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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 25 2010

GARY M. BLAIR, Executive Officer
BY *TERRI CHAVEZ*
TERRI CHAVEZ, Deputy Clerk

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SANTA BARBARA**
11 **(ANACAPA DIVISION)**

12 KALJU KAHN,

13 Plaintiff,

14 vs.

15 KEYT TV, SMITH MEDIA, LLC; AND
16 DOES 1-50, INCLUSIVE.

17 Defendants.

Case No.:

1342146

**COMPLAINT FOR DAMAGES
(DEFAMATION - SLANDER)**

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19 COMES NOW PLAINTIFF, KALJU KAHN, and pleads and alleges as follows:

20
21 1. At all times mentioned in this complaint, plaintiff was, and now is, a Lecturer in the
22 Department of Chemistry and Biochemistry at the of University of California at Santa
23 Barbara and resides in the City of Goleta, County of Santa Barbara in the State of California.
24 Plaintiff has resided in the City of Goleta for many years and at all times has enjoyed a good
25 reputation generally and in his occupation.

26
27 2. At all times mentioned in this complaint, Defendant KEYT-TV, was and now is the ABC-
28 affiliated television station for the Santa Barbara, Santa Maria, and San Luis Obispo,
California areas. KEYT operates morning, afternoon, and evening newscasts. "KEYT

1 Channel 3” has identified itself as KEY News since the 1980s. KEYT-TV operates out of a
2 station located in the City of Santa Barbara, County of Santa Barbara, State of California.
3

4 3. At all times mentioned in this complaint, Defendant SMITH MEDIA, LLC, was and now
5 is a corporation duly organized and existing under and by virtue of the laws of Delaware, but
6 is based partially in Los Angeles, California, that owns and operates seven television stations
7 across the United States, including KEYT-TV in Santa Barbara County, State of California.
8

9 4. Defendants Does 1-50 are individuals or corporations or business entities of a form
10 unknown to plaintiff at this time, and at all times mentioned in this complaint were residents
11 or did business within Santa Barbara County, California. The true names and capacities of
12 Does 1-50 are unknown to plaintiff at this time, who therefore sues these defendants by such
13 fictitious names. Plaintiff will seek leave to amend this complaint to allege their true names
14 and capacities when ascertained.
15

16 5. Plaintiff alleges on information and belief that at all times mentioned herein each of the
17 Doe defendants was the agent, representative and employee of each of the remaining
18 defendants, and in doing the things alleged in this Complaint was acting within the scope of
19 such agency, representation and employment, and with the permission and consent of the co-
20 defendants, including Does.
21

22 6. At all times herein mentioned defendants, and each of them, were and now are, doing
23 business as publishers and disseminators of information and news, and were, and now are,
24 publishing and broadcasting the television news show “KEY News”, a several times daily
25 television news show in the City of Santa Barbara and beyond, including Santa Barbara
26 County and San Luis Obispo County. The news broadcasts have a substantial television
27 audience and are watched by more than 200,000 people.
28

1 7. At all times herein mentioned, defendants and each of them, were, and now are, doing
2 business as publishers and disseminators of information and news, and were, and now are,
3 publishing and broadcasting news and information on their website, KEYT.com. Said
4 website is updated continually with new and breaking news stories on a local, statewide, and
5 national level. The KEYT.com website is on the internet and therefore is accessible to
6 millions of people around the world, and of particular interest to the populace of the Central
7 Coast Communities of the State of California including, but not limited to Goleta (the
8 community in which plaintiff and his family live and work), Santa Barbara, Lompoc, Santa
9 Maria, San Luis Obispo and others.

10
11 8. On the morning of March 2, 2009, defendants broadcast on KEY News and published on
12 their website that the UCSB Police Department was asking for help as they were trying to
13 find a former lecturer wanted for rape. The broadcast identified by name and by photograph
14 plaintiff Kalju Kahn, and described how he was wanted for his involvement in sexual crimes
15 with a student and that he had been charged with first degree rape. The broadcast and
16 publication went on further to state that plaintiff should be considered armed and extremely
17 dangerous. The internet website publication is attached to this complaint as Exhibit A and
18 incorporated in this complaint by reference for all purposes.

19
20 9. This statement is slanderous on its face, *slander per se*, because it clearly exposed
21 plaintiff to hatred, contempt, ridicule, and obloquy by asserting explicitly that plaintiff
22 engaged in unlawful sex with a student, was being investigated for engaging in unlawful sex
23 with a student; that plaintiff had been charged with the crime of rape, a serious felony; that he
24 should be considered armed and extremely dangerous; and that the UCSB Police Department
25 was actively searching for him. The statement implied, moreover, that plaintiff was no
26 longer employed by UCSB, had committed these serious felonies, and that he was of
27 dangerous and corrupt character, in his professional dealings as a lecturer at the University of
28 California at Santa Barbara.

