

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ELIZABETH ANN HOLLOWAY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION FILE
)	NO. _____
)	
OXYGEN MEDIA, LLC, and BRIAN)	
GRADEN MEDIA, LLC,)	
)	Jury Trial Demanded
Defendants.)	
)	

COMPLAINT FOR DAMAGES

COMES NOW, Elizabeth Ann Holloway, and respectfully states her Complaint for Damages against Defendants Oxygen Media, LLC and Brian Graden Media, LLC, showing this Honorable Court as follows:

INTRODUCTION

1. On May 30, 2005, Natalee Holloway (“Natalee”) disappeared on the last night of her high school senior class trip to Aruba.
2. In the twelve-and-a-half years since Natalee’s disappearance, Plaintiff Elizabeth Ann Holloway (“Beth”), Natalee’s mother, has desperately and endlessly sought to find Natalee, alive or dead.
3. Oxygen Media, LLC and Brian Graden Media, LLC (collectively, “Defendants”) took advantage of Natalee’s disappearance and Beth’s desperation when, between August 19, 2017, and September 23, 2017, Defendants published for profit a six-part “true crime” and “unscripted” “documentary” entitled *The Disappearance of Natalee Holloway* (the “Series”) wherein Defendants made the knowingly false declarations that they had discovered how Natalee

died, where she was buried, that her body was exhumed five years after her death, and that her remains were then desecrated.

4. In particular, and as mere examples of Defendants' reckless and outrageous conduct, Defendants published – and made Beth hear, watch, and read – that: Natalee was likely drugged, raped, killed, and her body buried after her legs were “cracked” so she could fit in a burlap sack that would hold her buried body; that five years later, after being “dug up,” her remains were “crushed” and “pummeled . . . throughout a few hours” “to the point it was not recognizable”; her skull was “doused in gasoline in a fire pit” “to burn the hair fibers”; and her crushed bones were then mixed with a dog's before being “cremated.”

5. All the while, Defendants knew that their gruesome depictions of Natalee's death and desecration were lies. Rather than being an unscripted and true-crime documentary as Defendants portrayed to Beth and their viewers, Defendants' Series was preconceived and written in advance, according to a lawsuit filed by the Series' creator. The Series was not a real-time or legitimate investigation into new leads, and Defendants' purported discovery of Natalee's remains was not spontaneous. Rather, the Series was a pre-planned farce, and its publication was outrageous.

6. In addition to the publications in the Series, Oxygen Media, LLC made the same outrageous claims before, during, and after the Series via its website, Oxygen.com.

7. Defendants further preyed and capitalized on Beth's desperate need and desire to find her daughter by claiming directly to Beth that they may have found Natalee's grave site and asking for (and obtaining) Beth's DNA to test against the remains they claimed to have spontaneously discovered there. To obtain Beth's DNA, Defendants misrepresented and omitted facts surrounding their “discovery” of remains.

8. Defendants did not disclose to Beth the existence of the Series until she discovered it for herself when Defendants' paid participants began their public relations and marketing campaign days before the Series aired. Claiming to have been searching for Natalee for years, Defendants did not disclose their involvement even as they sought and obtained through Dave Holloway, Natalee's father, Beth's DNA to test against what they claimed were "human female remains." As agonizing weeks passed, Beth was forced to watch – along with the rest of the world – episode after episode, headline after headline, to discover what horrors had befallen her daughter, while Defendants used Beth's DNA on their farcical show without her permission and under the guise of conducting a legitimate search for Natalee.

9. The impact of Defendants' deceit on Beth was profound. Through their claims directly to Beth, through their Series, and through their media publications, Beth truly believed Defendants had found Natalee but she was forced to wait nearly two months to discover the truth, and even longer to discover that her suffering was consciously and wrongfully inflicted and that Defendants' Series was a hoax. In Beth's own words, having to wait without knowing what would happen next while Defendants repeatedly proclaimed what heinous acts had been visited upon Natalee and her body "completely and utterly destroyed me."

