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CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

1 JASON S. LEIDERMAN, SBN 203336
jay@leidermandevine.com
2 JAMES B. DEVINE, SBN 205270
james@leidermandevine.com
3 LEIDERMAN DEVINE LLP
5740 Ralston Street, Suite 300
4 Ventura, California 93003
Tel: 805-654-0200
5 Fax: 805-654-0280

6 Attorneys for Plaintiff
7 NADIA NAFFE, an individual

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 NADIA NAFFE, an individual,
12 Plaintiff,

13 vs.

14 JOHN PATRICK FREY, an individual,
15 CHRISTI FREY, an individual, STEVE M.
16 COOLEY, an individual, and the
17 COUNTY OF LOS ANGELES, a
18 municipal entity,

19 Defendants.
20
21
22

Case No. **CV 12-8443** - GW
(Mr. [unclear])

**COMPLAINT FOR DAMAGES FOR:
(1) VIOLATIONS OF 42 U.S.C. § 1983;
(2) PUBLIC DISCLOSURE INVASION
OF PRIVACY; (3) FALSE LIGHT
INVASION OF PRIVACY; (4)
DEFAMATION; (5) INTENTIONAL
INFLECTION OF EMOTIONAL
DISTRESS; (6) NEGLIGENCE; and (7)
NEGLIGENT SUPERVISION**

JURY TRIAL DEMANDED

23 **COMES NOW PLAINTIFF** NADIA NAFFE, an individual ("PLAINTIFF"),
24 who sets forth the following causes of action against Defendants JOHN PATRICK
25 FREY, an individual ("MR. FREY"), CHRISTI FREY, an individual ("MRS. FREY"),
26 STEVE M. COOLEY, an individual ("COOLEY"), and the COUNTY OF LOS
27 ANGELES ("COUNTY"), a municipal entity, and each of them, and who alleges as
28 follows:

1 **JURISDICTION**

2 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as
3 this case involves at least one federal question. It also has subject matter jurisdiction
4 pursuant to 28 U.S.C. § 1332, as the parties in this case are completely diverse and the
5 amount in controversy exceeds \$75,000. Further, the Court has pendent jurisdiction and
6 supplemental jurisdiction over the state law claims alleged in this Complaint pursuant to
7 28 U.S.C. § 1367.

8 **VENUE**

9 2. The allegations sued upon herein arose in Long Beach and Los Angeles,
10 California. Venue therefore lies in the United States District Court for the Central District
11 of California pursuant to 28 U.S.C. § 1391(b)(2).

12 **PARTIES**

13 3. PLAINTIFF, at all times mentioned herein, was and now is an individual
14 residing in either Massachusetts or Florida.

15 4. PLAINTIFF is informed and believes and based thereon alleges that
16 Defendant MR. FREY was and now is an individual residing in Los Angeles County,
17 California, and at all times is, and was at all times mentioned herein, a Deputy District
18 Attorney in Los Angeles County, employed by Defendant COUNTY and supervised by
19 Defendant COOLEY.

20 5. PLAINTIFF is informed and believes and based thereon alleges that
21 Defendant MRS. FREY was and now is an individual residing in Los Angeles County,
22 California, and at all times is, and was at all times mentioned herein, a Deputy District
23 Attorney in Los Angeles County, employed by Defendant COUNTY and supervised by
24 Defendant COOLEY.

25 6. PLAINTIFF is informed and believes and based thereon alleges that
26 Defendant COOLEY was and now is an individual residing in Los Angeles County,
27 California, and at all times is, and was at all times mentioned herein, the elected District
28 Attorney in Los Angeles County and employed by Defendant COUNTY.

1 7. PLAINTIFF is informed and believes and based thereon alleges that
2 Defendant COUNTY was and now is a municipal entity organized and existing under the
3 laws of the State of California.

4 8. MR. FREY, MRS. FREY, COOLEY, the COUNTY, and DOES 1 to 100,
5 inclusive, are referred to herein collectively as the "DEFENDANTS."

6 9. PLAINTIFF is informed and believes and based thereon alleges that, at all
7 times mentioned, MR. FREY and MRS. FREY, in doing the things herein mentioned,
8 were acting within the scope of their authority as an agents and employees with the
9 permission and consent of COOLEY and the COUNTY.

10 10. PLAINTIFF is informed and believes and based thereon alleges that, at all
11 times mentioned, MR. FREY and MRS. FREY, in doing the things herein mentioned,
12 formed a conspiracy to work together in engaging in the wrongful conduct directed
13 towards PLAINTIFF, which wrongful acts caused resulting damage to PLAINTIFF, as
14 further alleged herein.

15 **FACTUAL ALLEGATIONS**

16 **A. PLAINTIFF's Relationship with Nonparty James O'Keefe**

17 11. Prior to the events forming the basis for this Complaint, PLAINTIFF was a
18 personal friend and professional colleague of James O'Keefe ("O'KEEFE"), a
19 conservative activist specializing in producing undercover videos that style themselves as
20 "exposés" of liberal political misdeeds.

21 12. PLAINTIFF is informed and believes and based thereon alleges that
22 O'KEEFE is a popular member of the conservative community who has been vilified by
23 the mainstream press for unfair and biased attacks on his targets, but is much admired by
24 a section of conservatives. PLAINTIFF is informed and believes and based thereon
25 alleges that MR. and MRS. FREY are among O'KEEFE'S admirers.

26 13. PLAINTIFF is informed and believes and based thereon alleges that in
27 January 2010, O'KEEFE was arrested during an undercover project aimed at sitting U.S.
28 Sentator Mary Landrieu.

1 14. PLAINTIFF is informed and believes and based thereon alleges that in May,
2 2010, O'KEEFE plead guilty to entering real property of the United States under false
3 pretenses for which he is currently serving three years of probation.

4 15. In or around Fall 2011, after a friendship of approximately two and a half
5 years, O'KEEFE began making romantic overtures toward PLAINTIFF, overcomes that
6 PLAINTIFF rejected. These harassing romantic advances culminated in a frightening
7 incident on October 2, 2011, in a barn in New Jersey ("Barn Incident"), during which
8 O'KEEFE drugged PLAINTIFF in an attempt to sexually assault her. A few weeks after
9 this incident, O'KEEFE offered to pay PLAINTIFF in consideration for her promise not
10 to disclose the barn incident. PLAINTIFF rejected O'KEEFE's offer. In response,
11 PLAINTIFF sent a letter to O'KEEFE and the board of directors of his company,
12 requesting he cease harassing her. O'KEEFE, in turn, threatened to sue PLAINTIFF if
13 she contacted law enforcement about the Barn Incident.

