

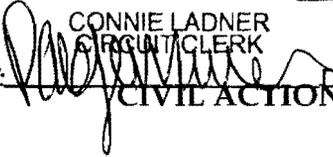
IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
FEB 21 2018

KATHERINE GRACE SHORT

PLAINTIFF

VERSUS

BY:  CONNIE LADNER
CIRCUIT CLERK
CIVIL ACTION NO. 12401-18-491

OXYGEN MEDIA, LLC; WOLF FILMS, INC.;
GEMINI MAGICAL ELVES, INC.;
KELLY SIEGLER; JOHN BONDS; and
DARREN VERSIGA

DEFENDANTS

COMPLAINT

(JURY TRIAL DEMANDED)

COMES NOW, the Plaintiff, Katherine Grace Short, by and through her counsel, Smith & Holder, PLLC, and complains of Defendants, Oxygen Media, LLC; Wolf Films, Inc.; Gemini Magical Elves, Inc.; Kelly Siegler; John Bonds; and Darren Versiga (collectively "Defendants"), as follows:

INTRODUCTION

1. The Plaintiff, Katherine Grace Short ("Kathie") brings this action to redress the permanent injury and damage resulting from Defendants' false and defamatory statements, accusations, and insinuations of and concerning her in the published television broadcast *Cold Justice: Beyond the Grave* (the "episode"). The episode, broadcast by Defendant Oxygen Media, LLC (the "Oxygen Network"), initially aired on August 12, 2017.

2. The gist of *Cold Justice: Beyond the Grave* is that on August 1, 1975, Kathie murdered her late-husband, George Tyrone Breland ("Tye Breland" or "Tye"). The gist of the episode is false and defamatory and is actionable *per se*, as are many of the specific technically and substantially false statements therein.

3. Kathie did not murder Tye Breland nor did she have anything to do with causing his unfortunate death.

4. Viewers of *Cold Justice: Beyond the Grave* were and are unaware that the episode was and is a purposeful sham, built around a false and defamatory narrative advanced by Defendants.

5. Contrary to Defendants' contention, as far back as August 1975, law enforcement authorities responsible for the investigation of Tye Breland's death determined the cause of his death was an accidental, self-inflicted gunshot wound; not suicide or murder. The "disproving suicide" angle was conjured up by Defendants for the sole purpose of veiling their false and defamatory statements, accusations, and insinuations that Kathie murdered Tye Breland.

6. Defendants' statements, accusations, and insinuations that Kathie murdered her husband were not and are not based on truthful facts or credible evidence. No, Defendants' statements, accusations, and insinuations are based on a compilation of lies, half-truths, manufactured information, and the intentional omission and avoidance of truthful information about Kathie's life and the tragic death of her late-husband, Tye.

7. Defendants' statements, accusations, and insinuations regarding Kathie have been, and continue to be broadcast to millions of viewers nationwide and around

the world, as the episode continues to be broadcast on the Oxygen Network's media platforms. Defendants' accusations, insinuations, and many of their statements were, and continue to be, negligently published with a reckless disregard for the truth or falsity of same and are actionable *per se*.

8. Moreover, Defendants' cruel and spurious publications and broadcasts have no basis in fact, are not protected by the First Amendment or any privilege, and were calculated and publicized to boost ratings for a television series, *Cold Justice*, which had already been dropped by one cable network, TNT, and a rebranded Oxygen Network seeking to attract new viewers.

PARTIES

9. Kathie is an adult resident citizen of Harrison County, Mississippi, First Judicial District. Kathie is a private citizen and has never attained the status of a public official, public figure, or vortex public figure for purposes of filing and prosecuting a defamation action. Kathie has never voluntarily participated in any media or public interviews to discuss Tye Breland's tragic death.

10. Defendant Oxygen Network, a wholly owned subsidiary of NBCUniversal, Inc., is a Delaware limited liability company with its principal place of business located at 30 Rockefeller Plaza, New York, New York 10112. According to NBCUniversal's website, the Oxygen Network "is a multiplatform crime destination brand for women . . ." and is "available in more than 77 million homes . . ."¹ The Oxygen Network broadcasts, *inter alia*, the television series *Cold Justice*, including the episode, *Cold Justice: Beyond the*

¹ <http://www.nbcuniversal.com/business/oxygen-media> (last visited February 12, 2018).

Grave. This Defendant conducts substantial business in the State of Mississippi and has committed a tort, in whole or in part, in the State of Mississippi, thus subjecting itself to the jurisdiction of this Court. The Oxygen Network may be served with process through its Registered Agent, Enterprise Corporate Services, LLC, 1201 North Market Street, Suite 1000, Wilmington, DE 19801.

11. Defendant Wolf Films, Inc. (“Wolf Films”) is a California corporation with its principal place of business located at 500 South Buena Vista Street, Burbank, California 91521. Wolf Films is engaged in television and motion picture productions including the Oxygen Network series *Cold Justice* and the episode, *Cold Justice: Beyond the Grave*. This Defendant conducts substantial business in the State of Mississippi and committed a tort, in whole or in part, in the State of Mississippi, thus subjecting itself to the jurisdiction of this Court. Wolf Films may be served with process through its Registered Agent, Corporation Service Company, d/b/a CSC - Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833.

