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~~ENCLOSURE~~ *WJH*

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LEGAL PROCESS #12

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6 Attorneys for Plaintiff, GLENN HAGELE

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10 GLENN HAGELE,) Case No. 06AS00839
11)
12 Plaintiff,) FIRST AMENDED COMPLAINT FOR
13 v.) DEFAMATION AND INVASION OF
14 BRENT HANSON, and DOES 1 through 20,) PRIVACY
15 Defendants.) (UNLIMITED CIVIL CASE)
Amount demanded exceeds \$25,000.00

16
17 Plaintiff, GLENN HAGELE, complains and alleges of Defendants, BRENT HANSON
18 and DOES 1 through 20, (collectively "Defendants") inclusive as follows:

19 GENERAL ALLEGATIONS

- 20 1. Plaintiff GLENN HAGELE, ("Plaintiff") is, and at all times herein mentioned
21 was, an individual residing in Sacramento County, California.
- 22 2. Plaintiff is informed and believes, and therefore alleges, Defendant BRENT
23 HANSON ("Hanson") is, and at all times herein mentioned was, an individual currently residing
24 in the County of Durham, North Carolina.
- 25 3. Plaintiff is unaware of the true names, capacities, or basis for liability of
26 Defendants DOES 1 through 20, inclusive, and therefore sues said defendants by their fictitious
27 names. Plaintiff will amend this complaint to allege their true names, capacities, or basis for
28 liability when the same have been ascertained. Plaintiff is informed and believes and on that

1 basis alleges that Defendants DOES 1 through 20, inclusive, and each of them, are in some
2 manner liable to Plaintiff, and/or are proper and necessary parties to this action in light of the
3 relief requested.

4 4. At all times relevant to this action, each defendant, including those fictitiously
5 named, was the agent, principal, employee, employer, partner, joint venturer, or surety of the
6 other defendants and was acting within the scope of said agency, employment, partnership,
7 venture, or suretyship, with the knowledge and consent or ratification of each of the other
8 defendants in doing the things alleged in this complaint.

9 5. On or about January 3, 2003, Defendant Hanson filed a complaint in the Circuit
10 Court of Cook County, Illinois, case No. 03M300136 against Plaintiff claiming \$2,850 in
11 damages ("Illinois Case"). On June 27, 2003, the Honorable James T. Ryan dismissed the
12 Illinois Case.

13 6. Plaintiff is informed and believes, and therefore alleges, in or about May 2005,
14 Defendant Hanson published on websites he controls a false and unprivileged letter which
15 proclaimed to be from "ACE Judgment Recovery Services" seeking to collect \$2,850 relating to
16 the dismissed Illinois Case ("Defamatory Letter"). The Defamatory Letter falsely asserts that
17 Defendant Hanson has a successful claim against Plaintiff in the Illinois Case and that "ACE"
18 will collect this judgment.

19 7. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
20 them published, and continue to publish, the Defamatory Letter, and associated false allegations
21 contained therein, on various websites, Internet bulletin boards, public newsgroups, email, and
22 other publicly accessible forums.

23 8. Plaintiff has repeatedly demanded that Defendant Hanson remove the offending
24 material and cease all further publication of such defamatory statements. Defendant Hanson has
25 failed to comply with these demands.

26 9. Plaintiff is informed and believes, and therefore alleges, in or about May 2006,
27 Defendant Hanson publicly posted, displayed and disclosed on Google Groups, various websites,
28 and other internet forums, private information about Plaintiff, including his full name, date of

1 birth, residence address, Social Security Number, Driver's License Number, and various other
2 documents containing such private information (hereinafter "Private Information").

3 10. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
4 them publicly published, and continue to publish, Plaintiff's Private Information, on Google
5 Groups, various websites, and other internet forums.

6 11. Plaintiff is informed and believes, and therefore alleges, Defendant Hanson,
7 intended, or reasonably could have been expected, to cause injury in California. Defendant's
8 actions injured, and continues to injure, Plaintiff in California.

9 **FIRST CAUSE OF ACTION**

10 **(Defamation/Libel California Civil Code § 45)**

11 12. Plaintiff incorporates those allegations set forth in paragraphs 1 through 11 above,
12 as though fully set forth herein.

13 13. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
14 them, published, republished, and communicated the defamatory statements to persons other than
15 Plaintiff with reckless disregard for the truth.

16 14. Plaintiff is informed and believes, and therefore alleges, Defendants' defamatory
17 statements are and were of a nature which would be reasonably understood by others to be about
18 Plaintiff.

19 15. Plaintiff is informed and believes, and therefore alleges, Defendants' defamatory
20 statements are and were of a nature which would be reasonably understood by others to mean
21 that Plaintiff has unpaid debts and a judgment against him resulting therefrom.

