



1 Plaintiff Arthur William Bell, III (“Mr. Bell”) and Airyn Ruiz Bell (“Ms. Bell”),  
2 by and through their undersigned counsel, Gerard Fox Law, P.C., as and for their  
3 Complaint against the Defendants Michael Alan Weiner a/k/a Michael Savage  
4 (“Savage”), Westwood One, Inc. (“Westwood One”) and Cumulus Broadcasting, Inc.  
5 (“Cumulus”) allege as follows:

6 **NATURE OF THE CLAIM**

7 1. On September 25, 2016, Savage made defamatory and slanderous  
8 statements on his radio program, *The Savage Nation*, regarding Plaintiffs. In his  
9 discussion of the consequences of addressing various topics on the radio, Savage stated  
10 “You say UFOs, you wind up in the Philippines with a ten-year-old hooker and you are  
11 off the radio after a number of years. You can’t do UFOs. That’s an in joke, by the  
12 way, for people who understand the business.” This broadcast was made from a San  
13 Francisco radio station owned and operated by Cumulus and distributed for syndication  
14 across the nation and throughout the world via the Internet by Westwood One.

15 2. The statement was defamatory to Mr. and Ms. Bell. Mr. Bell, a member of  
16 the National Broadcasters Hall of Fame, is widely regarded as a founder of UFO-  
17 themed radio programming. Mr. Bell married his wife Ms. Bell in the Philippines.  
18 Savage falsely asserted that Ms. Bell was a “ten-year-old hooker” at the time that the  
19 Bells married and that discussion of UFOs caused Mr. Bell to be “off the radio.”  
20 Savage demonstrated a reckless and utter disregard for the truth. Ms. Bell has never  
21 been a prostitute and was twenty-two years-old when the Bells married. Also, Mr. Bell  
22 was not “off the radio” because he discussed UFOs or married Ms. Bell. These facts  
23 were publicly known and closely followed by many in the radio broadcasting industry  
24 and general public.

25 3. Plaintiffs demanded that Defendants make a correction or retraction of the  
26 defamatory statement, but Defendants ignored Plaintiffs’ demand and have neither  
27 corrected nor retracted the statement.

28 4. Plaintiffs have been damaged by Defendants’ defamatory and slanderous

1 statement. Plaintiffs bring this action to recover the damages that they have incurred  
2 because of the Defendants' wrongful conduct.

3 **PARTIES**

4 5. Plaintiff Arthur William Bell, III, known as Art Bell, is, and at all times  
5 relevant to this Complaint was, an individual and resident of the State of Nevada.

6 6. Plaintiff Airyn Ruiz Bell is, and at all times relevant to this Complaint was,  
7 an individual and resident of the State of Nevada. Ms. Bell is a permanent resident alien  
8 of the United States who is currently thirty-two years-old.

9 7. Upon information and belief, Defendant Michael Alan Weiner a/k/a  
10 Michael Savage is an individual and resident of the State of California.

11 8. Upon information and belief, Westwood One, Inc. is a Delaware  
12 corporation duly organized under the laws of the State of Delaware.

13 9. Upon information and belief, Cumulus Broadcasting, Inc. is a corporation  
14 duly organized under the laws of the State of Delaware with its stock publicly traded on  
15 the NASDAQ stock exchange. Westwood One is a wholly-owned subsidiary of  
16 Cumulus.

17 **JURISDICTION AND VENUE**

18 10. This Court has original subject matter jurisdiction with respect to this  
19 action pursuant to 28 U.S.C. § 1332 as there exists complete diversity of citizenship  
20 between Plaintiffs and Defendants and the amount in controversy exceeds \$75,000,  
21 exclusive of interest and costs.

22 11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(a)(1) and  
23 (b)(1)-(2). Upon information and belief, Savage resides in this judicial District. The  
24 events giving rise to this claim – the broadcasting of the defamatory statement –  
25 occurred in this District.