10. Accordingly, this Complaint is brought against Defendants for their publication of gruesome and consciously false descriptions and images of the manner in which Natalee died and the desecration of Natalee's remains, and for their fraudulent involvement of Beth by obtaining her DNA under false pretenses. Defendants' conduct is so extreme and outrageous as to go beyond all bounds of decency and is not to be tolerated in a civilized society.

PARTIES, JURISDICTION, AND VENUE

11. Plaintiff Elizabeth Ann Holloway is an individual who resides in Jefferson County, Alabama.

12. Beth is a schoolteacher in Cullman County, Alabama, and a mother of one son. In 2007, Beth authored a book regarding Natalee's tragic disappearance, her own suffering, and how she survived in the immediate aftermath of losing her daughter. Beth opens her book by describing herself as follows:

I'm the parent who got the dreaded call. The parent no one wants to be. The one whose phone rang out of the blue in the middle of the day, and the voice on the other end said, "Your daughter is missing." I'm that desperate mother on TV holding up pictures of her missing child, pleading for help, describing the details surrounding an unthinkable crime. My daughter is Natalee Holloway. She disappeared in Aruba on the last night of her senior-high graduation trip in 2005 and hasn't been seen since. I never imagined that I would be "that parent," living an endless nightmare in front of the whole world. But I was, and I still am, because I will always search for her. I will forever be Natalee's mom.

Beth Holloway, *Loving Natalee: A Mother's Testament of Hope and Faith XV* (1st ed. 2007).

13. Defendant Oxygen Media, LLC ("Oxygen"), a wholly owned subsidiary of NBC, is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business being located at 30 Rockefeller Plaza, New York, New York 10112. Service of process can be perfected upon Oxygen by service of the Complaint and Summons upon its registered agent, Enterprise Corporate Services, LLC, at its registered office, 1201 N Market Street Suite 1000, Wilmington, Delaware 19801.

14. Oxygen's slogan is "The New Network for Crime." According to NBC Universal's website,

Oxygen Media is a multiplatform crime destination brand for women. Having announced the full-time shift to crime programming in 2017, Oxygen has become the fastest growing cable entertainment network with popular unscripted original programming that includes the flagship "Snapped" Franchise, "The Disappearance

of Natalee Holloway,” “The Jury Speaks,” “Cold Justice,” “Three Days to Live,” and “It Takes A Killer.” Available in more than 77 million homes, Oxygen is a program service of NBCUniversal Cable Entertainment, a division of NBCUniversal, one of the world’s leading media and entertainment companies in the development, production, and marketing of entertainment, news, and information to a global audience.

See <http://www.nbcuniversal.com/business/oxygen-media> (last visited Nov. 29, 2017).

15. Defendant Brian Graden Media, LLC (“BGM”) is a limited liability company organized and existing under the laws of the State of California with its principal place of business being located at 6855 Santa Monica Blvd., Suite 406, Los Angeles, California 90038. Service of process can be perfected upon BGM by service of the Complaint and Summons upon its registered agent, Craig A. Jacobson, at its registered office, 450 N Roxbury Dr., 8th Floor, Beverly Hills, California 90210.

16. There is complete diversity of citizenship between Beth and Defendants and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest, costs, and attorneys’ fees. Therefore, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a).

17. Defendants transact business in the State of Alabama and have committed tortious acts in the State of Alabama.

18. Defendants published the Series in the State of Alabama.

19. Oxygen published its offending articles in the State of Alabama.

20. Defendants published their offending statements directly to Beth in the State of Alabama.

21. Defendants sought and obtained Beth’s DNA in the State of Alabama.

22. Defendants directed their conduct at Beth, a citizen of Alabama.

23. Oxygen owns and operates the Oxygen Network and an Internet publication at

Oxygen.com, and its publications are regularly made throughout the State of Alabama.

24. Defendants have intentionally sought and obtained benefits from their tortious acts in Alabama.

25. Defendants are subject to the jurisdiction of this Court pursuant to Rule 4.2 of the Alabama Rules of Civil Procedure.

26. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), based on the fact that Defendants are subject to personal jurisdiction in this District and a substantial part of the events giving rise to this claim occurred in this District.