12. Defendant Gemini Magical Elves, Inc. (“Magical Elves”) is a California corporation with its principal place of business located at 16030 Ventura Boulevard, Suite 380, Encino, California 91436. Magical Elves is engaged in television and motion picture productions including the Oxygen Network series *Cold Justice* and the episode, *Cold Justice: Beyond the Grave*. This Defendant conducts substantial business in the State of Mississippi and committed a tort, in whole or in part, in the State of Mississippi, thus subjecting itself to the jurisdiction of this Court. Magical Elves may be served with

process through its Registered Agent, Jeanne Newman, 450 North Roxbury Drive, 8th Floor, Beverly Hills, California 90210.

13. Defendant Kelly Siegler (“Siegler”) is an adult resident citizen of the State of Texas. Siegler played an acting role in the episode, and performing in concert with the other Defendants, was a primary contributor to the content of the episode. The conduct of this Defendant which is the subject of this litigation occurred, in whole or in part, within the State of Mississippi.

14. Defendant John Bonds (“Bonds”) is an adult resident citizen of the State of Texas. Like Siegler, Bonds played an acting role in the episode, and performing in concert with the other Defendants, was a primary contributor to the content of the episode. The conduct of this Defendant which is the subject of this litigation occurred, in whole or in part, within the State of Mississippi.

15. Defendant Darren Versiga (“Versiga”) is an adult resident citizen of Jackson County, Mississippi. During the filming of the episode, Versiga was employed as a police officer with the Pascagoula, Mississippi Police Department. Versiga played an acting role in the episode, and performing in concert with the other Defendants, was a primary contributor to the content of the episode. Versiga is sued in his individual capacity as his conduct giving rise to this action, pursuant to Miss. Code Ann. §§ 11-46-5(2) and 11-46-7(2), occurred while he was acting outside the course and scope of his employment as a police officer with the Pascagoula, Mississippi Police Department.

JURISDICTION AND VENUE

16. This Court has proper *in personam* and subject matter jurisdiction.

17. Kathie has complied with the pre-suit notice mandate of Miss. Code Ann. § 95-1-5.

18. Venue is proper in this Court, because substantial acts or omissions or substantial events causing Kathie's injuries and damages occurred in the First Judicial District of Harrison County, Mississippi.

19. Sufficient minimum contacts exist with respect to this action and the State of Mississippi to satisfy the requirements of due process.

20. All non-resident Defendants are subject to the jurisdiction of this Court, pursuant to Mississippi's long-arm statute, Miss. Code Ann. § 13-3-57.

21. Defendants reasonably anticipated being haled into court in Mississippi to answer for their false and defamatory statements and the gist of the episode, all concerning Kathie, a resident of the First Judicial District of Harrison County, Mississippi.

22. Substantial events in the episode were filmed and take place in the First Judicial District of Harrison County, Mississippi.

23. Defendants, on multiple occasions and in multiple scenes in the episode, attempted to ambush and interview Kathie at her home, which is located in the First Judicial District of Harrison County, Mississippi.

24. The episode was and continues to be published and broadcast in the First Judicial District of Harrison County, Mississippi by the Oxygen Network on Cable One Channel 1114, AT&T U-Verse Channel 368, DirecTV Channel 251, Dish Channel 127, and other cable providers. Additionally, the episode remains accessible to viewers via the

internet in the First Judicial District of Harrison County, Mississippi through the Oxygen Network's website, oxygen.com.

25. Wolf Films and Magical Elves entered into an agreement with the Oxygen Network to produce the episode and knew, or should have known, the episode would be filmed, in whole or in part, in the First Judicial District of Harrison County, Mississippi and published and broadcast nationwide by the Oxygen Network, which has wide and regular circulation and viewership in the First Judicial District of Harrison County, Mississippi.

26. Defendants focused the episode on Kathie and expressly aimed their false and defamatory accusations and insinuations at her, knowing she is a resident of the First Judicial District of Harrison County, Mississippi.

27. Defendants knew and intended that the episode would be filmed, in whole or in part, in the First Judicial District of Harrison County, Mississippi and knew and intended that the episode would be published and broadcast by the Oxygen Network, which broadcasts television programs in the First Judicial District of Harrison County, Mississippi.

28. It was the natural and foreseeable result of the episode that Defendants' false and defamatory accusations and insinuations against and about Kathie would be published and republished in the First Judicial District of Harrison County, Mississippi, causing harm, injury, and damage to Kathie in the First Judicial District of Harrison County, Mississippi, where Kathie resides.

29. Defendants knew, or should have known, and intended that the brunt of the harm the episode caused and continues to cause Kathie would be felt in the First Judicial District of Harrison County, Mississippi, where Kathie resides.

30. Defendants purposefully sought and obtained benefits from their tortious acts in the First Judicial District of Harrison County, Mississippi.

FACTUAL BACKGROUND

A. Tye Breland's Death.

31. On the evening of August 1, 1975, after visiting her friend, Mary Houge, in the hospital, Kathie arrived at the home she shared with her husband, Tye Breland, located at 4106 Chico Street, Pascagoula, Mississippi 39581.

32. When Kathie got home, Tye was sitting downstairs drinking a beer, and after a few minutes, got up and said he was going upstairs to bed. Kathie followed Tye upstairs to the bedroom, where upon entering, Tye laid down on the bed and asked Kathie to get him a glass of water.

33. Kathie walked into the bathroom, and as she took ahold of the glass all of a sudden heard a gunshot.

34. Kathie immediately reentered the bedroom, where she found Tye laying on the floor at the foot of the bed and a short-barreled 410 shotgun laying on the bed.