26 12. Defendants are subject to personal jurisdiction in this Court. Savage is  
27 subject to personal jurisdiction in this Court because, upon information and belief, he  
28 resides in this judicial District and transacts business in this District. Westwood One

1 and Cumulus are subject to personal jurisdiction in this District because they transact  
2 business and purposefully avail themselves in this District.

3 **INTRADISTRICT ASSIGNMENT**

4 13. Upon information and belief, pursuant to Civil Local Rules 3-2(c) and (d),  
5 this action arose due to actions and omissions of Defendants that took place and  
6 originated in San Francisco County. Therefore, this case should be assigned to the San  
7 Francisco Division.

8 **FACTS**

9 **Art and Airyn Ruiz Bell**

10 14. Mr. Bell is a radio broadcaster and author, widely regarded as one of the  
11 founders of UFO- [unidentified flying objects] and paranormal-themed radio programs.  
12 Mr. Bell was inducted into the National Broadcasters Hall of Fame in 2008.

13 15. From 1988 to 2007, Mr. Bell's most prominent radio program, *Coast to*  
14 *Coast AM*, was syndicated across the United States on more than 500 radio stations and  
15 with approximately twenty-two million listeners across the world. During this period,  
16 Mr. Bell was the only nationally-syndicated radio broadcast talk show host who  
17 regularly discussed UFOs.

18 16. Mr. Bell is the author of numerous books, including *The Coming Global*  
19 *Superstorm*, which was the basis for the popular and successful Hollywood movie *The*  
20 *Day After Tomorrow*.

21 17. Mr. Bell broadcasted shows from a radio studio located on his property in  
22 Pahrump, Nevada.

23 18. Mr. Bell founded and was the original owner of Pahrump, Nevada-based  
24 radio station KNYE 95.1 FM.

25 19. In 2006, Mr. Bell was introduced to Ms. Bell by his now brother-in-law,  
26 who was a friend of Mr. Bell's at the time. At the time, Ms. Bell was twenty-two years-  
27 old and was a university student in the Philippines. During her university studies, Ms.  
28 Bell worked in the food hospitality industry.

1           20.    On April 11, 2006, Ms. Bell, then aged twenty-two, married Mr. Bell in a  
2 legal ceremony performed in the Philippines

3           21.    Mr. Bell resided in Manila, Philippines from June 2006 until December  
4 2006.

5           22.    It was well known in the radio industry and by individuals in the general  
6 public that Mr. Bell married Ms. Bell and subsequently moved to the Philippines.

7           23.    Mr. and Ms. Bell experienced repeated difficulties obtaining a visa for Ms.  
8 Bell to reside permanently in the United States, a fact that was publicly known and  
9 closely followed by many in the radio broadcasting industry and general public.

10          24.    On or about July 1, 2007, Mr. Bell announced his retirement from daily  
11 radio. Through 2010, Mr. Bell occasionally served as a guest host for various radio  
12 programs.

13          25.    In July 2015, Mr. Bell returned to radio, hosting the show *Midnight in the*  
14 *Desert*.

15          26.    In or about November 2015, Mr. Bell and his family were subject to  
16 repeated intrusions on his property in Pahrump, Nevada, including gunshots and  
17 trespassers.

18          27.    In November 2015, Mr. Bell received a telephone threat that Plaintiffs and  
19 their young daughter would be killed if Mr. Bell broadcast his radio show, *Midnight in*  
20 *the Desert*, that evening.

21          28.    In fear for his family's safety and after consulting with the local police, Mr.  
22 Bell opted to leave radio broadcasting under a well-founded belief that an intruder or  
23 intruders desired that he no longer broadcast any radio program. *Midnight in the Desert*  
24 ceased broadcasting on December 11, 2015.

25          29.    It was well known in the radio industry and by individuals in the general  
26 public that Mr. Bell ceased broadcasting *Midnight in the Desert* because of his concerns  
27 about the security of his family.

28          30.    Currently, Mr. Bell is not working in order to spend more time with Ms.