14 16. In November 2011, O'KEEFE posted a harassing, degrading, public video
15 about PLAINTIFF to youtube.com in response to which PLAINTIFF filed a criminal
16 harassment complaint against O'KEEFE in New Jersey, which was ultimately dismissed
17 for lack of jurisdiction.

18 17. In February 2012, the late conservative media mogul Andrew Breitbart—a
19 personal friend of both PLAINTIFF (on information and belief) and O'KEEFE—
20 mischaracterized the Barn Incident while speaking with a reporter. In an effort to correct
21 misconceptions about PLAINTIFF's lawsuit against O'KEEFE and the underlying facts
22 of the Barn Incident, PLAINTIFF publicly challenged Mr. Breitbart's
23 mischaracterizations in her personal blog and via her Twitter account.

24 **B. MR. FREY'S and MRS. FREY'S Relationship to O'KEEFE**

25 18. PLAINTIFF is informed and believes and based thereon alleges that MR.
26 FREY is a close personal friend of O'KEEFE, and that O'KEEFE worked as an intern in
27 the COUNTY District Attorney's Office with MR. FREY while O'KEEFE was a law
28 school student.

1 19. PLAINTIFF is informed and believes and based thereon alleges that both
2 MR. FREY and MRS. FREY were and are aware of the fact that O'KEEFE is currently
3 on federal probation, and that any criminal charges against O'KEEFE would potentially
4 violate the terms of his probation.

5 20. Although PLAINTIFF, on the one hand, and MR. FREY and MRS. FREY,
6 on the other hand, had mutual friends and acquaintances, including O'KEEFE, they had
7 no direct contact with each other prior to the events described below.

8 **C. The Harassing and Defamatory Internet Blog Publications and Tweets**
9 **Authored by MR. FREY Regarding PLAINTIFF**

10 21. PLAINTIFF was involved in an incident in Los Angeles, California, during
11 which O'KEEFE wire tapped Congresswoman Maxine Waters' office and the office of
12 OneUnited, the bank that employed Congresswoman Waters' husband. PLAINTIFF was
13 used by O'KEEFE to further this wire tapping plan.

14 22. PLAINTIFF is informed and believes and based thereon alleges that MR.
15 FREY and MRS. FREY were aware of PLAINTIFF'S involvement with O'KEEFE'S
16 wire tapping of Congresswoman Waters at some point after the incident occurred.

17 23. PLAINTIFF is informed and believes and based thereon alleges that MR.
18 FREY publishes a "blog" on the Internet known as "Patterico's Pontifications" at the
19 publically available website www.patterico.com and that MR. FREY has the power of
20 moderation over all articles and comments on his blog, and may therefore edit and delete
21 comments and comment timestamps.

22 24. PLAINTIFF is informed and believes and based thereon alleges that in
23 February and March 2012, MR. FREY posted at least eight separate articles concerning
24 PLAINTIFF on his blog at www.patterico.com and actively participated in comment
25 threads with respect to the articles, posting the comments under the Internet code name
26 "Patterico." PLAINTIFF is informed and believes and based thereon alleges that during
27 the same time period—and at all times of day and night—MR. FREY posted several
28 dozen threatening, harassing and defamatory statements concerning PLAINTIFF using

1 his twitter account, @patterico, which statements are commonly known as "tweets." In
2 his tweets, MR. FREY described PLAINTIFF as a liar, illiterate, callous, self-absorbed,
3 despicable, a smear artist, dishonest, and absurd (among other less direct harassment). In
4 particular, MR. FREY repeatedly asked the rhetorical question: "why did PLAINTIFF
5 not call a cab to escape the barn during the Barn Incident," which was intended to
6 discredit PLAINTIFF'S entire account of the Barn Incident. MR. FREY has described
7 his activity as "poking holes" in the theory PLAINTIFF put forth in her criminal
8 harassment complaint against O'KEEFE.

9 25. PLAINTIFF is informed and believes and based thereon alleges that as of at
10 least February 28, 2012, MR. FREY and MRS. FREY knew: (a) PLAINTIFF had
11 evidence of O'KEEFE's wire tapping of Congresswoman Waters' office and the
12 OneUnited Offices; (b) she was planning on coming forward with this evidence; (c) since
13 the wiretapping occurred within the COUNTY'S jurisdiction, MR. FREY'S, MRS.
14 FREY'S and COOLEY'S office would likely receive the evidence; and (d) O'KEEFE
15 risked a prison sentence for violating his federal probation if PLAINTIFF made the
16 evidence available.

17 26. PLAINTIFF is informed and believes and based thereon alleges that on
18 February 28, 2012, MR. FREY published to his blog portions of the transcript from the
19 probable cause hearing in PLAINTIFF'S criminal harassment lawsuit against O'KEEFE
20 in a manner that was intentionally out-of-context.

21 27. PLAINTIFF is informed and believes and based thereon alleges that in the
22 same February 28, 2012, blog post, MR. FREY criticized journalist Tommy Christopher
23 for failing to vet PLAINTIFF before publishing an article about the Barn Incident and
24 subsequent lawsuit, and made a list of 29 questions Mr. Christopher "should" have asked
25 when interviewing PLAINTIFF for his article regarding the Barn Incident. PLAINTIFF
26 is informed and believes and based thereon alleges that these 29 questions were intended
27 to provide O'KEEFE with legal ammunition to fight PLAINTIFF'S criminal harassment
28 lawsuit, and so constituted the giving of legal advice.

1 28. On March 14, 2012, in an effort both to combat misconceptions regarding
2 the barn incident, PLAINTIFF began posting a series of articles on her personal Internet
3 blog. In these blog posts, PLAINTIFF wrote about the incident involving O'KEEFE wire
4 tapping Congressman Waters' office and the OneUnited offices. At that time she
5 published the blog posts, PLAINTIFF was planning on turning over an audio recording of
6 the wire tapping of Congressman Waters to the COUNTY, through its Sherriff's
7 Department or its District Attorney's office.

