

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

A0907501

JOANNA ARGUS  
605 Race Street #201  
Cincinnati, OH 45202

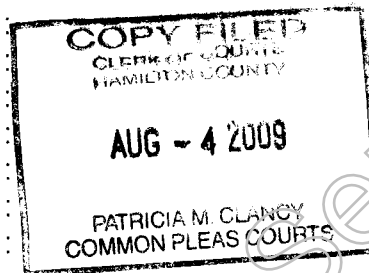
Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Plaintiff

v.

OHIO/OKLAHOMA HEARST-ARGYLE  
TELEVISION, INC.  
Attn: CT Corporation System, Agent  
1300 E. 9<sup>th</sup> Street  
Cleveland, OH 44114



**Please also Serve Defendant at:**

1700 Young Street  
Cincinnati, OH 45202

**COMPLAINT WITH JURY DEMAND  
ENDORSED HEREON  
(DEPOSITION NOTICES ATTACHED)**

and

HEARST TELEVISION, INC.  
300 West 57<sup>th</sup> Street  
New York, NY 10019

**Please also Serve Defendant at:**

The Corporation Trust Company, Agent  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

and

THE HEARST CORPORATION  
300 West 57<sup>th</sup> Street  
New York, NY 10019

**Please also Serve Defendant at:**

The Corporation Trust Company, Agent  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

and

RICHARD DYER  
11919 Derby Day Court  
Cincinnati, OH 45249

and

BRENNAN DONNELLAN  
7270 Concordridge Drive  
Cincinnati, OH 45244

and

INTERNET BROADCASTING  
SYSTEMS, INC.  
355 Randolph Avenue  
St. Paul, MN 55102

**Please also Serve Defendant at:**

Attn: National Registered Agents, Inc.  
145 Baker Street  
Marion, OH 43302

Defendants

For her Complaint against the Defendants, Ohio/Oklahoma Hearst-Argyle Television, Inc., Hearst Television, Inc., The Hearst Corporation, Richard Dyer, Brennan Donnellan, and Internet Broadcasting Systems, Inc., the Plaintiff, Joanna Argus, states as follows:

### **Nature Of The Action**

1. The Defendants in this case are a local television station, WLWT Channel 5, its general manager, its former news director, and an internet company that supplies and/or administers Channel 5's online content. This action stems from these Defendants' egregious disregard of a young woman's reputation and their repeated invasions of her privacy. The young woman is the Plaintiff Joanna Argus. On a number of occasions over the last year, despite her repeated protests, these Defendants used Ms. Argus' name and falsely portrayed her in a scandalous light in various stories regarding "sexting." These stories appeared in a number of news broadcasts, WLWT-sponsored seminars, internet videos, and they were available to WLWT's local viewing audience and – via the internet – to millions of people worldwide.

2. Ms. Argus now asserts claims for invasion of privacy, defamation and negligence. She seeks both compensatory and punitive damages in addition to other relief.

### **The Parties, Venue, And Jurisdiction**

3. The Plaintiff Joanna Argus is a citizen and resident of Hamilton County, Ohio. A graduate of Ursuline Academy and Xavier University, she has lived in Cincinnati virtually all of her life. Ms. Argus is currently unmarried and in her late twenties.

4. The Defendant Ohio/Oklahoma Hearst-Argyle Television, Inc. ("Hearst-Argyle") is a Nevada corporation that does business in and resides in the State of Ohio.

5. Upon information and belief, at all relevant times, Hearst-Argyle owned, operated, managed, and did business as the Cincinnati television station known as WLWT-TV Channel 5 and the local internet news and entertainment site, WLWT.com.

6. The Defendant Hearst Television, Inc. ("Hearst TV") is, upon information and belief, a Delaware corporation that does business in and resides in the State of Ohio.

7. Upon information and belief, at all relevant times, Hearst TV owned, operated, managed, and did business in the State of Ohio as the Cincinnati television station known as WLWT- TV Channel 5 and the local internet news and entertainment site, WLWT.com.

8. The Defendant The Hearst Corporation is, upon information and belief, a Delaware corporation with its principal place of business in the State of New York.

9. Upon information and belief, The Hearst Corporation, at all relevant times, owned, operated, managed, and did business in the State of Ohio as the Cincinnati television station known as WLWT TV-Channel 5 and the local internet news and entertainment site, WLWT.com.

10. The Defendant Richard Dyer is a citizen and resident of Hamilton County, Ohio. At all relevant times, Mr. Dyer was employed by the Defendants Hearst-Argyle, Hearst TV, and/or The Hearst Corporation as the general manager of WLWT-TV Channel 5.

11. The Defendant Brennan Donnellan is a citizen and resident of Hamilton County, Ohio. At all relevant times, Mr. Donnellan was employed by the Defendants Hearst-Argyle, Hearst Television, and/or The Hearst Corporation as news director for WLWT-TV Channel 5.