1 10. The entire statement both on television and on the defendants' website is false as it
2 pertains to plaintiff.
3

4 11. This material was understood by those who read it in a way which harmed plaintiff's
5 reputation in several respects: on March 2, 2009, plaintiff was confronted at 0545 by his in-
6 laws who confronted him and accused him of being a murderer and rapist and wondered
7 whether or not he had killed his wife. They accused him of having an affair. Later that
8 morning, a colleague and mentor who was involved in Campus Security activities advised
9 him that he was starting an investigation of allegations that he had been having an illicit
10 affair with a student who might report a rape to the campus police. Plaintiff subsequently
11 discovered commentary in various on-line discussion groups where he found posts stating
12 things such as, "That guy must give one hell of a final," and "He personally yelled at me in
13 class...so I can understand where these criminal acts are fuelled from."
14

15 12. This broadcast was seen by viewers of KEYT-KEY News early in the morning on March
16 2, 2009, and then at least each half hour during re-broadcasts, until approximately 0943 in
17 each of the communities within Santa Barbara and San Luis Obispo Counties that receive
18 broadcasts of KEYT-KEY News and throughout the State of California.
19

20 13. This publication was seen on defendants' website for most of the day on March 2, 2009
21 by viewers reading the news on defendants' website. Plaintiff is informed and believes and
22 on that basis alleges that this publication may have reached hundreds of thousands of people
23 in each of the communities within Santa Barbara and San Luis Obispo Counties that view
24 defendant's websites for their local news and updates, and throughout the State of California.
25

26 14. Defendants were grossly negligent and reckless in publishing this broadcast and in
27 posting the same on their websites. With ordinary and reasonable care defendants would have
28 realized or could have discovered that the article was obviously false and grossly defamatory

1 and slanderous as it applied to plaintiff. Defendants never made any attempt to contact either
2 plaintiff or any other party concerning the truth of the allegations before publishing the same
3 although defendant could easily have done so; and defendants received the information in an
4 email from an unknown source they could not identify.

5
6 15. Further, the above-described publications were published by defendants with malice in
7 that defendants published with reckless disregard as to the truth or falsity of the statements,
8 because they did not check or confirm the information they received prior to airing it or
9 posting it on their website. It would have been very easy for defendants to contact the UCSB
10 Police Department to confirm whether or not such an investigation in fact existed and/or the
11 truthfulness or accuracy of the information they published prior to airing it on their television
12 station or posting it on their internet websites. Defendants did nothing. Moreover, as alleged
13 hereinbelow, the broadcast stayed on the website all day until it was replaced with a story
14 about a false report of a police investigation. The same is true of the television broadcasts,
15 until approximately 5:00 p.m. that day, when KEYT-KEY News broadcasted a retraction and
16 apology to plaintiff his family for not confirming the story with the Police Department prior
17 to its airing.

18
19 16. On March 2, 2009 plaintiff served on defendants within 20 days after the article appeared
20 a demand for correction or retraction as required by Civ. Code § 48a of the State of
21 California. A copy of that demand is attached to this complaint, marked Exhibit B and
22 incorporated by reference into this complaint. Additionally, plaintiff called Defendants'
23 newsroom to make certain they knew the story was untrue. Defendants retracted the story
24 broadcast on television by issuing a statement on the false news story on KEYT. No
25 retraction was posted on defendants' website. However, defendants posted a new story under
26 the headline, "Police investigating false press release."

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28 ///

1 17. As a proximate result of the above-described publication, plaintiff has suffered loss of his
2 reputation, shame, mortification, and injury to his feelings, all to his damage in an amount to
3 be proved at trial.

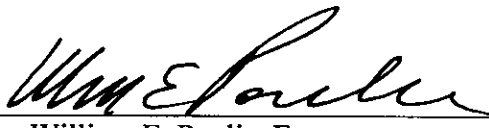
4
5 18. As a proximate result of the above-described publication, plaintiff has suffered special
6 damages in having to return a \$2000 grant for a research project he was unable to complete
7 due to the emotional trauma, stress and humiliation from the slanderous broadcast, as well as
8 approximately \$50 in medical expenses for doctors visit and medicine to treat the anxiety and
9 high blood pressure resulting from the impact to his health due to the slanderous publication.
10 Additionally, plaintiff incurred approximately \$2400 in costs associated with installation of a
11 home security and surveillance system and to upgrade his home security computer due to fear
12 he might be hunted and attacked as a result of the contents of the slanderous publication.

13
14 WHEREFORE, plaintiff demands judgment against defendants, and each of them, for:

- 15 1. Compensatory damages according to proof;
16 2. Punitive damages;
17 3. Interest as allowed by law;
18 4. Costs of suit; and
19 5. Such other and further relief as this court may deem just and proper.

20
21 Dated: February 24, 2010

William E. Poulis, Attorney at Law

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23 By: 
24 William E. Poulis, Esq.
25 Attorney for Kalju Kahn
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