35. Right away, Kathie dialed 911, and law enforcement and medical personnel quickly arrived.

36. Tye Breland was taken to Singing River Hospital in Pascagoula, Mississippi, where he was pronounced dead on arrival. He was officially pronounced dead on August 1, 1975 at 8:25 p.m. with a time of death of 8:05 p.m.

37. Tye Breland's death was determined to be the result of an accidental, self-inflicted gunshot wound from a 410 shotgun; not suicide or homicide.

38. On August 4, 1975, Tye was buried at Jackson County Memorial Park in Pascagoula, Mississippi.

39. Kathie was never charged with a crime arising out of Tye Breland's death, because his death resulted from an accidental self-inflicted gunshot wound.

B. History with Darren Versiga.

40. Versiga, upon information and belief, began "investigating" Tye Breland's death in or around 2007-2008 at the behest of certain members of the Breland family. At that time, Versiga was self-employed as a private investigator and process server.

41. Versiga has personally known Kathie and her family for years and even acted as the private process server who served process on Anthony Kay ("Kay"), a "witness" in the episode, in a termination of parental rights case filed against Kay by Kathie's daughter, Kamann MacPherson ("Kamann"). Upon information and belief, this is when Versiga's relationship with Kay began.

C. The Production of *Cold Justice: Beyond the Grave*.

42. In or around 2016, an agreement was reached between Defendants to produce, film, publish, and broadcast an episode of *Cold Justice* focusing on Tye Breland's death with statements, accusations, implications, and insinuations that Tye Breland did

not commit suicide and that Kathie murdered, despite his death having already been determined to have resulted from an accident, self-inflicted gunshot wound.

43. In or around 2016, Siegler, Bonds, and other agents of Defendants arrived in Mississippi and met with Versigia. By then, Versigia was employed as a police officer with the Pascagoula Police Department. Presumably, this was not the first time Siegler and Versigia had communicated, since in an early segment of the episode, Siegler says to Versigia, “[n]ice to meet you, finally.”

44. Thereafter, a made-for-TV “investigation” was undertaken by Siegler, Bonds, Versigia, and other agents of Defendants wherein “witnesses” were interviewed and “recreations” or “demonstrations” were performed for use in the episode. Filming of the episode took place in Mississippi including the First Judicial District of Harrison County, Mississippi.

45. Versigia and the Pascagoula Police Department provided Siegler, Bonds, and other agents of Defendants with unbridled access to the Pascagoula Police Department’s files, records, building, and assistance.

46. Defendants knowingly agreed to participate in and further the episode’s production and purpose of falsely accusing or portraying Kathie of murdering Tye Breland, including Defendants’ participation in producing, filming, editing, publishing, and broadcasting the episode.

D. The Publication and Broadcast of *Cold Justice: Beyond the Grave*.

47. The episode first aired on the Oxygen Network on August 12, 2017.

48. The false and defamatory gist and conclusion of the episode is that Tye Breland did not commit suicide, despite there not being and never having been evidence or a conclusion that he did, and that Kathie murdered him. Defendants support their “no suicide” and “Kathie-did-it” accusations and insinuations with a tangled web of statements, recreations, demonstrations, and images, of which some were true but most of which were knowingly false, technically false, substantially false or falsified, misrepresented, or twisted while omitting or ignoring accurate information and evidence, including the editing and omission of witness statements and other evidence, in order to fit Defendants’ false and defamatory narrative.

49. The purpose of the episode was to generate ratings and profits at Kathie’s expense; showing a wanton, reckless, and malicious disregard for the truth or falsity of the episode’s content and the harm and damage to Kathie that was entirely foreseeable to Defendants.

50. The episode is comprised of several segments predesigned to bolster Defendants’ accusations and insinuations of and concerning Kathie. Nearly every segment, every statement, and every recreation, demonstration, and image in the episode is a building block designed by Defendants to convince their audience that Kathie murdered her late-husband, Tye.

51. At the outset of the episode, Defendants falsely convey to their viewers that Siegler and Bonds are conducting an actual law-enforcement investigation, which they were not, and that Kathie would somehow be afraid or nervous and attempt to flee if she became aware of Defendants’ “re-investigation.” Specifically, Siegler says in the episode:

Siegler: We don't want Kathie to know that we've re-opened the case and potentially skip town. So we're starting with people that we don't believe are still in contact with her.

52. The further false gist, lies, misrepresentations, half-truths, omissions, and distortions of each segment of the episode are more specifically addressed hereinafter.

1. Defendants Falsely Convey that Kathie Did, or Attempted to Solicit, Cause, or Contribute to the Deaths of Persons Close to Her.

53. Defendants falsely convey that Kathie has been directly involved in or attempted to bring about the deaths of friends and family members. Specifically, Siegler, Bonds, and Versiga had the following back-and-forth in the episode:

Siegler: [P]eople around here have always questioned whether or not he [Tye Breland] really shot himself or if Kathie had something to do with it, especially considering she's had a string of mysterious deaths around her. How many people have died around her; five?

Bonds: Yeah.

--

Siegler: We also need to look into the fact that Kathie has had several people in her life, including husbands, that died.

Versiga: To be the one person to have that connection to so many deaths --

Siegler: It's pretty creepy. You dang sure got to look at them really, really hard.

--

Siegler: Tye's death wasn't the only mysterious death Kathie's been connected to.

