SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

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Case Number: CGC-18-569429

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Filed by: ROSSALY DELAVEGA

Image: 06483040

COMPLAINT

BETHANY SHERMAN VS. DOES 1 TO 10

001C06483040

Instructions:

Please place this sheet on top of the document to be scanned.

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

DOES 1-10

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

BETHANY SHERMAN, an individual, and OG ANALYTICAL, an Oregon limited liability company

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): San Francisco Superior Court
Civic Center Courthouse, 400 McAllister St., San Francisco, CA 94102-4515

CASE NUMBER:
(Número del Caso):
CGC-18-569429

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
William Johnson, Esq., 350 S. Figueroa St., Suite 190 Los Angeles, California 90071, (213) 621-3000

DATE:
(Fecha) SEP 05 2018 Clerk, by *(Secretario)* CLERK OF THE COURT , Deputy *(Adjunto)* DE LA VEGA-NAVARRO, Rossaly

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☑ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courtinfo.ca.gov

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Attorneys for Plaintiff
BETHANY SHERMAN and
OG ANALYTICAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISO

BETHANY SHERMAN, an individual, and OG ANALYTICAL, an Oregon limited liability company,

Plaintiff,

vs.

DOES 1 through 10, inclusive,

Defendants.

CASE NO. CGC-18-569429

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW, AND FOR THEIR CAUSES OF ACTION, PLAINTIFFS ALLEGE AGAINST THE DEFENDANTS AS FOLLOWS:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Bethany Sherman ("SHERMAN"), at all relevant times, was and is a resident of Oregon. Plaintiff owns and operated OG Analytical. Plaintiff has always enjoyed a very good reputation in both her personal and professional life and is well respected in both her local business community as well as her local community in general.

2. Plaintiff OG Analytical ("OGA") at all relevant times, was and is an Oregon limited liability company, providing laboratory testing services to cannabis growers and producers in Oregon.

3. DOES 1 through 10 are individuals and/or entities located in unknown locations and created and maintained a website, https://eugeneantifa.weebly.com, that was hosted by a San Francisco-based company, Weebly. The true names and capacities of the DOE defendants are unknown to PLAINTIFF. PLAINTIFF will amend this complaint to state the true names and capacities when ascertained.

4. At all times mentioned herein, DOES 1 through 10 were authorized and empower by each other to act, and did so act, as agents of each other, and all of the things herein alleged to have been done by them were done in the capacity of such agency. Upon information and believe, all Defendants are responsible in some manner for the events described herein and are liable to PLAINTIFF for the damages she has incurred.

5. This court is the proper court for trial in this action in that all the acts and omissions of Defendants as alleged herein were committed in the County of San Francisco, State of California.

FIRST CAUSE OF ACTION

(Defamation)

By Plaintiff Sherman Against All of the Defendants

6. SHERMAN re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 5 above as though fully set forth herein.

7. Defendants have engaged in a campaign to damage SHERMAN's reputation and interfere with her business and her ability to make a living. Defendants have "doxed" SHERMAN and posted on the website "eugeneantifa.weebly.com" numerous private correspondence and social media postings out of context with the intent of portraying SHERMAN as a dangerous neo-Nazi, white supremacist who should be shunned and ostracized in her community.

8. Specifically, on November 23, 2017, Defendants posted that SHERMAN was a neo-Nazi operating a "white supremacist Twitter account" that believed in "the 'Jewish conspiracy' at the heart of neo-Nazi ideology" and that she acts "in ways that put non-white, queer, and alter-abled communities in danger."

9. Each and every one of Defendants' false statements described herein were made with knowledge of the falsity of these statements.

10. Moreover, none of Defendants' false statements are covered by any legal privilege.

11. As a proximate result of these intentional acts and the emotional distress, SHERMAN has had her reputation harmed, been forced to relocate from her home in Eugene, Oregon and has lost future professional opportunities.

12. SHERMAN is also informed and believes Defendants acted willfully, maliciously, and wantonly in reckless disregard of SHERMAN's rights, liberties and with intent to injure SHERMAN, especially, but not limited to, Defendants' express statements urging people to harass and pressure SHERMAN into leaving the state of Oregon and threatening that SHERMAN "will not be tolerated in our businesses and communities."

SECOND CAUSE OF ACTION

(Violation of Right to Privacy)

By Plaintiff Sherman Against All of the Defendants

13. SHERMAN re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 12 above as though fully set forth herein.

14. As the result of Defendants' "doxing" of SHERMAN, very private and personal information of SHERMAN's was disclosed publicly on the website Eugeneantifa.weebly.com. Defendants disclosed to the entire Internet where SHERMAN lived and worked, who some of her social acquaintances were, posted a picture of her boyfriend holding their infant daughter, and that SHERMAN was pregnant and expecting a second child, all the while urging people to harass and pressure SHERMAN into leaving the state of Oregon and threatening that SHERMAN "will not be tolerated in our businesses and communities."

15. As a proximate result of these intentional acts, SHERMAN has suffered extreme emotional distress through extreme anxiety for the safety of herself and her family, has had her reputation harmed, been forced to move from her home in Eugene, Oregon and has lost future professional opportunities.

16. SHERMAN is also informed and believes Defendants acted willfully, maliciously, and wantonly in reckless disregard of SHERMAN's rights, liberties and with intent to injure SHERMAN, particularly based on his express statements urging people to harass and pressure SHERMAN into leaving the state of Oregon and threatening that SHERMAN "will not be tolerated in our businesses and communities."

