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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 **BC 410593**

14 **DAWN SIMORANGKIR, aka DAWN**
15 **YOUNGER-SMITH, aka BOUDOIR QUEEN,**
16 **an individual,**

17 **Plaintiff,**

18 **v.**

19 **COURTNEY MICHELLE LOVE, an**
20 **individual; and DOES 1 through 25, inclusive,**

21 **Defendants.**

22 **CASE NO.:**

23 **COMPLAINT FOR:**

- 24 1. Libel;
- 25 2. Invasion of Privacy - False Light;
- 26 3. Intentional Interference With a
- 27 Prospective Economic Advantage;
- 28 4. Intentional Infliction of Emotional
- Distress;
5. Breach of Contract; and
6. Breach of Contract

29 Plaintiff Dawn Simorangkir, aka Dawn Younger-Smith, aka Boudoir Queen ("Simorangkir"),
30 an individual, hereby alleges as follows:

31 **INTRODUCTION**

32 1. Simorangki made the grave mistake of doing business with defendant Courtney
33 Michelle Love ("Love"). Simorangkir is an up and coming fashion designer, who through her
34 work, sweat and tears, has been able to fulfill her dream of owning her own small business since 2008.
35 Love approached Simorangkir about having Simorangkir design clothing and apparel for her business.

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38 **COMPLAINT**

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1 Little did Simorangkir know that by entering into Love's line of vision, Simorangkir would become
2 the latest victim of Love's volatile personality, hair trigger temper, and malicious and tortious
3 behavior. Whether caused by a drug induced psychosis, a warped understanding of reality, or the
4 belief that her money and fame allow her to disregard the law, Love has embarked in what is nothing
5 short of an obsessive and delusional crusade to terrorize and destroy Simorangkir, Simorangkir's
6 reputation and her livelihood. Simply put, Love's conduct is an egregious violation of the law. In
7 addition to spreading vile and vicious lies about Simorangkir through marathon rants in multiple
8 public forums, online marketplaces where Simorangkir conducts business, and to Simorangkir's
9 clients and others in the fashion industry, Love has gone as far to threaten Simorangkir's life. Love's
10 approach is not subtle. In particular, Love publicly made the menacing and disturbing statement that
11 Simorangkir will be "hunted til your dead."

12 2. In furtherance of Love's plot to destroy Simorangkir, Love has publicized malicious
13 and false statements that Simorangkir sold drugs, is a drug addict, has a history of dealing cocaine,
14 has a history of assault and burglary, has a record of prostitution, has committed grand theft, that
15 she stole cash and goods from Love, has engaged in felonious behavior, lied, embezzled money,
16 has committed blackmail, was deemed an unfit parent, lost custody of her child, is a racist and
17 homophobe, has outstanding warrants for her arrest, that the Austin police confiscated Love's
18 property from her home, and that she is a danger to society.

19 3. The sheer volume of animosity directed towards Simorangkir coupled with Love's
20 open, cavalier and outspoken motivations, demonstrate that Love is determined to deal out her brand
21 of retribution to Simorangkir, someone who is guilty of nothing more than doing business with Love.
22 By using her fame and influence to reach millions of people, Love has achieved her goal of
23 destroying Simorangkir's small business and causing irreparable damage to Simorangkir's name and
24 reputation. Love's celebrity, however, does not cloak Love with impunity to ruin others for sport.
25 Unfortunately, Love must learn this the hard way. Accordingly, Simorangkir seeks not only
26 compensatory damages, but also punitive damages in order to deter Love from repeating these
27 horrendous acts.
28

1 PARTIES

2 4. Simorangkir is, and at all times herein mentioned was, an individual residing in
3 Austin, Texas.

4 5. Simorangkir is informed and believes, and thereon alleges, that Love is, and at all
5 times herein mentioned was, an individual residing in Los Angeles County, California.

6 6. The true names and capacities, whether individual, corporate, associate or
7 otherwise of the defendants named herein as DOES 1 through 25, inclusive, are unknown to
8 Simorangkir who therefore sues said defendants by such fictitious names. Simorangkir alleges on
9 information and belief that each of the defendants, including those designated as a DOE, are
10 responsible for the events alleged herein and the damages caused thereby as a principal, agent, co-
11 conspirator or aider and abettor. Simorangkir will seek leave of this Court to amend this Complaint
12 to allege the true names and capacities of such defendants when the same have been ascertained.

13 7. Simorangkir alleges on information and belief that defendants, at all times relative to
14 this action, were the agents, servants, partners, joint venturers and employees of each of the other
15 defendants and, in doing the acts alleged herein, were acting with the knowledge and consent of each
16 of the other defendants in this action.

17 8. Love and DOES 1 through 25 are hereinafter collectively referred to as
18 "Defendants."