54. Throughout this segment, Defendants reference "old hospital records" they purportedly obtained which would shed light on these "mysterious deaths." Notably

absent from the episode, however, is any reference to what or whose hospital records were supposedly obtained, from which healthcare provider(s) such records were obtained, or how such records were obtained - if any such hospital records were obtained at all. Yet, these seemingly important hospital records are never thereafter discussed by any of the actors as having provided any new evidence, leads, or information implicating Kathie in another person's death or of any foul play whatsoever.

a. Vivian Smith

55. Defendants' accuse or imply that Kathie caused or contributed to the death of Vivian Smith, Kathie's friend who died from a heart condition. Defendants falsely broadcast in the episode:

Siegler: First one up, Vivian [Smith]. And Vivian died at a young age from unknown causes. Vivian's fiancé was Wallace Reeves.

Versiga: Kathie was sweet on Wallace Reeves, and Wallace Reeves had picked Vivian Smith over her.

56. The gist of this segment and these false statements is that Kathie somehow had a hand in causing the death of her friend, Vivian Smith. The gist of this segment and these statements are false, defamatory, and portray Kathie in a false light.

b. Anthony Kay

57. Defendants next accuse Kathie of soliciting a person named George Arremony, now deceased, to kill Anthony Kay, who was previously married to Kathie's daughter, Kamann. In this segment, the following false and defamatory colloquy takes place between Siegler and Versiga:

Siegler: Okay. Next up is?

Versiga: Anthony Kay.

Siegler: He is married to Kathie's daughter?

Versiga: Right.

Siegler: And you found evidence that George Arremoney, who's no longer alive, was solicited by Kathie to go kill Anthony Kay over the custody of that granddaughter that she [Kathie] wanted?

Versiga: That's right.

58. Then, when Bonds and Versiga supposedly proceed to interview Kay, the following conversation occurs in the episode:

Bonds (narrating): One of the suspicious stories surrounding Kathie involves her son-in-law, Anthony Kay. Anthony was married to her daughter Kamann, and they fought over the custody of the children Years ago a man named George Arremoney claimed that Kathie had offered to pay him to take a hit out on Anthony.

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Bonds: When she [Kathie] was wanting to have you [Kay] killed, how did you find out about that?

Kay: George came to me and told me. He said, man, Kathie offered me \$5,000 to shoot you.

Versiga: Wow.

Kay: She was trying to get Kamann custody of the children and me out of her life.

Bonds (narrating): Unfortunately, George Arremoney is dead, so he can't testify to that anymore. That case will never see a courtroom.

Bonds: I want to talk about Tye. Did Kathie ever talk to you about what happened to him?

Kay: She never directly said that she did kill him; but she's, like, beat around the bush so many times saying that you don't want to mess with me because I can have things done to you, and I've already had things done to some people. Kamann's told me several times, like when she would get mad with her mother, I ought to just call and tell them everything she told me about killing Tye.

Versiga: I wish she would.

Kay: Kamann knows the truth. Kamann has first-hand knowledge of what Kathie did.

59. Defendants published their and Kay's statements and thoughts on the matter but neglect to inform their viewers of Kay's voluminous criminal history which eradicates his credibility and further underscores that his and Defendants' allegations against Kathie are patently absurd.

60. Kay is no stranger to the criminal justice system, as he sports a vast array of felony convictions. Specifically:

- a. On November 4, 1991, Kay was convicted in the Circuit Court of Jackson County, Mississippi (Cause Number 90-10,554) of Aggravated Assault;
- b. Also on November 4, 1991, Kay was convicted in the Circuit Court of Jackson County, Mississippi (Cause Number 91-10,702) of Grand Larceny;
- c. On January 23, 1995, Kay was convicted in the Circuit Court of Jackson County, Mississippi (Cause Number CR 94 10386(1)) of Burglary of a Dwelling as a Habitual Offender;

- d. On April 7, 2003, Kay was convicted in the Circuit Court of Harrison County, Mississippi, First Judicial District (Cause Number B2401-2002-187) of Burglary of a Dwelling;
- e. Also on April 7, 2003, Kay was convicted in the Circuit Court of Harrison County, Mississippi, Second Judicial District (Cause Number B2402-2002-282) of Uttering Forgery;
- f. Later that year, on October 13, 2003, Kay was convicted in the Circuit Court of Jackson County, Mississippi (Cause Number 02-10,035(2)) of Possession of a Weapon by a Convicted Felon;
- g. On January 14, 2010, Kay was convicted in the Circuit Court of Harrison County, Mississippi, First Judicial District (Cause Number B2401-2008-824) of Manufacture of Controlled Substance as a Habitual Offender.

61. Notably, Defendants also fail to inform their viewers that Kay's April 7, 2003 conviction in Harrison County, Mississippi, First Judicial District, of Burglary of a Dwelling was for his burglary of Kathie's home.

62. The gist of the Kay segment is that Kathie solicited George Arremony to kill Kay. The gist of this segment and the statements therein are false and defamatory and are based on the unsubstantiated word of a hardened and inveterate criminal with at least seven (7) felony convictions spanning nearly two decades and who has an obvious motive to lie about Kathie.

