

7492

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

24grille, L.L.C.,

Plaintiff,

vs.

TRIPADVISOR, L.L.C.,

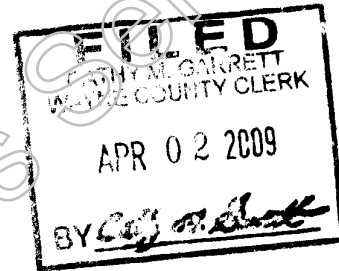
Defendant.

24GRILLE LLC v TRIPADVISOR LLC  
Hon. Susan D Borman 04/02/2009



09-007692-NZ

STAWICK & STAWICK, PLLC.  
THADDEUS M. STAWICK (P23831)  
THADDEUS M. STAWICK II (P72002)  
Attorneys for Plaintiff  
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West Bloomfield, Michigan 48323  
(248) 855-2888



COMPLAINT

NOW COMES the Plaintiff 24grille, L.L.C., by and through its attorneys, Stawick & Stawick, P.L.L.C., and for its Complaint against the Defendant, TripAdvisor, L.L.C., states unto this Honorable Court as follows:

PARTIES AND JURISDICTION

1. The Plaintiff, 24grille, L.L.C., (24grille) is a business entity that for all times relevant to this cause of action conducted business in the County of Wayne, State of Michigan.
2. The Defendant, TripAdvisor, L.L.C., (TripAdvisor) is a business entity that for all times relevant to this cause of action conducted business in the County of Wayne, State of Michigan.
3. The amount in controversy is in excess of \$25,000.00 and is otherwise within the jurisdiction of this Honorable Court.

**COMMON ALLEGATIONS**

4. TripAdvisor is a web based travel review company that allows outside individuals to post reviews on its website.
5. 24grille is a new upscale restaurant in the Westin Book Cadillac Hotel in downtown Detroit, Wayne County, Michigan.
6. On or about January 20, 2009 an anonymous individual posted a review regarding the 24grille which alleged criminal activity taking place in the establishment.
7. In this review, the individual alleges that the owners of 24grille invited local prostitutes into the establishment.
8. In the review, the individual recommends "staying clear of the 24grille unless you and your family actually enjoy sharing your evening with the local prostitutes".
9. Despite two requests sent by mail and fax by 24grille's attorneys asking TripAdvisor to remove the posting, or to investigate the accuracy of the posting, and after giving TripAdvisor reasonable time to remove the posting and/or post a retraction, TripAdvisor has refused to comply and has ignored all communication from 24grille.
10. As a result of the actions of TripAdvisor, as herein set forth, the Plaintiff, 24grille, and its owners have suffered significant economic and non-economic damages, including significant damage to their reputation.
11. The actions of the Defendant, TripAdvisor, constitute libel per se and negligence for failure to investigate the allegations contained within the posting.

**COUNT I**

**LIBEL PER SE**

12. The Plaintiff, 24grille, incorporates herein paragraphs 1 through 11 of this Complaint the same as if set forth herein word for word.

13. Defendant, TripAdvisor, published a written statement which is false and alleges criminal activity by the owners of 24grille.

14. This statement was of or concerning the Plaintiff, 24grille.

15. This statement has been and is being communicated to the world via the World Wide Web on TripAdvisor's website, which is viewed by 15 million people from 190 countries each week.

16. The statement alleging criminal activity is libel per se and has an obvious tendency to harm 24grille's reputation and the reputation of its owners.

17. As a direct and proximate result of the Defendant, TripAdvisor's, libelous statement, the Plaintiff, 24grille, has incurred and suffered damages, including, but not limited to, economic damages and damage to its reputation.

**WHEREFORE**, the Plaintiff, 24grille, L.L.C., prays that this Honorable Court enter a judgment in its favor and against the Defendant, TripAdvisor, L.L.C., in excess of \$25,000.00 and, where applicable, exemplary and punitive damages, with costs, interest, attorney's fees and such other and further relief as this Court determines to be just and equitable.

## **COUNT II**

### **NEGLIGENCE**

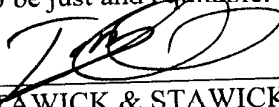
18. The Plaintiff, 24grille, incorporates herein paragraphs 1 through 17 of this Complaint the same as if set forth herein word for word.

19. The Defendant, TripAdvisor, had a duty to the Plaintiff, 24grille, to investigate the criminal allegations contained within the posting.

20. Despite repeated communication from the Plaintiff, 24grille, the Defendant, TripAdvisor, breached that duty by failing to investigate the allegations contained within the posting or remove the posting from its website.

21. As a direct and proximate cause of that breach, the Plaintiff, 24grille, has suffered economic and non-economic damages, including significant damage to its reputation.

**WHEREFORE**, the Plaintiff, 24grille, L.L.C., prays that this Honorable Court enter a judgment in its favor and against the Defendant, TripAdvisor, L.L.C., in excess of \$25,000.00 and, where applicable, exemplary and punitive damages, with costs, interest, attorney's fees and such other and further relief as this Court determines to be just and equitable.

  
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