19 9. This Court is the proper court for trial of this matter because defendant Love resides
20 in Los Angeles County, California, and the acts and occurrences alleged herein occurred in Los
21 Angeles County, California. In particular, Simorangkir is informed and believes, and thereon
22 alleges, that the defamatory statements alleged herein, were made by Defendants, and each of them,
23 in Los Angeles, California and published on Internet websites, accessible and read by people in
24 California and around the world, or re-published to residents of California.

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GENERAL ALLEGATIONS

10. Simorangkir is an up and coming clothing and accessories designer. Since 2002, Simorangkir has marketed and sold her collection under the "Boudoir Queen" trade name primarily over the internet. In particular, Simorangkir utilizes www.etsy.com ("Etsy"), an online marketplace that caters to independent designers.

11. In 2008, Love learned of Simorangkir, and through Etsy, contacted Simorangkir about her Boudoir Queen line. In turn, Love began to purchase Boudoir Queen clothing and apparel.

12. Subsequently, Love became infatuated with Simorangkir. In or around November 2008, Love insisted that Mrs. Younger-Smith and her husband fly to Los Angeles to meet with Love regarding the purchase of several custom pieces.

13. On or around January 28, 2009, Simorangkir returned to Los Angeles for a second meeting. Simorangkir and her husband met Love at the Chateau Marmount. Love ordered her driver and Simorangkir's husband to fill garment bags with various clothing remnants and trims for Simorangkir to use to make custom pieces for Love.

14. On or about February 2, 2009, the day after Simorangkir left Los Angeles, Simorangkir photographed all of the clothing trims that Love had given to Simorangkir for the purpose of creating an inventory. That same day, Simorangkir emailed these photographs to Love's manager, Marie Walsh.

15. After completing the first custom dress for Love in or around February, 2009, Simorangkir sent an invoice to Love for this work. Love became angered that she had to pay for Simorangkir's work. On or about March 10, 2009, Simorangkir invoiced Love for other garments that she had either completed and had yet to complete. Again, Love was angered that she would have to pay Simorangkir.

16. Since Love had not paid Simorangkir for the work completed under these invoices, Simorangkir temporarily suspended work for Love. Again, this angered Love.

17. On numerous occasions, Simorangkir has offered to return Love's clothing trims. Love failed to coherently respond.

1 18. Around the same time, Love inexplicably began exhibiting an intense level of
2 animosity towards Simorangkir that has gone well beyond what any reasonable person would
3 consider acceptable behavior. That is, Love has mounted a malicious campaign to not only terrorize
4 Simorangkir, but to ruin and destroy her reputation and livelihood.

5 19. Love's continued attempts to contact Simorangkir have been nothing short of
6 obsessive. Love has sent Simorangkir multiple emails and rambling messages on Simorangkir's
7 voicemail.

8 20. These communications, include not only delusional accusations and lies, but threats
9 of harm. Recently, Love has publicly warned Simorangkir not to "[f]uck with my wardrobe or you
10 will end up in a circle of corched earth hunted til your dead." (Emphasis added).

11 21. Determined to harass and ruin Simorangkir, Love escalated her assault through the
12 constant barrage of malicious, false, and defamatory statements in various public forums and directly
13 to Etsy, Simorangkir's clients and others in the fashion industry. In addition to posting entries on her
14 MySpace blog, Love has posted comments on Simorangkir's Etsy feedback page and on
15 www.twitter.com ("Twitter"), a popular online community.

16 22. Simorangkir is informed and believes, and thereon alleges, that Love contacted Etsy
17 directly in an effort to have Simorangkir removed and banned from that website. Simorangkir is
18 informed and believes, and thereon alleges, that Love has gone as far as to send emails to several of
19 Simorangkir best customers and to others in the fashion industry containing false and defamatory
20 statements.

21 22 **FIRST CAUSE OF ACTION**

23 **(For Libel, against all defendants)**

24 23. Simorangkir re-alleges herein by this reference each and every allegation contained in
25 paragraphs 1 through 22, inclusive, of this Complaint as if set forth fully herein.

24. On or about March 17, 2009, Love went on an extensive rant on Twitter whereby Love made a number of false and defamatory statements about Simorangkir which were published in writing on the Internet, true and correct copies which are attached hereto as Exhibit "1". Love claimed that Simorangkir is a felon, stole cash and goods from Love, has a history of dealing cocaine, lost custody of her children, has a history of assault and burglary, and has a record of prostitution. Among others, Love posted the following false statements on Twitter about or concerning Simorangkir (the "Twitter Postings"):

a. "wow. someone who will NEVER grace your pages the felonious Dawn/Boudoir Queen witnessed stealing 2 MASSIVE army bags out of the chat at 4am"
(Published by Love on twitter.com/ March 17, 2009 at 7:22 PM) (emphasis added).

b. "austin police are morethan ecstatic to pick her up she has a history of dealing cocaine, lost all custody of her child, assault and burglary" (Published by Love on twitter.com/ March 17, 2009 at 7:27 PM) (emphasis added).

