

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE MLNARIK LAW GROUP, INC.
JOHN L. MLNARIK (SBN 257882)
WILLIAM W. WINTERS (SBN 302818)
KENDALL MACROSTIE (SBN 306183)
2930 Bowers Avenue
Santa Clara, CA 95051
Telephone: (408) 919-0088
Facsimile: (408) 919-0188

Attorneys for Plaintiff
SHAIAN MOHAMMADI

FILED
2017 JUL -3 P 1:38
CLERK OF THE COURT
SANTA CLARA COUNTY
BY: S. Alvarez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
UNLIMITED JURISDICTION**

SHAIAN MOHAMMADI, an individual;

Plaintiff,

v.

METRO PUBLISHING, INC., a California
corporation d/b/a SAN JOSE INSIDE; ANN
GRABOWSKI, an individual; JENNIFER
WADSWORTH, an individual; DON ROCHA,
an individual; and DOES 1 through 10,
inclusive,

Defendants.

Case No.:

17 CV 312599

**VERIFIED COMPLAINT FOR
DAMAGES**

- 1) Defamation—Libel
- 2) Defamation—Libel Per Se
- 3) False Light
- 4) Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

BY FAX

COME NOW PLAINTIFF, SHAIAN MOHAMMADI, who alleges as follows:

- 1. At all relevant times, Plaintiff SHAIAN MOHAMMADI (“Plaintiff”) was an adult resident of Santa Clara County
- 2. Defendant METRO PUBLISHING, INC. is a California Corporation doing business primarily in Santa Clara County under the dba “SAN JOSE INSIDE.”
- 3. Defendant ANN GRABOWSKI (“Grabowski”) is and was at all times herein mentioned an adult resident of Santa Clara County, California.
- 4. Defendant JENNIFER WADSWORTH (“Wadsworth”) is and was at all times herein

1 mentioned an adult resident of Santa Clara County, California.

2 5. Defendant DON ROCHA ("Rocha") is and was at all times herein mentioned an adult
3 resident of Santa Clara County, California.

4 6. Plaintiff is ignorant of the true name and capacities of each Defendants sued herein under
5 the fictitious names DOES 1 through 10, inclusive, and Plaintiff will amend this complaint to
6 allege such names and capacities as soon as they are ascertained. Each of said fictitiously named
7 Defendants is responsible in some manner for the wrongful acts for which Plaintiff has
8 complained herein.

9
10 7. Plaintiff is informed and believe and thereon alleges that at all times herein mentioned,
11 each Defendant was acting as the agent, servant, employee, partner, co-conspirator, and/or joint
12 venture of each remaining Defendants. Each Defendant was acting in concert with each
13 remaining Defendants in all matters alleged, and each Defendant has inherited any and all
14 violations or liability of their predecessors-in-interest. Additionally, each Defendant has passed
15 any and all liability to their successors-in-interest, and at all times were acting within the course
16 and scope of such agency, employment, partnership, and/or concert of action.

17
18 **GENERAL ALLEGATIONS**

19 8. Plaintiff is a community organizer, law school graduate, and elected delegate of the Santa
20 Clara County Democratic Party Central Committee ("Central Committee"). This organization acts
21 as the Democratic Party in the County, and Plaintiff ran as an internal delegate. The voting for
22 this internal delegate position is not open to the public, and only available to Democrats in a
23 certain district. Plaintiff's term expires in 2020. With that in mind, Plaintiff is a private figure in
24 the Santa Clara community.

25
26 9. Defendant METRO PUBLISHING, INC. publishes an online newspaper, as well as a free
27 physical newspaper available throughout the Bay Area, called San Jose Inside.

1 mentioned an adult resident of Santa Clara County, California.

2 5. Defendant DON ROCHA ("Rocha") is and was at all times herein mentioned an adult
3 resident of Santa Clara County, California.

4 6. Plaintiff is ignorant of the true name and capacities of each Defendants sued herein under
5 the fictitious names DOES 1 through 10, inclusive, and Plaintiff will amend this complaint to
6 allege such names and capacities as soon as they are ascertained. Each of said fictitiously named
7 Defendants is responsible in some manner for the wrongful acts for which Plaintiff has
8 complained herein.

