

Hamilton County Clerk of Courts

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APPEARANCE DOCKET

Case Number: A 0405974

Attorney - Plaintiff BARBARA BISON JACOBSON 14190

Attorney - Defendant

Judge - DAVID P DAVIS 44

NATIONWIDE BIWEEKLY ADMINISTRATION INC vs. BELO CORP

Filed: 7/28/2004 C366 - OTHER TORT & JURY DEMAND

Total Deposits \$475.00 CR Total Costs \$139.00

NATIONWIDE BIWEEKLY ADMINISTRATION INC

Plaintiff(s)

vs.

BELO CORP

SCOTT BURNS

Defendant(s)

IMAGE	DATE	DESCRIPTION	AMOUNT
Doc	7/28/2004	COMPLAINT & JURY DEMAND FILED	
Doc	7/28/2004	CLASSIFICATION FORM FILED.	
	7/29/2004	TAXED IN COSTS - FILING BARBARA BISON JACOBSON	0.00
	7/29/2004	DO NOT SERVE PER ATTY	
	7/29/2004	ISSUE DESK - DEPOSIT BY VORYS, SATER, SEYMOUR & PEASE	475.00-
	8/4/2004	JUDGE ASSIGNED CASE ROLLED TO MYERS/BETH/A PRIMARY	
Doc	6/15/2005	WRITTEN REQUEST FOR CERTIFIED MAIL SERVICE OF SUMMONS AND COMPLAINT ON SCOTT BURNS	
Doc	6/15/2005	WRITTEN REQUEST FOR CERTIFIED MAIL SERVICE OF SUMMONS AND COMPLAINT ON BELO CORPORATION	
Doc	6/16/2005	SUMMONS ISSUED BY CERTIFIED MAIL TO BELO CORP	
Doc	6/16/2005	SUMMONS ISSUED BY CERTIFIED MAIL TO SCOTT BURNS	
	6/16/2005	CERTIFIED MAIL SERVICE ISSUED TO SCOTT	

BURNS

	6/17/2005	CERTIFIED MAIL SERVICE ISSUED TO BELO CORP
Doc	6/24/2005	NOTICE OF APPEARANCE
Doc	6/24/2005	POSTAL RECEIPT RETURNED, COPY OF SUMMONS AND COMPLAINT DELIVERED TO SCOTT BURNS ON 06/21/05, FILED
Doc	6/24/2005	POSTAL RECEIPT RETURNED, COPY OF SUMMONS AND COMPLAINT DELIVERED TO BELO CORP ON 06/21/05, FILED
Doc	6/24/2005	POSTAL RECEIPT RETURNED, COPY OF SUMMONS AND COMPLAINT DELIVERED TO BELO CORP ON 06/21/05, FILED
252	6/27/2005	ENTRY OF DISQUALIFICATION
	6/30/2005	JUDGE REASSIGNED CASE TRANSFERRED FROM MYERS/BETH/A DISQUALIFICATION PRIMARY
	6/30/2005	JUDGE ASSIGNED CASE ROLLED TO DAVIS/DAVID/P PRIMARY

Last Updated: July 17, 2005

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IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

FILED

NATIONWIDE BI-WEEKLY
ADMINISTRATION, INC.,
1410 Dayton-Xenia Road
Xenia, Ohio 45385,

Plaintiff,

vs.

BELO CORP.
c/o Robert W. Decherd, Chairman,
President and Chief Executive Officer
P.O. Box 655237
Dallas Texas, 75265-5237

and

Scott Burns
P.O. Box 655237
Dallas Texas, 75265-5237,

Defendants.

Case No.

A04052074L 281P 8:57

Judge:

CLERK OF COURTS
CRIMINAL TRAFFIC DIV
HAMILTON COUNTY OHIO
CRIMINAL *SC*

COMPLAINT FOR DAMAGES Do Not Serve
WITH JURY DEMAND

By: *BANBARA FISON JACOBSON*

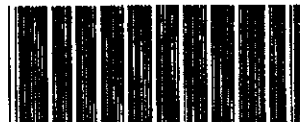
Date: *7/29/04*

ORIG, COMP, PARTIES, SUMMONS		
<input type="checkbox"/> CERT MAIL	<input type="checkbox"/> SHERIFF	<input type="checkbox"/> WAVE
<input type="checkbox"/> PROCESS SERVER	<input checked="" type="checkbox"/> NONE	
CLERKS FEES	TIC	
SECURITY FOR COST		
DEPOSITED BY	<i>14190</i>	
FILING CODE	<i>C366</i>	