63. Defendants knew or should have known in the exercise of due diligence, that the statements, accusations, and insinuations of and concerning Kathie in this segment are false. Nevertheless, Defendants intentionally, maliciously, in bad faith, recklessly, and/or negligently turned a blind eye for the sake of ratings, profit, and shock-value, at Kathie's expense, and published and continue to publish these false and defamatory statements, accusations, and insinuations of and concerning Kathie to the viewing public.

c. Dwight Herschel Short and Juanita Short

64. Defendants next insinuate that Kathie caused or contributed to the death of her late-husband's mother, Juanita Short. Specifically, Defendants published the following dialogue between Sigler, Versigia, and Bonds:

Siegler: We next have husband number five, Dr. --

Versiga: -- Dwight Herschel Short.

Siegler: And it might have been okay because he's overweight and all that. Then his mother dies.

Versiga: Juanita. She fell and was found by Kathie and passed away.

Siegler: Whoa. Man, Darren, I didn't know that.

Versiga: Juanita's house, the one that Kathie inherited.

Siegler: Kathie finds Vivian. Kathie finds Short. Kathie finds the mother, and Kathie finds Tye.

Siegler (narrating): All of these other things that happen in Kathie's life where people were solicited to be murdered or died mysteriously might not ever amount to a crime being committed, but you have to look into them. If there's a similar element or common theme between them, it

could give us some insight into Kathie's behavior with Tye.

Bonds: I sure don't want to be around her.

Siegler: No kidding.

65. Defendants attempt to bolster these particular accusations and insinuations through an "interview" with Demetria Knight Short, the daughter of Dwight Herschel Short, M.D. ("Dr. Short"). Again, the information conveyed to viewers is purposefully left incomplete by Defendants, leaving out significant information relating to Dr. Short's death and the conveyance and disposition of his assets. The "interview" of Demetria Knight Short depicted in the episode is as follows:

Siegler (narrating): Kathie's fifth husband, Dr. Short, and his mother died soon after each other under strange circumstances, and Kathie was willed in both of their estates.

Demetria Short: Good to see ya.

Versiga: I'm Darren. This is Kelly.

Siegler: Hi, I'm Kelly. Nice to meet you.

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Siegler: When did [Dr. Short] get diabetes.

Demetria Short: Before Mom died.

Siegler: So he had it for a while?

Demetria Short: Yeah. And he didn't do -- he didn't take care of himself.

Siegler: He never did?

Demetria Short: No. He was self-medicating and didn't go and have the proper tests, I don't think. Diet-wise, he wouldn't

eat properly. She [Kathie] would bring him crap and things he shouldn't be eating as a diabetic.

- Versiga: Has anybody ever contacted you through that?
- Demetria Short: No. But we still think she had something to do with it.
- Seigler (narrating): Demetria has her suspicions but doesn't have any evidence that Kathie had anything to do with her father's death, but we know Kathie benefited a great deal financially from it.
- Siegler: Is there any way you can guess what the value of everything he left to Kathie was?
- Demetria Short: Well, I mean, the house in Cincinnati's probably got to be three-quarters of a million dollars.
- Siegler: And the house here, a million plus?
- Demetria Short: Maybe.
- Siegler: And you and your sister got?
- Demetria Short: Nothing.
- Siegler: Nothing.
- Siegler (narrating): In my experience, money, especially when you're talking about the kind of money Dr. Short had, is a pretty damn good motivator for murder. But once again, it seems like we have as many questions as we do answers about the rumors surrounding Kathie.
- Siegler: I just can't imagine how you'd feel if after your mom and dad are married, he comes up with a new woman, passes away, and that woman ends up with everything.
- Versiga: Yeah.

66. The gist of this segment is that Kathie caused or contributed to the death of Dr. Short and Dr. Short's mother, Juanita Short. The gist is false and defamatory, as are the statements depicted in the "interview" of Demetria Knight Short.

67. Defendants fail to inform their viewers that Kathie and Dr. Short had been married for approximately eight (8) years when Dr. Short passed away on October 31, 2008 and also that Dr. Short's cause of death was a massive bilateral pulmonary embolism due to or as a consequence of deep leg vein thrombosis.

68. The "house" referred to by Siegler in this segment is Kathie's and Dr. Short's house in Pass Christian, Mississippi which was destroyed in Hurricane Katrina on August 29, 2005 and never rebuilt. The land on which this home was formerly situated was sold before Dr. Short died and netted nowhere near "a million plus" which Defendants falsely published to their viewers.

69. Moreover, the "house in Cincinnati" was sold for less than \$400,000.00, much of which was used to satisfy creditors of Dr. Short's estate.

70. Defendants also fail to inform their viewers that Juanita Short was ninety-five (95) years of age when she died on November 8, 2009, over one (1) year after Dr. Short died, or that Juanita Short's death was caused by congestive heart failure due to atrial fibrillation and hyperthyroidism, and that she suffered from Alzheimer's Disease. In addition, Defendants neglect to mention in the episode that two other people, Norma Combs and Ruth Krause, were present when Juanita Short died. Defendants intentionally or recklessly leave out these important facts in an effort to bolster their false and defamatory narrative of and concerning Kathie.

71. Further, Defendants fail to inform their viewers that, prior to Dr. Short's death, Demetria Knight Short and her sister were each provided with an investment account funded by Dr. Short.

72. Furthermore, Defendants fail to inform their viewers of Demetria Knight Short's history of substance abuse including her prior arrest for distribution of cocaine and her drug overdose in the mid-2000s which led to the necessity of her having brain surgery.

73. The gist of this segment and the statements therein and described above are false and defamatory and portray Kathie in a false light.