8 29. PLAINTIFF is informed and believes and based thereon alleges that on
9 Friday, March 23, 2012, at a time when MR. FREY should have been in the employ of
10 the COUNTY, MR. FREY published to his blog several documents related to a civil suit
11 filed by O'KEEFE against PLAINTIFF including an order granting an injunction against
12 PLAINTIFF (this suit is separate from the criminal harassment complaint arising from
13 the Barn Incident).

14 30. On March 23, 2012, PLAINTIFF responded to MR. FREY's March 23,
15 2012, tweet, with a responding tweet informing him that she intended to notify the
16 COUNTY District Attorney's office and the California State Bar that MR. FREY was
17 misusing government time and resources by blogging and tweeting about PLAINTIFF'S
18 dispute(s) with O'KEEFE.

19 31. PLAINTIFF is informed and believes and based thereon alleges that on
20 March 24, 2012, MR. FREY retaliated against PLAINTIFF by publishing to his blog over
21 200 pages of a 2005 deposition transcript from an unrelated civil matter between
22 PLAINTIFF and her former employer. In this blog post, MR. FREY claimed to have
23 downloaded the transcript from PACER, yet PACER'S terms of use forbids releasing un-
24 redacted personal information, particularly social security numbers. The deposition
25 transcript MR. FREY posted contained a great deal of PLAINTIFF'S private and
26 personal information, including her social security number, date of birth, maiden name,
27 mother's maiden name, family address, information about PLAINTIFF'S medical
28 condition and the medications PLAINTIFF was taking at that time.

1 32. PLAINTIFF is informed and believes and based thereon alleges that on
2 March 25, 2012, after word spread that PLAINTIFF'S social security number was in the
3 first few pages of the deposition transcript, MR. FREY wrote in the comments section of
4 the March 24, 2012, blog post: "I think I may lay off Nadia and give her a chance to
5 realize she has made a mistake in threatening to report me for totally bogus reasons."
6 PLAINTIFF is informed and believes and based thereon alleges that in another comment
7 time stamped one minute later, MR. FREY continued: "She may just be starting to realize
8 that she that she has made a series of mistakes that could land her in trouble. Maybe
9 she's reconsidering"

10 33. PLAINTIFF is informed and believes and based thereon alleges that at some
11 time after his March 25, 2012, blog posts, MR. FREY removed the deposition transcript
12 from his website; however, PLAINTIFF'S personal information and social security
13 number were nonetheless preserved for several weeks or months in an Internet web
14 cache, available to anyone with an Internet connection wishing to view PLAINTIFF'S
15 personal details for whatever reason.

16 34. On March 26, 2012, PLAINTIFF began receiving email alerts from the
17 credit reporting agency Experian, explaining that people had made changes to her credit
18 report. PLAINTIFF continues to receive reports that individuals are fraudulently using
19 her social security number.

20 35. As of the time of filing of this Complaint, at least two of MR. FREY'S
21 harassing and defamatory blog posts still appear on the first page of Google search results
22 for "Nadia Naffe," including the post which originally published the link to
23 PLAINTIFF'S social security number.

24 36. PLAINTIFF is informed and believes and based thereon alleges that MR.
25 FREY engaged in the defamatory and harassing activity described herein in order (1) to
26 intimidate her into not handing over evidence to the COUNTY regarding MR. FREY'S
27 personal friend Mr. O'KEEFE'S wiretapping of Congresswoman Waters, and (2) to
28 protect the reputations of his personal friends, Mr. O'KEEFE and Mr. Breitbart, and that

1 MRS. FREY was an active participant and contributor to the defamatory and harassing
2 activity.

3 37. As a result of the actions of MR. FREY, MRS. FREY and COOLEY, as
4 more fully described herein, PLAINTIFF was in fact intimidated into not reporting
5 O'KEEFE's wire tapping to the COUNTY.

6 **D. MR. FREY'S Abuse of his Position as a District Attorney.**

7 38. PLAINTIFF is informed and believes and based thereon alleges that
8 although www.paterico.com includes a disclaimer that MR. FREY'S statements
9 contained therein are "personal opinions. . . not made in any official capacity," MR.
10 FREY has used and does use his position as a COUNTY Assistant District Attorney to
11 advance his personal political agenda, to increase his audience, and to amplify his
12 harassment against political enemies.

13 39. PLAINTIFF is informed and believes and based thereon alleges that when
14 MR. FREY'S website or blog is mentioned by other news outlets or bloggers, he is
15 commonly introduced as "Deputy District Attorney" or "Los Angeles County
16 prosecutor." (See, e.g., <http://www.volokh.com/posts/1236116981.shtml>;
17 http://littlegreenfootballs.com/article/37961_Quote_of_the_Day;
18 <http://www.nationalreview.com/corner/188151/patterico-and-polanski/jack-dunphy#>;
19 <http://www.tnr.com/blog/the-plank/applebaum-polanski>;
20 <http://www.popehat.com/2012/03/26/nadia-naffe-wont-shut-up-but-shell-threaten-you-to>-
21 [make-you-shut-up](http://commonsensepoliticalthought.com/?p=4195);/ <http://commonsensepoliticalthought.com/?p=4195>.)

22 40. PLAINTIFF is informed and believes and based thereon alleges that MR.
23 FREY makes no effort to correct these associations because he wants readers to associate
24 him and his website with his official title to add credibility to his published statements
25 and commentary.

26 41. On April 23, 2012, PLAINTIFF submitted a Government Code 910 Claim
27 with the COUNTY (the "Claim"). Attached hereto as **Exhibit "A"** is a copy of the
28 Claim.

1 42. On May 24, 2012 the COUNTY rejected the Claim. Attached hereto as
2 Exhibit "B" is a copy of the COUNTY's May 25, 2012 rejection letter.

3
4 **FIRST CAUSE OF ACTION**
Violations of 42 U.S.C. § 1983
(As Against All Defendants)

5 43. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1
6 through 40 of this Complaint, inclusive, and incorporates the same by reference, as
7 though fully set forth herein.

8 44. In abusing his position as a Deputy District Attorney as described above,
9 MR. FREY acted under color of state law in his continuous harassment of PLAINTIFF
10 via his website, blog and Twitter account.

