

#1979

#16131

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

MELISSA SOLANO and)
 CEIL STEARMAN)
)
 Plaintiffs,)
)
 vs.) No.
)
 ROLLING STONE L.L.C.,)
 a Foreign Corporation)
 Defendant,)

2008L005729
 CALENDAR ROOM 5
 TIME 00:00
 Statutory Action

23
 PH 12:03
 COOK

COMPLAINT

NOW COME the Plaintiffs, MELISSA SOLANO and CEIL STEARMAN, by and through their attorney, STEVEN A SIGMOND, and complaining against the Defendant, ROLLING STONE L.L.C, state as follows.

COUNT I

1. On or about May 18, 2007, and at all other times relevant hereto, the Plaintiff, MELISSA SOLANO, was an individual residing within the City of Chicago, County of Cook, State of Illinois.
2. On or about May 31, 2007, and at all other times relevant hereto, the Defendant, ROLLING STONE L.L.C, was a Foreign Corporation, publishing and distributing Rolling Stone Magazine, with regional offices in Chicago, Illinois and selling and distributing the magazine within the State of Illinois, County of Cook, and City of Chicago.
3. On or about May 31, 2007, the Plaintiff, MELISSA SOLANO, was an individual residing in the County of Cook, City of Chicago, State of Illinois. At the aforementioned time,

the Plaintiff, CEIL STEARMAN, was also an individual residing in City of Chicago, County of Cook, State of Illinois.

4. At the aforementioned time, place and date, and at all other times relevant hereto, the Defendant, ROLLING STONE L.L.C had a duty to exercise reasonable care and caution in the publication and distribution of its magazine.

5. In violation of the aforementioned duties, the Defendant was then and there guilty of the following acts:

a.) The defendant placed the Plaintiff, MELISSA SOLANO, in a false light before the public by publishing an identifiable topless picture of the Plaintiff, without her permission and for commercial purposes, in the lower right-hand corner of page 42 of the May 31st issue.

b.) Although all the other pictures of non-celebrities on the page of the magazine are blurred and credited, the picture of the Plaintiff, MELISSA SOLANO, is identifiable because it clearly shows her face, multiple tattoos on her body, and a personal necklace.

c.) The picture which shows the girls topless and kissing a man at the same time would undoubtedly be offensive to a reasonable person.

d.) The Defendant, ROLLING STONE L.L.C published the picture of the plaintiff with reckless disregard to her feelings or the harm it could cause to her reputation.

6. As a result of the foregoing, the Plaintiff, MELISSA SOLANO, was harmed by the publication of her picture in the May 31, 2007 issue of Rolling Stone Magazine because the publication was injurious to her good name and reputation. In addition, her feelings have been injured, and she has incurred mental suffering and anguish.

COUNT II

7-10. Repeats and re-alleges the allegations contained in paragraphs one through four of Count I, incorporating them by reference.

11. In violation of the aforementioned duties, the Defendant was then and there guilty of the following acts:

a.) Appropriating the plaintiff, MELISSA SOLANO's, likeness by publishing a picture of her without her consent for commercial benefit.

12. As a result of the foregoing, the Plaintiff, MELISSA SOLANO was harmed by the publication of her picture in the May 31, 2007 issue of Rolling Stone Magazine because she is entitled to value of her image and has a right to this value under the Right to Publicity Act. 765 ILCS 1075/60.

COUNT III

13-15. Repeats and re-alleges the allegations contained in paragraphs one through four of Count I, incorporating them by reference.

16. In violation of the aforementioned duties, the Defendant was then and there guilty of the following acts:

a.) The defendant placed the Plaintiff, CEIL STEARMAN, in a false light before the public by publishing an identifiable topless picture of the Plaintiff, without her permission and for commercial purposes, in the lower right-hand corner of page 42 of the May 31st issue.

b.) Although all the other pictures of non-celebrities on the page of the magazine are blurred and credited, the picture of the Plaintiff, CEIL STEARMAN, is identifiable because it clearly shows her face.

c.) The picture which shows the girls topless and kissing a man at the same time would undoubtedly be offensive to a reasonable person.

d.) The Defendant, ROLLING STONE L.L.C published the picture of the plaintiff with reckless disregard to her feelings or the harm it could cause to her reputation.

17. As a result of the foregoing, the Plaintiff, CEIL STEARMAN, was harmed by the publication of her picture in the May 31, 2007 issue of Rolling Stone Magazine because the publication was injurious to her good name and reputation. In addition, her feelings have been injured, and she has incurred mental suffering and anguish.

COUNT IV

18-20. Repeats and re-alleges the allegations contained in paragraphs one through four of Count I, incorporating them by reference.

21. In violation of the aforementioned duties, the Defendant was then and there guilty of the following acts:

a.) Appropriating the plaintiff, CEIL STEARMAN's, likeness by publishing a picture of her without her consent for commercial benefit.

22. As a result of the foregoing, the Plaintiff, CEIL STEARMAN was harmed by the publication of her picture in the May 31, 2007 issue of Rolling Stone Magazine because she is entitled to value of her image and has a right to this value under the Right to Publicity Act. 765 ILCS 1075/60.

WHEREFORE the Plaintiffs, MELISSA SOLANO and CEIL STEARMAN, pray for judgment in their favor and against the Defendant, ROLLING STONE L.L.C, in a sum sufficient to compensate them for the aforesaid injuries, which sum is well in excess of the jurisdictional limits of \$30,000.00 plus costs.

Respectfully submitted,
MELISSA SOLANO and CEIL
STEARMAN,

BY: 

STEVEN A. SIGMOND, Their
Attorney

#16131
Steven A. Sigmond
THE LAW OFFICES OF STEVEN A. SIGMOND
345 N. Canal
Suite 1208
Chicago, IL 60606
(312) 258-8188