1 Bell and their nine-year old daughter.

2 **Defendants' Radio Program**

3 31. Savage is a radio personality who currently hosts *The Savage Nation* (the  
4 "Program"). The Program is routinely rated as one of the top five most popular  
5 terrestrial radio programs in the United States with an audience of over 5,000,000  
6 listeners.

7 32. The Program is syndicated and distributed by Westwood One and  
8 broadcast on over 400 radio stations throughout the United States and is available  
9 throughout the world via online streaming services. In Nevada, where Plaintiffs reside,  
10 the Program is broadcast on KKOH 780 AM in Reno, Nevada and KBET 790 AM in  
11 Winchester, Nevada.

12 33. Upon information and belief, Savage broadcasts his show from a studio  
13 located at radio station KSFO Hot Talk 560 ("KSFO") in San Francisco. Upon  
14 information and belief, that station is owned and operated by Cumulus and has a signal  
15 that is broadcast from a Cumulus radio transmitter located in San Francisco.

16 34. Westwood One is a wholly-owned subsidiary of Cumulus.

17 35. Throughout his career, Savage has attracted controversy and can be  
18 described as a "shock-jock." For example, Savage formerly had a television program on  
19 MSNBC. After four months on the air, Savage was reportedly fired from the program  
20 for making controversial and unseemly comments. Upon information and belief,  
21 Savage was also included on a list of individuals banned from entering the United  
22 Kingdom for engaging in unacceptable behavior.

23 36. The Program is currently broadcast on two radio stations in Nevada,  
24 KKOH 780 AM in Reno, Nevada and KBET 790 AM in Winchester, Nevada.

25 **The Defamatory Broadcast**

26 37. Upon information and belief, on September 25, 2016, Savage broadcast the  
27 Program from his San Francisco studio at KSFO.

28 38. During the September 25, 2016 Program, Savage made the following

1 defamatory and slanderous statement:

2 I generally avoid gun questions. I know this from the first day  
3 in radio. I learned you never do certain topics where you can  
4 destroy your show. Third rail... You say UFOs, you wind up in  
5 the Philippines with a ten-year-old hooker and you are off the  
6 radio after a number of years. You can't do UFOs. That's an in  
7 joke, by the way, for people who understand the business.

8 There are other topics you can't do . . .

9 (available at <https://www.youtube.com/watch?v=gDVFQxKh6ks>, at 36:12)

10 (the "Statement").

11 39. Upon information and belief, Cumulus and Westwood One failed to  
12 exercise due care and adhere to standard radio broadcast industry practice by not  
13 utilizing the delay function to prevent broadcast of the Statement.

14 40. Upon information and belief, Cumulus and Westwood One were well  
15 aware that Savage was a shock jock who routinely made hateful and untruthful  
16 statements on the Program about individuals and various segments of the population.

17 41. Upon information and belief, motivated by greed to attract high ratings to  
18 increase advertising revenue, Cumulus and Westwood One permitted Savage to  
19 broadcast the Statement with reckless disregard for the truth and with cognition that  
20 such broadcast would defame and disparage Plaintiffs.

21 42. Although Savage did not specifically identify Mr. Bell by name, Savage  
22 stated that "people who understand the [radio] business" would understand to whom he  
23 was referring. Indeed, a listener of the Program would understand that Mr. Bell was the  
24 foremost radio personality that spoke about UFOs on the air and that Mr. Bell is not  
25 currently on the air. The Statement is defamatory per se because Savage falsely stated  
26 that Mr. Bell is no longer broadcasting a radio show because he allegedly engaged in a  
27 sexual relationship with an underage female prostitute and that Ms. Bell was a  
28 prostitute.

1 43. The Statement intended to injure Plaintiffs and cause harm to Mr. Bell's  
2 radio broadcasting and professional journalism businesses.

3 44. Despite the material and substantial factual falsities in the Statement,  
4 listeners of the Program identified Mr. and Mrs. Bell as the subjects of the Statement  
5 made by Savage.