Plaintiff Nationwide Bi-Weekly Administration, Inc., (hereafter referred to as "Nationwide") for its Complaint against Defendants states as follows:

NATURE OF THE ACTION

1. This is an action for defamation, commercial disparagement, and tortious interference with prospective business relations arising out of publication on the internet of a newspaper article that falsely labels plaintiffs' marketing materials as "deceptive," falsely misstates the content of plaintiffs' marketing letter, and falsely describes an alleged discrepancy in calculations, to incorrectly conclude that consumers cannot achieve the results advertised by plaintiffs.



D60047772

PARTIES

2. Plaintiffs Nationwide Bi-Weekly Administration, Inc. and Nationwide Mortgage Protection, Inc. are corporations organized under the laws of the State of Ohio whose principal place of business is in Xenia, Ohio.

3. Defendant Belo Corp. is a Delaware corporation with its principal place of business in Dallas, Texas, which owns various newspaper and television properties, publishes the *Dallas Morning News*, and maintains a web site through which the false and defamatory article about Nationwide is published and continuously made available throughout the State of Ohio and elsewhere.

4. Defendant Scott Burns is an employee of the Dallas Morning News and is identified as the author of the false and defamatory article about Nationwide.

FACTS

5. Nationwide provides a bi-weekly mortgage payment service to borrowers, administering the payment on a bi-weekly basis of loans that are due monthly, with the effect of saving interest and retiring the loan earlier.

6. Nationwide sends a copyrighted marketing letter to new borrowers, explaining the service and setting forth a sample comparison of the results with monthly payment, compared to bi-weekly payment, on a \$110,000, 30-year mortgage at 8%.

7. Defendants published an article (the "Article") dated July 29, 2003, in the Dallas Morning News, and are continuously re-publishing it on a web site of defendant Belo Corp., which displays the Article whenever Nationwide's name is entered in an internet search engine.

8. The Article is headlined with the following two lines: "You're 'entitled' to deception" and "Sales pitch for biweekly mortgage payment plan doesn't tell whole story."

9. The Article characterizes the offer made in Nationwide's marketing letter as "deceptive" by purporting to expose facts that are disclosed in the marketing letter itself, including the facts that Nationwide identifies new loans through public records, and that a homeowner could pre-pay a mortgage without using an administrative service.

10. The Article incorrectly states that the "sample mortgage" used as an illustration in Nationwide's marketing letter fails to disclose an interest rate, whereas the description of the sample mortgage plainly states that it is based on a 30-year mortgage at 8%.

11. The Article incorrectly states an alleged interest rate assumption for the "sample mortgage" in Nationwide's marketing letter, and falsely states that no loans at the rate used in the sample have been made in about 15 years.

12. Based on its misreading of the assumptions in the "sample mortgage," the Article defames Nationwide and falsely disparages its services and marketing letter by stating that consumers "won't get the results they claim."

FIRST CLAIM FOR RELIEF

(Defamation)

13. The statements made in the Article defame Nationwide and injure its business reputation.

14. Defendants published the defamatory statements in the Article without privilege, with actual knowledge that they were false or with reckless disregard as to their truth or falsity, or negligently.

15. Nationwide has been injured in its business reputation and adversely affected in its business by defendants' statements falsely accusing Nationwide of deceptive practices and thereby impugning its integrity.

SECOND CLAIM FOR RELIEF

(Business Disparagement)

16. The statements made in the Article demean the quality and value of the services provided by Nationwide.

17. The Article falsely characterizes Nationwide's offer of services as "deception," misrepresents the disclosures provided by Nationwide, incorrectly reports the facts concerning the "sample mortgage"

18. Defendants have committed a deceptive trade practice in the course of their business by disparaging plaintiffs' services by false representations of fact.

THIRD CLAIM FOR RELIEF

(Tortious Interference with Prospective Business Relations)

19. On information and belief, prospective customers of Nationwide have seen the false statements contained in the Article and have, as a result of the intentional and improper statements of defendants, declined to do business with Nationwide.