11 45. MR. FREY'S harassment of PLAINTIFF violated her First Amendment
12 constitutional right to petition the government for redress of grievances by intimidating
13 PLAINTIFF into silence regarding O'KEEFE wiretapping of Congresswoman Waters.

14 46. MR. FREY'S harassment of PLAINTIFF violated her due process rights by
15 creating a situation in which PLAINTIFF believed (a) she would not receive fair
16 treatment from MR. FREY, MRS. FREY, COOLEY or anyone else at the COUNTY, and
17 (b) any case in which PLAINTIFF was involved would be prejudged by the COUNTY,
18 COOLEY, or MR. FREY himself.

19 47. As a direct and proximate result of the DEFENDANTS' conduct alleged
20 herein, PLAINTIFF has suffered general and special damages including, without
21 limitation, harm to PLAINTIFF'S reputation, emotional distress, expense incurred in
22 defense and repair of her credit rating, lost earnings, and other pecuniary loss.

23 48. PLAINTIFF is informed and believes and based thereon alleges that, in
24 engaging in the conduct alleged herein, DEFENDANTS (a) acted with the intent to
25 injure, vex, annoy and harass PLAINTIFF, (b) subjected PLAINTIFF to cruel and unjust
26 hardship in conscious disregard of PLAINTIFF'S rights, and (c) intentionally
27 misrepresented and concealed material facts known to the DEFENDANTS with the
28 intention on the part of the DEFENDANTS of thereby depriving PLAINTIFF of her legal

1 rights and otherwise cause PLAINTIFF injury. As a result of the foregoing, PLAINTIFF
2 is entitled to exemplary and punitive damages against DEFENDANTS.

3
4 **SECOND CAUSE OF ACTION**
Public Disclosure Invasion of Privacy
(As Against All Defendants)

5 49. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1
6 through 40, and 42 through 46, inclusive, of this Complaint and incorporates the same by
7 reference, as though fully set forth herein.

8 50. MR. FREY'S publication of personal details, including information about
9 PLAINTIFF'S medical history, from PLAINTIFF'S unredacted deposition transcript
10 constituted a public disclosure of private facts and was highly offensive and
11 objectionable, judged by a reasonable person standard.

12 51. The facts disclosed by the publication of PLAINTIFF'S unredacted
13 deposition transcript were not of legitimate public concern as they were personal, private,
14 and totally irrelevant to any other matter of public concern (such as the allegations of
15 O'KEEFE'S wiretapping or the Barn Incident).

16 52. As a direct and proximate result of the DEFENDANTS' conduct alleged
17 herein, PLAINTIFF has suffered general and special damages including, without
18 limitation, harm to PLAINTIFF'S reputation, emotional distress, expense incurred in
19 defense and repair of her credit rating, lost earnings, and other pecuniary loss.

20 53. PLAINTIFF is informed and believes and based thereon alleges that, in
21 engaging in the conduct alleged herein, DEFENDANTS (a) acted with the intent to
22 injure, vex, annoy and harass PLAINTIFF, (b) subjected PLAINTIFF to cruel and unjust
23 hardship in conscious disregard of PLAINTIFF'S rights, and (c) intentionally
24 misrepresented and concealed material facts known to the DEFENDANTS with the
25 intention on the part of the DEFENDANTS of thereby depriving PLAINTIFF of her legal
26 rights and otherwise cause PLAINTIFF injury. As a result of the foregoing, PLAINTIFF
27 is entitled to exemplary and punitive damages against DEFENDANTS.

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THIRD CAUSE OF ACTION
False Light Invasion of Privacy
(As Against All Defendants)

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3 54. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1
4 through 40, 42 through 46, and 48 through 51, inclusive, of this Complaint and
5 incorporates the same by reference, as though fully set forth herein.

6 55. By consistently and relentlessly painting PLAINTIFF as a liar, as dishonest,
7 and as self-absorbed, and by relentlessly asking everyone who would listen why
8 PLAINTIFF failed to call a cab during the barn incident, MR. FREY placed PLAINTIFF
9 in a highly offensive false light; instead of the victim of the Barn Incident, MR. FREY
10 intended to paint PLAINTIFF as the perpetrator of fraudulent allegations.

11 56. PLAINTIFF is informed and believes and based thereon alleges that MR.
12 FREY knew of or acted in reckless disregard as to the falsity of his statements and as to
13 the false light in which PLAINTIFF was placed.

14 57. As a direct and proximate result of the DEFENDANTS' conduct alleged
15 herein, PLAINTIFF has suffered general and special damages including, without
16 limitation, harm to PLAINTIFF'S reputation, emotional distress, expense incurred in
17 defense and repair of her credit rating, lost earnings, and other pecuniary loss.

18 58. PLAINTIFF is informed and believes and based thereon alleges that, in
19 engaging in the conduct alleged herein, DEFENDANTS (a) acted with the intent to
20 injure, vex, annoy and harass PLAINTIFF, (b) subjected PLAINTIFF to cruel and unjust
21 hardship in conscious disregard of PLAINTIFF'S rights, and (c) intentionally
22 misrepresented and concealed material facts known to the DEFENDANTS with the
23 intention on the part of the DEFENDANTS of thereby depriving PLAINTIFF of her legal
24 rights and otherwise cause PLAINTIFF injury. As a result of the foregoing, PLAINTIFF
25 is entitled to exemplary and punitive damages against DEFENDANTS.

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FOURTH CAUSE OF ACTION
Defamation
(As Against All Defendants)

59. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1 through 40, 42 through 46, 48 through 51, and 53 through 56, inclusive, of this Complaint and incorporates the same by reference, as though fully set forth herein.

60. MR. FREY'S tweets and blog posts about PLAINTIFF, read by an audience numbering in the thousands, were publications. Specifically, the following statements were false, defamatory, and had a natural tendency to injure the PLAINTIFF's reputation:

a. Referring to PLAINTIFF and the Barn Incident: "@Dust92 Or because the 'victim' is a liar whose lies will be exposed? That sometimes happens too!" was published via Twitter on March 22, 2012.

b. Also referring to the barn incident: "@NadiaNaffe That is false. But then, you're full of false allegations, aren't you?" published via Twitter on March 23, 2012.

61. PLAINTIFF is informed and believes and based thereon alleges that even though PLAINTIFF is not a "public official" or "public figure" (and thus a showing of "actual malice" is not required by the First Amendment), that MR. FREY did make the aforementioned statements either knowing they were false or in reckless disregard of the truth and with actual malice, hatred and ill will.

