

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

CARLETON HOTEL, LLC, an Illinois )  
limited liability company. )  
 )  
Plaintiff, )  
 )  
v. ) No.  
 )  
MICHAEL GLADSTONE and )  
LIORA BRAUN )  
 )  
Defendants. )

2011L006256  
CALENDAR/ROOM A  
TIME 00:00  
Type - Intentional

**COMPLAINT**

NOW COMES the Plaintiff, Carleton Hotel, LLC (“Carleton”), by and through its attorneys, Barone & Jenkins, P.C., and for its Verified Complaint against Defendants, Michael Gladstone and Liora Braun, states as follows:

**BACKGROUND**

1. This case arises from Defendants’ posting of a review of The Carleton of Oak Park, a hotel, on the popular website Tripadvisor.com. The posting falsely accused Carleton of having a bed bug infestation at its hotel, and accused the Carleton of failing to take steps to control said infestation. These statements were false, and Defendants knew they were false, because Carleton has previously provided Defendants with a report from an independent exterminator which confirmed the lack of any infestation in the hotel. Carleton seeks damages resulting from Defendants’ defamatory statements, such as loss of business and loss of reputation.

**THE PARTIES**

2. The Plaintiff, Carleton, is the owner of a hotel in Oak Park, Cook County, Illinois called The Carleton of Oak Park.

3. On information and belief, Defendants, Michael Gladstone and Liora Braun, are husband and wife, and they are residents of the State of Massachusetts.

#### VENUE

4. Venue is proper in Cook County, Illinois, because the Defendants' tortious conduct was directed at Plaintiff, a Cook County resident, and therefore a part of the transaction out of which the cause of action arose was in Cook County.

#### FACTS

5. Defendants stayed at The Carleton of Oak Park with their family from April 7, 2011 through April 10, 2011. During their stay, Defendants and their family occupied rooms 342 and 344 for all three nights. They also occupied room 121 on the night of April 9.

6. On April 10, 2011, Defendants checked out of the hotel.

7. During checkout, Defendants asked to speak with the manager. Defendant Michael Gladstone related to the manager that he had seen bugs in his room, and that he felt certain they were bed bugs.

8. At that time, the manager assured Defendants that Carleton takes such matters very seriously, and that the rooms were checked regularly to prevent such an occurrence. The manager also told Defendants that the manager was certain that Defendants had not seen any bed bugs.

9. Defendants departed the hotel after checking out without further incident.

10. The next day, on April 11, 2011, the Carleton maintenance department inspected the three rooms which were occupied by Defendants and their family. No bed bugs, or signs of bed bugs, were discovered during that inspection.

11. On or about May 5, 2011, Defendant Michael Gladstone contacted Carleton. On that occasion, Michael Gladstone spoke with Robert Biegler ("Biegler"), a manager of the hotel. Defendant related to Biegler that he had suffered an infestation of bed bugs in his own home. Biegler told Michael Gladstone that an inspection of the rooms by Carleton's pest control company would be ordered immediately.

12. On May 6, 2011, Biegler sent an email to Defendant Michael Gladstone. Attached to the email were the results of the professional inspection conducted the same day. A true and correct copy of the results is attached hereto as exhibit A. The results confirmed the complete absence of any bed bugs from the rooms in which Defendant and his family stayed.

13. Defendant Michael Gladstone responded via email to the inspection results with skepticism. In Defendant's email, Defendant admitted that "I cannot prove that your hotel was the origin of the issue." He also stated that, "I will do whatever I can through media outlets or publicity to say that your hotel is negligent in admittance of this bedbug issue. . . ."

14. Biegler's response, via email, invited Defendants to contact the pest control company directly to confirm the results. Biegler also related to Defendants that the Carleton had instituted a proactive bed bug control program in 2009 in response to the re-emergence of bed bugs world-wide. On information and belief, Defendants never contacted the pest control company directly to confirm the results.

15. On May 10, 2011, Defendants posted the following review of The Carleton of Oak Park on the popular website, Tripadvisor.com:

**"BED BUGS - and they don't care!"**

Reviewed May 10, 2011

2 people found this review helpful

In April of 2011, we stayed at the Carleton - not our first time, as my step-daughter lives in Oak Park and my husband stays there every 5-6 weeks with her on weekends, and our

extended family comes along a few times a year. We used to like this hotel very much as it is good value and location for the money, but we will never stay there again!