6 45. Admirers of Mr. Bell's work immediately identified Plaintiffs as the  
7 subject of the Statement, some directly contacting Mr. Bell to express their sincere  
8 concern.

9 46. The Statement is false. Ms. Bell has never been a prostitute and was  
10 twenty-two years-old when she met Mr. Bell in the Philippines. Mr. Bell was not forced  
11 to retire from radio because of his relationship with Ms. Bell or his on-air discussion of  
12 UFOs.

13 47. At present, Mr. Bell is strongly considering resumption of his radio  
14 broadcasting and journalism careers. However, the Statement has harmed his  
15 professional reputation and is hindering his efforts to return to broadcasting and  
16 journalism.

17 48. Within twenty days after learning of the Statement, on October 4 and 5,  
18 2016, Plaintiffs, by their counsel, delivered certified letters to each of the Defendants  
19 (the "Demand Letters") specifying that the Statement was libelous and requesting that  
20 Savage make a correction or issue a retraction during the Program.

21 49. Defendants ignored the Demand Letters. Defendants did not send any  
22 response to the Demand Letters. Nor did Defendants make a correction of the  
23 Statement on the Program or in any other form.

24 50. Upon information and belief, the Defendants disregarded and purposefully  
25 avoided reliable, readily available information that Ms. Bell was neither under age, nor  
26 a prostitute, and that Mr. Bell was not broadcasting a radio show for reasons unrelated  
27 to Plaintiffs' relationship to one another or his on-air discussion of UFOs.

28 51. At the time that Savage made the Statement, Defendants had no reliable

1 information whatsoever on which to base the false Statement.

2 52. As a direct and proximate result of the publication of the Statement,  
3 Plaintiffs have suffered injury to their reputations and mental well-being.

4 53. As a direct and proximate result of the publication of the Statement,  
5 Plaintiffs have suffered severe emotional distress.

6 54. Upon information and belief, the Defendants' conduct was willful, wanton,  
7 and malicious and was done with conscious disregard for Plaintiffs' rights.

8 **FIRST CAUSE OF ACTION**

9 **(Defamation under Cal. Civ. Code §§ 44, 46 and 48.5)**

10 **(By Mr. Bell Against All Defendants)**

11 55. Plaintiffs restate and incorporate by reference each of the foregoing  
12 paragraphs and every allegation contained in the paragraphs above as though fully  
13 stated herein.

14 56. On September 25, 2016, Savage slandered Mr. Bell by making the  
15 Statement on his radio show. The Statement was published through radio broadcast.

16 57. The Statement was false, defamatory, unprivileged, had a natural tendency  
17 to injure or cause special damage and specifically concerned Mr. Bell.

18 58. The hearers of the Statement reasonably understood that the Statement was  
19 about Mr. Bell.

20 59. Mr. Bell did not "wind up in the Philippines with a ten-year-old hooker"  
21 because he discussed UFOs on the air. Nor was Mr. Bell taken "off the radio" because  
22 of his discussion of UFOs or his relationship with Ms. Bell.

23 60. Upon information and belief, Savage lacked a good faith belief in the truth  
24 of the Statement, knew that the Statement was false and/or had serious doubts about the  
25 truth of the Statement when he made it.

26 61. Upon information and belief, Savage made his statement regarding Mr.  
27 Bell with actual malice and with the intent to cause harm to Mr. Bell.

28 62. Cumulus and Westwood One are the owner, licensee or operator of the

1 station or network of stations originating the broadcast of the Statement. Cumulus and  
2 Westwood One are liable for the defamatory Statement broadcast over the radio because  
3 they failed to exercise due care to prevent the publication or utterance of the Statement.  
4 Cumulus and Westwood One were well aware that Savage was a shock jock who  
5 regularly made hateful and untruthful statements on the Program, but permitted him to  
6 broadcast the Statement in any event motivated by greed to attract high ratings.