9
10 7. Plaintiff is informed and believe and thereon alleges that at all times herein mentioned,
11 each Defendant was acting as the agent, servant, employee, partner, co-conspirator, and/or joint
12 venture of each remaining Defendants. Each Defendant was acting in concert with each
13 remaining Defendants in all matters alleged, and each Defendant has inherited any and all
14 violations or liability of their predecessors-in-interest. Additionally, each Defendant has passed
15 any and all liability to their successors-in-interest, and at all times were acting within the course
16 and scope of such agency, employment, partnership, and/or concert of action.

17
18 **GENERAL ALLEGATIONS**

19 8. Plaintiff is a community organizer, law school graduate, and elected delegate of the Santa
20 Clara County Democratic Party Central Committee ("Central Committee"). This organization acts
21 as the Democratic Party in the County, and Plaintiff ran as an internal delegate. The voting for
22 this internal delegate position is not open to the public, and only available to Democrats in a
23 certain district. Plaintiff's term expires in 2020. With that in mind, Plaintiff is a private figure in
24 the Santa Clara community.

25
26 9. Defendant METRO PUBLISHING, INC. publishes an online newspaper, as well as a free
27 physical newspaper available throughout the Bay Area, called San Jose Inside.

28

1 10. Defendant Grabowski is an individual that works as a staffer for the City of San Jose.
2 Defendant Grabowski and Plaintiff dated briefly, but they mutually broke off their relationship in
3 2013. However, Defendant Grabowski has lingering grievances about said relationship, which
4 prompted her to contact her friend, Defendant Wadsworth, to discuss Plaintiff.
5

6 11. Defendant Wadsworth is a journalist and activist at San Jose Inside, and a friend of
7 Defendant Grabowski. On or around June of 2016, Defendants Wadsworth and Grabowski, in an
8 effort to undermine Plaintiff's bid for reelection of his Central Committee position and to defame
9 Plaintiff, drafted and edited the article attached as "Exhibit A" in San Jose Inside ("SJI Article").
10 The SJI Article contains a corroborating statement from Defendant Rocha.

11 12. Defendant Rocha is a Councilmember for the City of San Jose, District 9. Plaintiff has
12 never personally met nor corresponded with Councilman Rocha in any capacity. Based on this
13 lack of correspondence, there was no reason for Defendant Rocha's comments to be included in
14 the SJI Article.
15

16 13. Plaintiff alleges, on information and belief, that Defendants conspired to undermine
17 Plaintiff's bid for reelection, to defame Plaintiff with the local Democratic activist community, to
18 prevent his local political career from progressing, and to inflict emotional distress upon Plaintiff,
19 by publishing or aiding in the publication of the SJI Article that contained several false
20 statements.
21

22 14. The first false statement was that Plaintiff does not respect women. This is patently false,
23 as Plaintiff has supported many women's groups, and was one of the directors for the Women's
24 Law Club at his law school. Most significantly, as a law student, Plaintiff performed pro bono
25 work for indigent communities—many of whom were young women or single mothers with legal
26 troubles and domestic violence issues.

27 15. The second falsehood in the article was that Plaintiff engaged in harassing behavior
28

1 towards an unnamed woman after their relationship ended in 2011. Defendants' proof for that
2 allegation was various Facebook messages reportedly sent by Plaintiff. However, Plaintiff
3 believes that those messages were faked. This is because, on information and belief, Plaintiff
4 alleges that when one user blocks another user on Facebook, the sender's information does not
5 appear on the screen as "Facebook User." Moreover, Plaintiff has not blocked this unnamed
6 woman, and this unnamed woman has not blocked Plaintiff, which means the user's profile name
7 should appear on the screen once the message is sent to recipient. Finally, there is no indication
8 that any of the Defendants have attempted to authenticate the messages to verify whether they are
9 real or whether they came from Plaintiff's account.
10

11 16. The third falsehood was that Plaintiff gave Defendant Grabowski unwanted and obsessive
12 attention after their mutual break up. Plaintiff admits that he sent Defendant Grabowski e-mails
13 after their mutual break up on three separate occasions, but these e-mails did not contain any
14 threatening or harassing material. The first set of e-mails were sent in an effort to protect
15 Defendant Grabowski. Defendant Grabowski had been blogging about her past relationships on
16 her personal website. When Plaintiff became aware of this, he tried to warn Defendant Grabowski
17 against this course of action to avoid the inference that she had relationships with more prominent
18 members of the Santa Clara County political scene.
19