12. The Defendant Internet Broadcasting Systems, Inc. ("IBS"), is, upon information and belief, a Delaware corporation with its principal place of business in Minnesota. At all relevant times, IBS did business in the State of Ohio and provided content for, owned, managed, and did business as the local internet news and entertainment site, WLWT.com.

13. Each of the Defendants herein is the author, publisher, and/or is responsible for the content of the news stories that appear on Channel 5's daily broadcasts and on WLWT.com.

14. Venue in this Court is proper pursuant to Civ. R. 3.

15. This Court has jurisdiction over the subject matter of this dispute and the persons of these Defendants.

### **Facts Common To All Counts**

16. Ms. Argus is self-employed as a grant writer for non-profit organizations and as a medical editor for local physicians and researchers. She does business in her own name throughout the region. Her reputation is vitally important to her – both personally and commercially.

17. But not even her best efforts to guard her good name could have prevented the shame and humiliation that the Defendants have inflicted on her. Specifically, in a number of broadcasts, station-sponsored seminars, and internet videos, the Defendants have repeatedly – and suggestively – published Ms. Argus' name in the obscene and often criminal context of "sexting."

18. "Sexting" refers to the act of sending sexually explicit messages or photos electronically between cell phones. The Defendants used Ms. Argus' name in this scandalous (and often criminal) context without her authorization, despite her repeated protests, and contrary to Defendants' multiple (false) assurances that all such references to her on the internet and in future WLWT broadcasts would be expunged.

19. Ms. Argus first became aware of this situation last summer. Specifically, a shocked family member told her that he had seen her name in a Channel 5 story broadcast by the Defendants the previous evening. He reported that the piece used an image of a cell phone that displayed Ms. Argus' full name. Beneath her name, the phone also displayed a hypersuggestive text message consistent with the story's subject matter. During the broadcast in question, this image with Ms. Argus' name was apparently also used by the WLWT anchor to introduce the story.

20. Upset to learn this information, Ms. Argus called a friend, a WLWT employee, for an explanation. He confessed that WLWT had used her name and written the message on a cell phone in order to take video for a story. He apologized

profusely to Ms. Argus. And acting in the course and scope of his employment, he indicated that he would make sure that WLWT did not use the footage with her name again.

21. Upon information and belief, this employee then communicated with WLWT management, including Mr. Donnellan and Mr. Dyer, regarding the improper and unauthorized use of Ms. Argus' name.

22. Defendants did not halt the use of Ms. Argus' name. Instead, Defendants continued to use it in television and internet broadcasts throughout the rest of 2008 and 2009.

23. As an example, on March 3, 2009, a client told a horrified Ms. Argus that he had seen her name in a sexting story broadcast on Channel 5. In that instance, her name was used in video in conjunction with the message, "Baby, I know what you need..." The same piece also appeared on Defendants' internet site, WLWT.com.

24. Humiliated that a client had seen this story, Ms. Argus again called the WLWT employee and again, he apologized. He assured her that (once and for all) the Defendants would expunge the references to her that had appeared. He also told her that station management was perplexed and upset as to how her name had been used again.

25. Defendants were not upset enough to take action because incredibly, just two weeks later, on March 19, 2009, Ms. Argus' mother saw another sexting story that used Ms. Argus' name. This story was on WLWT's website, and it dealt with the tragic case of a local high school student who had killed herself after her former boyfriend had shared her sexting messages with his friends.

26. Ms. Argus called the WLWT employee again. He responded to an upset Ms. Argus with the same apologies and the same promises to halt the use of her name that he had previously given.

27. But approximately eight days later, on March 27, 2009, Ms. Argus' brother called Ms. Argus to say that he had seen her name with a suggestive text in another sexting story. This piece was broadcast on that day's 6:30 a.m. news broadcast. The story also indicated that WLWT would be presenting old stories on sexting (that presumably also used Ms. Argus' name) to an entire high school that day.

28. In response, Ms. Argus asked a journalist friend to call WLWT in order to put a stop to the repeated images of her name in the context of sexting. Upon information and belief, that person spoke with the Defendant Mr. Donnellan who indicated that he was aware of the situation.

29. That same day, Ms. Argus looked at WLWT.com and despite the assurances and apologies from Defendants that she had received over the past year, she found two other sexting stories that relied on the inappropriate and unauthorized image of her name.

30. To date, Ms. Argus only knows of these instances. But in light of the local media's heavy coverage of sexting over the past year, she understandably believes that the Defendants have authorized, posted, and broadcast many more similar stories (of which she is not yet aware) that have tarnished her name and invaded her privacy in this uninvited context.