c. "stay away well well away, and etsy cant wait to see the back of her, so goodbye asswipe nasty lying hosebag thief, now for pleasant things" (Published by Love on twitter.com/ on March 17, 2009 at 7:28 PM) (emphasis added).

d. "gets to haul her 52 year old desperate cokes out ass to jail where they dont have three bottles of vodka a night, to all shes bullied onetsy" (Published by Love on twitter.com/ on March 17, 2009 at 7:29 PM) (emphasis added).

c. "you have my empathy, a perfect community with one extremely rotten apple trust me to pick it, **she owes me over 40k and a million in damages**" (Published by Love on twitter.com/ on March 17, 2009 at 7:30 PM) (emphasis added).

f. "scorched earth ignore and blacklist, few people ever deserve our total ignoring but this thief and burglar does, austin police loath her/orange" (Published by Love on twitter.com/ on March 17, 2009 at 7:35 PM) (emphasis added).

1 g. "is my clothes my WARDROBE! oi vey dont fuck with my wradrobe or
2 you willend up in a circle of corched eaeth hunted til your dead,new job>" (Published by Love
3 on twitter.com/ on March 17, 2009 at 7:38 PM) (emphasis added).

4 h. "as one of her many bullied victims smashes her face soon as shes an assault
5 addlict herself (theres apprently prostitution in her record too" (Published by Love on
6 twitter.com/ on March 17, 2009 at 7:39 PM) (emphasis added).

7 I. "iler, I told imogen heap if she dosnt mind being whored out by a felon well
8 thats fine, but my girls in citizens band DO mind, so she best" (Published by Love on
9 twitter.com/ on March 17, 2009 at 7:42 PM) (emphasis added).

10 j. "little bassists. goodbye 'boudoir queen' to be replacedby 100s of great indie
11 designers on etsy that are trained that do know whattheyredo in" (Published by Love on
12 twitter.com/ on March 17, 2009 at 7:43 PM) (emphasis added).

13 25. Apparently, Love was not finished. On or about March 18 and 20, 2009, Love posted
14 more false and defamatory statements about Simorangkir on Simorangkir's Etsy feedback page, true
15 and correct copies of which are attached hereto as Exhibit "2". Again, Love claimed that
16 Simorangkir is a thief, stole cash and goods from Love, and is a drug addict and a drug dealer. More
17 specifically, Love posted the following false statements, among others, on Etsy about or concerning
18 Simorangkir (the "Etsy Postings"):

19 a. "the nastiest lying worst person I have ever known, a thief a liar and needs
20 to be remved from this site immediatly and my lawyers are working on this, today, evil incarnate.
21 vile horrible lying bitch"(Published by Love on www.etsy.com on March 18, 2009) (emphasis
22 added).

23 b. "total scumbag, a lying ripoff who if she isnt taken off of etsy I willmake sure
24 none l knows comesON etsy she took 40,TJOUSAND dollars from me and blogged she gave me
25 "50" dresses out of the 200 I allowed her to use she gave me 6 and stole one back evil . drug
26 addict anddealer. get her OFF cherryforever666" (Published by Love on www.etsy.com on March
27 18, 2009) (emphasis added).

1 c. "eyond words is how disgusted and furious I am its all on this person wether
2 they will l'Ve up ti thier pbligations or destory thier "career" because right now they have leprosyin
3 the "fashion" industry,. the ONE area one cannotget away with stealing frommw is in the clothing
4 area, what a cow, when she makes nice and does her JOB and stops trying to use me for an atm I may
5 say "im so sorry I was wrong" all I know now is that etsy is goign to throw her ass to the pavement if
6 she doesnt do what she obligated to do, and whee the FUCK is my hakf a MILLION dollars in
7 textiles? stealingand then what stealing some more? let it go your dead, you need to got o the
8 learning annex and learn how to teach taxes at h and r block., vile and evil cretin" (Published
9 by Love on www.etsy.com on March 20, 2009) (emphasis added).

10 26. As if her vile and defamatory Twitter Postings and Etsy Posting were not enough,
11 Love went on yet another rant on her Myspace blog. On or about March 17, 2009, Love posted more
12 false and defamatory statements about Simorangkir on www.myspace.com/ true and
13 correct copies of which are attached hereto as Exhibit "3". Again, Love claimed that Simorangkir is
14 a thief, stole cash and goods from Love, has assaulted people, sold drugs, committed grand theft, has
15 engaged in felonious behavior, lied, embezzled money, has committed blackmail, was deemed an
16 unfit parent, is a racist and homophobe, has outstanding warrants for her arrest, that the Austin police
17 confiscated Love's property from her home, that she was removed from Etsy, that she has
18 manipulated local girls and that she is a danger to society. Among others, Love posted the following
19 false statements on www.myspace.com about Simorangkir (the "MySpace Postings"):

20 a. "innot going to deal with this issue until after my lawyer and the Austin
21 Police deal with it, but my etsy adventures are about to end period, if it turns out as i suspect i have
22 been stolen from on a level(finacially yes but noone callingthemselves a "designer" has ever
23 (emphasis added). like this" (Published by Love on www.myspace.com on March 17,
24 2009 at 12:55 AM) (emphasis added).