On the third and final night of our stay in April, we found a bed bug crawling on my husband during the night. We reported [sic] it to the night manager (who offered to move us to a different room -- at midnight, after we had stayed there for three nights already, with two small children already sleeping - we were also checking out on the morning - so we declined.) We mentioned it again in the morning when we checked out and were told that the hotel is very aggressive about this problem, and that the room would be checked/treated immediately. We figured they took it seriously and did not hold it against them.

Upon arrival at home, we took all recommended precautions, including washing all clothes in hot water and drying on high (ruined quite a few clothes this way), throwing out luggage, etc.. FOUR WEEKS LATER -- we found a bedbug in our bed. And have since had Terminix come out. Our infestation is low, indicating that it has probably been about FOUR WEEKS of growth/expansion since the bedbugs were introduced [sic] to our home. I am currently in the middle of the onerous preparation and cleaning that comes [sic] with bedbug removal- the costs for the extermination and related expenses are coming close to 3 - 4 thousand dollars!

We called the Carleton's General Manager to discuss this problem -- imagine our surprise to learn that (1) there was NO RECORD/INCIDENT REPORT FILED AFTER OUR INITIAL COMPLAINT WHEN WE CHECKED OUT and (2) that the room had not been treated our [sic] touched since we had been there since they sent in an inspection [sic] team when my husband called - again four weeks later.

This indicates to us that they DO NOT TAKE THIS ISSUE SERIOUSLY - how could they have not immediately taken action on the room when we first complained? Also, not surprisingly, they claim that there are no bed bugs in the room.

We will NEVER stay here again. So disappointing as our experiences until this point had been so positive.

Stayed April 2011, traveled with family

16. Tripadvisor.com is the world's largest travel site with over 40 million monthly users. Many of those users are Illinois residents. Many of those users also consult the site to determine where they will stay when visiting Oak Park.

17. Significantly, two people have reported on the site that they found the information in the review to be helpful. Presumably those people were potential customers of Carleton who were dissuaded by the information. Presumably, unknown others have been dissuaded from staying at the hotel based upon the review.

18. The information in the review posted by Defendants is false. The Carleton at Oak Park was not the source of Defendants' home bed bug infestation. This is evident by the inspection by the maintenance staff, as well as the inspection by the third party exterminator. Additionally, Carleton has taken a proactive approach to the bed bug phenomenon by employing a preventative program through its exterminator.

19. Defendants knew that the information posted on Tripadvisor.com was false when they posted it, because Defendants were provided with the information in Paragraph 18 prior to posting the review containing false information.

**COUNT I**  
**(Defamation, *per se*)**

20. Carleton restates and re-alleges Paragraphs 1 through 19 as Paragraph 20 of Count I, as though fully stated herein.

21. Defendants made false statements about Carleton, stating that The Carleton of Oak Park had bed bugs and that the hotel did not take steps to prevent or remove bed bugs from the hotel. (See ¶15, above). The statements were false, because the hotel did not have bed bugs, the hotel did prepare an incident report regarding Defendants' claim, and the hotel did take steps to investigate and to prevent or remove bed bugs.

22. Defendants made an unprivileged publication of that statement to a third party, by posting the false statements publicly on the website Tripadvisor.com, and made that publication intentionally, maliciously, and knowing the statement was false, or in reckless disregard for the truth.

23. Carleton has been damaged as a direct and proximate result of Defendants' publication of the false statements. At least two, but possible thousands of, potential customers

have been dissuaded by the review posted by the Defendant. Nearly every day Carleton hears comments from people who have read the review.

24. The statements are further damaging, *per se*, because they impute upon Carleton a lack of ability in its business. Further, the statements falsely accuse Carleton of a bed bug infestation, which is similar to a statement that Carleton has a notorious disease.

WHEREFORE, the Plaintiff, Carleton Hotel, LLC, prays for judgment in its favor, and against Defendants, Michael Gladstone and Liora Braun, in an amount in excess of the jurisdictional limits of the Law Division to be proven at trial, plus costs of suit and punitive damages, and for any further relief deemed equitable and just by this Honorable Court.

