

Plaintiff Michael Patrick Leahy

GENERAL SESSIONS COURT OF THE STATE OF TENNESSEE  
FOR WILLIAMSON COUNTY

**FILED MAY 18, 2009**

MICHAEL PATRICK LEAHY, an individual,	)	CASE # 37111A
	)	
Plaintiff	)	COMPLAINT FOR
	)	
v.	)	1. Libel;
	)	2. Invasion of Privacy – False Light;
STEPHANIE GRASMICK , an individual,	)	3. Intentional Infliction of Emotional Distress
And DUKE ST. JOURNAL, an individual,	)	4. Interference with an economic contract
and Does 1 through 25, inclusive,	)	
	)	
Defendants	)	

Plaintiff Michael Patrick Leahy hereby alleges as follows:

**INTRODUCTION**

1. Leahy is the founder of Top Conservatives on Twitter (<http://www.topconservativesontwitter.org>), the publisher of the website <http://www.tcotreport.com>, an author of three books, “What Does Barack Obama Believe?”, “What Does Sarah Palin Believe?”, and “Letter to an Atheist” all found on his website at <http://www.michaelpatrickleahy.com>, and has been an activist involved in the Tea Party Movement, which was responsible for the public demonstrations protesting the irresponsible fiscal policies of Congress and the Obama Administration, held on February 27, 2009 and April 15, 2009. At the April 15, 2009 tax day tea party protests, an estimated 1 million Americans attended tea party events at more than 900 locations across the United States.
2. Stephanie Grasmick has anonymously operated an internet website since April 10, 2009 using the domain name <http://www.teablogging.net>, which she established using a fictitious address, (Exhibit G) and where she identifies herself under the twitter profile <http://www.twitter.com/StephanieinCA>. (Exhibit A). Leahy believes and therefore alleges that Grasmick is the proprietor of the website <http://www.teablogging.net> and the individual who owns this domain name. Grasmick has been employed during 2009 by DMG World Media’s subsidiary corporation the Evanta Group as the Assistant Editor of the CIO Leadership Network website using her real name, with offices located at 200 Corporate Point, Suite 400, Culver City, CA 90230. DMG World Media is headquartered in San Francisco. The Evanta Group is headquartered in Portland, Oregon. Grasmick may still be employed at this company as of May 18, 2009. As of May 11, 2009 Ms. Grasmick announced on Twitter that she is moving to Washington, DC, where she has accepted a job with an unknown company or federal agency.
3. Grasmick is the the user of the Facebook profile <http://www.facebook.com/people/Stephanie-Grasmick/609125110>, (Exhibit B) and the Linked in profile displayed in Exhibit C. Exhibit C shows the link between the Twitter user profile <http://www.twitter.com/StephanieinCA> and Grasmick, and that the two identities are the same, and are of Grasmick.
4. Grasmick was employed as Deputy Press Secretary to United States Senator Evan Bayh of Indiana from the fall of 2006 to June 2007, where she reported directly to Press Secretary Jonathan L. Swain, currently the Assistand Director of Communications of the United States Small Business Administration. (Exhibit D) She was also a colleague on Senator Bayh’s staff with then Communications Director Dan Pfeiffer, who currently serves as the Deputy Director of

Communications at the White House (Exhibits E and Exhibit M). Both Mr. Swain and Mr. Pfeiffer maintain ties with Grasmick—they are each Facebook friends of hers (Exhibit N). Grasmick was employed on the staff of then United States Senator Barack Obama during 2005, where she was a colleague of current White House Press Secretary Robert Gibbs. (Exhibit F) In 2004, Ms. Grasmick worked as a field operator in the campaign of Senator Tom Daschel of South Dakota. In 2003 and 2004 she worked on the John Edwards Presidential Campaign.

