

DISTRICT COURT, EAGLE COUNTY  
STATE OF COLORADO

885 Chambers Avenue  
Eagle, CO 81631

**Plaintiff:** ERRON CROSS

v.

**Defendants:** TELEPICTURES PRODUCTION, INC.,  
a Delaware corporation, and WARNER BROS WORLDWIDE  
TELEVISIONS DISTRIBUTION, INC., a Delaware  
corporation

Taggart Howard, Esq.  
Inga H. Causey, Esq.  
CAUSEY & HOWARD LLC  
275 Main Street  
Suite G-005  
Edwards, CO 81632  
Phone Number: 970.926.6556  
FAX Number: 970.797.4929  
E-mail: [taggarthoward@me.com](mailto:taggarthoward@me.com); [inga.causey@me.com](mailto:inga.causey@me.com)  
Atty. Reg. #: 31770  
Atty. Reg. #: 30987

Attorneys for Plaintiff ERRON CROSS

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CASE NUMBER: 2017CV30134

▲ COURT USE ONLY ▲

Case Number:

Div.: Ctrm:

**VERIFIED COMPLAINT AND JURY DEMAND**

COMES NOW Plaintiff ERRON CROSS for his Complaint against Defendant  
Telepictures Production, Inc. ("TPI") and Warner Bros Television Distribution, Inc. ("WBTD"),  
by and through his attorneys, Causey & Howard, LLC, states and alleges as follows:

### **PARTIES**

1. Plaintiff Erron Cross is an individual who resides in Eagle County, Colorado.
2. Defendant Telepictures Production, Inc. is a Delaware corporation that airs television programming in Eagle County, Colorado, among other jurisdictions.
3. Defendant Warner Bros Television Distribution, Inc. is a Delaware corporation that airs television programming in Eagle County, Colorado, among other jurisdictions.

### **JURISDICTION AND VENUE**

4. Jurisdiction is proper in this Court under Colo. Rev. Stat. § 13-1-124 because Plaintiff's injuries, damages, and losses are as a result of Defendants' tortious and defamatory conduct, which occurred in Colorado.
5. Venue is proper in the District Court for the County of Eagle under Colo. R. Civ. P. 98(c)(5) because the events giving rise to this Complaint occurred within Eagle County, Colorado.

### **GENERAL ALLEGATIONS**

6. In 2001, Plaintiff was dating a 21 year-old woman named Erin Johnson ("Johnson").
7. In April 2001, Plaintiff and Johnson traveled to Cabo San Luis, Mexico for a vacation.
8. In or around April 28, 2001, Johnson was murdered in Cabo San Luis, Mexico.
9. While Plaintiff was initially detained by the Mexican police as a person of interest in the murder of Johnson, he was released shortly after his detention.

10. After he was released by the Mexican police, Plaintiff returned to the United States of America.

11. After Plaintiff's release and return in 2001, Johnson's family began to accuse him of Johnson's murder.

12. On May 26, 2016, the program "Crimewatch Daily," Episode 185, aired a program which insinuated that Plaintiff murdered Johnson.

13. On February 27, 2017, the program "Crimewatch Daily," Episode 120, aired a program which insinuated that Plaintiff murdered Johnson.

14. Defendants' program, "Crimewatch Daily," Episode 185, aired May 27 2016, reported that Plaintiff "hadn't gone to the police."

15. Plaintiff had reported Johnson missing to the police in the early afternoon on April 29, 2001 in San Jose del Cabo and again on April 30, 2017 in Cabo San Lucas. Defendants did not report in either Episode 120 or 185 that Plaintiff had "gone to the police" twice.

16. Defendants' program, "Crimewatch Daily," Episode 185, aired May 27 2016, reported that after Johnson's body was found, Plaintiff was taken into custody at the airport, as he was attempting to leave the country.

17. Plaintiff was in police custody before Johnson's body was found and remained in custody until he was released. It was only after he was released that he traveled to the airport and left the country. Plaintiff was not taken into custody at the airport and Defendants wholly failed to report this fact in either Episode 185 or 120.

18. Defendants' program, "Crimewatch Daily," Episode 185, aired May 27 2016, reported that Plaintiff was the last person seen with Johnson on a bus in Cabo San Lucas; that

Plaintiff took the bus with Johnson; and that Plaintiff exited the bus with Johnson.