2. Defendants Stage a "Recreation" of Tye Breland's Death to Create the Image of Kathie Murdering Her Husband.

74. Defendants then conduct a segment with Siegler, Bonds, Versiga, and another actor, Matt Noedel, the purpose of which was to convey that Tye Breland did not commit suicide, again despite no evidence or conclusion to the contrary ever having been advanced, and that Kathie murdered Tye on August 1, 1975 by shooting him with a short-barreled 410 shotgun.

75. Siegler begins this segment saying:

Siegler: So we want to play around with any kind of way suicide will work or won't work, murder will work or won't work, and accident will work or won't work.

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Siegler: We don't have the actual gun, and we don't know if it may have been faulty. But after hearing how familiar Tye was with firearms, an accident seems unlikely. What's easier to visualize are the other possible scenarios.

76. After a brief “recreation,” Siegler proclaims, “[t]hat’s ridiculous” as to whether Tye Breland’s death was suicide or accident, and not murder.

77. With the conclusion that Kathie murdered Tye Breland being the only message Defendants ever planned to convey to their viewers, Defendants staged another “recreation” saying:

Siegler: So he [Tye Breland] falls, and she just kind of throws the gun on the bed.

Bonds: I want to tell you that’s easier to explain than anything else.

Versiga: Yeah.

Siegler (narrating): Examining the possible scenarios and considering everything we’ve heard from witnesses, the evidence leans toward a murder.

Siegler: What do you think about suicide now?

Bonds: Oh, no, there’s no way. That guy did not kill himself.

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Siegler: After all of these years, it’s going to feel great to tell Tye’s family that he didn’t kill himself.

78. Defendants completely rule out that Tye Breland’s death was due to an accidental, self-inflicted gunshot wound, despite the officials who actually investigated and examined Tye Breland’s body, the scene, and who interviewed Kathie on the night of Tye’s death finding just that - the cause to be an accidental, self-inflicted gunshot wound; not suicide or homicide.

79. Defendants gloss over this cause-of-death barrier by referring to “how familiar Tye was with firearms,” again despite not having the actual gun or being in the

actual residence where Tye Breland shot himself. Indeed, upon information and belief, Tye Breland was not very familiar with guns, particularly the type of gun he shot himself with on August 1, 1975.

80. Defendants rigged this demonstration in an attempt to place in viewers' minds an image of Kathie murdering Tye. Such is a false image manufactured by Defendants which, combined with the other false and defamatory statements in this segment and in the episode as a whole, were used by Defendants to further their false and defamatory narrative, despite Defendants having knowledge of facts and evidence to the contrary.

81. Defendants' conclusion, as referenced by Siegler, that Tye Breland did not kill himself - either accidentally or by suicide - leaves their viewers with only one other conclusion to draw from the episode - the false and defamatory conclusion that Kathie murdered him. Such conclusion, published and broadcast by Defendants in the episode, is false and defamatory and places Kathie in a false light.

3. Defendants Overtly Misrepresent the Substance of their Interview of Kathie's Daughter, Kamann MacPherson.

82. In Defendants' quest to convince their audience of Kathie's guilt, Defendants interviewed Kathie's daughter, Kamann.

83. The following back-and-forth between Bonds, Versiga, and Kamann takes place in the episode:

Versiga: Are y'all close?

Kamann: Mom and I?

Versiga: Yeah.

Kamann: I know what I can and can't trust. And that's sad, but it's true. You know, I don't put anything much past her.

Bonds: What has she told you over the years about Tye? What happened to him?

Kamann: Mom never told me anything except for she told me that he shot himself. She just said it was an accident. And then here in the recent years, she told me that he didn't mean to, but he didn't think he was going to die, I guess. Like, he didn't think he was actually going to die.

Bonds: Okay. Okay. That he was going to shoot himself, but he didn't intend to kill himself?

Kamann: Yeah, I think that's how she made it out.

Bonds: Like an attempted suicide?

Kamann: Yeah, I think that's how she made it out.

Bonds (narrating): Kathie initially told police she had no idea how Tye got shot, but now she's saying Tye wanted to shoot himself but not fatally. That doesn't make sense at all. When a suspect changes the story, there's a good indication that she's [Kathie's] lying.

Versiga: If we dug up enough evidence to support that [Kathie] killed Tye, would that surprise you?

Kamann: Would it surprise me?

Versiga: Yeah.

Kamann: No, it wouldn't surprise me . . .

84. The moment Kamann says "[n]o, it wouldn't surprise me," the episode cuts off the interview for the sole purpose of leading viewers to believe this was all Kamann said. But it was not.

85. What Defendants fail to disclose to their viewers is that the rest of Kamann's statement to Versiga and Bonds was that she was not surprised by anything anymore, because Kamann's father, Leffie Wilks, Sr., recently passed away, and her brother, Manning Wilks, had just overcome a significant health-related matter. Kamann even told Versiga and Bonds, which was conveniently and purposefully omitted from the published portion of her "interview," that she was not really in her right mind at the time of the "interview" because of her father and brother. Undeterred, Defendants decided they could edit and omit Kamann's "interview" and published this edited, manufactured, and mischaracterizing segment to advance their false and defamatory story of and concerning Kathie.

86. Additionally, Defendants failed to disclose to Kamann that she was being filmed or that her "interview" would be published to millions of viewers on television and the internet. Indeed, Kamann is seen exiting the vehicle occupied by Versigia and Bonds barefoot and in gym clothes, unbeknownst her image would be used for Defendants' pecuniary gain. Defendants likewise fail to inform their viewers that Kamann was unaware she was being recorded.