FACTUAL BACKGROUND

Natalee's Disappearance and Beth's Search for Her Daughter

27. Natalee was one of approximately 120 students from Mountain Brook High School who took a senior class graduation trip to the island of Aruba in May 2005.

28. The students began their trip on May 26, 2005, and were scheduled to return home on May 30, 2005.

29. Natalee was last seen entering a car with Joran van der Sloot, Deepak Kalpoe, and Satish Kalpoe at approximately 1:30 a.m. on the morning of May 30, 2005.

30. Later that same morning, Natalee failed to meet her classmates for their return flight to the United States.

31. Joran van der Sloot, Deepak Kalpoe, and Satish Kalpoe have been repeatedly arrested and released from prison as suspects in Natalee's disappearance.

32. In June of 2011, Natalee's father, Dave Holloway, filed paperwork in Alabama seeking to have her declared dead.

33. Natalee was declared legally dead in January 2012, but her whereabouts and body

remain unfound. Thus, whether she is actually dead remains unknown.

34. Beth disagreed with Dave Holloway's decision to have Natalee declared dead and has been quoted as saying that she "will always hope and pray for Natalee's safe return."

35. The manner of Natalee's death, if she is dead, also remains unknown.

36. Natalee's disappearance was the subject of nearly unprecedented media coverage with round-the-clock coverage of the investigation by members of both the print and broadcast media.

37. In the immediate aftermath of Natalee's disappearance, Beth took all measures available to her to locate her daughter.

38. Beth worked with a multitude of individuals to find Natalee, including but not limited to: American, Aruban, and Netherlands authorities; Queen Beatrix of the Netherlands; Aruba Prime Minister Nelson Oduber; Aruba Minister of Justice Rudy Croes; Aruba Chief Prosecutor Karin Janssen; Aruba Minister of Tourism Ruben Trappenberg; Aruba Police Chief Gerold Dompig; the Royal Netherlands Air Force; Aruba attorneys Vinda de Sousa and Helen Lejuez; President Bill Clinton; U.S. Secretary of State Condoleezza Rice; U.S. Secretary of Homeland Security Michael Chertoff; FBI Agent William Bryan among other agents; FBI Legal Attache Doug Shipley; DEA Agent Eric Williams among other agents; International Victims' Assistance representatives Kathleen Hall and Dahlia Williams; American Consulates; the American Consulate General; Alabama Senator Richard Shelby; Alabama Senator Jeff Sessions; Alabama Congressman Spencer Bachus; Alabama Governor Bob Riley; GA Governor Sonny Purdue; Arkansas Governor Mike Huckabee; Alabama Lieutenant Governor Luther Strange; New York City Attorney John Q. Kelly; Ross Perot; the Florida State University Dive Team; Texas Equusearch; private investigators; and many other authorities; as well as the media,

celebrities, and countless others in her ongoing efforts to find Natalee.

39. Despite repeated searches of Aruba and its waters, neither Natalee nor her remains have ever been located.

40. Beth continues to work to discover her daughter's fate.

The Actors in the Series

41. The Series was acted out by a number of paid participants, including, among others: Gabriel Madrigal ("Madrigal"), John Ludwick ("Ludwick"); Dave Holloway ("Dave"); T.J Ward ("Ward"); and Jason Kolowski, Ph.D. ("Kolowski").

42. Ludwick is referred to as the "suspect" in the Series. Ludwick claims, among other things, to have known Joran van der Sloot, to have exhumed Natalee's body at van der Sloot's bidding, to have "crushed" Natalee's remains into little pieces, and to have burned her skull before disposing of her remains.

43. Defendants claim that Ludwick was unaware of their involvement, the Series, and the investigation into Natalee's disappearance until after he made his confessions during a "sting" operation depicted in the Series.

44. Madrigal is referred to as the "informant" in the Series. Madrigal is depicted by Defendants as spurring the "new lead" into Natalee's disappearance.

45. Dave is depicted in the Series as Natalee's grieving father.

46. Ward is depicted in the Series as the private investigator leading the investigation into Natalee's disappearance.

47. Kolowski is depicted in the Series as a forensic expert.

The Creation and Marketing of the Series

48. Defendants represented in promotional materials and in the Series itself that the

Series was an “unscripted” “real-time investigation” and “documentary” following “a new lead that could deliver justice for Natalee once and for all,” including “the specifics of what happened to her and the remains of her body.”