20 17. The next set of e-mails were sent after Plaintiff was notified by various individuals that
21 Defendant Grabowski was defaming Plaintiff in the Santa Clara County democratic local party
22 community after their mutual break up. Defendant Grabowski was making claims to multiple
23 individuals that Plaintiff was harassing her, and Plaintiff sent her a few e-mails requesting that
24 she stop defaming him.
25

26 18. The final set of e-mails were sent for purely professional reasons. Plaintiff was scheduled
27 to provide campaign training to volunteers at the Santa Clara County Democratic Party
28

1 headquarters, and Defendant Grabowski had given Plaintiff the right of first refusal for times to
2 conduct the training before they had broken up. After their break up, Plaintiff e-mailed Defendant
3 Grabowski and her supervisor to confirm dates and regarding the training sessions.

4 19. The fourth falsehood was that Plaintiff posted a topless picture of this unnamed woman on
5 Twitter and later admitted to doing so, accidentally, to Defendant Wadsworth as she was
6 performing research for her article. See attached Exhibit A. According to Cal. Penal Code section
7 653.2, this would mean Plaintiff committed a crime. However, Plaintiff has never violated Cal.
8 Penal Code section 653.2. In no way did Plaintiff admit to committing this crime to Defendant
9 Wadsworth or any other parties. In addition, Plaintiff's Twitter account does not show any such
10 images being sent out, and Twitter archives show such images being sent out.

11 20. Defendant Wadsworth's allegation that Plaintiff admitted his guilt is simply one example
12 of Defendant Wadsworth's not only failing to verify her sources before submitting her article for
13 publication, but lying about how facts were obtained for the article. On information and belief,
14 Plaintiff alleges that as Defendant Wadsworth was collecting information for her article, former
15 and current Rocha staffers were willing to tell Defendant Wadsworth that Defendants
16 Grabowski's and Rocha's statements were false. In addition, when Defendant Wadsworth
17 messaged Plaintiff and informed him of the article ready to be published, Plaintiff denied the
18 allegations and offered to send her proof that the allegations were false. However, Defendant
19 Wadsworth refused to acknowledge or make any further inquiries, and never asked Plaintiff to
20 make a public comment on the contents of the article. Defendant ended up submitting the article
21 for publication without Plaintiff's approval.

22 21. After publication of the SJI Article Plaintiff's reputation was significantly damaged in his
23 community. Not only was the SJI Article published online it is one of the first links that shows up
24 on the screen after a Google search of Plaintiff's name. Clearly the story has been widely
25
26
27
28

1 disseminated.

2 22. As a result of the SJI Article's widespread dissemination, Plaintiff was not able to secure a
3 post bar position at various organizations, including the Public Defender's office. Even though
4 Plaintiff had worked at the Public Defender's office during law school, a former supervisor at the
5 office told him over the phone that many in the office had seen the SJI Article. The former
6 supervisor told Plaintiff, off the record, that the SJI Article was the reason Public Defender's
7 office refused to retain Plaintiff for a post bar position.
8

9 23. The SJI Article was published while Plaintiff was still in law school, and Plaintiff was
10 placed on academic probation shortly after the article's publication. Plaintiff was informed that
11 the SJI Article would be published while he was studying for law school finals, which caused a
12 significant distraction. His grades were impacted due to the publication, which nearly resulted in
13 him losing his law school scholarship.
14

15 24. The SJI Article and the ensuing fallout continues to be a distraction as Plaintiff studies for
16 the July California Bar Exam. Plaintiff is having difficulty focusing on the exam itself and the
17 preparation materials due to all the negative reactions he is receiving from the false allegations in
18 the article. Plaintiff is also having to take the time to hire an attorney, provide them with the facts
19 and information of his claims, all at a time when he needs to focus on studying for the California
20 Bar Exam.
21

22 25. In addition, Plaintiff's reputation as a political community organizer and campaign
23 consultant has been adversely affected. Former friends and supporters no longer want to associate
24 with him, and he has lost clients running for office that previously have used him as a campaign
25 consultant.
26

27 **FIRST CAUSE OF ACTION**
Defamation—Libel
28 (By Plaintiff Against all Defendants)

26. Plaintiffs incorporate all allegations of this complaint and re-allege them as though they

1 were fully set forth herein.