7 63. Cumulus and Westwood One failed to exercise due care by not utilizing a  
8 delay function to prevent broadcast of the Statement.

9 64. The Statement has harmed Mr. Bell's reputation. The Statement has also  
10 caused Mr. Bell shame, mortification, hurt feelings and marital discord. The Statement  
11 has caused injury to Mr. Bell's business and occupation. The Statement has hindered  
12 Mr. Bell's efforts to return to broadcasting and journalism. Mr. Bell was also forced to  
13 hire an attorney to protect his reputation and defend against the Statement, incurring  
14 costs and attorneys' fees.

15 65. Mr. Bell demanded that the Statement be corrected or retracted. However,  
16 Defendants failed to correct or retract the Statement within three weeks after the  
17 Demand, or at any time thereafter.

18 66. Defendants' wanton conduct in conscious disregard for Mr. Bell's rights  
19 warrants the imposition of punitive damages.

20 67. Accordingly, Defendants are liable to Mr. Bell for general damages, special  
21 damages, exemplary damages and punitive damages in an amount to be proven at trial.

22 **SECOND CAUSE OF ACTION**

23 **(Defamation under Cal. Civ. Code §§ 44, 46 and 48.5)**

24 **(By Ms. Bell Against All Defendants)**

25 68. Plaintiffs restate and incorporate by reference each of the foregoing  
26 paragraphs and every allegation contained in the paragraphs above as though fully  
27 stated herein.

28 69. On September 25, 2016, Savage slandered Ms. Bell by making the

1 Statement on his radio show. The Statement was published through a radio broadcast.

2 70. The Statement was false, defamatory, unprivileged, had a natural tendency  
3 to injure or cause special damage and specifically concerned Ms. Bell.

4 71. The hearers of the Statement reasonably understood that the Statement was  
5 about Mr. and Mrs. Bell.

6 72. Ms. Bell has never been a prostitute. Ms. Bell was not ten years-old when  
7 she married Mr. Bell.

8 73. Upon information and belief, Savage lacked a good faith belief in the truth  
9 of the Statement, knew that the Statement was false and/or had serious doubts about the  
10 truth of the Statement when he made it.

11 74. Upon information and belief, Savage made his statement regarding Ms.  
12 Bell with actual malice.

13 75. Cumulus and Westwood One are the owner, licensee or operator of the  
14 station or network of stations originating the broadcast of the Statement. Cumulus and  
15 Westwood One are liable for the defamatory Statement broadcast over the radio because  
16 they failed to exercise due care to prevent the publication or utterance of the Statement.  
17 Cumulus and Westwood One were well aware that Savage was a shock jock who  
18 regularly made hateful and untruthful statements on the Program, but permitted him to  
19 broadcast the Statement in any event motivated by greed to attract high ratings.

20 76. Cumulus and Westwood One failed to exercise due care by not utilizing a  
21 delay function to prevent broadcast of the Statement.

22 77. The Statement has harmed Ms. Bell's reputation. The Statement has also  
23 caused Ms. Bell shame, mortification, hurt feelings and marital discord. The Statement  
24 has caused injury to Ms. Bell's property. Ms. Bell was also forced to hire an attorney to  
25 protect her reputation and defend against the Statement, incurring costs and attorneys'  
26 fees.

27 78. Ms. Bell demanded that the Statement be corrected or retracted. However,  
28 Defendants failed to correct or retract the Statement within three weeks after the

1 Demand, or at any time thereafter.

2 79. Defendants' wanton conduct in conscious disregard for Ms. Bell's rights  
3 warrants the imposition of punitive damages.

4 80. Accordingly, Defendants are liable to Ms. Bell for general damages,  
5 special damages, exemplary damages and punitive damages in an amount to be proven  
6 at trial.