5. Grasmick is Facebook friends with Shauna Daly, Research Director at the Democratic National Committee and a known bare knuckles political operative known for digging up dirt on political opponents ( Exhibit AB). Daly got her start in politics in the 2002 Senate Campaign of Tim Johnson in South Dakota. Grasmick is also known to, and has worked directly with, another Facebook friend, Jennifer O’Malley Dillon, ( Exhibit Z) who is currently the Executive Director of the Democratic National Committee. Grasmick and Dillon worked together on the 2004 John Edwards Presidential Campaign.
6. Grasmick is also in regular public communication with an individual whose real identity is at present unknown, but whose Twitter profile is <http://www.twitter.com/DukeStJournal> , hereafter referred to as “St.Journal”. On May 16, 2009, St.Journal publicly congratulated Grasmick on Twitter in a message directed to her for her libelous act of May 13, 2009, and declared that “Leahy must be destroyed.” (Exhibit Y) , evidence that both St.Journal and Grasmick’s actions towards Leahy are based on malice and a desire to cause personal harm to him.
7. Liberal Democratic political activists across the country fear the political power that has been evidenced by the success of the Tea Party Movement. As an ambitious Liberal Democrat political activist, Grasmick seeks to curb the political success of the Tea Party Movement. Working either independently, or in cooperation with currently unknown Liberal Democrat political activists of like mind, Grasmick determined to take personal action to limit the success of the Tea Party Movement by applying the well known techniques of Saul Alinsky, outlined in his 1972 book “Rules for Radicals”. The thirteenth tactical rule identified in page 130 of this book is “Pick the target, freeze it, personalize it, polarize it.” Grasmick, either alone or in cooperation with unknown parties, identified Leahy as a leader of the Tea Party Movement, and picked him as the target.
8. In conducting her attacks on Leahy, Grasmick appears to have followed two rules of ethics and means as identified in Alinsky’s 1972 book, “Rules for Radicals”, thos rules being as follows: (1) “In war the end justifies almost any means” and (2) “the judgement of the ethics of means is dependent upon the political position of those sitting in judgement.” Under such an approach, the laws of libel are not taken into consideration.
9. Grasmick has publicly admitted to being motivated by personal advancement, and not governed by any ethical or legal standards whatsoever.
10. On May 1, 2009 Leahy was a signator to a letter from the Nationwide Tea Party Coalition to President Obama accepting his offer to meet with members of the Tea Party Movement to discuss the economic future of the country.
11. On May 10, 2009 Leahy applied to be accepted as a member of the audience at President Obama’s Town Hall Meeting to be held in Albuquerque, New Mexico on May 14, 2009.
12. On May 11, 2009 Grasmick sent out a public communication on Twitter that she was moving to Washington DC to take a new job at an unknown company or federal agency.
13. On May 11, 2009 Leahy was notified of his acceptance to be a member of the audience at the Obama Town Hall meeting scheduled for May 14, 2009 in Albuquerque, New Mexico.
14. On May 13, 2009 Leahy flew to Albuquerque, New Mexico.
15. On May 13, 2009 Grasmick posted libelous information on her Teablogging website about Leahy. (Exhibit H)
16. On May 14, 2009 Leahy attended, filmed, and participated in a video about the President’s Town Hall Meeting in Albuquerque, New Mexico.
17. On May 14, 2009, citing Grasmick’s libelous May 13 internet posting on her teablogging.net web site, MSNBC anchorman Keith Olbermann named Leahy “the Worst Person in the World”, ahead of first runner up Glenn Beck of Fox News and second runner up Bill O’Reilly of Fox News. Beck and O’Reilly are public figures. Leahy is a private citizen exercising his right to free speech, and is not a public figure, nor is he a candidate for political office or appointment to political office.
18. Grasmick has an extensive network of Liberal Democratic activists with whom she communicates with in many ways, some through the use of Facebook (she has 283 Facebook Friends, which includes additional operatives such as Joe Trippi), (Exhibit N) and Twitter (she has more than 469 followers). (Exhibit O). Leahy believes that some members of this network may have assisted her both in the research she claims to have performed on Lexis/Nexis to obtain public records of Leahy’s personal tax and business information, and in the determination to use the libelous term “major tax fraud” in her May 13 internet website posting at <http://www.teablogging.net> . In discovery, Leahy is entitled to see the complete records of all Facebook communications and telephonic commuications between Grasmick and her 283

Facebook friends, as well as public and private messages sent by Grasmick to those 469 persons she follows on Twitter, in order to determine the identity, if there is such, of any additional defendants who should be named in this complaint.

19. Specifically, Leahy has the right to know what resources Grasmick used to perform her Lexis/Nexis Search. Was it performed at work while Grasmick was employed as Assistant Editor of CIO Leadership Network, an Evanta Company within the DMG Media Media group of companies? Were computer resources of the Evanta Company and/or DMG World Media used ? Or was Grasmick provided a tip of inside information available only from an employee of the Federal Government that guided her to the information about Leahy she reported in her website on May 13, 2009 ?
20. Given the well know track record of Grasmick's Facebook friend Shauna Daly, the Research Director of the Democratic National Committee, as a bare knuckles political operative who specializes in digging up dirt on political opponents, Leahy has the right to discovery of all communications of any kind between Grasmick on Daly to determine what, if any, assistance Daly may or may not have provided to Grasmick in the preparation of her libelous post of May 13, 2009.
21. The likelihood that Grasmick required external assistance in preparing her libelous and anonymous May 13, 2009 internet attack on Leahy is high, given the difference between her publicly stated skill set, and the skill set required to undertake the research which yielded the personal business and tax information about Leahy displayed in Grasmick's May 13, 2009 libelous attack. That information was obtained through a sophisticated use of Lexis/Nexis, a proprietary and expensive database search tool which Leahy believes Grasmick does not have access to individually. Access to Lexis/Nexis search capabilities for Grasmick may have come either through her employer, DMG World Media, its subsidiary, Evanta Corporation, the Democratic National Committee, the White House, or the offices of any number of Democratic United States Senators or members of the House of Representatives whose staff members are Facebook friends of Stephanie Grasmick.
22. Grasmick's publicly stated skill set, taken directly from her Linked In account, is as follows: "New media and content management professional with a a background in journalism and public policy. Specializing in copywriting for the web, interactive marketing, graphic design, photo editing, search engine optimization, and search engine marketing." This skill set does not include the more sophisticated opposition research techniques that were used in preparing and researching her May 13, 2009 libelous web posting. Grasmick herself acknowledges that she has no previous experience in investigative journalistic research, and that this is one of the few times she has engaged in any "journalism".