2 27. Before publication of the SJI Article, Plaintiff was a respected member of the Santa Clara
3 County community in various capacities. He was well respected as a campaign consultant, which
4 is reflected in the fact that several individuals retained him to act as a consultant to run their
5 campaigns. Plaintiff also held a position in the Central Committee without any notice of
6 complaints or significant criticism. Finally, Plaintiff was working on building his reputation in the
7 legal community as he interned at public interest entities such as the Public Defender's office.
8

9 28. However, on or around November of 2016, Defendants engaged in a campaign to damage
10 Plaintiff's reputation and interfere with his ability to utilize his skills in the public service arena.
11 Defendants Grabowski and Rocha shared false stories with Defendant Wadsworth and other
12 members of the community with the intent of portraying Plaintiff as a criminal and bad actor in
13 the community.
14

15 29. This campaign involved publishing numerous false statements of fact the SJI Article.
16 Some of the more egregious false statements of fact that were published were (1) that Plaintiff did
17 not respect women, (2) that Plaintiff engaged in harassing behavior towards a certain woman, (3)
18 that Plaintiff gave Defendant Grabowski unwanted and obsessive attention after their mutual
19 break up and (4) that Plaintiff committed a crime by posting a nude picture on his Twitter
20 account. Defendants knew or had reason to know that all of these representations were false and
21 published them with the intent to destroy Plaintiffs' reputation in the Santa Clara Community.
22

23 30. As a result of Defendants' publication of these unfounded allegations (1) Plaintiff was not
24 able to secure a post bar position at various organizations, including the Public Defender's office,
25 (2) Plaintiff was placed on academic probation in law school shortly after the article's publication
26 and (3) Plaintiff's reputation as a political community organizer and campaign consultant has
27 been adversely affected to the point that he is losing clients and revenue.
28

1
2 **SECOND CAUSE OF ACTION**
3 **Defamation—Libel Per Se**
4 **(By Plaintiff Against all Defendants)**

5 31. Plaintiff incorporates all allegations of this complaint and re-alleges them as though they
6 were fully set forth herein.

7 32. Before publication of the SJI Article, Plaintiff was a respected member of the Santa Clara
8 County community in various capacities. He was well respected as a campaign consultant, which
9 is reflected in the fact that several individuals retained him to act as a consultant to run their
10 campaigns. Plaintiff also held a position in the Central Committee without any notice of
11 complaints or significant criticism. Finally, Plaintiff was working on building his reputation in the
12 legal community as he interned at public interest entities such as the Public Defender's office.

13 33. However, on or around November of 2016, Defendants engaged in a campaign to damage
14 Plaintiff's reputation and interfere with his ability to utilize his skills in the public service arena.
15 Defendants Grabowski and Rocha shared false stories with Defendant Wadsworth and other
16 members of the community with the intent of portraying Plaintiff as a criminal and a bad actor in
17 the community

18 34. This campaign involved publishing numerous false statements of fact in the SJI Article.
19 The most damaging false statement was one that could potentially expose Plaintiff to criminal
20 liability. Specifically, the allegation that Plaintiff posted a topless picture of an unnamed woman
21 on Twitter and that he even admitted to do so. Defendants knew or had reason to know that all of
22 these representations were false and published them with the intent to destroying Plaintiffs'
23 reputation in the Santa Clara Community.

24 35. As a result of Defendants' publication of this unfounded allegation (1) Plaintiff was not
25 able to secure a post bar position at various organizations, including the Public Defender's office,
26 (2) Plaintiff was placed on academic probation in law school shortly after the article's publication
27
28

1 and (3) Plaintiff's reputation as a political community organizer and campaign consultant has
2 been adversely affected to the point that he is losing clients and revenue
3

4 **THIRD CAUSE OF ACTION**

5 **False Light**

(By Plaintiff Against all Defendants)

6 36. Plaintiffs incorporate all allegations of this complaint and re-allege them as though they
7 were fully set forth herein.

8 37. Before publication of the SJI Article, Plaintiff was a respected member of the Santa Clara
9 County community in various capacities. He was well respected as a campaign consultant, which
10 is reflected in the fact that several individuals retained him to act as a consultant to run their
11 campaigns. Plaintiff also held a position in the Central Committee without any notice of
12 complaints or significant criticism. Finally, Plaintiff was working on building his reputation in the
13 legal community as he interned at public interest entities such as the Public Defender's office.
14

15 38. However, on or around November of 2016, Defendants engaged in a campaign to damage
16 Plaintiff's reputation and interfere with his ability to utilize his skills in the public service arena.
17 Defendants Grabowski and Rocha shared false stories with Defendant Wadsworth and other
18 members of the community with the intent of portraying Plaintiff as a bad actor in the community
19