49. Contrary to Defendants’ representations, the Series was not an “unscripted” “documentary” or “real-time investigation.”

50. Rather, upon information and belief, the Series – and its resolution – was a scripted, pre-planned farce calculated to give the impression of real-time events.

51. Accordingly, upon information and belief, Defendants knew at the outset that they had not discovered, and would not discover, Natalee’s remains.

52. Beth, distraught by the Series, its claims, and her interactions with Defendants and their agents, only discovered the true nature of the Series following an investigation by counsel.

53. In the matter styled *Kramer v. Brian Graden Media, LLC et. al.*, Case No. 2:17-CV-5990 (C.D. Cal. Aug. 11, 2017) (the “Kramer Matter”), the plaintiff, Edward Kramer, seeks compensation for services he claims to have rendered to Oxygen and BGM.

54. In particular, Mr. Kramer asserts in the Kramer Matter that he worked with Ward to create the Series, and that Kramer authored the Series, its plot, and its resolution more than a year before its publication.

55. According to Mr. Kramer, he created the plans, scenarios, and episode guides used by Defendants to “script” the Series. Mr. Kramer asserts that the “resolution” of the Series was pre-conceived, and that he wrote it. (Kramer Matter, ¶¶ 16-21, 27).

56. Mr. Kramer claims to be responsible for signing Madrigal and Ludwick to non-disclosure agreements and recording his conversations with them, which agreements were signed

by BGM, and for selecting Kolowski as the Series' forensic scientist. (Kramer Matter, ¶¶ 15, 19).

57. Madrigal purportedly contacted Dave in September 2015 claiming his roommate, Ludwick, knew the location of Natalee's remains. Madrigal was again purportedly interviewed by Ward on May 29, 2016.

58. Accordingly, upon information and belief, these interviews and all events in the Series took place only after Madrigal and Ludwick had already signed non-disclosure agreements and otherwise agreed to roles as paid participants in the Series.

Timeline of the Series Versus Real Time

59. A review of the purported "real time" events in the Series and those events that took place in real life reveals that the Series was, in fact, scripted, that Defendants consciously delayed the results of their DNA testing, that Defendants knowingly preyed on Beth's hope for finding her daughter, and that Defendants consciously misrepresented their "discovery" of human remains to hoodwink Beth into providing her DNA for comparison and publication for profit.

60. As early as the fall of 2014, Mr. Kramer had already created the Series. (Kramer Matter, ¶¶ 8, 11).

61. In June 2015, Ward and Dave "signed a Memorandum and Paid Participant Agreement" to participate in the Series. (Kramer Matter, ¶ 14).

62. In September 2015, Madrigal called Dave claiming to have a lead – through Ludwick – on Natalee's remains.

63. According to Defendants, this September 2015 call was "unsolicited," and therefore a fortuitous break for Defendants' Series.

64. Dave states that it was when he received that call from Madrigal that he “picked up the phone and called” Ward.

65. However, according to Mr. Kramer, he was concurrently preparing “non-disclosure agreements and recordings of conversations” with Madrigal and Ludwick, and Dave and Ward were already signed up as paid participants. (Kramer Matter, ¶¶ 14, 15).

66. In May 2016, Ward interviewed Madrigal remotely, and was told the much of the information later published in the Series.

67. On February 8, 2017, Madrigal was interviewed by Dave in person. This interview was aired in the Series and Defendants conveyed that it was a live and unscripted interview wherein Dave learns of Madrigal’s purported information for the first time.

68. On February 13, 2017, Defendants staged a “sting” operation in which Madrigal allegedly took Ludwick to gamble in New Orleans with the intent of getting him to admit on tape to his participation in the exhumation and desecration of Natalee’s remains. Ludwick was purportedly enticed to go because it was an “all expenses paid” vacation.

69. During this “sting” operation, Defendants claim to have surreptitiously surveilled Madrigal and Ludwick’s hotel room without Ludwick’s knowledge. Indeed, Dave himself claims that Ludwick “does not know that we are involved at this point in time.”