#### **THE PARTIES**

23. Leahy is, and at all times mentioned herein, an individual, and resides in Williamson County, Tennessee.
24. Leahy is informed and believes, and therein alleges that Grasmick is, and at all times mentioned herein was, an individual who resides in the state of California.
25. Leahy is informed and believes, and therein alleges that Grasmick intends to move her residence on or before June 1, 2009 to Washington, D.C. Grasmick is employed as the Assistant Editor of the CIO Leadership Network, and her office is located at 200 Corporate Point, Suite 400, Culver City, CA 90230.
26. Leahy is not informed of the residential whereabouts of St. Journal.
27. Unknown parties who may have provided assistance to Ms. Grasmick on her development of her website posting and internet Twitter communications about Mr. Leahy which are the subject of this action.
28. This court is the proper court of venue because Mr. Leahy resides in Williamson County, and information about the location of Mr. Leahy's personal residence was published by Grasmick to her website and read by people in the state of Tennessee and around the world.

#### **GENERAL ALLEGATIONS**

1. Operating under the cover of anonymity, but engaging in public dialogue on the internet, Grasmick knowingly made false allegations on her website on May 13, 2009 against Plaintiff. (see Exhibit H). Grasmick claimed Leahy is "a major tax fraud," but offered no evidence of such allegation other than 4 public tax liens. As a sophisticated and experienced political operator and new media professional Grasmick is well aware that the existence of a tax lien is not evidence of tax fraud, and intentionally and with malice used a false and misleading headline intended to cause Leahy economic harm, public reputation harm, and emotional distress. The link to this blog can be found here:

<http://teablogging.net/2009/05/13/tea-party-leaderinsane-clown-also-major-tax-fraud-apparently> .

2. On May 13, 2009 Ms. Grasmick knowingly made false accusations against Plaintiff through internet communications issued through her Twitter profile. (Exhibit I)

**FIRST CAUSE OF ACTION**  
(for Libel, against all defendants)

1. Grasmick's headline, published on her website on May 13, 2009 (Exhibit H) that Leahy is "a major tax fraud" was known by Grasmick to be untrue, and was published with malice against Leahy for the sole purpose of causing damage to his reputation and for undermining his personal credibility as an activist within the Tea Party Movement.
2. Grasmick also stated in her May 13, 2009 publication to her website that Leahy is a "delusional profiteering creep" with the knowledge that this was a completely false statement which she had no evidence to support. Wikipedia defines profiteering as "a pejorative term for the act of making a profit by methods considered unethical. Business owners may be accused of profiteering when they raise prices during an emergency (especially a war). The term is also applied to businesses that play on political corruption to obtain government contracts." (Exhibit H)
3. Grasmick called Leahy an "insane clown" knowing full well this was an untrue statement. (Exhibit H)
4. Grasmick called Leahy a "member of some alien race of Lizard People" knowing full well this was an untrue statement.(Exhibit H)
5. On May 13, 2009, and in several subsequent communications on Twitter, Grasmick again falsely claimed that Leahy is "a major tax fraud" , despite knowing those charges to be false. (Exhibit I)
6. St. Journal repeated Grasmick's claim of "tax fraud" against Leahy, and he knew this charge to be false (Exhibit T)
7. St.Journal, in addition, issued public personal threats against Leahy. (Exhibit Y).