25 b. "she has received a VAST amount of money from me over 40,000 dollars
26 and i do not make people famous and get raped TOO! besides Etsy is great but they need to get
27 thier admin together,i hve been asured they will they will remove her store completely so she cant
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1 icitmise anyone else" (Published by Love on www.myspace.com/ on March 17, 2009 at
2 12:55 AM) (emphasis added).

3 c. "shes a geniunly nasty person so i dont kow what makinh her "fakous "
4 willactuaLLY DO FOR HER AT SOME POINT SHELL HAVE TO SHOW SHER FACT AND
5 THAT BLACK CLPUD OF VAMPITIC ENERGY THAT IS AROUND PEOPLE WHO SOLD
6 DRUGS OR WERE MOLESTED OR its that grey and biyts of black in the aura" (Published by
7 Love on www.myspace.com/ on March 17, 2009 at 12:55 AM) (emphasis added).

8 d. "ive been assured from etsy she'll be removed and banished but its not
9 enough , we had a dal i gave her a VAST amount of money clothes id been collecting for 8 years
10 and 40,000\$, is that not a vast amont of momey? the clothes are insured for 340,00 but are mo
11 wortgh 500,000 some were as i said a formr ziegfeld girls and some were a silent film stars"

12 (Published by Love on www.myspace.com/ on March 17, 2009 at 12:55 AM) (emphasis
13 added).

14 e. "this insanely nasty Etsy person has committed a straight up felony. Grand
15 Theft, not to mention Blackmail, i dont live in Austin but the Police there, my lawyer said were
16 more than happy to confiscate everything there and take her in for Grand Theft, hopefully tho
17 this is a big misunderstanding and she stops after recieving the cash and the notions" (Published by
18 Love on www.myspace.com/ n March 17, 2009 at 12:55 AM) (emphasis added).

19 f. My lawyer is dealing withthis is 20 minutes and id rather spend his hourly all
20 day long because perhaps her blackmail demands" (Published by Love on
21 www.myspace.com/ on March 17, 2009 at 12:55 AM) (emphasis added).

22 g. "and oh convicted for Grand Theft too" (Published by Love on
23 www.myspace.com. on March 17, 2009 12:55 AM).

24 h. "i think shes a dime a dozen at the same time i flew her up the first time she
25 came to la , and it was alot of havoc that day but i did giveher over 300,000 of my insured and
26 photographed pieces we sogned a cotract istingthe pieces and the date they were to be upcycled and
27 returned to me for a certain sum, and then she wanted 5000 more so i gave it to her like an idiot
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1 and another 5000 and now she's holding my shit hostage and in not even including the overpaying
2 netsy" (Published by Love on www.myspace.com on March 17, 2009 at 12:55 AM)
3 (emphasis added).

4 i. "also the fashion industry doesn't tolerate **blackmailers and bullies**"
5 (Published by Love on www.myspace.com/ on March 17, 2009 12:55 AM) (emphasis
6 added).

7 j. "she must not be original to be bullying screaming threatening she's going to
8 sue, that's insane coming from someone with **three warrants for her arrest**" (Published by Love on
9 www.myspace.com/ on March 17, 2009 at 12:55 AM) (emphasis added).

10 k. she remains a nasty piece of work until she stops this madness and realises
11 that being in possession of half a **MILLION** dollars worth of investments that took 7/8 years to
12 collect is precious and to have a major magazine doing a piece on nothing but her stuff, and 40
13 **fucking GRAND** is far too much, she should be on her knees praying to whatever god she has (she's a
14 nihilistic black cloud of negativity whoever her higher power is I don't want it!)" (Published by Love on
15 www.myspace.com on March 17, 2009 at 12:55 AM) (emphasis added).

16 l. "I CAN'T afford this shit 2 LIVES TOO SHORT FOR MEAN
17 **GIRLS/HOMOPHOBES/RACISTS/UNTRAINED WOMEN WHO ATTACH A PIECE OF**
18 **CHIFFON TO AN DRESS AND CALL IT WORTH thousand of dollars!** (Published by Love on
19 www.myspace.com on March 17, 2009 at 12:55 AM).

20 m. "i promise you, within a few weeks, **Madcoff will seem warm and**
21 **FUZZY**" (Published by Love on www.myspace.com on March 17, 2009 12:55 AM).

22 n. "i can really help her and she's promised to stop bullying other people, and has
23 addresses her warrants and her 16 year old son who she was deemed totally unfit and my
24 understanding is she's spoken to him three times in his life" (Published by Love on
25 www.myspace.com on March 17, 2009 at 12:55 AM) (emphasis added).

