1 C. MATTHEW ANDERSEN, ISB No. 3581 WINSTON & CASHATT, LAWYERS, a 2 Professional Service Corporation 250 Northwest Boulevard, Suite 206 3 Coeur d'Alene, Idaho 83814 Telephone: (208) 667-2103 4 Facsimile: (208) 765-2121 5 cma@winstoncashatt.com 6 Attorneys for Plaintiff 7 8 IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE 9 OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI 10 TINA JACOBSON. 11 CV12-3098 Plaintiff, Case No. 12 VS. **COMPLAINT** 13 JOHN DOE and/or JANE DOE, Fee Category: A 14 Fee: \$88.00 Defendants. 15 16 Plaintiff alleges as follows: 17 I. **PARTIES AND JURISDICTION** 18 1.1 Plaintiff Tina Jacobson is a resident of Rathdrum, Idaho and the current Chairman of the 19 Kootenai County Republican Party Central Committee. 20 21 1.2 Defendant, John Doe's residence is unknown to Plaintiff at the date of this complaint. 22 John Doe has committed a tort of libel by publishing, via the internet, a malicious defamation about Mrs. 23 Jacobson with an intended and actual impact in County of Kootenai, State of Idaho. 24 25

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- 1.3 Defendant, Jane Doe's residence is unknown to Plaintiff at the date of this complaint.

 Jane Doe has committed a tort of libel by publishing, via the internet, a malicious defamation about Mrs. Jacobson with an intended and actual impact in County of Kootenai, State of Idaho.
- 1.4 Jurisdiction is proper in the District Court of the First Judicial District, Kootenai County, Idaho, pursuant to Idaho Constitution Article V, §20, Idaho Code §1-701 and §1-705. Venue properly lies in this Court pursuant to Idaho Code §5-104.
 - 1.5 All conditions precedent to suit have been performed.

II. FACTS AND ALLEGATIONS

- 2.1 On or about February 14, 2012, the Cowles Publishing Company d/b/a Spokesman-Review had created and operated for the benefit of its readership an internet "blog". The blog was created by its employee and agent Mr. D. Oliveria. The blog is operated under the business name of "Huckleberries Online."
- 2.2 The Huckleberries Online blog is easily located on the internet by typing in "Huckleberries Online." There are no restrictions on its readership.
- 2.3 Appearing on the Huckleberries Online blog, beginning at 3:31 p.m. on February 14, 2012, was an entry made by an author identified as "almostinnocent by stander". The entry as published via the internet stated there was \$10,000.00 missing from the Republican Central Committee funds and that the missing funds were hidden on the person of Mrs. Jacobson.
 - 2.4 The blog statement of missing funds was false.
- 2.5 The blog statement that the missing funds were secreted on the person of Mrs. Jacobson was false.
 - 2.6 The blog comments are not protected by any right or immunity recognized by the law.

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- 2.7 The identity of "almostinnocent by stander" is unknown to Mrs. Jacobson at the time of this complaint. The identity is known to the owners and/or agents of the Cowles Publishing Company d/b/a Spokesman-Review.
- 2.8 The false blog entry elicited two immediate inquires by bloggers identifying themselves as "Phaedrus" and "OutofStaterTater" who each inquired as to the substance of the claim of missing funds.
- 2.9 At 5:25 p.m. "almostinnocentbystander" responded to the inquiring bloggers with further allegations of missing funds, obstruction of the Republican Party Central Committee treasurer's report and embezzlement. The entries of "almostinnocentbystander" when read alone or in tandem, without difficulty are understood to identify Mrs. Jacobson as the alleged thief.
- 2.10 The false statements about Mrs. Jacobson impeach the honesty, integrity and reputation of Mrs. Jacobson. The statements are libel per se.
- 2.11 The fact that the statements about Mrs. Jacobson were libelous was acknowledged by Mr. Oliveria on February 14, 2012 when he removed the blogging exchange.
- 2.12 Mr. Oliveria removed the false entries stating the blog comment was, ". . . an unsubstantiated accusation made against a local Republican official."
- 2.13 The withdrawal by Mr. Oliveria was immediately followed by blogging comments. Those comments noted the ability to repeat defamation by the simple use of a pseudonym.
- 2.14 The John Doe and/or Jane Doe known as "almostinnocentbystander" knew at the time of posting the statement it was untrue. Mr. Oliveria has further acknowledged the statement was false in a February 17, 2012 blog posting which stated Mr. Oliveria had contacted "almostinnocentbystander" and reported this person or persons acknowledged the statement was baseless, was derogatory and was unsubstantiated.

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- 2.15 The comments were libel per se and delivered with the actual and intended malice of defaming the reputation of Mrs. Jacobson. The comments were viewed online by Mrs. Jacobson.
 - 2.16 Mrs. Jacobson was offended and embarrassed by the blog comments.
- 2.17 Mrs. Jacobson has made diligent inquiry as to the identity of the author or authors of the defaming statement from Cowles Publishing Company d/b/a the Spokesman-Review.
- 2.18 Mrs. Jacobson's request for the names and communications with the bloggers from the Cowles Publishing Company d/b/a the Spokesman-Review has been rejected. Upon information and belief, the author(s) of the published libel are known only to Cowles Publishing Company d/b/a the Spokesman-Review and she lacks other means to identify the bloggers.
- 2.19 As a direct, proximate and immediate result of the published libel, Mrs. Jacobson has suffered damages to her reputation for honesty and integrity, her standing in the community has been impacted adversely, there has been drawn suspicion to her in the performance of her voluntary public duty and had caused further emotional damages all in an amount to be proven at trial but in any event not less than \$10,000.00.

III. CLAIM FOR INJUNCTIVE RELIEF

- 3.1 Jacobson incorporates by reference paragraphs 1.1 through 2.19.
- 3.2 Upon information and belief, Ms. Jacobson states the libel was directed to her in her capacity as an official of the Republican Party at a politically sensitive time.
 - 3.3 The acts of libel are capable of repetition in the future by use of a new blogging name.
- 3.4 Should future allegations of wrong doing be made about Ms. Jacobson, such will cause immediate and further irreparable harm.

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Opeur d' Alene, Idaha 83814 Phone: (208) 667-2103 3.5 Upon identification of the offending John Doe and/or Jane Doe the court is asked to enter a preliminary injunction and permanent injunction after trial on the merits enjoining the author or authors of the libel from committing such further actions adverse to Mrs. Jacobson.

REQUEST FOR RELIEF

WHEREFORE, Mrs. Jacobson prays for an order and judgment as follows:

- 4.1 That a liberal amendment of this complaint as necessary is permitted to conform to the facts as discovered during the progress of this case.
- 4.2 For entry of judgment against John Doe in an amount to be proven at trial but not less than \$10,000.00.
- 4.3 For entry of judgment against Jane Doe in an amount to be proven at trial but not less than \$10,000.00.
- 4.4 For entry of a permanent injunction against John Doe and/or Jane Doe from committing future acts of libel.
 - 4.5 For an award of attorneys' fees and costs as allowed by law.
 - 4.6 For such other and further relief as the Court deems just and equitable.

DATED this 250 day of April, 2012.

C. MATTHEW ANDERSEN, ISB No. 3581

WINSTON & CASHATT, LAWYERS, a Professional

Service Corporation
Attorneys for Plaintiff

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A PROFESSIONAL SERVICE CORPORATION
250 Northwest Blvd., Suffe 206

Deur d' Alene, Idaha 83814 Phane: (208) 667-2103