87. Defendants conclude this segment with:

Bonds: Says a lot about Kathie when her own daughter thinks she's capable of murder. It's not the confession we were hoping for, but it's a sign we're on the right track.

Versiga: Would it surprise you?

Bonds: I wouldn't be surprised.

Versiga: Wouldn't be surprised.

88. Defendants knew the selected snippets of the Kamann “interview” published to their viewers does not portray the message relayed to them during the entire unedited dialogue. The portion published in the episode misrepresents and mischaracterizes Kamann’s statements, and Defendants intentionally omitted portions which provide context to what was actually discussed.

89. Defendants edited, omitted, or manufactured the gist and statements in this segment to further their perpetuation of a false and defamatory narrative of and concerning Kathie.

4. Defendants Use Statements of Mary Hogue and Wanda Privett to Falsely Convey Kathie Changed Her Story Regarding Events of August 1, 1975.

90. In the next segment, Defendants purportedly conduct interviews of Mary Hogue and Wanda Privett.

91. Defendants publish and broadcast Mary Hogue stating that Kathie told her Tye Breland had been sitting on the bed cleaning his gun, and that it misfired.

92. Next, Defendants publish and broadcast Wanda Privett stating that Kathie told her Tye had been sitting on the side of the bed twirling his gun, that Tye asked Kathie for a glass of water, and that when Kathie went to the bathroom to get the glass of water, Kathie heard a bang. Then, in order to further inflame their viewers against Kathie, Defendants publish and broadcast Privett saying, “[i]f she [Kathie] truly did something like that [murder Tye], then he deserves justice.”

93. The gist of this segment and Defendants’ conclusion is that Kathie has “changed her story.” Siegler summarizes the segment this way:

Siegler (narrating): Just hours after Kathie told police she had no idea how Tye got shot, she told Wanda a totally different story. That's huge. Now out of Kathie's mouth we have I don't know, he was twirling it, he was cleaning it, he shot himself on purpose.

94. Defendants fabricate and misconstrue any statements Kathie allegedly made to Mary Hogue and Wanda Privett, none being admitted, as being definitively accurate, despite forty-one (41) years having passed since Tye Breland's death. Moreover, Defendants fail to convey when these purported statements took place and in what context.

95. Conversely, earlier in the episode, when Doug Lee, with whom Defendants allege Kathie was having an affair, shut down Defendants' false theory that Kathie had been to see him at the hospital on the night of Tye's death, Bonds says,

Bonds (narrating): Maybe [Lee's] telling the truth. Maybe his memory has faded. That's always a possibility in a case this old.

No such qualification is given to Mary Hogue's or Wanda Privett's statements.

96. Indeed, whenever Defendants received information unfavorable to their false and defamatory narrative, they either ignore it, omit it, edit it, or they discredit it and toss it aside as being the product of a faded memory, while accepting and publishing "she-said/she-said" statements of alleged conversations from over four (4) decades ago as the uncontroverted truth.

97. The gist of this segment and the statements therein published by Defendants of and concerning Kathie are false and defamatory and portray Kathie in a false light.

5. **Defendants' Conclusion that Tye Breland Did Not Commit Suicide and the Accusation or Insinuation that Kathie Murdered Him.**

98. The gist of the entire episode is that Kathie murdered Tye Breland. The gist propagated by Defendants in the closing segment, and throughout the entire episode, is false and defamatory.

99. In closing the episode, Defendants announce:

Siegler: I'm telling you, she's [Kathie] one of the smartest suspects that I've ever seen. We may not have gotten Kathie to talk to us; but after all she's said in the past 41 years and all that we've learned, we've got enough evidence to put together a circumstantial evidence case that she murdered Tye Breland. Now that everybody's been talked to, you got your exhumation done, looking up here at the board, we've eliminated suicide, and look at everything else we've uncovered. Kathie has a questionable past, but what really matters is her ever-changing story about the night Tye died.

It's kind of like whoever she's talking to, she tests out a new version.

As in most cases, there's always a defensive argument to be made; and in this case, that argument is going to be that Tye's death could have been an accident. But this case has never been stronger, and there's never been a better time to present it to the DA to ask him to seek an indictment against Kathie for the murder of Tye.

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Siegler: Bobby and Louis have waited a long time to get some answers about Tye's death, and I can't wait to give them the news.

Well, we can tell you that every single witness that could have ever been talked to has been found and talked to. We sat down with the prosecutor. Darren laid out the whole case.

Versiga: He was very interested in the case. He loved everything we were able to show him.

Siegler: You know, whether or not there will come a day where they file a murder case on Kathie, we can't tell you right now. The one thing we can tell you, [Bobby Breland and Louis Breland], is that based on everything that we know and all the people we've talked to, there's no way that Tye committed suicide.

100. The inescapable conclusion published by Defendants in this final segment, and the entire episode, is that Kathie murdered Tye Breland.

101. The statements, accusations, and insinuations in this segment of and concerning Kathie are false and defamatory and portray Kathie in a false light.

COUNT ONE

DEFAMATION (ALL DEFENDANTS)

102. Kathie hereby adopts and re-alleges each and every paragraph preceding Count One of this Complaint and makes the same a part of this Count.