20. On information and belief, defendants have by virtue of the widespread publication of the Article via the internet, intentionally, or with reckless disregard that is

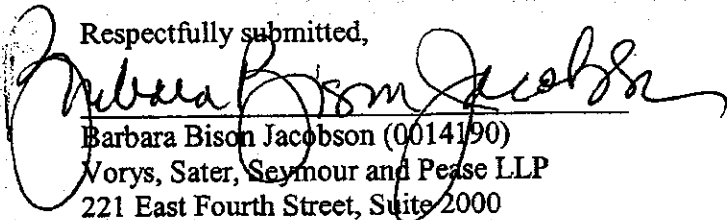
tantamount to intent, and improperly interfered with Nationwide's prospective business relations.

21. On information and belief, Nationwide has suffered a loss of earnings and profits as a result of defendants' interference with its prospective business relations.

WHEREFORE, plaintiffs pray for judgment against defendants as follows:

- A. For damages in an amount to be proven at trial, exceeding \$25,000;
- B. For punitive damages in an amount to be proven at trial, exceeding \$25,000;
- C. For the costs of this action together with plaintiffs' attorney fees;
- D. For such other and further relief as the Court may deem just.

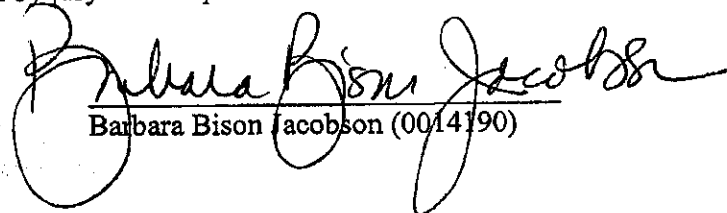
Respectfully submitted,



Barbara Bison Jacobson (0014190)
Vorys, Sater, Seymour and Pease LLP
221 East Fourth Street, Suite 2000
P.O. Box 236
Cincinnati, Ohio 45202
Telephone: 513-723-4016
Facsimile: 513-852-8481
Trial Attorney for Plaintiff

JURY DEMAND

Plaintiffs hereby request a trial by jury of their peers of the maximum number of jurors allowed herein.



Barbara Bison Jacobson (0014190)

NOTIFICATION FORM

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIOJAMES CISSELL
Clerk of Courts

Docket Code: FNFF

CASE INFORMATION

Date: July 28 2004 -Case No.: A0405974Caption: Nationwide Biweekly vs Belo Corp, et al
Administration, Inc.

ATTORNEY INFORMATION

Attorney Name: BARBARA BISH JACOBSONAttorney Address: VOEGS SATER Seymour & Pease
221 E. 4th Street, Suite 2000
CINCINNATI, OH 45202
City, State, Zip0
DO NOT
SERVEOhio Attorney Supreme Court No.: 0014190

() Address change only

COURT PARTY INFORMATION

Name of Client: Nationwide Biweekly Admin.☒ Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Name of Client: _____

() Plaintiff () Defendant

Substituted for: _____ (if applicable)

FILED
JUL 28 2004
CLERK OF COURTS
CRIMINAL JUSTICE DIV
HAMILTON COUNTY OHIO
RECEIVED



COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CLASSIFICATION FORM
(REV 6-12-00)
WWW.COURTCLERK.ORG

JAMES CISSELL
CLERK OF COURTS

CASE NUMBER: A0405974 PLAINTIFF: NATIONWIDE Bi-Weekly Administration, Inc.

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS:

☒ OTHER TORT - C360

- ☐ Personal Injury - C310
- ☐ Wrongful Death - C320
- ☐ Vehicle Accident - C370

☐ PROFESSIONAL TORT - A300

- ☐ Personal Injury - A310
- ☐ Wrongful Death - A320
- ☐ Legal Malpractice - A330
- ☐ Medical Malpractice - A340

☐ PRODUCT LIABILITY - B350

- ☐ Personal Injury - B310
- ☐ Wrongful Death - B320

WORKER'S COMPENSATION

- ☐ Non-Compliant Employer - D410
- ☐ Appeal - D420

FORECLOSURE

- ☐ Foreclosure - E510
- ☐ Foreclosure-Taxes - E520
- ☐ Foreclosure-Mechanics Lien - E530

