendants' publication of Lavandeira's private cell
4 phone number on the Blog, Lavandeira suffered humiliation, mental anguish, and emotional and
5 physical distress, and has been injured in mind and body in worrying about how many people saw his
6 cell phone number on the Blog and what an overload of calls on his cell phone would do to his
7 business and the Website given that Lavandeira uses that number to conduct business.

8 55. As a proximate result of the above-alleged disclosure, Lavandeira received over one
9 thousand calls on his private cell phone (which he also uses for business) during the course of one or
10 two days, causing Lavandeira to sustain extreme interference with his business, including the
11 Website, and suffer a loss of productivity by virtue of having his cell phone ringing non-stop since
12 the publication was made. The deluge of phone calls that Lavandeira received over such a short
13 period of time caused him to miss important calls about business trips, story leads and other
14 information vital to his business and the Website. Lavandeira is informed and believes, and thereon
15 alleges, that he will thereby be prevented from attending to his usual occupation for a period in the
16 future which Lavandeira cannot ascertain, and will thereby sustain a further loss of earnings.
17 Accordingly, Lavandeira has been damaged in an amount to be determined at the time of trial, but
18 well in excess of this Court's general jurisdiction.

19 56. The acts of defendants, and each of them, alleged above, were willful, wanton,
20 malicious, and oppressive, and justify the awarding of exemplary and punitive damages.

21
22 WHEREFORE, Lavandeira prays for judgment in his favor against defendants, and each of
23 them, as follows:

24
25 **ON THE FIRST CAUSE OF ACTION**

26 1. For general damages according to proof at the time of trial, but in an amount in excess
27 of the jurisdictional limits of this Court;

- 1 6. For attorneys' fees to the extent permitted by contract or statute; and
2 7. For such other and further relief as the Court may deem just and proper.
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4 **ON THE FOURTH CAUSE OF ACTION**

- 5 1. For general damages according to proof at the time of trial, but in an amount in excess
6 of the jurisdictional limits of this Court;
7 2. For special damages according to proof at the time of trial, but in an amount in excess
8 of the jurisdictional limits of this Court;
9 3. For interest on any monetary award to Lavandeira at the legal rate;
10 4. For punitive damages;
11 5. For costs of suit incurred herein;
12 6. For attorneys' fees to the extent permitted by contract or statute; and
13 7. For such other and further relief as the Court may deem just and proper.
14

15 **ON THE FIFTH CAUSE OF ACTION**

- 16 1. For general damages according to proof at the time of trial, but in an amount in excess
17 of the jurisdictional limits of this Court;
18 2. For special damages according to proof at the time of trial, but in an amount in excess
19 of the jurisdictional limits of this Court;
20 3. For interest on any monetary award to Lavandeira at the legal rate;
21 4. For punitive damages;
22 5. For costs of suit incurred herein;
23 6. For attorneys' fees to the extent permitted by contract or statute; and
24 7. For such other and further relief as the Court may deem just and proper.

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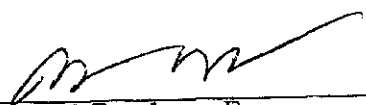
ON THE SIXTH CAUSE OF ACTION

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1. For general damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
2. For special damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
3. For lost earnings, past and future, according to proof;
4. For interest on any monetary award to Lavandeira at the legal rate;
5. For punitive damages;
6. For costs of suit incurred herein;
7. For attorneys' fees to the extent permitted by contract or statute; and
8. For such other and further relief as the Court may deem just and proper.

Dated: April 8, 2008

FREEDMAN & TAITELMAN, LLP

By: 
Bryan J. Freedman, Esq.
Attorneys for Plaintiff Mario Lavandeira, dba
Perez Hilton