**SECOND CAUSE OF ACTION**  
(For Invasion of Privacy – False Light, against all defendants)

1. In a document linked to her libelous May 13, 2009 website posting, Grasmick identified the city of Leahy's residence in Williamson County, Tennessee. As this city is small, and as there is only one Leahy residence in this city, and as Leahy's actual address is listed in this city in the phone book, Leahy's actual residential address was therefore readily discoverable by anyone who viewed Grasmick's post.
2. St. Journal publicly congratulated Grasmick on her libelous post, and publicly encouraged people to visit the post on her website, which they knew to be libelous

**THIRD CAUSE OF ACTION**  
(Intentional Infliction of Emotional Distress)

1. Grasmick and her allies have stated their purpose is to destroy Leahy. St. Journal on Twitter, made such a claim in a public message to Grasmick on May 16, 2009. (Exhibit S)

**FOURTH CAUSE OF ACTION**  
(Interference with an Economic Contract)

1. Grasmick is aware of Leahy's discussions with the United States Internal Revenue Service to establish an installment agreement to satisfy the outstanding federal tax liens against him, but continues to maintain her libelous post knowingly and maliciously including the charge of tax fraud which she knows to be false. This is intentionally designed to interfere with Leahy's rights as a citizen to execute an installment agreement with the United States Internal Revenue Service without that process being interfered with by individuals who are not party to the discussion.
2. St.Journal is aware of Leahy's discussions with the United States Internal Revenue Service to establish an installment agreement to satisfy the outstanding federal tax liens against him, but continues to maintain her libelous post knowingly and maliciously including the charge of tax fraud which she knows to be false. This is intentionally designed to interfere with Leahy's rights as a citizen to execute an installment agreement with the United States Internal Revenue Service without that process being interfered with by individuals who are not party to the discussion.

**ON THE FIRST CAUSE OF ACTION**

1. For general damages, for 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 interest on any monetary award to Leahy at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys fees to the extent permitted by statute;
7. For such other relief as the Court may deem just and proper

**ON THE SECOND CAUSE OF ACTION**

1. For general damages, for 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 interest on any monetary award to Leahy at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys fees to the extent permitted by statute;
7. For such other relief as the Court may deem just and proper

**ON THE THIRD CAUSE OF ACTION**

1. For general damages, for 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 interest on any monetary award to Leahy at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys fees to the extent permitted by statute;
7. For such other relief as the Court may deem just and proper

**ON THE FOURTH CAUSE OF ACTION**

1. For general damages, for 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 interest on any monetary award to Leahy at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys fees to the extent permitted by statute;
7. For such other relief as the Court may deem just and proper

Dated: May 18, 2009

Michael Patrick Leahy, plaintiff

Michael Patrick Leahy

Michael Patrick Leahy

## Leahy v. Grasmick

### List of Exhibits

<u>Exhibit</u>	<u>Title</u>
A	Twitter Profile of Stephanie Grasmick, <a href="http://www.twitter.com/StephanieinCA">http://www.twitter.com/StephanieinCA</a>
B	Facebook Profile of Stephanie Grasmick
C	Linked In Profile of Stephanie Grasmick
D	Employment Record of Stephanie Grasmick as Deputy Press Secretary to United States Senator Evan Bayh
E	Employment Record of Stephanie Grasmick as Press Assistant to United States Senator Evan Bayh
F	Employment Record of Stephanie Grasmick as Data Entry Clerk for United States Senator Barack Obama
G	Godaddy.com Domain Registration Information for <a href="http://www.teablogging.net">http://www.teablogging.net</a>
H	Libelous May 13 Internet Post by Stephanie Grasmick on <a href="http://www.teablogging.net">http://www.teablogging.net</a>
I	Libelous May 13 Twitter Post by Stephanie Grasmick on <a href="http://www.twitter.com/StephanieinCA">http://www.twitter.com/StephanieinCA</a> in which she libels Leahy as “major tax fraud”
K	List of Individuals to be deposed and from whom the Court shall compel the production of all records of telephonic, Facebook, Twitter, and other communications, both public and private, between these individuals and Stephanie Grasmick, with the purpose of determining if any of these individuals assisted and supported Grasmick in the development and publication of her libelous internet posting of May 13, 2009
L	List of Individuals to be deposed and from whom the Court shall compel the production of all records of telephonic, Facebook, Twitter, and other communications, both public and private, between these individuals and Stephanie Grasmick
M	New York Times Profile of White House Deputy Communications Director Dan Pfeiffer former colleague of Stephanie Grasmick in the Office of Senator Evan Bayh and Facebook Friend of Stephanie Grasmick
N	Stephanie Grasmick’s 283 Facebook Friends
O	Some of the People Stephanie Grasmick follows on Twitter
T	Public Statements by St.Journal, encouraging Grasmick to Continue Her Libelous Statements
Y	Threats Made Against Leahy by Duke St.Journal
Z	Profile of Jennifer O’Malley Dillon, Executive Director of the Democratic National Committee, Facebook friend of Stephanie Grasmick, and former Colleague of Stephanie Grasmick from the 2004 John Edwards Presidential Campaign.
AA	Article About Shauna DalyResearch Director of the Democratic National Committee
AB	Facebook Friend of Stephanie Grasmick May 16 Post on Teablogging.net by Grasmick