
CLERK OF THE COURT

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13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 JAMES MCGIBNEY,)
16) Case No.: A-12-667156-C
17 Plaintiff,)
18) Dept. No.: XXIV
19 vs.) **AFFIDAVIT OF STEVEN ROHR**
20 HUNTER MOORE,)
21)
22 Defendant.)
23 _____)

24 I, STEVEN ROHR, do hereby swear under penalty of perjury that the following assertions
25 are true to the best of my knowledge and belief.

26 1. I am the founder and president of Lexicon Public Relations in Los Angeles,
27 California. In addition to more than a decade of experience in public relations, I have three prior
28 years of broadcast television experience at KCBS-TV in Los Angeles and later at CBS News.
Additionally, I hold a Bachelor of Arts *magna cum laude* from Concordia College and a Master's
of Arts from the Arizona State University. A copy of my professional biography is attached as
Exhibit A.

1 2. My agency, Lexicon Public Relations, represents award-winning actors, recording
2 artists, authors, experts, films, and corporations – including ViaView, Incorporated, which is
3 operated by the Plaintiff in this action, James McGibney.

4 3. Other clients whom I have represented personally and through my firm include
5 Martin Sheen and Hal Halbrook, who have both won numerous awards over their careers, including
6 Emmy Awards®, an Academy Award®, and a Tony Award®. Other clients of my firm appear on
7 shows including Glee, Blue Bloods, Community, Justified, True Blood, and The Office, among
8 others.
9

10 4. In addition to actors, I have represented films as well, including The Door and Wish
11 143, which were both nominated for Academy Awards® for Best Short, Live Action Films in 2010
12 and 2011, respectively. I have also served on the Host Committees for the Academy Awards®
13 from 2008 through the present and the Daytime Emmy Awards® in 2010 and 2011.
14

15 5. Beyond the screen, I have represented Grammy Award®-winning recording artists –
16 including those with albums that the Recording Industry Association of America has certified as
17 Platinum (requiring shipment of more than 1,000,000 units of the record receiving the designation
18 – a considerable feat within a music industry that has been so negatively affected by Internet
19 piracy). I also represented Jose Canseco in the promotion of his New York Times #1 Best-Seller
20 book Juiced, which exposed the use of steroids within major league baseball.
21

22 6. My opinions in this matter are based upon my professional relationship with the
23 Plaintiff and knowledge of his businesses, my review of the Complaint in this action, and my
24 professional experience as described in the preceding paragraphs.
25

26 7. Contrary to popular belief, the old adage that there is “no such thing as bad
27 publicity” is false. In my experience, there are plenty of examples of bad publicity from which
28 someone cannot fully recover – and this case is one such object lesson.

1 8. Hunter Moore claimed that James McGibney was a pedophile and in possession of
2 child pornography. Within the Internet businesses where Mr. McGibney works and is best known,
3 and which is especially sensitive to issues of child exploitation, this kind of allegation is especially
4 damaging.

5 9. Some “negative” press – such as a high-profile break-up or accusation of infidelity –
6 can be beneficial to those involved by keeping them relevant and the subjects of news articles and
7 television pieces. This is not the case with Hunter Moore’s statements. As Moore’s false
8 statements involve under-age children, Mr. McGibney would stand absolutely nothing to gain from
9 them. The public’s position on child protection is so universally in favor of shielding minors from
10 any harm that there is no possible way Mr. McGibney could have portrayed Moore’s comments
11 favorably.
12

13 10. In certain instances, celebrity scandals can be used to rehabilitate or even improve
14 their images. People involved in a scandal can seek counseling, rehabilitation, therapy, or
15 treatment, and redeem themselves in the public’s eyes.
16

17 11. No such option exists for Mr. McGibney, who has falsely been accused of
18 pedophilia and possession of child pornography. Because of the *very real* child exploitation that
19 has occurred at the hands of the Catholic Church and, previously, Boy Scouts of America, the
20 public takes accusations of child exploitation very seriously. As two well-respected and trusted
21 institutions have previously been involved with horrendous and even systematic child abuse, every
22 allegation of child exploitation now seems within the realm of possibility.
23

24 12. Hunter Moore’s false claims have put McGibney into a situation he cannot possibly
25 win from a public relations standpoint. Mr. McGibney’s options are either to suffer in silence and
26 allow Moore’s statements to ricochet around the Internet, where they are permanently archived and
27 stored, unabated; or to attempt to clear his name – and in the process of doing so, give more
28

1 credence to Moore's statements by acknowledging their existence, and that they had the power to
2 make Mr. McGibney take remedial action (such as this lawsuit).

3 13. Even though Moore's statements are false and are adjudged to be false by this
4 Court, his mere allegation is enough to cause real and lasting harm to Mr. McGibney's reputation
5 and lifetime career earnings. Even provably false allegations such as Moore's can persist for
6 *decades* and significantly damage the professional and personal reputations of well-known
7 individuals.
8

9 14. Mr. McGibney's reputational harms in this case are unique because of Hunter
10 Moore's celebrity profile and the medium in which he made his untrue claims about him.
11

12 15. First, Hunter Moore enjoys some degree of celebrity. Moore is known for running
13 the involuntary pornography website Is Anyone Up before it went offline upon the sale of its
14 domain name, <isanyoneup.com>, to one of Mr. McGibney's companies. Both before and since
15 the sale of the domain name, Moore has received considerable media treatment from national and
16 local television sources (including the Anderson Cooper Show), print media (including Rolling
17 Stone magazine), and radio stations. As a result of this exposure from respected traditional media
18 outlets, Moore is accorded a level of credibility that an average person does not receive.
19

20 16. Second, Moore made his false statements accusing Mr. McGibney of being a
21 pedophile and possessing child pornography on the social media service Twitter. Moore has well
22 over 100,000 followers on Twitter, to whom the service delivers his latest messages. These
23 followers can then re-distribute Moore's statements to their own followers, essentially keeping
24 Moore's statements alive forever.
25

26 17. In addition to Moore making his false claims about Mr. McGibney on Twitter where
27 they could be easily shared, Moore's statements were more broadly made on the Internet, where
28 they can be preserved forever. Moore himself could have preserved his false statements about

1 McGibney, and may have been further preserved by individuals re-broadcasting (“re-tweeting”) or
2 quoting Moore’s false claims.