20 39. This campaign involved publishing numerous false statements of fact in the SJI Article.
21 Some of the more egregious false statements of fact are that were published were (1) that Plaintiff
22 did not respect women, (2) that Plaintiff engaged in harassing behavior towards a certain woman,
23 and (3) that Plaintiff gave Defendant Grabowski unwanted and obsessive attention after their
24 mutual break up. Defendants knew or had reason to know that all of these representations are
25 false and published them with the intent to destroying Plaintiffs' reputation in the Santa Clara
26 Community.
27

28 40. All of those accusations would be highly offensive to any self-respecting individual in

1 American society, if not a reasonable person in Plaintiff's position. No one in California,
2 especially an individual running for a political office, would want to be known as associating with
3 a person that disrespects women, that harasses women, or that commits a crime in order to
4 humiliate a woman. With this in mind, Defendants published unfounded allegations to publicly
5 humiliate Plaintiff and ruin his reputation.
6

7 41. As a result of Defendants' publication (1) Plaintiff was not able to secure a post bar
8 position at various organizations, including the Public Defender's office, (2) Plaintiff was placed
9 on academic probation in law school shortly after the article's publication and (3) Plaintiff's
10 reputation as a political community organizer and campaign consultant was adversely affected to
11 the point that he lost clients and revenue.
12

13 **FOURTH CAUSE OF ACTION**

14 **Intentional Infliction of Emotional Distress**
15 **(By Plaintiff Against All Defendants)**

16 42. Plaintiffs incorporate all allegations of this complaint and re-allege them as though they
17 were fully set forth herein.

18 43. On or around November of 2016, Defendants engaged in a campaign to damage Plaintiff's
19 reputation and interfere with his ability to utilize his skills in the public service arena. Defendants
20 Grabowski and Rocha shared false stories with Defendant Wadsworth and other members of the
21 community with the intent of portraying Plaintiff as a bad actor in the community

22 44. This campaign involved publishing numerous false statements of fact in the SJI Article.
23 Some of the more egregious false statements of fact are that were published were (1) that Plaintiff
24 did not respect women, (2) that Plaintiff posted a topless picture of this unnamed woman on
25 Twitter and later admitted to doing so, (3) that Plaintiff gave Defendant Grabowski unwanted and
26 obsessive attention after their mutual break up, and (4) that Plaintiff engaged in harassing
27 behavior towards certain women. Defendants knew or had reason to know that all of these
28

1 representations are false and published them with the intent to destroying Plaintiffs' reputation in
2 the Santa Clara Community. By publishing an article alleging such socially unacceptable
3 behavior, caused Plaintiff to suffer severe emotional distress.

4 45. After the publication of this article, Plaintiff has suffered and continues to suffer severe
5 emotional distress due to uncertainty about his future. He took law school finals shortly after the
6 publication of the article, and SJI Article distracted him and adversely impacted his grades.
7 Plaintiff was placed on academic probation and almost lost his academic scholarship.

8 46. One of the more intangible problems that goes untreated is lost sleep due to the inordinate
9 amount of stress Plaintiff has been experiencing. Not only is the lost sleep and stress a problem, it
10 is a problem that Plaintiff has been unable to properly address. Plaintiff is on a low income health
11 plan, and that plan does not cover any psychiatric treatment that could ease Plaintiff's anxiety and
12 stress.
13

14 47. Plaintiff is also having difficulty focusing on the bar exam and the preparation materials
15 due to all the negative reactions he is receiving from the SJI article. In addition, friends,
16 constituents, and former clients involved in political office are afraid to associate with Plaintiff
17 due to fears of public backlash. As a result, Plaintiff has been isolated in the Santa Clara
18 Community, lost significant revenue and been unable to practice a skill he has developed for
19 several years.
20

21 48. But for the publication of the SJI Article, Plaintiff never would have experienced this
22 emotional distress or social isolation.
23
24
25
26
27
28

1
2 **VERIFICATION**

3 I, Shaian Mohammadi, declare:

4 I am a Plaintiff in the above-entitled action, and as such am authorized to make this
5 verification for that reason.

6 I have read the attached Complaint, and know the contents thereof, and based on
7 information or belief, I believe them to be true.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed this 30th day of June, 2017, in SAN DIEGO,
10 California.

11
12 

13 _____
14 Shaian Mohammadi