#### **Count I – Invasion of Privacy (False Light)**

31. The previous allegations of this Complaint are restated herein as if fully rewritten.

32. The Defendants, as aforesaid, have given publicity to a matter concerning the Plaintiff that places her before the public in a false light by, among other things, falsely communicating that the Plaintiff engages in sexting, which can be a criminal activity, and that the Plaintiff (an unmarried woman in her late twenties) is of little or no sexual virtue.

33. The false light in which the Plaintiff was placed by the Defendants would be highly offensive to a reasonable person.

34. At all relevant times, the Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiff would be placed.

35. As a direct and proximate result of Defendants' acts and omissions as stated herein, the Plaintiff has suffered damages, including personal humiliation, mental and emotional anguish and distress, harm in her interest in privacy, and injury to her business and reputation, and loss of income, which damages and losses exceed \$25,000.

#### **Count II – Invasion of Privacy (Intrusion Upon Seclusion)**

36. The Plaintiff restates, as if fully rewritten herein, the previous allegations of her Complaint.

37. The Defendants intentionally and without privilege or authority intruded upon the Plaintiff's solitude and privacy with respect to her private affairs in matters that are personal to her.

38. Said intrusions would be highly offensive to a reasonable person.

39. As a direct and proximate result of Defendants' acts and omissions as stated herein, the Plaintiff has suffered damages, including personal humiliation, mental and emotional anguish and distress, harm in her interests in privacy, and injury to her business and reputation, and loss of income, which damages exceed \$25,000.

#### **Count III - Defamation**

40. The Plaintiff restates, as if fully rewritten herein, the previous allegations of her Complaint.

41. Through their conduct with respect to the Plaintiff and their statements about her as aforesaid, the Defendants defamed the Plaintiff.

42. Said statements and acts were false or falsely attributed certain character traits to the Plaintiff regarding criminal activities, her sexuality, and her virtue.

43. At all relevant times, Defendants acted recklessly and without privilege.

44. Defendants' statements and conduct were defamatory *per se*.

45. As a direct and proximate result of Defendants' acts and omissions as stated herein, the Plaintiff has suffered damages, including personal humiliation, mental and emotional anguish and distress, loss of reputation, harm to her business and loss of income, which damages exceed \$25,000.

#### **Count IV - Negligence**

46. The Plaintiff restates, as if fully rewritten herein, the previous allegations of her Complaint.

47. The Defendants owed a duty of due care to the Plaintiff, but they breached said duty by, among other things, failing to train editors, reporters, producers, anchors, and other employees with respect to the subject matter herein; negligently retaining and supervising these employees; failing to implement and follow proper procedures and protocols with respect to the use of identifiable names in stories; and failing to edit, redact, and/or expunge Plaintiff's name from certain subject matter.

48. As a direct and proximate result of Defendants' acts and omissions as stated herein, the Plaintiff has suffered damages, including personal humiliation, mental and emotional distress and anguish, loss of reputation, and harm to her business and loss of income, which damages exceed \$25,000.

#### **Count V – Punitive Damages**

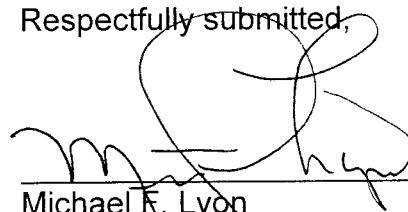
49. The Plaintiff restates, as if fully rewritten herein, the previous allegations of her Complaint.

50. The Defendants' actions described herein were willful, wanton, intentional, malicious, reckless, and exhibited a conscious disregard for the rights and safety of other persons that had a great probability of causing substantial harm.

51. Plaintiff is entitled to an award of punitive damages and her attorneys' fees from Defendants in order to punish them for their wrongful conduct and to deter them from ever repeating such conduct.

WHEREFORE, having fully stated her claims against the Defendants, Ohio/Oklahoma Hearst-Argyle Television, Inc., Hearst Television, Inc., The Hearst Corporation, Richard Dyer, Brennan Donnellan, and Internet Broadcasting Systems, Inc., the Plaintiff, Joanna Argus, demands judgment against said Defendants, jointly and severally, for an amount in excess of \$25,000, plus her costs and attorneys' fees, punitive damages, and all other legal and equitable relief to which she is entitled.

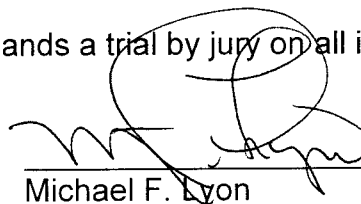
Respectfully submitted,



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Bradley D. McPeck (0071137)  
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**Attorney for Plaintiff Joanna Argus**

**Jury Demand**

The Plaintiff Joanna Argus hereby demands a trial by jury on all issues herein.

  
Michael F. Lyon

To the Clerk:

Please issue Service of Summons, together with a copy of the Complaint, on the Defendants according to law by certified mail, return receipt requested.