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Clark  
by D.C.

**IN THE CIRCUIT COURT OF BAXTER COUNTY, ARKANSAS**

LORETTA DIANNE CRUSE

PLAINTIFF

VS.

NO. CV 08-1462  
JURY TRIAL REQUESTED

451 PRESS, LLC; STEVE R. SHICKLES; JADA R. LEO;  
CHRISPIAN H. BURKS; ANNE-MARIE NICHOLS;  
WWW.TEACHERSMACKDOWN.COM

DEFENDANTS

**COMPLAINT**

**INTRODUCTION**

Comes now the Plaintiff, Loretta Dianne Cruse, by and through her attorney Brian R. Mooney, for her Complaint states that the above named defendants did publish defaming statements about her on a Website called www.teachersmackdown.com, which were patently false, malicious and defamatory and did cause her reputation harm. The comments stated that she plead guilty to abusing a Norfolk special education student while she was a teacher at the school when, in fact, she was acquitted of the charge at trial. This publication was defamation in the form of libel, was directed toward her and the people of this area, and did cause severe emotional distress. Further these comments were posted in violation of the Arkansas Deceptive Trade Practices Act. For damages plaintiff should be compensated in the amount one million dollars (\$1,000,000.00) and should be awarded punitive damages in the amount of (\$5,000,000.00) to punish the

parties for an intentionally harmful act used to promote Website and increase profits to the defendants.

Plaintiff further states that:

1. The Circuit Court of Baxter County, Arkansas is the proper jurisdiction and venue. Defamatory statements were posted on defendants' website that were expressly directed at a resident of Baxter County, Arkansas. These false and defamatory statements include statements that she plead guilty to endangering the welfare of a minor and physically abused the handicapped minor, when, in fact, she was acquitted of the crime at trial, and further it includes the statement directed at plaintiff, "What a heartless bitch."

- a. Defendants knew plaintiff lived and worked in Arkansas and would bear the brunt of the injury from such statements in Arkansas. The statements were directed at Arkansas by virtue of a special page featuring abusive teachers from Arkansas.
- b. The information was both purposefully directed and indirectly solicited to Arkansas by virtue of it being posted on the internet in a feature page on Arkansas. This defamation was deliberately directed at Arkansas and purposefully directed at this state to appeal to readers who would be interested in news of teachers from the state.
- c. The injury from the statements was wholly felt in Arkansas and it is reasonable and proper to require defendants to appear and defend the truthfulness of the statements in an Arkansas court of law.

2. Plaintiff is a resident of Baxter County, Arkansas and resides at Gassville in Baxter County, Arkansas. Plaintiff was a licensed special education school teacher at Norfolk Elementary School. Plaintiff is not and has never been a public official or public figure.

3. Defendant 451 Press, LLC is located at 2311 Market PL. SW, Suite E., Huntsville, AL 35801. 451 Press, LLC states that it the world's largest Blog Network as of June 28, 2007 and it operates at least three hundred and twenty-nine (329) unique sites and has over ten million (10,000,000) visitors per month (hereinafter "451").

4. 451 registered the internet website www.teachersmackdown.com through www.GoDaddy.com on February 28, 2007 and its registration expires on February 28, 2009. The website's domain servers are listed as NS3.451PRESS.COM and NS4.451PRESS.COM. (hereinafter "Website").

5. The President of 451 and the administrative and technical contact for Website is defendant Steve Shickles (hereinafter "Shickles"). Jada R. Leo and Chrispian H. Burks are members of the 451. Jada R. Leo is the registered agent for service located at 200 Randolph Avenue, Huntsville, Alabama.

6. Defendant Anne-Marie Nichols is a professional blogger who resides at: 6818 St. Vrain Ranch Blvd., Firestone, Colorado 80504 (hereinafter "Nichols"). Nichols wrote the defamatory article about the plaintiff that appears on Website.

7. The description of Website posted on Website states that it identifies "the molesters, thieves, and lecherous adults masquerading as teachers in our society. It also gives parents resources and information on protecting our kids and identifying these

monsters. Teacher Smackdown – putting the spotlight on bad teachers betraying the public trust one kid at a time. These are their stories.”

8. Website has state specific pages including an Arkansas page where plaintiff was one of three featured teachers until approximately late April or early May of 2008.

a. This page was located at:

<http://www.teachersmackdown.com/category/location/arkansas/>

b. Website also had other pages where the false and defamatory information was posted which include: Child Abuse, Elementary School, Special Education, Teachers Being Bad.

c. In total the Website published the false and defamatory information in at least five (5) different places.

d. The Child Abuse section where the false and defamatory information about the plaintiff was posted showed photos and information about teachers and/or day care workers accused of raping and murdering children along with sex abuse allegations and stories.

9. Defendants did publish statements about the plaintiff that are false and defamatory and these statements caused actual and ongoing harm to the plaintiff.