7 **THIRD CAUSE OF ACTION**

8 **(Defamation Per Se under Cal. Civ. Code §§ 44, 46 and 48.5)**

9 **(By Mr. Bell Against All Defendants)**

10 81. Plaintiffs restate and incorporate by reference each of the foregoing  
11 paragraphs and every allegation contained in the paragraphs above as though fully  
12 stated herein.

13 82. On September 25, 2016, Savage made the Statement that "You say UFOs,  
14 you wind up in the Philippines with a ten-year-old hooker and you are off the radio after  
15 a number of years."

16 83. The hearers of these statements reasonably understood that these  
17 statements were about Mr. Bell.

18 84. The Statement was false.

19 85. The Statement was defamatory on its face because Defendants reasonably  
20 understood that the Statement accused Mr. Bell of the commission of criminal activity  
21 (solicitation of prostitution and statutory rape), directly injured Mr. Bell's profession by  
22 stating that he was taken "off the radio" because he discussed UFOs and engaged in  
23 criminal activity and/or by its natural consequences tended to cause actual damage to  
24 Mr. Bell's reputation.

25 86. The Statement has harmed Mr. Bell's reputation. The Statement has also  
26 caused Mr. Bell shame, mortification, hurt feelings and marital discord. The Statement  
27 has caused injury to Mr. Bell's business and occupation. The Statement has hindered  
28 Mr. Bell's efforts to return to broadcasting and journalism. Mr. Bell was also forced to

1 hire an attorney to protect his reputation and defend against the Statement, incurring  
2 costs and attorneys' fees.

3 87. Mr. Bell demanded that the Statement be corrected or retracted. However,  
4 Defendants failed to correct or retract the Statement within three weeks after the  
5 Demand, or at any time thereafter.

6 88. Defendants' wanton conduct in conscious disregard for Mr. Bell's rights  
7 warrants the imposition of punitive damages.

8 89. Accordingly, Defendants are liable to Mr. Bell for general damages, special  
9 damages, exemplary damages and punitive damages in an amount to be proven at trial.

10 **FOURTH CAUSE OF ACTION**

11 **(Defamation Per Se under Cal. Civ. Code §§ 44, 46 and 48.5)**

12 **(By Ms. Bell Against All Defendants)**

13 90. Plaintiffs restate and incorporate by reference each of the foregoing  
14 paragraphs and every allegation contained in the paragraphs above as though fully  
15 stated herein.

16 91. On September 25, 2016, Savage made the Statement "You say UFOs, you  
17 wind up in the Philippines with a ten-year-old hooker and you are off the radio after a  
18 number of years."

19 92. The hearers of these statements reasonably understood that these  
20 statements were about Mr. and Mrs. Bell.

21 93. The Statement was false.

22 94. The Statement was defamatory on its face because Defendants reasonably  
23 understood that the Statement accused Ms. Bell of the commission of criminal activity  
24 (prostitution) and/or by its natural consequences tended to cause actual damage to Ms.  
25 Bell's reputation.

26 95. The Statement has harmed Ms. Bell's reputation. The Statement has also  
27 caused Ms. Bell shame, mortification, hurt feelings and marital discord. The Statement  
28 has caused injury to Ms. Bell's property. Ms. Bell was also forced to hire an attorney to

1 protect her reputation and defend against the Statement, incurring costs and attorneys'  
2 fees.

3 96. Ms. Bell demanded that the Statement be corrected or retracted. However,  
4 Defendants failed to correct or retract the Statement within three weeks after the  
5 Demand, or at any time thereafter.

6 97. Defendants' wanton conduct in conscious disregard for Ms. Bell's rights  
7 warrants the imposition of punitive damages.

8 98. Accordingly, Defendants are liable to Ms. Bell for general damages,  
9 special damages, exemplary damages and punitive damages in an amount to be proven  
10 at trial.

11 **FIFTH CAUSE OF ACTION**

12 **(False Light Invasion of Privacy)**

13 **(By Mr. Bell Against All Defendants)**

14 99. Plaintiffs restate and incorporate by reference each of the foregoing  
15 paragraphs and every allegation contained in the paragraphs above as though fully  
16 stated herein.