THIRD CAUSE OF ACTION

(Intentional Interference with Prospective Economic Relations)

By Plaintiff OGA Against All Defendants

17. OGA re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 16 above as though fully set forth herein.

18. OGA brings this cause of action as a result of Defendants defamatory statements with regard to SHERMAN's reputation and character as alleged above.

19. Defendants knew of OGA's existing prospective business relationships with cannabis growers in the community and made the false statements about SHERMAN and criminally and civil violated her privacy rights, and encouraged others to repeat the false statements about SHERMAN for the sole purpose of interfering with those relationships.

20. Defendants' actions were wrongful in that the statements made were defamatory and that they violated SHERMAN's right to privacy.

21. Defendants had knowledge of the effects of their statements and admitted in their web site postings that they were attempting to drive away OGA's business and encouraging businesses to "cut ties" with OGA. As such, Defendants acted with the intent to disrupt Plaintiff's economic relations and cause it to lose customers and go out of business.

22. As a direct and proximate cause of Defendants' actions, OG Analytical suffered a catastrophic loss in business and was forced to cease operations and consider offers to buy its assets for pennies on the dollar, as a result of people in the community reading or learning about Defendant's false postings.

23. OGA is also informed and believes Defendants acted willfully, maliciously, and wantonly in reckless disregard of OGA's rights, liberties and with intent to injure OGA, particularly based on their express statements that they were seeking to make businesses "cut ties" with OGA.

PRAYER

WHEREFORE, PLAINTIFFS pray for judgment against the Defendants as follows:

A. For general damages in the sum to be proven at trial;

B. For compensatory damages for legal and related expenses in an amount to be proven at trial;

C. For punitive damages in an amount to be proven at trial;

D. For pre and post judgment interest as allowed by law;

E. For reasonable attorney's fees;

F. For costs of suit;

G. For such other and further relief in law and in equity to which PLAINTIFFS are entitled or as the court deems just and proper.

DATED: August 30, 2018

JOHNSON & ASSOCIATES

By: _____
William D. Johnson, Esq.
Attorneys for Plaintiffs
BETHANY SHERMAN and OG ANALYTICS

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
WILLIAM D. JOHNSON, ESQ., State Bar No. 101780
Johnson & Associates
350 S. Figueroa St., Suite 190
Los Angeles, California 90071
TELEPHONE NO.: (213) 621-3000 FAX NO.:
ATTORNEY FOR (Name): BETHANY SHERMAN, and OG ANALYTICS

FOR COURT USE ONLY

FILED
San Francisco County Superior Court
SEP 05 2018
CLERK OF THE COURT
BY: Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister St.
MAILING ADDRESS: 400 McAllister St.
CITY AND ZIP CODE: San Francisco, CA 94102-4515
BRANCH NAME:

CASE NAME: Sherman v. Does 1-10

CASE NUMBER: CGC-18-569429

JUDGE:
DEPT:

CIVIL CASE COVER SHEET
☑ Unlimited (Amount demanded exceeds $25,000) ☐ Limited (Amount demanded is $25,000 or less)

Complex Case Designation
☐ Counter ☐ Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1–6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- ☐ Auto (22)
- ☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- ☐ Asbestos (04)
- ☐ Product liability (24)
- ☐ Medical malpractice (45)
- ☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- ☐ Business tort/unfair business practice (07)
- ☐ Civil rights (08)
- ☑ Defamation (13)
- ☐ Fraud (16)
- ☐ Intellectual property (19)
- ☐ Professional negligence (25)
- ☐ Other non-PI/PD/WD tort (35)

Employment
- ☐ Wrongful termination (36)
- ☐ Other employment (15)

Contract
- ☐ Breach of contract/warranty (06)
- ☐ Rule 3.740 collections (09)
- ☐ Other collections (09)
- ☐ Insurance coverage (18)
- ☐ Other contract (37)

Real Property
- ☐ Eminent domain/Inverse condemnation (14)
- ☐ Wrongful eviction (33)
- ☐ Other real property (26)

Unlawful Detainer
- ☐ Commercial (31)
- ☐ Residential (32)
- ☐ Drugs (38)

Judicial Review
- ☐ Asset forfeiture (05)
- ☐ Petition re: arbitration award (11)
- ☐ Writ of mandate (02)
- ☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- ☐ Antitrust/Trade regulation (03)
- ☐ Construction defect (10)
- ☐ Mass tort (40)
- ☐ Securities litigation (28)
- ☐ Environmental/Toxic tort (30)
- ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
- ☐ RICO (27)
- ☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- ☐ Partnership and corporate governance (21)
- ☐ Other petition *(not specified above)* (43)

2. This case ☐ is ☑ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. ☐ Large number of separately represented parties
   b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. ☐ Substantial amount of documentary evidence
   d. ☐ Large number of witnesses
   e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. ☐ Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. ☑ monetary b. ☑ nonmonetary; declaratory or injunctive relief c. ☑ punitive
4. Number of causes of action *(specify)*: Three (3)
5. This case ☐ is ☑ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: August 30, 2018
William Johnson, Esq.
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
  - Medical Malpractice–Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
  - Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case–Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment (*non-domestic relations*)
  - Sister State Judgment
  - Administrative Agency Award (*not unpaid taxes*)
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint (*not specified above*) (42)
  - Declaratory Relief Only
  - Injunctive Relief Only (*non-harassment*)
  - Mechanics Lien
  - Other Commercial Complaint Case (*non-tort/non-complex*)
  - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief From Late Claim
  - Other Civil Petition