19. Mexican police interviewed the bus driver who drove Johnson the night she was murdered and he claimed that Johnson was with a Hispanic man and that that man exited the bus with Johnson. Johnson's mother, Jackie Johnson, displayed the sketch of the Hispanic male referenced herein on national television in the Fall 2001 Series "Talk or Walk." Defendants wholly failed to report the statements in this Paragraph 19 in either Episode 120 or 185.

20. Defendants' program, "Crimewatch Daily," Episode 120, aired February 24, 2017, reported that Erron Cross failed to answer the question "Did you kill Erin Johnson?" when asked in Avon, Colorado.

21. Defendants failed to report in Episode 120 that Plaintiff answered "no" to this question.

22. Defendants' program, "Crimewatch Daily," Episode 120, aired February 24, 2017, reported that "when they [Jackie Johnson] got to Cabo, Erron is still missing."

23. Defendants fail to report in Episode 120 that Erron had been the one that reported Johnson missing to Jackie Johnson and that he assisted Jackie Johnson to look for Johnson.

24. Defendants' program, "Crimewatch Daily," Episode 120, aired February 24, 2017, reported that a beer can and cigarette butt were evidence in the murder of Johnson and insinuated that such evidence points to the guilt of Plaintiff, but Defendants failed to report in Episode 120 that Plaintiff provided fingerprints, hair, teeth impressions and DNA to the Mexican police.

25. Defendants' program, "Crimewatch Daily," Episode 120, aired February 24, 2017, duplicated much of the reporting previously aired on May 27, 2016; failing to report any

contrary evidence which is in the public domain and which contradicts the statements made in Episodes 120 and 185.

26. As a result of the statements aired on Crimewatch Daily, Plaintiff has been damaged in an amount to be proven at trial.

**CAUSE OF ACTION**  
**COUNT I—DEFAMATION**  
***(Against All Defendants)***

27. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 26 as if set forth fully herein.

28. Defendants have made false and defamatory statements about Plaintiff that he was involved in the murder of Johnson, including but not limited to that he attempted to flee the country when he was placed in custody; that he was the last person to see her alive; and that he failed to report her missing to the police.

29. Defendants' false and defamatory statements about Plaintiff were broadcast to millions of television viewers and such programs are still airing on their website 24 hours per day, seven days per week.

30. Defendants' false and defamatory statements unquestionably relate to Plaintiff.

31. Defendants' false and defamatory statements about Plaintiff involve criminal accusations that Plaintiff is a murderer.

32. The false and defamatory statements made by Defendants about Plaintiff significantly tainted Plaintiff's reputation within Eagle County, Colorado and across the nation.

33. Defendants' false and defamatory statements are not privileged.

34. At the time Defendants made the false and defamatory statements, they knew

such statements were false and/or acted with reckless and wanton disregard as to the truth or falsity of the statements.

35. Defendants' false and defamatory statements were made in bad faith and were made with actual malice and reckless disregard as to the truth of such statements. Further, the statements were not made for a legitimate business purpose but were made in an effort to malign Plaintiff.

36. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has suffered substantial economic injury, loss of goodwill, emotional pain and suffering, harm to reputation, loss of esteem and standing in the community, and loss of business opportunities.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Erron Cross requests the following relief:

- (a) Judgment in favor of Plaintiff and against Defendants on Plaintiff's claims for relief;
- (b) Award of compensatory, noncompensatory, and other allowable damages to Plaintiff and against Defendants in an amount to be determined at trial plus interest;
- (c) Costs and reasonable attorneys' fees incurred in this matter, including expert witness fees; and
- (d) All other relief as the Court deems just and proper.

#### **JURY DEMAND**

Plaintiffs demand a jury trial on all issues so triable.

Dated: May 26, 2017

**CAUSEY & HOWARD LLC**

By: /s/original signature on file Inga Causey /s/

Taggart Howard, #31770

Inga Causey, #30987

Attorneys for Plaintiff

**Address of Plaintiff:**

Erron Cross

145 N Frontage Rd W # C516

Vail, CO 81658

**VERIFICATION**

I, Erron Cross, declare under penalty of perjury under the laws of the State of Colorado that I have read the Verified Complaint and Jury Demand and that all the factual allegations contained therein are true and correct to the best of my knowledge, information, and belief as of today's date.

Date: May 26, 2017

/s/ original signature on file /s/  
Erron Cross

STATE OF COLORADO  
COUNTY OF EAGLE

Subscribed, sworn to, and acknowledged to me  
on this 26th day of May, 2017.

My Commission Expires: /s/ original date on file /s/

/s/ original signature on file /s/  
Notary Public