62. As a direct and proximate result of the DEFENDANTS' conduct alleged herein, PLAINTIFF has suffered general and special damages including, without limitation, harm to PLAINTIFF'S reputation, emotional distress, expense incurred in defense and repair of her credit rating, lost earnings, and other pecuniary loss.

63. PLAINTIFF is informed and believes and based thereon alleges that, in engaging in the conduct alleged herein, DEFENDANTS (a) acted with the intent to injure, vex, annoy and harass PLAINTIFF, (b) subjected PLAINTIFF to cruel and unjust hardship in conscious disregard of PLAINTIFF'S rights, and (c) intentionally misrepresented and concealed material facts known to the DEFENDANTS with the intention on the part of the DEFENDANTS of thereby depriving PLAINTIFF of her legal

1 rights and otherwise cause PLAINTIFF injury. As a result of the foregoing, PLAINTIFF
2 is entitled to exemplary and punitive damages against DEFENDANTS.

3
4 **FIFTH CAUSE OF ACTION**
5 **Intentional Infliction of Emotional Distress**
6 **(As Against All Defendants)**

7 64. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1
8 through 40, 42 through 46, 48 through 51, 53 through 56, and 58 through 61, inclusive, of
9 this Complaint and incorporates the same by reference, as though fully set forth herein.

10 65. MR. FREY'S intentional and/or reckless campaign of defamatory
11 harassment against PLAINTIFF and intentional and/or reckless disclosure of
12 PLAINTIFF'S sensitive personal information on Twitter, his website and his blog was, as
13 judged by a reasonable person standard, beyond the bounds of decency and is therefore
14 extreme and outrageous conduct.

15 66. As a direct and proximate result of the DEFENDANTS' conduct alleged
16 herein, PLAINTIFF has suffered general and special damages including, without
17 limitation, harm to PLAINTIFF'S reputation, emotional distress, expense incurred in
18 defense and repair of her credit rating, lost earnings, and other pecuniary loss.

19 67. PLAINTIFF is informed and believes and based thereon alleges that, in
20 engaging in the conduct alleged herein, DEFENDANTS (a) acted with the intent to
21 injure, vex, annoy and harass PLAINTIFF, (b) subjected PLAINTIFF to cruel and unjust
22 hardship in conscious disregard of PLAINTIFF'S rights, and (c) intentionally
23 misrepresented and concealed material facts known to the DEFENDANTS with the
24 intention on the part of the DEFENDANTS of thereby depriving PLAINTIFF of her legal
25 rights and otherwise cause PLAINTIFF injury. As a result of the foregoing, PLAINTIFF
26 is entitled to exemplary and punitive damages against DEFENDANTS.

27 ///

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///

SIXTH CAUSE OF ACTION
Negligence
(As Against All Defendants)

68. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1 through 40, 42 through 46, 48 through 51, 53 through 56, 58 through 61, and 63 through 65, inclusive, of this Complaint and incorporates the same by reference, as though fully set forth herein.

69. As imposed by statute, including California Civil Code § 1798.85), by the contractual relationship with PACER shown by its terms of use, and under common law, MR. FREY had an affirmative duty to redact or otherwise ensure that he did not publicly display PLAINTIFF'S social security number and other exploitable personal information.

70. By nevertheless displaying PLAINTIFF's unredacted deposition transcript on his website blog, MR. FREY breached his duties to PLAINTIFF.

71. As a direct and proximate cause of MR. FREY'S publication of PLAINTIFF's social security number, PLAINTIFF has suffered foreseeable damage in the form of (a) the changes to her credit report, and (b) subsequent attempts by others to use PLAINTIFF'S personal information fraudulently.

SEVENTH CAUSE OF ACTION
Negligent Supervision
(As Against COOLEY and COUNTY)

72. PLAINTIFF repeats and realleges each and every allegation in Paragraphs 1 through 40, 42 through 46, 48 through 51, 53 through 56, 58 through 61, 63 through 65, and 67 through 69, inclusive, of this Complaint and incorporates the same by reference, as though fully set forth herein.

73. PLAINTIFF is informed and believes and based thereon alleges that as COUNTY District Attorney, and supervisor of the COUNTY District Attorney's Office, Defendant COOLEY had, and did exercise, supervisory authority over all COUNTY Deputy District Attorneys, including without limitation, MR. FREY and MRS. FREY, while engaged in the course and scope of their employment during business hours.

1 74. PLAINTIFF is informed and believes and based thereon alleges that
2 numerous comments from MR. FREY under the Internet code name "Patterico" on his
3 blog are time stamped during regular business hours, ostensibly while MR. FREY was
4 employed to be performing his official duties to the COUNTY as an assistant district
5 attorney.

6 75. PLAINTIFF is informed and believes and based thereon alleges that MR.
7 FREY and COOLEY have received numerous complaints regarding MR. FREY'S use of
8 his website and blog to harass private individuals other than PLAINTIFF.

9 76. PLAINTIFF is informed and believes and based thereon alleges that the
10 COUNTY and COOLEY had actual and/or constructive knowledge that MR. FREY was
11 using the time and resources of the COUNTY District Attorney's Office to harass private
12 citizens.

13 77. PLAINTIFF is informed and believes and based thereon alleges that
14 COOLEY and the COUNTY, intentionally, recklessly, or negligently caused or allowed
15 third parties to believe that MR. FREY had permission and authority from COOLEY and
16 the COUNTY to use his Deputy District Attorney position in order to improperly gain
17 influence in the conservative blogging community and to intimidate PLAINTIFF from
18 coming forward as a witness; that is, MR. FREY had actual or ostensible authority to act
19 on behalf of the COUNTY, and thus liability for each and every cause of action listed
20 below may be imposed on COOLEY and the COUNTY under the doctrine of respondeat
21 superior.

22 78. Furthermore, by continuing to employ MR. FREY, failing to condemn his
23 harassment crusades against personal and political enemies, and by allowing him to abuse
24 his official title, COOLEY and the COUNTY therefore ratified MR. FREY's acts; thus
25 COOLEY and the COUNTY are independently liable as principals for the tortious acts of
26 MR. FREY.