**COUNT II**  
**(Defamation per quod)**

25. Carleton restates and re-alleges Paragraphs 1 through 19 as Paragraph 25 of Count II, as though fully stated herein.

26. Defendants made false statements about Carleton, stating that The Carleton of Oak Park had bed bugs and that the hotel did not take steps to prevent or remove bed bugs from the hotel. (See ¶15, above). The statements were false, because the hotel did not have bed bugs, the hotel did prepare an incident report regarding Defendants' claim, and the hotel did take steps to investigate and to prevent or remove bed bugs.

27. Defendants made an unprivileged publication of that statement to a third party, by posting the false statements publicly on the website Tripadvisor.com, and made that publication intentionally, maliciously, and knowing the statement was false, or in reckless disregard for the truth.

28. Defendants acted with actual malice in publishing the false statements and acted for the purpose and design of injuring Carleton's reputation. In spite of being provided with

ample proof that his bed bug infestation did not stem from their stay at The Carleton of Oak Park, Defendants still went ahead and posted the false statements.

29. Carleton has been damaged as a direct and proximate result of Defendants' publication of the false statements. At least two, but possibly thousands of, potential customers have been dissuaded by the review posted by Defendants. Nearly every day Carleton hears comments from people who have read the review.

WHEREFORE, the Plaintiff, Carleton Hotel, LLC, prays for judgment in its favor, and against Defendants, Michael Gladstone and Liora Braun, in an amount in excess of the jurisdictional limits of the Law Division to be proven at trial, plus costs of suit and punitive damages, and for any further relief deemed equitable and just by this Honorable Court.

**COUNT III**  
**(False Light Invasion of Privacy)**

30. Carleton restates and re-alleges Paragraphs 1 through 19 as Paragraph 30 of Count III, as though fully stated herein.

31. Defendants' actions placed Carleton in a false light before the public by falsely claiming that there was a bed bug infestation at The Carleton of Oak Park on a public website, Tripadvisor.com.

32. The false light would be highly offensive to the reasonable person, because it is highly undesirable to stay in any place where bed bugs might be found.

33. Defendants acted with actual malice in publishing the false statements and acted for the purpose of injuring the Carleton's reputation. In spite of being provided with ample proof that the bed bug infestation did not stem from their stay at The Carleton of Oak Park, Defendants still went ahead and posted the false statements.

34. Carleton has been damaged as a direct and proximate result of Defendants' publication of the false statements. At least two, but possibly thousands of, potential customers have been dissuaded by the review posted by Defendants. Nearly every day Carleton hears comments from people who have read the review.

WHEREFORE, the Plaintiff, Carleton Hotel, LLC, prays for judgment in its favor, and against Defendants, Michael Gladstone and Liora Braun, in an amount in excess of the jurisdictional limits of the Law Division to be proven at trial, plus costs of suit and punitive damages, and for any further relief deemed equitable and just by this Honorable Court.

**COUNT IV**  
**(Tortious Interference With Prospective Economic Advantage)**

35. Carleton restates and re-alleges Paragraphs 1 through 19 as Paragraph 35 of Count IV, as though fully stated herein.

36. Carleton had a reasonable expectation of valid business relationships with prospective customers who read Tripadvisor.com. At least two of the customers who found Defendants' review helpful presumably found alternative accommodations.

37. Defendants knew about these prospective business relationships. Defendant Michael Gladstone admitted that he would specifically publicize falsely that the Carleton had a problem with bed bugs that it would did not care to resolve.

38. Defendants intentionally interfered with Carleton's expectancy and prevented the expectancy from ripening into valid business relationship by posting false information about the hotel for the expressed purpose of harming Carleton.

39. Defendants' intentional interference injured Carleton by causing at least two, if not thousands, of prospective guests from staying at the hotel.



WHEREFORE, the Plaintiff, Carleton Hotel, LLC, prays for judgment in its favor, and against the Defendant, Michael Gladstone, in an amount in excess of the jurisdictional limits of the Law Division to be proven at trial, plus costs of suit and punitive damages, and for any further relief deemed equitable and just by this Honorable Court.