17 100. The Statement made by Savage on September 25, 2016 caused publicity to  
18 be generated about Mr. Bell that was false or misleading.

19 101. This false publicity has impaired Mr. Bell's efforts to resume his radio  
20 broadcasting and journalism career.

21 102. The publicity created by Savage regarding Mr. Bell – describing Mr. Bell  
22 as someone who “wound up in the Philippines with a ten-year-old hooker” who was  
23 “off the radio” after discussing UFOs – is offensive to a reasonable person.

24 103. Mr. Bell has been injured as a result of this false light invasion of privacy.

25 104. Westwood One and Cumulus are vicariously liable for Savage's conduct as  
26 the owner, broadcaster and distributor of the Program that employ Savage.

27 105. Savage's false light invasion of privacy was knowing, malicious, willful  
28 and wanton, thus entitling Mr. Bell to an award of punitive damages.

1 106. Accordingly, Defendants are liable to Mr. Bell for compensatory and  
2 punitive damages in an amount to be proven at trial.

3 **SIXTH CAUSE OF ACTION**

4 **(Intentional Infliction of Emotional Distress)**

5 **(By All Plaintiffs Against All Defendants)**

6 107. Plaintiffs restate and incorporate by reference each of the foregoing  
7 paragraphs and every allegation contained in the paragraphs above as though fully  
8 stated herein.

9 108. Defendants' conduct in making the Statement, as alleged above, was  
10 extreme and outrageous.

11 109. Savage intended to cause Plaintiffs emotional distress when he made those  
12 statements or acted with reckless disregard of the probability that Plaintiffs would suffer  
13 emotional distress.

14 110. Plaintiffs did in fact suffer severe emotional distress.

15 111. Savage's extreme and outrageous conduct was a substantial factor in  
16 causing Plaintiffs' emotional distress.

17 112. Westwood One and Cumulus are vicariously liable for Savage's conduct as  
18 the owner, broadcaster and distributor of the Program that employ Savage.

19 113. Savage's extreme and outrageous conduct was knowing, malicious, willful  
20 and wanton, thus entitling Plaintiffs to an award of punitive damages.

21 114. Accordingly, Defendants are liable to Plaintiffs for compensatory and  
22 punitive damages in an amount to be proven at trial.

23 **SEVENTH CAUSE OF ACTION**

24 **(Negligent Infliction of Emotional Distress)**

25 **(By All Plaintiffs Against All Defendants)**

26 115. Plaintiffs restate and incorporate by reference each of the foregoing  
27 paragraphs and every allegation contained in the paragraphs above as though fully  
28 stated herein.

1 116. Savage was negligent in making the Statement about Plaintiffs, as alleged  
2 above.

3 117. Plaintiffs suffered severe emotional distress.

4 118. Westwood One and Cumulus are vicariously liable for Savage's conduct as  
5 the owner, broadcaster and distributor of the Program that employ Savage.

6 119. Accordingly, Defendants are liable to Plaintiffs for compensatory damages  
7 in an amount to be proven at trial.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs prays for the relief and judgment, as follows:

10 1. That the Court enter judgment for Plaintiffs on each of the above claims for  
11 relief;

12 2. For compensatory, general, special, exemplary and punitive damages in the  
13 amount to be proven at trial;

14 3. For pre-judgment and post-judgment interest as provided by law;

15 4. For attorneys' fees and cost as may be applicable;

16 5. For any other such relief, including equitable relief, as the Court deems just  
17 and proper.

18 **DEMAND FOR JURY TRIAL**

19 Plaintiffs respectfully demands a trial by jury in this action.

20  
21 Dated: November 30, 2016

GERARD FOX LAW, P.C.

22  
23 By: /s/GERARD P.FOX

GERARD P. FOX

BELINDA VEGA

Attorneys for Plaintiffs

ARTHUR WILLIAM "ART" BELL, III and

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