27 79. As a direct and proximate result of COOLEY'S and the COUNTY'S
28 conduct alleged herein, PLAINTIFF has suffered general and special damages including,

1 without limitation, harm to PLAINTIFF'S reputation, emotional distress, expense
2 incurred in defense and repair of her credit rating, lost earnings, and other pecuniary loss.
3

4 **DEMAND FOR JURY TRIAL**

5 PLAINTIFF hereby demands a jury trial for all causes of action and issues which
6 may be determined by jury under federal and/or California law.
7

8 **PRAYER FOR RELIEF**

9 WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS, and each
10 of them, on each and every cause of action as follows:

- 11 1. For general damages according to proof at trial;
- 12 2. For special damages according to proof at trial;
- 13 3. For an award of exemplary damages;
- 14 4. For an award of attorneys' fees permissible under 42 U.S.C. §1988;
- 15 5. For an award of PLAINTIFF'S costs of suit incurred herein; and
- 16 6. For such other and further relief as the Court deems just and proper.

17
18 Dated: September 27, 2012

LEIDERMAN DEVINE LLP

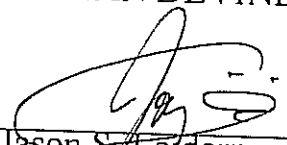
19
20
21 By: 
 Jason S. Leiderman
 James B. Devine
 Attorneys for Plaintiff
 NADIA NAFFE, an individual

EXHIBIT “A”

COUNTY OF LOS ANGELES

CLAIM FOR DAMAGES TO PERSON OR PROPERTY



INSTRUCTIONS:

1. Read claim thoroughly.
2. Fill out claim as indicated; attach additional information if necessary.
3. Please return this original signed claim and any attachments supporting your claim. This form must be signed.

DELIVER OR U.S MAIL TO:
EXECUTIVE OFFICER, BOARD OF SUPERVISORS, ATTENTION: CLAIMS
500 WEST TEMPLE STREET, ROOM 383, KENNETH HAHN HALL OF
ADMINISTRATION, LOS ANGELES, CA 90012

TIME STAMP
OFFICE USE ONLY

1. <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. LAST NAME: Naffe FIRST NAME: Nadia (213) 974-1440		10. WHY DO YOU CLAIM COUNTY IS RESPONSIBLE? Please see attachment
2. ADDRESS OF CLAIMANT/ ATTORNEY Jay Leiderman and James B. Devine, Leiderman Devine LLP Street: 5740 Ralston Street, Suite 300 City, State: Ventura, CA Zip Code: 93003 HOME TELEPHONE: () decline to state BUSINESS TELEPHONE: (805) 654-0200		
3. CLAIMANT'S BIRTHDATE: 10/10/1978	4. CLAIMANT'S SOCIAL SECURITY NUMBER decline to state	11. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE): NAME: John Patrick Frey DEPT.: District Attorney's Office NAME: Steve M. Cooley DEPT.: District Attorney's Office
5. DATE AND TIME OF INCIDENT March 26, 2012 - most recent incident (please see attachment for description of all incidents with details as to date)		12. WITNESSES TO DAMAGE OR INJURY; LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION: NAME: Claimant PHONE: contact through counsel ADDRESS: address is listed above NAME: John Patrick Frey PHONE: (213) 974-3511 ADDRESS: 210 West Temple Street, 18th Floor NAME: Steve Cooley PHONE: (213) 974-3512
6. WHERE DID DAMAGE OR INJURY OCCUR? 415 W. Ocean Blvd. Street: Long Beach City, State: California Zip Code: 90802		13. LIST DAMAGES INCURRED TO DATE (and attach copies of receipts or repair estimate): Violation of privacy rights, violation of civil rights, intentional infliction of emotional distress, negligent infliction of emotional distress, defamation, negligent supervision of employees, violation of HIPAA, and violation of Penal Code section 136.1(b) and 422.6(a).
7. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED: Please see attachment.		TOTAL DAMAGES TO DATE: \$ 500,000 TOTAL ESTIMATED PROSPECTIVE DAMAGES: \$ 500,000
8. WERE POLICE OR PARAMEDICS CALLED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
9. IF PHYSICIAN WAS VISITED DUE TO INJURY, INCLUDE DATE OF FIRST VISIT AND PHYSICIAN'S NAME, ADDRESS AND PHONE NUMBER: DATE OF FIRST VISIT: _____ PHYSICIAN'S NAME: _____ PHYSICIAN'S ADDRESS: _____ PHONE: () _____		

THIS CLAIM MUST BE SIGNED
NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72)

WARNING

- CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURENCE. (GOVERNMENT CODE SECTION 911.2)
- ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURENCE. (GOVERNMENT CODE SECTION 911.2)
- SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE OF THE WRITTEN NOTICE OF REJECTION OF YOUR CLAIM TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)
- IF WRITTEN NOTICE OF REJECTION OF YOUR CLAIM IS NOT GIVEN, YOU HAVE TWO (2) YEARS FROM ACCRUAL OF THE CAUSE OF ACTION TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)

14. PRINT OR TYPE NAME Jay Leiderman	DATE April 20 2012	15. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF GIVING RELATIONSHIP TO CLAIMANT:
---	-----------------------	---

Conservative activists James O'keefe, who is in the business of producing videos exposing what he believes to be newsworthy issues of public importance¹ and the late Andrew Breitbart (conservative activist, author, TV commentator and, most notably, an internet media mogul), at one time, were personal friends of the claimant Nadia Naffe.

On several occasions, Mr. O'keefe and Ms. Naffe have traveled together to do undercover video projects. During one such project, in January 2010, Mr. O'keefe illegally recorded a member of Congress in Los Angeles County.

After approximately 2 1/2 years, the friendship between Mr. O'keefe and Ms. Naffe began to erode after he made several passive romantic overtures towards her, which led to a disturbing incident in a barn in Westwood, New Jersey on October 2, 2011.

A few weeks after the barn incident, Mr. O'keefe contacted Ms. Naffe to offer her money in exchange for agreeing not to disclose the incident in New Jersey, which Ms. Naffe rejected. Ms. Naffe contacted the board of directors of Mr. O'keefe's company (including Mr. O'keefe) and requested that Mr. O'Keefe cease harassing her. After Mr. O'keefe and his board received Ms. Naffe's letter, Mr. O'keefe threatened to sue Ms. Naffe if she contacted law enforcement to report the incident.