#### **DEFAMATION / LIBEL CAUSE OF ACTION**

10. The plaintiff was arrested for endangering the welfare of a minor. Plaintiff was acquitted at trial in a court of competent jurisdiction in the State of Arkansas on all charges related to that matter. The plaintiff's finding of probable cause by the Arkansas Department of Human Services related to this matter was overturned on appeal. The

statements made by and/or posted by defendants were and are false and defamatory libel and did cause actual harm to the plaintiff. The statements on the Website call plaintiff a "heartless bitch[,] " and state that she plead guilty to the charged crime when, in fact, she was acquitted of the charge and found not guilty. Defendants' actions were willful and malicious and defendants do financially profit from this website and continue to financially profit from their actions.

11. The false and defamatory information was available to anyone with access to the internet. A Google search of plaintiff's full name "Loretta Dianne Cruse" revealed that Website was first on the list of twenty-seven thousand, one hundred (27,100) results. The summary underneath Website's name, which was generated by Website's content, stated "Special Ed Teacher Loretta DiAnne Cruse Physically Abuses 8-Year-Old Student ... In Arkansas, Loretta DiAnne Cruse, 59, pleaded guilty to a misdemeanor ...". This summary could be seen without even clicking on Website, but since it is generated by the contents of Website, and since it fairly and accurately summarized the contents of the defamatory statements on the Website, defendants should be liable for it.

12. On Monday, April 8, 2007, the website posted and actively made available the following: "In Arkansas, Loretta DiAnne Cruse, 59, pleaded guilty to a misdemeanor charge of endangering the welfare of a minor. The special ed teacher physically abused a nonverbal 8-year-old student by putting a trash can on the child's head, throwing water on him, placing a ski mask on his head when he spit, and slapping his hands."

13. In addition defendant knowingly and intentionally published comments, which could be read in addition to the article (hereinafter "Comments"). These

Comments were outrageous and malicious defamation directed at the plaintiff and did cause actual harm to plaintiff.

14. Of the Comments on Website, one posted April 9, 2007 at 9:54 am by *CharmingDriver* states: "Man. What a heartless bitch." Another posted April 9, 2007 at 9:54 am by *zelmarq* states: "No one in her right mind could hurt an eight year old child. And she does not have th [sic] right to do so."

- a. Defendant knowingly and intentionally published Comments in order to generate public interest in defendant or defendants' product, articles, and advertisements.
- b. That defendant knowingly and intentionally published Comments in order to generate income due to increased traffic on website and/or increased sales of defendants' product.
- c. That defendants knowingly and intentionally published Comments to generate greater name recognition within the Arkansas.

15. The defendant knowingly and intentionally offered Comment posters anonymity when posting Comments. Since the users do not post comments by their actual names the only actual names associated with the Comments are defendants' then defendants should be held liable for the defamation published and hosted by defendants on defendants' website.

16. The defendant knowingly and intentionally offered users anonymity when posting Comments in order to provide users an opportunity to post comments without the responsibility of name recognition to generate controversy, increase traffic to website,

which in turn increase profit through, though not limited to, sales and/or increased name recognition and/or increased advertising and marketing revenue.

17. Defendants financially profit by posting information on Website identifying, as stated on Website, "the molesters, thieves, and lecherous adults masquerading as teachers in our society[.]" giving "parents resources and information on protecting our kids and identifying these monsters[.]" and "putting the spotlight on bad teachers betraying the public trust one kid at a time." Defendants intended to financially profit by publishing information about the plaintiff both by publishing the false information and by identifying her as one of "the molesters, thieves, and lecherous...monsters" who betrayed "the public trust." By posting false, defamatory and malicious information about plaintiff, not only with the intention to profit, defendants did willfully and maliciously publish the defamatory, false and malicious information about plaintiff.

- a. Defendants realized greater profits by generating increased website traffic and advertising revenue as a result of the information posted on Website, including the defamatory, false and malicious information about plaintiff.

18. Defendants are liable for defamation, which resulted in actual reputation injury to plaintiff, and that statements were published on Website with knowledge of the statement's falsity and/or with a reckless disregard for the truth. Defamatory information made about Plaintiff did cause actual damage to the Plaintiff in that her reputation was damaged and the defamation caused her extreme mental anguish that in turn resulted in physical stress and harm. The defamatory information was intentionally posted by defendants on Website and defendants should be liable for punitive damages.

19. False statements continue to be published by the defendants after plaintiff's acquittal from all criminal charges.

- a. False statements appeared on Website after the acquittal so defendants knew or should have known they were false.
- b. Defendants are liable and should be held liable for damages resulting from their publication of false statements that appeared and continued to appear on Website, and for that which may still appear on Website under an archive section that is accessible to the public.

20. Defendants did publish, by making information public to at least one other person, false information about the Plaintiff regarding the circumstances surrounding the arrest, investigation, prosecution and trial of plaintiff for alleged child maltreatment.

**EMOTIONAL DISTRESS CLAIM**

21. By knowingly and/or intentionally publishing said comments alleged herein the defendant did knowingly and/or intentionally inflict emotion distress on the plaintiff such that plaintiff suffered actual damages.