☐ ADMINISTRATIVE APPEALS - F600

- ☐ Appeal Civil Service - F610
- ☐ Appeal Motor Vehicle - F620
- ☐ Appeal Unemployment - F630
- ☐ Appeal Liquor - F640
- ☐ Appeal Taxes - F650
- ☐ Appeal Zoning - F660



D60047768

☐ OTHER CIVIL - H700-34

- ☐ Appropriation - H710
- ☐ Accounting - H720
- ☐ Beyond Jurisdiction - H730
- ☐ Breach of Contract - H740
- ☐ Cancel Land Contract - H750
- ☐ Change of Venue - H760
- ☐ Class Action - H770
- ☐ Convey Declared Void - H780
- ☐ Declaratory Judgment - H790
- ☐ Discharge Mechanics Lien - H800
- ☐ Dissolve Partnership - H810
- ☐ CONSUMER SALES ACT (1345 ORC) - H82
- ☐ Check here if relief includes declaratory judgment, injunction or class action recovery - H825
- ☐ Habeas Corpus - H830
- ☐ Injunction - H840
- ☐ Mandamus - H850
- ☐ On Account - H860
- ☐ Partition - H870
- ☐ Quiet Title - H880
- ☐ Replevin - H890
- ☐ Sale of Real Estate - H900
- ☐ Specific Performance - H910
- ☐ Restraining Order - H920
- ☐ Testimony - H930-21
- ☐ Environmental - H940
- ☐ Cognovit - H950
- ☐ Menacing by Stalking - H960
- ☐ Repo Title - Transfer of Title Only - H970
- ☐ Repo Title - With Money Claim - H980

DATE: 7-28-04

ATTORNEY (PRINT): Barbara Brown Jacobson

OHIO SUPREME COURT NUMBER: 0014190



COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

FILED

2005 JUN 15 A 11:08

GREGORY HARTMANN
CLERK OF COURTS
HAMILTON COUNTY, OH

Nationwide Bi-Weekly

Administration, Inc

CASE NO. A0405974

VS

WRITTEN REQUEST FOR SERVICE
TYPE OF PAPERS TO BE SERVED ARE

Belo Corp. and Scott Burns

Complaint

(*) PLEASE CHECK IF THIS IS A
DOMESTIC CASE

PLAINTIFF/DEFENDANT REQUESTS

EXPRESS MAIL SERVICE _____

CERTIFIED MAIL SERVICE X

REGULAR MAIL SERVICE _____

PERSONAL SERVICE _____

RESIDENCE SERVICE _____

PROCESS SERVICE _____

FOREIGN SHERIFF _____

ON Belo Corporation

c/o Robert W Decherd

President and Chief Executive Officer

P O. Box 655237

Dallas, TX 75265

Barbara Bison Jacobson

ATTORNEY

221 E. 4th Street, Suite 2000

ADDRESS

513-723-4016

PHONE NUMBER

0014190

ATTORNEY NUMBER



D64135451



COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

FILED

2005 JUN 15 A 11:07

GREGOR / HARTMANN
CLERK OF COURTS
HAM CNTY OH

Nationwide Bi-Weekly

Administration, Inc

CASE NO. A0405974

VS

WRITTEN REQUEST FOR SERVICE
TYPE OF PAPERS TO BE SERVED ARE

Belo Corp. and Scott Burns

Complaint

(☐) PLEASE CHECK IF THIS IS A
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PLAINTIFF/DEFENDANT REQUESTS:

EXPRESS MAIL SERVICE _____

CERTIFIED MAIL SERVICE ☒ _____

REGULAR MAIL SERVICE _____

PERSONAL SERVICE _____

RESIDENCE SERVICE _____

PROCESS SERVICE _____

FOREIGN SHERIFF _____

ON Scott Burns

P.O. Box 655237

Dallas, TX 75265

Barbara Bison Jacobson

ATTORNEY

221 E 4th Street, Suite 2000

ADDRESS

513-723-4016

PHONE NUMBER

0014190

ATTORNEY NUMBER



D64135428

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

NATIONWIDE BIWEEKLY ADMINISTRATION
PLAINTIFF

Use below number on
all future pleadings

-- vs --

No. A 0405974
SUMMONS

BELO CORP
DEFENDANT

BELO CORP
%ROBERT W DECHERD CHAIRMAN PRES CEO D-1
P O BOX 655237
DALLAS TX 75265

You are notified
that you have been named Defendant(s) in a complaint filed by

NATIONWIDE BIWEEKLY ADMINISTRATION
1410 DAYTON XENIA RD
XENIA OH 45385

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
GREGORY HARTMANN, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's
attorney, or upon the plaintiff, if he/she has no attorney of record, a
copy of an answer to the complaint within twenty-eight (28) days after
service of this summons on you, exclusive of the day of service. Your
answer must be filed with the Court within three (3) days after the
service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to
file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered
against you for the relief demanded in the attached complaint.

Name and Address of attorney
BARBARA HISON JACOBSON
SUITE 2000 PO BOX 236
221 EAST FOURTH STREET
CINCINNATI OH 45202

GREGORY HARTMANN
Clerk, Court of Common Pleas
Hamilton County, Ohio

By CARL E PIECZONKA
Deputy

Date: June 16, 2005



D64135463

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

NATIONWIDE BIWEEKLY ADMINISTRATION
PLAINTIFF

-- vs --

Use below number on
all future pleadings

No. A 0405974
SUMMONS

BELO CORP
DEFENDANT

SCOTT BURNS
P O BOX 655237
DALLAS TX 75265

D-2

You are notified
that you have been named Defendant(s) in a complaint filed by

NATIONWIDE BIWEEKLY ADMINISTRATION
1410 DAYTON XENIA RD
XENIA OH 45385

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
GREGORY HARTMANN, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

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If you fail to appear and defend, judgement by default will be rendered
against you for the relief demanded in the attached complaint.

Name and Address of attorney
BARBARA EISON JACOBSON
SUITE 2000 PO BOX 236
221 EAST FOURTH STREET
CINCINNATI OH 45202

GREGORY HARTMANN
Clerk, Court of Common Pleas
Hamilton County, Ohio

By CARL E PIECZONKA
Deputy

Date: June 16, 2005



D64135435

FILED

2005 JUN 24 P 2:36

GREGORY HARTMANN
CLERK OF COURTS
HAM. CNTY. OH



D64261850

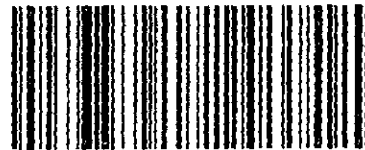
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GREGORY HARTMANN
CLERK OF COURTS
1000 MAIN STREET RM 115
CINCINNATI OH 45202-1288

Common Pleas Civil

PS Form 3800, 6/02

COMPLETE THIS SECTION ON DELIVERY	
A. Signature: (<input type="checkbox"/> Addressee or <input type="checkbox"/> Agent) <i>Thomas Marshall</i>	
B. Received By: (Please Print Clearly) <i>Thomas Marshall</i>	
C. Date of Delivery <i>JUN 21 2005</i>	
D. Addressee's Address (If Different From Address Used by Sender)	
Secondary Address / Suite / Apt. / Floor (Please Print Clearly)	
Delivery Address	
City	State ZIP + 4 Code



7194 5168 6310 0219 7211

RETURN RECEIPT REQUESTED

Article Addressed To:

06/17/2005 SUMMONS & COMPLAINT
A 0405974 D1
BELO CORP
%ROBERT W DECHERD CHAIRMAN PRES (
P O BOX 655237
DALLAS TX 75265

FILED

2005 JUN 24 P 2:36

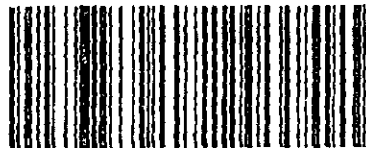
GREGORY HARTMANN
CLERK OF COURTS
DAYTON, OH



GREGORY HARTMANN
CLERK OF COURTS
1000 MAIN STREET RM 115
CINCINNATI OH 45202-1288

Common Pleas Civil

CERTIFIED MAIL



RETURN RECEIPT REQUESTED

Article Addressed To:

06/16/2005 SUMMONS & COMPLAINT
A 0405974 D1
BELO CORP
%ROBERT W DECHERD CHAIRMAN PRES I
P O BOX 655237
DALLAS TX 75265

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A. Signature: (☐ Addressee or ☐ Agent)