26 o. "This is pretty dramatic as the self destruction with this girl it's like she is so
27 scared of success that she has to blow it with me with all my friends and with etsy all in one fell
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1 swoop so lets all hope she wakes the fuck up NOW cos theres about 5 hours left for her to do so,
2 or she will be sleeping in a jail cell tonight" (Published by Love on
3 www.myspace.com n March 17, 2009 at 12:55 AM) (emphasis added).

4 p. "thetrick is just do the right thing always your repitaion is the coin of the
5 realm for a vendor a seller of goods, and bullying, lyong, embzzlement and theft are not things we
6 associate with a "designer" so she needs to jst suck it up and realise i do know what is best for her
7 and allow me to help her help herself, i venever called a designer thats failed, so girl get your shit
8 together" (Published by Love on www.myspace.com on March 17, 2009 at 12:55 AM)
9 (emphasis added).

10 q. "so i certainly hope the logical only chpice to make gets made, in fact im sure
11 she is perhaps self preserving enough that she wont destroy it all by greed. blackmail . embezzlemnt
12 and the rest, that leaves her to get up off her ass and start making the "FIFTY DRESSES" starting
13 NOW 2.5 dresses a DAY. go girl go! and ell ook at this as a little glitch, to choose the fight youll lose
14 beyond fast, just make the decision to do the right thing and do it. i say this from experiance with
15 beong self destructive and stubborn myself, but no you dont get as i stared all that cash and all those
16 clothes and then change the rules of pur deal, its not done, NOONE WILL EVER TOUCH YOUR
17 ITEMS FOR THE REST PF YOUR CAREER i do mean even Imogen and Patti. NOONE
18 (Published by Love on www.myspace.com on March 17, 2009 at 12:55 AM) (emphasis
19 added).

20 r. "im boycotting etsy altogether, due to this vendor there but apparently they
21 will remove her store as im her first BIG victim but shes been ripping people off for a long
22 time" (Published by Love on www.myspace.com on March 17, 2009 at 11:01 AM)
23 (emphasis added).

24 s. "if you got any of that last post a "designer" on etsy whose been paid a
25 massive amount of money and is in ossesion of preless noyions dresses and fabrics changed the
26 "rules" she now wants 1750 per item! she bogged she made me fifty dresses, uh they must be
27 INVISIBLE dresses but if the "fifty dresses" she has cnought o make about 100 and every scrap of
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1 mine isnt sent to me within 9 days or she can express her thoughts to my lawye today, the Police will
2 confiscate everything in that studio and i will sortthru and get out what is mine (almost all of
3 it) return the trest to her while she serves her year plus for Grand Theft, as she was filmed
4 stealing things from my room on top if everything else (god loves a girl who puts cameras up !)"
5 (Published by Love on www.myspace.com/ on March 17, 2009 at 11:01 AM) (emphasis
6 added).

7 t. "i hope she makes the right decision, really its an asspain jail and stuff, sheed
8 be a leper and noone will touch her or her "designs:" eventhese pretty austin local girls she
9 manipulates to "model" for her, implying she dresses cerain "celebrities" who havent even heard of
10 her,. etc etc" (Published by Love on www.myspace.com n March 17, 2009 at 11:01
11 AM) (emphasis added).

12 u. "idont wnatt o scorch the earth just gently and firmly let her know the
13 consequences of her actions and that greed is not good, **greed in this case is illegal and all**
14 **transactions have ebenn witnessed, by credible people with impeccable reputations**, who were
15 underwhelmed byher to sya the least and warned me she woudl pullthis, i kep tthe faith that her
16 clothes modelled by alot of london it girls me and some ny it girls in a mega mag would saveher
17 from her negativity, but she apparently allowed her greed to get the best of her" (Published by Love
18 on www.myspace.com. on March 17, 2009 at 11:01 AM) (emphasis added).

19 v. however she has a few hours to get back on track and to get her ass to work on
20 my "fifty dresses" otherwie my advise re etsy is to be very very careful, in fact forget about etsy for a
21 but here, 99% of thier vendors are great and sincere butt hsi one bad apple if she sticks with this
22 **felonious behaviour needs to be jailed and removed off etsy** as she represented that she
23 represented etsy (Published by Love on www.myspace.com. on March 17, 2009 at
24 11:01 AM) (emphasis added).

25 w. "she needs to learn not to steal, not to be greedy and not to bully"
26 (Published by Love on www.myspace.com. on March 17, 2009 at 11:01 AM) (emphasis
27 added).

1 x. "my lawyer i s speakingd irectly with the owners and thier lawyer,and the
2 Austin police, hehas been speaking to them theyuve caled him several times, but im hoping
3 despite all of this there will be a happy ending i thought she was my friend and friends do not fuck
4 over friends," (Published by Love on www.myspace.com on March 17, 2009 11:01
5 AM) (emphasis added).