Respectfully Submitted,

CARLETON HOTEL, LLC

By:

One of Its attorneys

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David M. Jenkins  
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# BRENNAN'S PEST CONTROL

(708) 205-1953

chris@smallgamehunter.net  
oakparkpestcontrol.com

Mailing Address: 846 S. GUNDERSON,  
OAK PARK, IL 60304

DATE OF SERVICE: 5/6/11

SERVICE PERIOD: \_\_\_\_\_

TIME IN: 1:00 TIME OUT: 2:30

CUSTOMER NAME: CARLETON

ADDRESS: 111 D PL GASANT  
OAK PARK

CUSTOMER PHONE: 848-5000

NUMBER	PRODUCT	ACTIVE INGREDIENT	CONCENTRATION %	
			DBLE	MAINT
1	NYGARD IGR	PYRIDINE		0.01%
2	GGNTROL	HYDROPRENE		9.0%
3	PHANTOM	CHLORFENAPYR		0.25%
4	TALSTAR ONE	BIFENTHRIN		0.062%
5	CB80	PYRETHRIN PIPERONYL BUTOXIDE TECHNICAL		0.5% 4.0%
6	TERMIDOR SC	FIPRONIL		0.09%
7	SUSPEND SC	DELTAMITHRIN		0.06%
8	PRESCRIPTION PI	PYRETHRIN PIPERONYL BUTOXIDE TECHNICAL		0.5% 4.0%
9	BORID	ORTHOBORIC ACID		99%
10	PHANTOM PRESSURIZED	CHLORFENAPYR		0.05%
11	DRIONE	DRIONE P.B.T. AMORPHOUS SILICA GEL		10% 10% 40%
12	TEMPRID SC	IMIDACLOPRID CYFLUTHRIN		21.0% 10.5%
13	DELTA DUST	DELTAMITHRIN		0.05%
14	MAX FORCE ANT GEL	FIPRONIL		0.01%
15	MAX FORCE FC ROACH GEL	FIPRONIL		0.01%
16	MAXFORCE FX SELECT ROACH GEL	FIPRONIL		0.01%
17	NIBAN FG	ORTHOBORIC ACID		5.0%
18	MF GRANULAR	HYDROMETHYLNON		1%
19	ADVANCE CARPENTER ANT & FORMULA 1	ABAMECTIN BI		0.011%
20	INTICE SMART ANT GEL	SODIUMTETRABORATE DECAHYDRATE		5%
21	CONTRAC BLOK ROBENTICIDE	BROMADIOLONE		0.005%
22	CONTRA PLACE PAK	BROMADIOLONE		0.005%
23	SOREXA PLACE PAK	DIFENACOU		0.005%
24	FINAL BLOX	BRODIFACOU		0.005%
25	ROZOL TP	CHLOROPHACINONE		0.2%

	YES	No
PEST ACTIVITY		
INSECTS PRESENT		
FLIES PRESENT		
RODENT EVIDENCE		
INTERIOR		
AREA NEED REPAIR		
UNDER EQUIPMENT SANITATION		
PEST HARBORAGE		
EXTERIOR		
TRASH AREA NOT CLEAN		
WEEDS/CLUTTER BY BUILDING		
PEST HARBORAGE		
PEST PROOFING		
STANDING WATER		

EXPLAIN ALL YES ANSWERS

INSPECT ROOMS 121, 342, 344 FOR  
BED BUGS.

ALL BEDDING WAS STRIPPED, ALL FURNITURE  
PEDS, BOX SPRINGS, FRAMES, HEADBOARDS,  
CHAIRS, NITE STANDS, RECEIVED CRACK +  
CREVICE INSPECTION WITH 80Z #8,  
NOT A SINGLE BED BUG, DEAD OR ALIVE  
WAS OBSERVED. ADDITIONALLY, NO FECAL,  
BLOOD EVIDENCE WAS FOUND.

PERIMETER OF ROOMS WERE THEN  
TREATED WITH 1/2 GAL #2 + 3 MIX FOR  
PREVENTION.

AMOUNT DUE: \$ 150<sup>00</sup>

SERVICE TECHNICIAN SIGNATURE Chris Brennan

CUSTOMER SIGNATURE \_\_\_\_\_