Thomas Marshall

B. Received By: (Please Print Clearly)

Thomas Marshall

C. Date of Delivery

JUN 21 2005

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Secondary Address / Suite / Apt / Floor (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

FILED

2005 JUN 24 P 2:36

GREGORY HARTMANN
CLERK OF COURTS
HALL CITY, OH

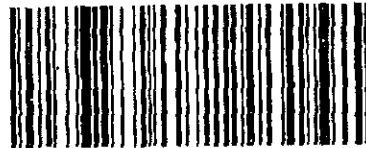


D64261844

GREGORY HARTMANN
CLERK OF COURTS
1000 MAIN STREET RM 115
CINCINNATI OH 45202-1288

PS Form 3800, 5/02

CERTIFIED MAIL



7194 5168 6310 0219 7228

RETURN RECEIPT REQUESTED

Article Addressed To:

06/16/2005 SUMMONS & COMPLAINT
A 0405974 D2
SCOTT BURNS
P O BOX 655237
DALLAS TX 75265

Common Pleas Civil

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (☐ Addressee or ☐ Agent)
Scott Burns

B. Received By: (Please Print Clearly)
Thomas Marshall

C. Date of Delivery
JUN 21 2005

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

FILED

2005 JUN 24 A 11: 16

NATIONWIDE BIWEEKLY
ADMINISTRATION, INC.,

Plaintiff,

v.

BELO CORP.

and

SCOTT BURNS,

Defendants.

Case No.: A 0405974
JUDGE BETH A. MYERS
CLERK OF COURTS
HAMILTON COUNTY OH

NOTICE OF APPEARANCE



D64281443

Please take notice that Richard M. Goehler and Monica L. Dias of Frost Brown Todd LLC, 2200 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202-4182, hereby respectfully submit their notice of appearance as lead trial attorneys on behalf of Defendants The Dallas Morning News, L.P., (improperly named in the Complaint as "Belo Corp ") and Scott Burns in this matter.

Respectfully submitted,

Richard M. Goehler (0009160)

Monica L. Dias (0073617)

Trial Attorneys for Defendants The Dallas

Morning News, L P and Scott Burns

FROST BROWN TODD LLC

2200 PNC Center

201 East Fifth Street

Cincinnati, Ohio 45202-4182

(513) 651-6800

(513) 651-6981 (Facsimile)

E-mail: rgoehler@fbtlaw.com

mdias@fbtlaw.com

OF COUNSEL:

FROST BROWN TODD LLC

2200 PNC Center

201 East Fifth Street

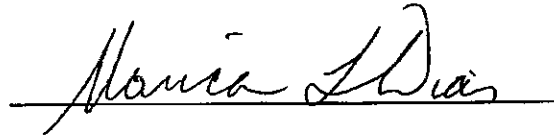
Cincinnati, Ohio 45202-4182

(513) 651-6800

(513) 651-6981 (Facsimile)

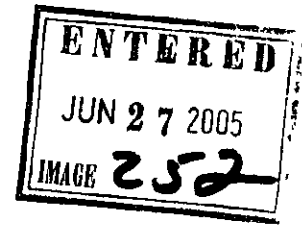
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Appearance has been served upon Barbara Bison Jacobson, Vorys, Sater, Seymour and Pease LLP, 221 East Fourth Street, Suite 2000, P.O. Box 236, Cincinnati, Ohio 45202-2409, by regular U.S. mail, postage prepaid, this 24th day of June, 2005.



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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO



NATIONWIDE BIWEEKLY, : Case No. A 0405974

Plaintiff,

: Judge Beth A. Myers

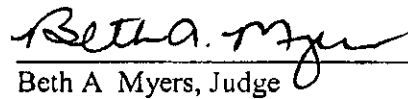
vs.

ENTRY OF DISQUALIFICATION

BELO CORPORATION, :

Defendant.

Pursuant to the provisions of Rule 7(E) of the Local Rules of Practice, the undersigned hereby disqualifies herself from the above-captioned case for the following reason. Defendants, Belo Corporation and Scott Burns, are represented by her former law firm


Beth A. Myers, Judge

ENTER

JUN 27 2005

BETH A. MYERS, JUDGE