In November 2011, O'Keefe continued his harassment of Ms. Naffe, by posting a derogatory video which implied Ms. Naffe was a turncoat, on his website, ProjectVeritas.com and on YouTube.com. In response to the video posting, Ms. Naffe filed a criminal harassment complaint against Mr. O'Keefe. The judge dismissed the criminal harassment complaint due to an inability to determine whether the alleged conduct occurred in the State of New Jersey.

In February 2012, the late Mr. Breitbart mischaracterized the New Jersey incident between Ms. Naffe and Mr. O'keefe when discussing the matter, with a reporter. Ms. Naffe publicly challenged Mr. Breitbart's assertions in her own blog posts and tweets.

In response to Ms. Naffe's challenge to Mr. Breitbart, John Patrick Frey, while acting both individually and in the capacity as an Assistant District Attorney in the Los Angeles County District Attorney's office, with whom Ms. Naffe had no prior contact, began ruthlessly and relentlessly attacking Ms. Naffe, both on his blog (<http://patterico.com>) and by tweeting threatening, harassing and defamatory remarks to Ms. Naffe on Twitter (@patterico), all hours of the day and night.

Mr. Frey has stated that his motivation for "poking holes" in Ms. Naffe's theories, with respect to her civil matter pending against Mr. O'keefe was predicated on the friendship between he, Breitbart and O'keefe. Mr. O'keefe has worked in the same offices as Mr. Frey, while completing an internship with the Los Angeles County District Attorney's Office. Mr. Frey has used his influence to defend Mr. O'keefe on prior occasions (see attached).

Between February 28, 2012, and March 29, 2012, Mr. Frey published eight articles on his blog concerning Ms. Naffe. During that same time period, Mr. Frey has authored several dozen "tweets" (via Twitter.com) concerning Ms. Naffe and/or referring to Ms. Naffe specifically by name. In his tweets, Mr. Frey states that Ms. Naffe is a liar, illiterate, callous, self-absorbed, despicable, a smear artist, dishonest and absurd.

Mr. Frey has repeatedly questioned how someone, with inferior intelligence and could not spell, such as Ms. Naffe, could be attending Harvard. Mr. Frey tweeted "The state bar will laugh at your complaint. As I am laughing now. You seriously go to Harvard?"

The first article Mr. Frey published concerning Ms. Naffe was on February 28, 2012, which included a court transcript from the probable cause hearing Ms. Naffe filed against Mr. O'keefe, stemming from a criminal harassment complaint. Mr. Frey posted screen shots of the transcript and took the statements out of context.

In his other articles, Mr. Frey criticizes a journalist for not "vetting" Ms. Naffe more extensively before writing a story concerning Ms. Naffe and Mr. O'keefe. Mr. Frey made a list of 29 questions the journalist "should have" asked Ms. Naffe regarding her encounters with Mr. O'keefe. Mr. Frey's questions sounded strikingly more similar to the types of questions a lawyer would raise in a legal defense.

On March 14, 2012, Ms. Naffe began a series on her blog to dispel misconceptions about what happened between herself and Mr. O'keefe in New Jersey, why her movement was impaired during the barn incident, and how Messrs. O'keefe and Breitbart coordinated illegal recordings and attempted to wiretap a member

of Congress in Los Angeles County.

On March 23, 2012, Mr. Frey posted on his website documents pertaining to a civil lawsuit that Mr. O'keefe filed against Ms. Naffe. Also on the same date, Mr. Frey tweeted that a judge had granted an injunction against Ms. Naffe and he included a link to the documents.

Ms. Naffe tweeted back, that she intended to report Mr. Frey to the Internal affairs department of the District Attorney's office and the California State Bar for misusing government time and resources, so that he could post documents concerning Ms. Naffe on his blog, during business hours and for unethically inserting himself and his wife Christi L. Frey, who is also an assistant district attorney, into a civil legal matter. That resulted in Mr. Frey stating on his blog the following comments: "You may have noticed that Naffe is now threatening to report me to the State Bar for this post, which is, she claims, 'legal advice.' Because I point out holes in her story, she says, that constitutes 'legal advice' to James O'Keefe in a civil matter. She also falsely accuses me of updating the post during work hours."

On March 24, 2012, Mr. Frey further retaliated by publishing and distributing Ms. Naffe's medical information online, including her social security number, by posting on patterico.com a deposition transcript from a civil matter taken in 2005, in which Ms. Naffe sued her former employer. The deposition transcript contained all Ms. Naffe's personal information including her social security number, date of birth, maiden name, her mother's maiden name, her family's address, information regarding Ms. Naffe's medical condition and medications she was taking, and other information regarding Ms. Naffe's private and personal affairs.

In addition to publishing and distributing Ms. Naffe's confidential information online, Mr. Frey went on to dissect several aspects of the deposition. In his blog post, Mr. Frey again noted that Ms. Naffe threatened to report him to the California State Bar. Mr. Frey posted over 200 pages of documents from the deposition transcript concerning Ms. Naffe, which Mr. Frey first claimed he obtained from PACER.

On March 25, 2012, after it became publicly known that Ms. Naffe's social security number was in the first few pages of the deposition, Mr. Frey posted a comment to his blog stating: "I think I may lay off Nadia and give her a chance to realize she has made a mistake in threatening to report me for totally bogus reasons. I don't really have much else to say about it right now anyway. Comment by Patterico - 3/25/2012 @ 3:42 pm."

Mr. Frey posted a comment to his blog, suggesting his continued harassment had intimidated Ms. Naffe into silence by posting: "She may just be starting to realize that she has made a series of mistakes that could land her in trouble. Maybe she's reconsidering and that's why the Twitter and Facebook are gone. Let's see. Comment by Patterico - 3/25/2012 @ 3:43 pm."

On March 26th, 2012, Ms. Naffe began receiving email alerts from Experian, notifying her that there had been changes to her credit report. Ms. Naffe continues to receive reports that individuals are using her social security number. Mr. Frey posted to his blog, every piece of personal information about Ms. Naffe that a criminal would need to steal her identity. This information has been indexed on Google in HTML and is still available online for the world to see. Mr. Frey was aware that publishing and distributing Ms. Naffe's social security number, medical information and financial information would cause Ms. Naffe and her family tremendous harm.

