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IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

FILED

2008 FEB 11 AM 10:45

RICHARD H. ADKINS, CLERK

*[Signature]* D.C.

DONALD R. SWARTZ and TERRY  
KELLER SWARTZ

Plaintiffs,

vs.

JOHN DOE #1, JOHN DOE #2, and  
JOHN DOE #3

Defendants.

No. 08C431

COMPLAINT

Come the Plaintiffs, DONALD R. SWARTZ and TERRY KELLER SWARTZ, and bring this action for libel and invasion of privacy against the Defendants, JOHN DOE # 1, JOHN DOE # 2, and JOHN DOE #3, and for their cause of action would show unto this Honorable Court as follows:

***I. PARTIES***

1. Plaintiffs are married residents of Davidson County, Tennessee, and reside at 1000 Riverside Road, Old Hickory, Tennessee 37138, where they, among other things, restore and sell properties and operate a halfway/recovery house for recovering substance abusers.
2. Defendant John Doe # 1 is upon information and belief the person or persons who are author or authors of the website, "stopswartz.blogspot.com."
3. Defendant John Doe # 2 is upon information and belief the person or persons who wilfully, wantonly, recklessly, and maliciously supplied defamatory allegations and

information calculated to invade the Plaintiffs' privacy to John Doe # 1 and conspired with John Doe # 1 in the publishing of said information.

4. Defendant John Doe # 3 is the person or persons who posted on craigslist.org information as set forth below which constituted an invasion of Plaintiff Terry Swartz's privacy and defamed the Plaintiffs.

## ***II. JURISDICTION AND VENUE***

5. Plaintiffs' cause of action arises in tort under and by virtue of the laws of the State of Tennessee for the damages and injuries they sustained as a result of the Defendants' wilful, wanton, reckless, and malicious acts in Davidson County, Tennessee. Venue for a trial on the merits in Davidson County, Tennessee is proper pursuant to Tenn. Code Ann. §20-4-102.

## ***III. FACTS***

6. On or about September 29, 2007, John Doe #1 created the website "stopswartz.blogspot.com," the ostensible purpose of which is to "share . . . what we have learned from our research into the Swartzs [sic]" and allow others to share their stories as well. The website has been an ongoing enterprise up to and including the date of the filing of this lawsuit.
7. As set forth below, the true purpose of this website was and is to coordinate an atmosphere of intimidation, harassment, embarrassment, and coercion by various methods including the wilful, reckless, wanton, and malicious posting of defamatory statements about the Plaintiffs and statements that are invasive of the Plaintiffs' privacy.



#### ***IV. DEFENDANTS' ACTS OF DEFAMATION AND INVASION OF PRIVACY***

8. Plaintiffs aver that Defendants John Doe #1 and John Doe #2 committed the tort of defamation with the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false on October 27, 2007; to wit, that the Plaintiffs committed acts of arson in the setting of various fires throughout the village of Old Hickory and in particular an untrue and unfounded assertion that Plaintiff Donald R. Swartz "took advantage of the opportunity to get rid of a failing business" by waving off the fire department which had responded to a trash fire in the rear of the shopping center wherein the Plaintiffs' business was located and then committing an act of arson by setting fire to the shopping center.
9. Plaintiffs aver that Defendant John Doe # 1 and John Doe # 2 committed the tort of defamation with the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false on October 29, 2007; to wit, that the Plaintiffs toss out their renters "without a moments notice."
10. Plaintiffs aver that Defendants John Doe # 1 and John Doe # 2 committed the tort of defamation by the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false by republishing a posting from the website "Craigslist.org" in which John Doe # 3 wantonly, recklessly, wilfully and maliciously, and knowing of its falsity or with reckless disregard of whether this was false, published the allegation that homes bought and remodeled by the Plaintiffs were of inferior quality and therefore, "If you live in a house remodeled by Chuck [the Plaintiffs' alleged general contractor], MOVE! It will fall down."

11. Plaintiffs aver that Defendants John Doe # 1 and John Doe # 2 committed the tort of defamation by the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false by republishing a posting from the website "Craigslist.org" in which John Doe # 3 wantonly, recklessly, wilfully and maliciously, and knowing of its falsity or with reckless disregard of whether this was false, published the allegation that the Plaintiffs are violating many federal regulations regarding recovery houses, and that the inhabitants of these are being unfairly taken advantage of by the Plaintiffs and kicked out without legitimate reasons.
12. Plaintiffs aver that Defendants John Doe # 1 and John Doe # 2 committed the tort of defamation by the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false by alleging that the Plaintiffs have had a negative impact on home prices.
13. Plaintiffs aver that Defendants John Doe # 1 and John Doe # 2 committed the tort of defamation by the wanton, reckless, wilful and malicious publishing of knowingly false allegations or allegations with reckless disregard of whether these were false by alleging that the sale of real estate properties by the Plaintiffs are not recorded in the Multiple Listing Service (MLS) and because of this purchasers of these properties would be financially harmed should the purchasers resell because there would be no record of these sales for appraisers and real estate agents to consider in evaluating the market price of these properties.
14. Plaintiffs aver that Defendants John Doe # 1 and John Doe # 2 committed the tort of defamation by the wanton, reckless, wilful and malicious publishing of knowingly false



allegations or allegations with reckless disregard of whether these were false by alleging that Plaintiff Terry Keller Swartz “came to Old Hickory after being run out of East Nashville where she was flipping properties and running her halfway houses and generally pissing people off.”

15. Plaintiffs allege that Defendants John Doe #1 and John Doe # 2 committed the tort of invasion of privacy by republishing on October 25, 2007 a posting from the website “Craigslislist.org” in which John Doe # 3 disclosed that Plaintiff Terry Swartz is an “ex-addict.”
16. Plaintiffs allege that Defendants John Doe # 1 and John Doe # 2 committed the tort of invasion of privacy by publishing a statement December 8, 2007 encouraging others in effect to stalk the Plaintiffs; to wit, “When you see a Swartz, no matter how trivial it may seem, leave a comment. Extra points if you observe them outside the Village. This serves two purposes: First, it helps us all to keep tabs on Don and Terry and to know what they are up to. Second, it sends a clear message to Don and Terry that their actions are not being ignored. . . . We will tolerate their crap no longer.”

#### ***VI. INJURIES AND DAMAGES***

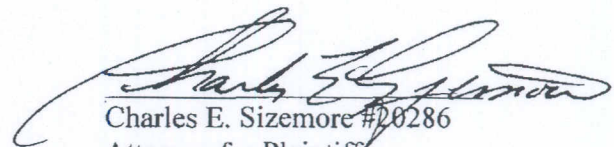
17. As a direct and proximate result of the Defendants’ wilful, wanton, reckless and malicious acts, the Plaintiffs allege that they are entitled to damages, including but not limited to the following specific items of damage:
  - a. The Plaintiffs’ economic losses;
  - b. Injury to the Plaintiffs’ reputations;
  - c. Emotional distress suffered by the Plaintiffs;

- d. Punitive damages;
- e. Costs of this cause, and;
- f. All other damages and general other relief allowed under the laws of the State of Tennessee to which they may each be entitled.

***VII. RELIEF SOUGHT***

WHEREFORE, PREMISES CONSIDERED, Plaintiffs sue the Defendants for compensatory and punitive damages in an amount to be determined at trial and pray for such other further and general relief to which they may each be entitled under the law and evidence.

Respectfully submitted,



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