6 y. "so shellrethink this absurd insane greedy illegal 'concept: and throw it
7 out, im sure of it, and well have a lovely making up and shell be able to be ready for some success
8 and not this desperate fringe dwelling liar, she can be tellingthetruth for once (Published by Love
9 on www.myspace.com on March 17, 2009 11:01 AM) (emphasis added).

10 z. "i refer Geminola who is more skilled than he austin seller who i have yet to
11 NAME because in naming her the police will then have been called , she can choose to complete her
12 professional obligations to me or she can choose to be charged with Grand Theft, wichis what
13 happens whenyou sneak out of the chateau in full view of my mackup artist with two massive army
14 bags full of things that do not belong to you and take them to another state and present them to
15 someone "hotter" for your "career plans" (Published by Love on www.myspace.com on
16 March 17, 2009 at 4:32 PM) (emphasis added).

17 aa. "than me so you can pass off my clithes as yours, its called GRAND THEFT
18 and worse, and i will spend more money onb my lawyers thina i ever spent on any clpthes just
19 getting this danger to society in jail, where she needs to be, unless she completes her contracted
20 /witnessd obligations, you dont charge someone 40,000\$ and then give hem a deadline DEc 10th and
21 here we are in march and deliver them a few items, and shopw the rest as though they didnt belong to
22 you made of your textiles, i knew she was a hustler, but a fe;on? yeah that kind of energy knows
23 no boundaries, well its called A BLACKLISTING. and given the proof of what shes done i sincerely
24 dont think a few shitty frocks are going to bust apart years and years of positive and honest people
25 andvendors and designers to come, or karmic and friendship and professipnal conncections, so its
26 inmy lawyers hands and the Austin laywers and police s hands and oh my god! the calls and emails
27
28

1 ive had " (Published by Love on www.myspace.com

a March 17, 2009 at 4:32 PM)

2 (emphasis added).

3 bb. Thank God that crazy bitch did thisassault, stole, sold drugs, beat up,
4 ripped off, underpaid, drank three bottles of vodka (hey i saw that too!) bullied....me thank you
5 so much, she is seriously a danger to society and orange will look good on her" (Published by
6 Love on www.myspace.com on March 17, 2009 at 4:32 PM) (emphasis added).

7 27. Simorangkir is informed and believes, and thereon alleges, that Love, and/or Love's
8 agents have contacted Etsy in writing and requested that Etsy remove Simorangkir's online store
9 from that website. In doing so, Simorangkir is informed and believes, and thereon alleges, that Love
10 and or/Love's agents made similar false and defamatory written statements about Simorangkir.

11 28. Simorangkir is informed and believes, and thereon alleges, that Love, and/or Love's
12 agents have contacted Simorangkir's clients, various stylists, competitors, distributors, fashion
13 publications and websites, and/or other influential people in the fashion industry. In doing so,
14 Simorangkir is informed and believes, and thereon alleges, that Love and or/Love's agents made
15 similar false and defamatory written statements about Simorangkir.

16 29. All of the statements alleged in paragraphs 24 through 28 above are false, in their
17 entirety, as they pertain to Simorangkir.

18 30. All of the false statements alleged in paragraphs 24 through 28 are defamatory and
19 libelous on their face as they adversely affect Simorangkir's reputation, expose Simorangkir to
20 hatred, contempt, ridicule, and obloquy, and have a tendency to injure her in her occupation.

21 31. The above-alleged statements were seen and read by potentially millions of people
22 who reside in California, and elsewhere, by logging on to the various websites listed above.

23 32. Defendants, and each of them, published the statements either with knowledge that
24 they were false or with reckless disregard as to their truth and falsity.

25 33. As a proximate result of the above-described publication, Simorangkir has suffered
26 loss of her reputation, shame and mortification, all to her general damage in an amount to be
27 determined at the time of trial, but well in excess of this Court's general jurisdiction.
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34. The above-described statements were published by Defendants, and each of them, with malice, oppression and fraud, and because of their feelings of hatred and ill-will toward Simorangkir, and with willful and conscious disregard for Simorangkir's rights, thereby justifying an award of punitive damages against Defendants, and each of them.

SECOND CAUSE OF ACTION

(For Invasion of Privacy - False Light, against all defendants)

35. Simorangkir re-alleges herein by this reference each and every allegation contained in paragraphs 1 through 34, inclusive, of this Complaint as if set forth fully herein.

36. Love, without Simorangkir's consent, invaded Simorangkir's right of privacy by posting and publishing the false statements depicted above placing Simorangkir in a false light to the public.

37. The false light is highly offensive and objectionable to Sumorangkir and to a reasonable person of ordinary sensibilities.

38. Love published these statements either with knowledge that they were false or with reckless disregard for the falsity of the publicized matter and the false light in which Simorangkir would be placed.