- a. Plaintiff did suffer actual physical and mental harm as a result of the publication of false information by defendant.

**DAMAGES**

22. Defendant should be liable for compensatory damages in the amount of one million dollars (\$1,000,000.00).

23. Due to the intentional and reprehensible conduct on the part of defendant, defendant should be liable for reasonable, and materially minimal, punitive damages in



the amount of five million dollars (\$5,000,000.00) in order to punish defendant for intentionally publishing false statements in print media and/or on Website with knowledge of the statement's falsity and for knowingly and intentionally facilitating and providing a direct means whereby users could anonymously contribute false, defamatory and intentionally harmful comments to Website.

24. Defendants' conduct constituted and does constitutes a malicious or reckless disregard for the truth of the statements published on Website and plaintiff is entitled to the maximum amount of punitive damages allowable under Arkansas law.

25. Defendant meant to cause the harm and did cause the harm to the plaintiff and therefore the cap imposed on punitive damages in Arkansas should not be applicable.

- a. That if the cap is applicable punitive damages should be awarded in the maximum amount allowed by law.

#### **ARKANSAS DECEPTIVE TRADE PRACTICES ACT**

26. Defendants did violate the Arkansas Deceptive Trade Practices Act by using deception, fraud, and/or false pretense in connection with its advertisements of goods, services and/or engaging in unconscionable, false, and/or deceptive acts in connection with its business, commerce and/or trade, which did cause harm to the plaintiff.

- a. Defendants did violate the Arkansas Deceptive Trade Practices Act by disparaging the services of plaintiff as to her interaction with her students in her profession.
- b. Defendants should be liable for damages any damages available under the statute including but not limited to lost wages and attorneys fees.

- c. Defendants should be liable for enhanced penalties since the plaintiff is over the age of sixty (60) years. Defendants should be liable for enhanced penalties which include punitive damages and attorney's fees and restitution.
- i. Defendant knew or should have known that the defendants' conduct was directed to an elder person.
  - ii. The elder plaintiff was more vulnerable to the defendants' conduct due to age and/or elder defendant actually suffered substantial emotional and/or economic damage as a result of defendant's conduct.
  - iii. Defendants' conduct caused an elder plaintiff to suffer mental and emotion anguish; loss of the elder's principal employment and source of income; loss of a pension and/or retirement plan; loss of assets essential to the health and welfare of the elder person.
- d. The practice[s] in question was/were not subject to or required to comply with any rule, order, or statute administered by the Federal Trade Commission.
- e. The publisher had actual knowledge of the intent, design, purpose, and/or deceptive nature of the practice.

### CONCLUSION

WHEREFORE, the Plaintiff prays for an injunction against the defendants to permanently remove the defaming content from Website, and to post information

correcting the mistake for one year, and for damages as follows: for damages and restitution for the mental anguish and physical suffering the plaintiff has experienced, for damages in an amount which is sufficient to provide restitution and repay the plaintiff for the sums the plaintiff has expended on the account of the defendants' wrongful conduct; for damages and restitution for sums of money to be paid by the plaintiff in the future on account of the defendants' wrongful conduct; for pre-judgment interest, as well as attorneys' fees, expenses, pre and post-judgment interest and costs and for other costs of this action; penalties under the Arkansas Deceptive Trade Practices Act and disgorgement of profits; and for punitive damages in such an amount as will sufficiently deter the defendants and punish the defendants for their conduct; and for such other just and equitable relief as allowed by law.

LORETTA DIANNE CRUSE

BY:



Brian R. Mooney

JOHNSON, SANDERS & MORGAN

P.O. Box 2308

Mountain Home, AR 72654

(870) 425-2126

BAR NO: 2006189

VERIFICATION

This will verify that the information in the foregoing Complaint is true and correct to the best of my knowledge, information and belief.

Loretta Dianne Cruse  
Loretta Dianne Cruse

STATE OF ARKANSAS )  
                                  )SS  
COUNTY OF BAXTER )

SUBSCRIBED and sworn to before me this 15<sup>th</sup> day of May, 2008.  
My Commission Expires:

[Signature]  
NOTARY PUBLIC

CERTIFICATE OF SERVICE

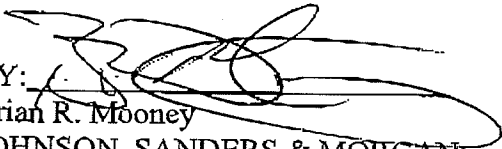
Comes now Brian R. Mooney, of Johnson, Sanders & Morgan Attorney for the Plaintiff, and on oath states that the foregoing was mailed to:

Anne-Marie Nichols  
6818 St. Vrain Ranch Blvd.  
Firestone, Colorado 80504

Jada R. Leo, Chrispian H. Burks, Steve Shickles  
200 Randolph Avenue,  
Huntsville, Alabama 35801

451 Press, LLC  
2311 Market PL. SW, Suite E.,  
Huntsville, Alabama 35801

-on this 16th day of May, 2008.

BY:   
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