Furthermore, Mr. Frey's posting such sensitive documents was an attempt to intimidate Ms. Naffe from coming forward with evidence that implicates his friend, Mr. O'keefe in a crime, committed in Mr. Frey's jurisdiction in violation of Penal Code section 136.1, subdivision (b), and section 422.6, subdivision (a). Mr. Frey is well aware that Mr. O'keefe is currently on federal probation and any criminal charges would result in a violation of his probation.

Ms. Naffe is informed and believes and based thereon alleges that Mr. Frey has received complaints in the past regarding the use of his blog posts to harass, bully and intimidate private individuals. Additionally, many of the updated "comments" to the blog posts are time-stamped during traditional business hours, while Mr. Frey was simultaneously performing his official duties (or should have been) serving as an assistant district attorney.

Ms. Naffe is informed and believes and based thereon alleges that the District Attorney's Office has subjectively been aware of Mr. Frey's controversial blog for several months, based on the complaints the office has received about Mr. Frey. The District Attorney's Office has shown deliberate indifference to asserting the proper supervisory authority and control over Mr. Frey.

As a direct and proximate result of the conduct described above, Ms. Naffe has suffered emotional distress, financial loss, as well as the loss of her identity, which is permanent and irrecoverable damage. When someone searches for Ms. Naffe's name on Google, they can find no mention of her professional credentials, only Mr. Frey's defamatory blog posts, which have no journalistic accuracy or merit. Mr. Frey's statements and comments on his blog have slandered Ms. Naffe's honesty, integrity, virtue, reputation and professionalism.

Mr. Frey's behavior is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency or professional conduct. Mr. Frey's publishing of Ms. Naffe's social security number, in violation of California Civil Code Section 1798.85 and PACER's terms of use, illustrates that he is motivated by hatred, ill will or spite or by a reckless disregard for Ms. Naffe's rights, with the intention of causing her personal, professional and financial harm.

EXHIBIT "B"



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1913
FACSIMILE
(213) 687-8822
TDD
(213) 633-0901

JOHN F. KRATTLI
Acting County Counsel

May 25, 2012

Jay Leiderman, Esq. &
James B. Devine, Esq.
LEIDERMAN DEVINE LLP
5740 Ralston Street, Suite 300
Ventura, California 93003

Re: **Claim(s) Filed:** April 23, 2012
File Number(s): 12-1097978*001
Your Client(s): Nadia Naffe

Dear Counselor:

This letter is to inform you that the above-referenced claim, which you filed with the Los Angeles County Board of Supervisors, was rejected on May 24, 2012.

An investigation of this matter fails to indicate any liability on the part of the County of Los Angeles. Accordingly, your claim was rejected on that basis and no further action will be taken on this matter.

STATE LAW REQUIRES THAT YOU BE GIVEN THE FOLLOWING "WARNING:"

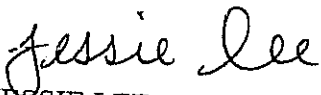
Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. SEE GOVERNMENT CODE SECTION 945.6.

Jay Leiderman, Esq. &
James B. Devine, Esq.
Page 2

This time limitation applies only to causes of action for which Government Code Sections 900 - 915.4 required you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Very truly yours,

JOHN F. KRATTLI
Acting County Counsel

By 
JESSIE LEE
Associate County Counsel
General Litigation Division

JL:ce

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Michael Wilner.

The case number on all documents filed with the Court should read as follows:

CV12- 8443 GW (MRWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Nadia Naffe, *AN INDIVIDUAL*

Plaintiff(s)

v.

John Patrick Frey, an individual, Christi Frey, an individual, Steve M. Cooley, an individual, and the County of Los Angeles, a municipal entity

Defendant(s)

Civil Action No.

CV12-8443-GW
(MRW)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* John Patrick Frey, Los Angeles County District Attorney's Office, 210 West Temple Street, 18th Floor, Los Angeles, California 90012; Christi Frey, Los Angeles County District Attorney's Office, 825 Maple Ave, Room 190, Torrance, California 90503; Steve M. Cooley, Los Angeles County District Attorney's Office, 210 West Temple Street, 18th Floor, Los Angeles, California 90012; County of Los Angeles, Office of County Counsel, 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012-2713

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James B. Devine, Leiderman Devine LLP, 5740 Ralston Avenue, Suite 300, Ventura, California 93003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Marilyn Deen

Signature of Clerk or Deputy Clerk

Date: OCT - 2 2012

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Nadia Naffe, *AN INDIVIDUAL*

Plaintiff(s)

v.

John Patrick Frey, an individual, Christi Frey, an individual, Steve M. Cooley, an individual, and the County of Los Angeles, a municipal entity

Defendant(s)

Civil Action No.

CV12-8443-GW

(mew)

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To: *(Defendant's name and address)* John Patrick Frey, Los Angeles County District Attorney's Office, 210 West Temple Street, 18th Floor, Los Angeles, California 90012; Christi Frey, Los Angeles County District Attorney's Office, 825 Maple Ave, Room 190, Torrance, California 90503; Steve M. Cooley, Los Angeles County District Attorney's Office, 210 West Temple Street, 18th Floor, Los Angeles, California 90012; County of Los Angeles, Office of County Counsel, 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012-2713

A lawsuit has been filed against you.

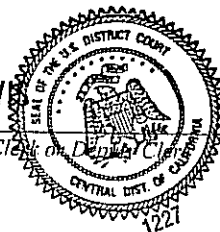
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James B. Devine, Leiderman Devine LLP, 5740 Ralston Avenue, Suite 300, Ventura, California 93003

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

MARILYN DAVENPORT

Signature of Clerk of District Court



Date: OCT - 2 2012

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) NADIA NAFFEE	DEFENDANTS JOHN PATRICK FREY CHRISTI FREY STEVE M. COOLEY AND COUNTY OF LOS ANGELES
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) JAMES B. DEVINE, LEIDERMAN DEVINE, LLP, 5740 RALSTON AVE, VENTURA, CALIFORNIA 93003; (805) 654-0200	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
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Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$ Over \$500,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VIOLATIONS OF 42 U.S.C. SEC. 1983: Defs. violated Pltf.'s 1st Amend. right to petition the government for redress and her due process rights.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-8443

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Massachusetts or Florida

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
 Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date September 29, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))