39. Love's publication of these statements has created publicity concerning the false light.

40. As a proximate result of the above-described invasion of Simorangkir's privacy, Simorangkir has suffered general damages in an amount to be determined at the time of trial, but well in excess of this Court's general jurisdiction.

41. The above-described invasion of Simorangkir's privacy by Defendants was committed

with malice, oppression and fraud, presumably because of their feelings of ill-will toward

Simorangkir, and with willful and conscious disregard for Simorangkir's rights, thereby justifying an

award of punitive damages against Defendants.

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2 **THIRD CAUSE OF ACTION**

3 (For Intentional Interference With A Prospective Economic Advantage, against all defendants)

4 42. Simorangkir re-alleges herein by this reference each and every allegation contained in
5 paragraphs 1 through 41, inclusive, of this Complaint as if set forth fully herein.

6 43. Simorangkir had economic relationships with various clients. Simorangkir's clients
7 had previously purchased goods and services from Simorangkir, in particular Boudoir Queen
8 clothing and apparel.

9 44. There was a strong probability that Simorangkir's clients would continue to purchase
10 Boudoir Queen clothing and apparel from Simorangkir.

11 45. Love was aware of some of Simorangkir's clients, as well as their relationship with
12 Simorangkir.

13 46. Love's above-referenced intentional acts, in particular Love's defamatory conduct,
14 were designed to disrupt Simorangkir's relationship with her clients. Love intended to intimidate
15 Simorangkir's clients and discourage them from doing business with Simorangkir.

16 47. Love's intentional acts have caused actual disruption of the relationship between
17 Simorangkir and her clients. Love has intimidated Simorangkir's clients and discouraged them from
18 doing business with Simorangkir.

19 48. As a proximate result of the above-described intentional acts, Simorangkir has
20 suffered economic harm and damages in an amount to be determined at the time of trial, but well in
21 excess of this Court's general jurisdiction.

22 49. In addition, Love's conduct was intentional and done for the purpose of causing
23 injury, and was despicable conduct that subjected Simorangkir to a cruel and unjust hardship in
24 conscious disregard of her rights, so as to justify an award of exemplary and punitive damages.

1 **FOURTH CAUSE OF ACTION**

2 **(For Intentional Infliction of Emotional Distress, against all defendants)**

3 50. Simorangkir re-alleges herein by this reference each and every allegation contained in
4 paragraphs 1 through 49, inclusive, of this Complaint as if set forth fully herein.

5 51. Love has engaged in a pattern of extreme and outrageous conduct that is intolerable in
6 a civilized society, including but not limited to, the following:

7 a. Love's continued attempts to contact Simorangkir with multiple menacing
8 emails and voicemails containing not only delusional accusations and lies, but threats of harm.

9 b. Threats insinuating that Simorangkir would be killed.

10 c. Threats that Love would have Simorangkir arrested and incarcerated.

11 d. Threats that Love would ruin Simorangkir's business.

12 e. A continuous barrage of malicious, false, and defamatory statements in
13 various public forums and directly to Etsy, Simorangkir's clients, and others in the fashion industry,
14 including but not limited to, statements that Simorangkir is a thief, stole cash and goods from Love,
15 has assaulted people, sold drugs, is a drug addict, has a history of dealing cocaine, has a history of
16 assault and burglary, has a record of prostitution, committed grand theft, has engaged in felonious
17 behavior, lied, embezzled money, has committed blackmail, was deemed an unfit parent, lost
18 custody of her children, is a racist and homophobe, has outstanding warrants for her arrest, that the
19 Austin police confiscated Love's property from her home, that she was removed from Etsy, that she
20 has manipulated local girls and that she is a danger to society.

21 52. Love's conduct was intentional and malicious and done for the purpose of
22 causing Simorangkir to suffer severe emotional distress, humiliation, mental anguish, and emotional
23 and physical distress.

24 53. Love's conduct was also done with knowledge that Simorangkir's emotional and
25 physical distress would increase over time as the conduct continued and intensified.
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1 54. As the proximate result of Love's intentional and reckless campaign to terrorize and
2 ruin Simorangkir, Simorangkir suffered humiliation, mental anguish, and emotional and physical
3 distress, and has been injured in mind and body in worrying about how Love has ruined her life.
4 Accordingly, Simorangkir has been damaged in an amount to be determined at the time of trial, but
5 well in excess of this Court's general jurisdiction.

6 55. The acts of Defendants, and each of them, alleged above, were willful, wanton,
7 malicious, and oppressive, and justify the awarding of exemplary and punitive damages.

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9 **FIFTH CAUSE OF ACTION**

10 **(For Breach of Contract, against all defendants)**

11 56. Simorangkir re-alleges herein by this reference each and every allegation contained in
12 paragraphs 1 through 55, inclusive, of this Complaint as if set forth fully herein.