22 16. These defamatory statements have caused injury to Plaintiff in his occupation and
23 expose him to hatred, contempt, ridicule, shame, and discouraged others from associating and
24 dealing with him.

25 17. Defendants' defamatory statements are and were false.

26 18. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
27 them, knew or should have known that the defamatory statements were false, or had serious
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1 doubts about the truth of the statements, and failed to use reasonable care to determine the truth
2 or falsity of such statements.

3 19. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
4 them, acted with malice, oppression, and fraud.

5 20. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
6 them, intentionally misrepresented and concealed material facts, and did so intending to deprive
7 Plaintiff of a legal right and otherwise to cause Plaintiff injury.

8 21. Plaintiff suffered harm, and continues to suffer harm, to his business, profession,
9 and occupation as a result of Defendants' defamatory statements.

10 22. Defendants' wrongful conduct was a substantial factor in causing Plaintiff's harm
11 and special damages as a result thereof.

12 23. Plaintiff is entitled to injunctive relief prohibiting Defendants, and each of them,
13 from publishing defamatory statements in any way that injures or tends to injure Plaintiff's
14 reputation or interfere with his business activities.

15 24. Plaintiff is further entitled to an award of punitive damages from Defendants, and
16 each of them, in an amount to be determined at that the time of trial, and to compensate Plaintiff
17 for Defendants' improper, extreme and outrageous conduct which injured, and continues to
18 injure, Plaintiff.

19 **SECOND CAUSE OF ACTION**

20 **(Invasion of Privacy)**

21 25. Plaintiff incorporates those allegations set forth in paragraphs 1 through 11 above,
22 as though fully set forth herein.

23 26. Plaintiff is informed and believes, and therefore alleges, Defendants, and each of
24 them, publicly posted, displayed and disclosed Plaintiff's Private Information.

25 27. Plaintiff has the right to privacy under both the Federal and California
26 Constitution.

27 28. Defendants' public disclosure of Plaintiff's Private Information is, and at all
28 relevant times was, offensive and objectionable and is not of legitimate public concern.

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future statements or documents that may be considered defamatory or contain private information; and,

c. Immediately privately retract all statements or documents about Plaintiff, his employer, and/or his business associates that may be decided by the court as defamatory or private information and were distributed via email, conventional mail, or any other private means and refrain from publishing or republishing any and all future statements or documents that may be considered defamatory or contain private information.

2. For an award of general damages in an amount to be determined by this court at the time of trial;

3. For an award of special damages in an amount to be determined by this court at the time of trial;

4. For an award of exemplary damages in an amount to be determined by this court at the time of trial;

5. For an award of Plaintiff's costs; and

6. For any other further relief that the Court may deem just and appropriate under the circumstances of this case.

Dated: November 3, 2006

LAW OFFICES OF K. GREG PETERSON

By: 

K. Greg Peterson, Esq.,
James A. Clinchard, Esq., attorneys for
Plaintiff, GLENN HAGELE

1 **PROOF OF SERVICE**

2 I, LeeAnn Scott, do certify and declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a
4 party to the within action. My business address is 1716 L Street, Sacramento, California 95814.

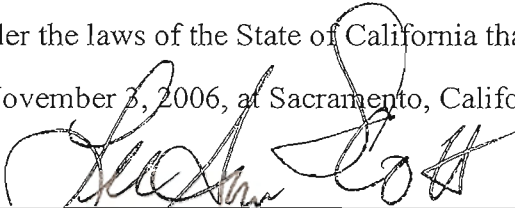
5 On November 3, 2006, I served the within documents:

6 **FIRST AMENDED COMPLAINT**

- 7 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax
8 number(s) set forth below on this date before 5:00 p.m. No error was reported by
9 the fax machine that I used. A copy of the record of the fax transmission, which I
10 printed out, is attached.
- 11 **BY HAND:** by personally delivering the document(s) listed above to the
12 person(s) at the address(es) set forth below.
- 13 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or
14 an agreement of the parties to accept service by e-mail or electronic transmission,
15 I caused the documents to be sent to the persons at the e-mail addresses listed
16 below. I did not receive, within a reasonable time after the transmission, any
17 electronic message or other indication that the transmission was unsuccessful.
- 18 **BY MAIL:** by placing the document(s) listed above in a sealed envelope with
19 postage thereon fully prepaid in the United States mail at Sacramento, California
20 addressed as follows:
- 21 **BY OVERNIGHT DELIVERY:** by placing the document(s) listed above in the
22 appropriate facility or depository for said service:

23 James R. Donahue, Esq.
24 Caulfield, Davies & Donahue, LLP
25 P.O. Box 277010
26 Sacramento, CA 95827-7010

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct. Executed on November 3, 2006, at Sacramento, California.

29 
30 _____
31 LeeAnn Scott