103. Defendants have libeled and slandered Kathie through their false and defamatory statements and their unprivileged production, publication, and broadcast of the episode to viewers in the First Judicial District of Harrison County, Mississippi and around the world. Many of the statements of and concerning Kathie referenced herein and in the episode, or the substance or gist of same, made and published by Defendants are clearly directed at Kathie and are libelous and slanderous *per se*. Others are clearly libelous and slanderous when viewed in their context and in the context of the wrongful acts and omissions of the Defendants. Defendants' acts and omissions were malicious, in bad-faith, constitute abuse, or are at least negligent. Moreover, Defendants are liable for any and all secondary publications of the episode or its content.

104. The publication and broadcast of these false and defamatory statements, and the episode as a whole, have injured and damaged Kathie's reputation; have diminished the esteem, respect, goodwill, or confidence in which Kathie is held; have excited adverse, derogatory or unpleasant feelings or opinions against her; and have caused her to suffer loss of income, as well as other damages.

COUNT TWO

**TORTIOUS INVASION OF PRIVACY THROUGH
PUBLICITY PLACING A PERSON IN A FALSE LIGHT
(OXYGEN NETWORK, WOLF FILMS, MAGICAL ELVES, SIEGLER, AND BONDS)**

105. Kathie hereby adopts and re-alleges each and every paragraph preceding Count Two of this Complaint and makes the same a part of this Count.

106. Through the unprivileged production, publication, and broadcast of the episode Defendants Oxygen Network, Wolf Films, Magical Elves, Sieglar, and Bonds have placed Kathie in a false light which would be highly offensive to a reasonable person. These Defendants had knowledge of or acted in reckless disregard as to the falsity of the information, accusations, implications, insinuations, and the gist of the episode and the false light in which Kathie would be placed.

COUNT THREE

**TORTIOUS INVASION OF PRIVACY BY APPROPRIATION OF ANOTHER'S
NAME OR LIKENESS FOR AN UNPERMITTED USE - COMMERCIAL GAIN
(OXYGEN NETWORK, WOLF FILMS, MAGICAL ELVES, SIEGLER, AND BONDS)**

107. Kathie hereby adopts and re-alleges each and every paragraph preceding Count Three of this Complaint and makes the same a part of this Count.

108. Through the unprivileged production, publication, and broadcast of the episode Defendants Oxygen Network, Wolf Films, Magical Elves, Siegler, and Bonds appropriated Kathie's name or likeness, without her consent, for an unpermitted use in a commercial enterprise, namely the television show *Cold Justice* and the episode, *Cold Justice: Beyond the Grave*. Defendants' actions were and are a substantial interference with Kathie's seclusion that would be highly offensive to an ordinary, reasonable person and in which a reasonable person would strongly object.

COUNT FOUR

**TORTIOUS INVASION OF PRIVACY BY THE
PUBLIC DISCLOSURE OF PRIVATE FACTS
(OXYGEN NETWORK, WOLF FILMS, MAGICAL ELVES, SIEGLER, AND BONDS)**

109. Kathie hereby adopts and re-alleges each and every paragraph preceding Count Four of this Complaint and makes the same a part of this Count.

110. Through the unprivileged production, publication, and broadcast of the episode Defendants Oxygen Network, Wolf Films, Magical Elves, Siegler, and Bonds gave and continue to give publicity to matters concerning Kathie's private life. The content of the episode regarding Kathie's private life was and is of a kind that would be highly offensive to a reasonable person and is not of legitimate public concern. The matters publicized by these Defendants and complained of herein involve intimate details of Kathie's private life, the publicizing of which are not only deeply embarrassing and painful to Kathie but would be deeply shocking to the average person subjected to such exposure.

COUNT FIVE

DAMAGES

111. Kathie hereby adopts and re-alleges each and every paragraph preceding Count Five of this Complaint and makes the same a part of this Count.

112. As a direct and proximate result of the acts and omissions of Defendants described herein and to be proven at trial, Kathie has sustained serious, permanent, and irreparable damage to her reputation and profession as well as physical, mental, and emotional distress, and she will continue to experience such damage in the future. Accordingly, Kathie is entitled to an award of actual or compensatory damages in an amount that will fully and fairly compensate her for the damages and injuries suffered, past, present, and future.

113. Additionally, Defendants' willful and grossly negligent conduct complained of herein and to be proven at trial, entitles Kathie to an award of punitive damages. Defendants' indifferent, callous, and reckless disregard of Kathie's rights underscores wanton misconduct or gross negligence. Defendants' objectives were publicity and profit at Kathie's expense. Moreover, Kathie reserves the right to conduct full discovery on the punitive damages claim. Kathie is entitled to an award of punitive damages from and against the Defendants in an amount nine times (9x) the total actual or compensatory damages award.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Katherine Grace Short, demands a trial by jury and judgment against Defendants, Oxygen Media, LLC; Wolf Films, Inc.; Gemini Magical Elves, Inc.; Kelly Siegler; John Bonds; and Darren Versiga, for

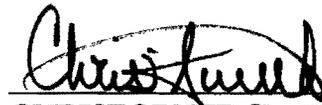
the actual or compensatory damages complained of herein and punitive damages in a single-digit multiplier of nine times (9x) the total actual or compensatory damages award, together with attorneys' fees, prejudgment and post-judgment interest, and costs.

RESPECTFULLY SUBMITTED, this the 21st day of February, 2018.

KATHERINE GRACE SHORT, PLAINTIFF

SMITH & HOLDER, PLLC

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