13 57. Simorangkir is informed and believes, and thereon alleges, that Love has entered into
14 an enforceable contract with Etsy, whereby Love agreed to abide by Etsy's Terms of Use (the "Etsy
15 Terms of Use").

16 58. Section Five of the Etsy Terms of Use, entitled "Prohibited, Questionable and
17 Infringing Items and Activities," explicitly prohibits content that is "false, inaccurate or misleading"
18 (Etsy Terms of Use, § 5(1)), "defamatory, trade libelous, unlawfully threatening, unlawfully
19 harassing, impersonate or intimidate any person" (Etsy Terms of Use, § 5(6)).

20 59. The Etsy Terms of Use were intended to protect, at least in part, persons who use
21 Etsy's website, including merchants who sell goods and services through Etsy. Simorangkir, an Etsy
22 merchant, is an intended third-party beneficiary of the Etsy Terms of Use.

23 60. By publishing statements on Etsy that are false, misleading, defamatory, and designed
24 to harass, threaten, and intimidate Simorangkir, Love has breached the Etsy Terms of Use.

25 61. As a proximate result of Love's breach of the Etsy Terms of Use, Simorangkir has
26 been damaged in the amount presently unknown but will be proven at trial.

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SIXTH CAUSE OF ACTION

(For Breach of Contract, against all defendants)

62. Simorangkir re-alleges herein by this reference each and every allegation contained in paragraphs 1 through 61, inclusive, of this Complaint as if set forth fully herein.

63. Simorangkir and Love entered into an enforceable contract for goods and services whereby Simorangkir agreed to make various custom garments and apparel for Love out of vintage textiles, and in turn, Love agreed to pay Simorangkir for doing so.

64. Simorangkir has duly performed all of the conditions, promises and covenants which Simorangkir was required to perform, except those obligations Simorangkir was prevented or excused from performing. More specifically, Simorangkir has made and delivered to Love, and Love has accepted, garments and accessories valued at over \$4,000. Additionally, Simorangkir has incurred significant expenses delivering these custom garments as well as unused vintage textiles.

65. Love has breached this contract by failing and refusing to pay the amount due owing under same.

66. As a proximate result of Love's breach of this contract, Simorangkir has been damaged in the amount presently unknown but will be proven at trial.

WHEREFORE, Simorangkir prays for judgment in her favor against Defendants, and each of them, as follows:

ON THE FIRST CAUSE OF ACTION

1. For general damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;

2. For special damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;

3. For interest on any monetary award to Simorangkir at the legal rate;

4. For punitive damages;

5. For costs of suit incurred herein;
6. For attorneys' fees to the extent permitted by contract or statute; and
7. For such other and further relief as the Court may deem just and proper.

ON THE SECOND CAUSE OF ACTION

1. For general damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
2. For special damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
3. For interest on any monetary award to Simorangkir at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys' fees to the extent permitted by contract or statute; and
7. For such other and further relief as the Court may deem just and proper.

ON THE THIRD CAUSE OF ACTION

1. For general damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
2. For special damages according to proof at the time of trial, but in an amount in excess of the jurisdictional limits of this Court;
3. For interest on any monetary award to Simorangkir at the legal rate;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For attorneys' fees to the extent permitted by contract or statute; and
7. For such other and further relief as the Court may deem just and proper.

1 ON THE FOURTH CAUSE OF ACTION

2 1. For general damages according to proof at the time of trial, but in an amount in excess
3 of the jurisdictional limits of this Court;

4 2. For special damages according to proof at the time of trial, but in an amount in excess
5 of the jurisdictional limits of this Court;

6 3. For interest on any monetary award to Simorangkir at the legal rate;

7 4. For punitive damages;

8 5. For costs of suit incurred herein;

9 6. For attorneys' fees to the extent permitted by contract or statute; and

10 7. For such other and further relief as the Court may deem just and proper.

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12 ON THE FIFTH CAUSE OF ACTION

13 1. For general damages according to proof at the time of trial, but in an amount in excess
14 of the jurisdictional limits of this Court;

15 2. For interest on any monetary award to Simorangkir at the legal rate;

16 3. For costs of suit incurred herein;

17 4. For attorneys' fees to the extent permitted by contract or statute; and

18 5. For such other and further relief as the Court may deem just and proper.

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20 ON THE SIXTH CAUSE OF ACTION

21 1. For general damages according to proof at the time of trial, but in an amount in excess
22 of the jurisdictional limits of this Court;

23 2. For interest on any monetary award to Simorangkir at the legal rate;

24 3. For costs of suit incurred herein;

25 4. For attorneys' fees to the extent permitted by contract or statute; and


26 5. For such other and further relief as the Court may deem just and proper.

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Dated: March 26, 2009

FREEDMAN & TAITELMAN, LLP

By:


Bryan Freedman, Esq.
Attorneys for Plaintiff Mario Simorangkir, aka
Dawn Younger-Smith aka Boudoir Queen