3 18. Additionally, entities including Google and the Internet Archive (archive.org)
4 routinely cache and preserve Internet content in order to preserve it for business, historical, and
5 academic reasons. Moore’s false statements about Mr. McGibney may have been further preserved
6 in time by such a service.
7

8 19. Just as Moore’s statements about Mr. McGibney are permanent, so too is the harm
9 he has done, and will continue to do, to Mr. McGibney’s reputation.

10 20. Even in attempting to clear his name with this lawsuit, Mr. McGibney has been
11 forced to acknowledge Moore’s false statements. In doing so, Mr. McGibney has essentially
12 breathed new life into Moore’s baseless claims – while they remain meritless, the fact that they
13 have required Mr. McGibney to file this suit to clear his name gives power to Moore’s false
14 statements.
15

16 21. Thus, any action Mr. McGibney takes to clear his name acknowledges Moore’s false
17 claims and draws further attention to them – and the damage they have caused to Mr. McGibney’s
18 reputation. Even if this litigation succeeds, the attention it brings to Moore’s statements may
19 ultimately cause more harm to McGibney’s reputation.
20

21 22. Even with a judgment in his favor, the cloud of Moore’s allegations will hang over
22 Mr. McGibney and his professional reputation for many years to come. While many will know
23 Moore’s allegations are false, the fact that Moore made such a claim and *associated* Mr. McGibney
24 with child exploitation and pedophilia is damaging to his reputation and professional prospects.
25

26 23. The fact that Moore defaulted in this case by failing to answer the Complaint makes
27 the reputational harm even worse. Rather than a decision on the merits, in which Moore would
28 have answered for his false statements against Mr. McGibney, Moore may forever be able to claim

1 the statements were never *proven* to be false, and that Mr. McGibney prevailed on a "technicality"
2 or "loophole."

3 24. On this basis, Moore has caused real and tangible harm to Moore's personal and
4 professional reputation. In my experience, this harm will last for the rest of James' career.

5 25. Based on McGibney's complaint against Moore and the analysis contained within
6 this statement, a judgment of \$250,000 is a conservative measure of the lifetime reputational harm
7 Moore's statements have caused Mr. McGibney, as he has no viable means of recourse to truly
8 clear his name after Moore's attack on him.
9

10 26. My hourly rate for providing expert testimony is \$375.00.

11 27. I have not served as an expert witness within the last four years.
12
13
14

15 FURTHER YOUR AFFIANT SAYETH NAUGHT.

16 Executed this 26th day of February, 2013 in Los Angeles, California

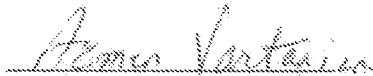
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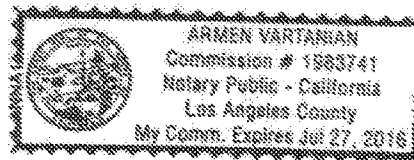


Steven Rohr

State of California
County of Los Angeles

On February 26 2013 Steven Rohr acknowledged this
instrument and provided her driver's license for
identification.





_____, notary public

EXHIBIT A



STEVE ROHR

BIOGRAPHY

Steve Rohr is founder and president of Lexicon Public Relations in Los Angeles. The agency represents award-winning actors, recording artists, authors, experts, films, and corporations.

For over a decade, Rohr has successfully managed the careers of veteran actors and emerging talent alike. Notable long-time clients include multiple Emmy Award-winning actor **MARTIN SHEEN** (*The Amazing Spider-Man*, *The West Wing*) as well as Academy Award®, Tony Award®, and 5-time Emmy® Award-winner **HAL HOLBROOK** (*Lincoln*, *Into the Wild*). Agency clients appear on: *Glee*, *Blue Bloods*, *Community*, *Justified*, *True Blood*, and *The Office*, to name a few.

Rohr has also represented several Grammy Award®-winning and Platinum Certified recording artists and bands for album releases and domestic tour press.

As a book publicist, he has strategically launched over a dozen titles including **JOSE CANSECO**'s tell-all baseball steroid book "Juiced," which reached #1 on the New York *Times* Bestseller List.

For several years, Rohr has represented films, including the Academy Award® nominated Best Short, Live Action films *The Door* (2010) and *Wish 143* (2011).

Rohr's professional activities include serving on the Host Committees for the Academy Awards® (2008 – present) and the Daytime Emmy Awards® (2010, 2011).

He began his career as an intern for KCBS-TV News in Los Angeles. In less than two years, he was producing entertainment stories for **Manuel Gallegus**, a national correspondent for *CBS News*. Rohr earned his M.A. in Communication from *Arizona State University* (Tempe, AZ) and graduated magna cum laude from *Concordia College* (Moorhead, MN). Currently, he is an associate professor of Communication at *MiraCosta College*.

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