70. By this time, however, Ludwick had already signed a non-disclosure agreement and had his conversations with Mr. Kramer regarding the case recorded. (Kramer Matter, ¶ 15).

71. Accordingly, upon information and belief, Ludwick was a paid participant in the Series and was aware at all times during the Series that he was being taped for publication.

72. On March 15, 2017, Defendants introduce Dr. Jason Kolowski to the Series. Kolowski is a forensic scientist and his “major background is DNA analysis.” He focuses “on

mitochondrial DNA and the forensic application of mitochondrial analysis.” *See* <http://www.oxygen.com/the-disappearance-of-natalee-holloway/blogs/meet-the-forensic-scientist-whos-helping-in-the-search> (last visited Nov. 1, 2017).

73. As of March 15, 2017, Madrigal had allegedly “quit” being Defendants’ informant.

74. On March 16, 2017, Madrigal allegedly agreed to come back on board, to go to Aruba, and to bring Ludwick with him to lead Defendants to the burial site.

75. By March 19, 2017, Madrigal and Ludwick – and each of their girlfriends – were already in Aruba.

76. Defendants continued during this trip to represent that Ludwick was unaware of their involvement, that their video footage of Ludwick was covert surveillance, and that Madrigal was still acting as their informant.

77. On March 19, 2017, Ludwick took Madrigal to identify the grave site where he allegedly dug up Natalee’s remains (the “first search”).

78. Ludwick was unable to identify the grave site during the first search.

79. On March 26, 2017, Ward interviewed Ludwick in person.

80. Accordingly, by March 26, 2017, Defendants could no longer claim that Ludwick was unaware of their involvement. When and how Ludwick became so aware is not mentioned in the Series.

81. On April 6, 2017, Dave and Ward met with Madrigal to “get a plan going on what we are going to do next,” stating that “John has indicated to Gabriel that he is willing to pinpoint the exact location and cooperate with the Aruban authorities in showing the exact location and hopefully solving this case.”

82. On April 8, 2017, Madrigal and Ludwick re-appeared in Aruba to “pinpoint” the grave site to Defendants (the “second search”).

83. Ludwick was again unable to identify Natalee’s grave site during the second search.

84. Ludwick was further unable during the second search to identify the alleged “cave” near his aunt’s property where he and van der Sloot allegedly burned Natalee’s skull.

85. After the failed second search, Defendants confirmed that “Dave and the team cut ties with Gabriel and John” because they believed the lead to have been false and unfounded.

86. Nonetheless, Defendants then claimed that “[t]wo weeks later, [Dave and Ward] receive[d] word that Gabriel and John have returned to Aruba on their own.”

87. Madrigal and Ludwick then return to Aruba with Madrigal filming their trip via his cell phone. According to these unverified video clips, Madrigal and Ludwick returned to Aruba for a third time to “bring Natalee home” and because Ludwick knows where her remains are because “he kept [them] as a trophy” (the “third search”).

88. During the third search, Madrigal and Ludwick purport to go to Ludwick’s aunt’s house.

89. Within seconds, Ludwick takes Madrigal directly to the foot of a wall enclosing his aunt’s property.

90. By this time, it had been approximately seven years since Ludwick allegedly exhumed and desecrated Natalee’s remains.

91. Madrigal films while Ludwick purports to uncover a Ziploc bag from just beneath the ground surface containing four small bone fragments (the “Bone Fragments”).

92. The Ziploc bag, supposedly buried for seven years, appears fairly new, clean, and

in good condition.

93. On April 25, 2017, Dave received a text message from Madrigal containing a photograph of the Bone Fragments and stating “Hey Dave just in case you think I’m lying I got evidence[.] That what this sick f*** gave me as he uncovered it[.]”

94. Madrigal and Ludwick further claim that the remainder of Natalee’s remains were buried at a pet cemetery.

95. Although the date is not given, Madrigal documents via his cell phone Ludwick’s attempt to identify the grave site with the rest of Natalee’s remains at the pet cemetery (the “fourth search”).

96. Ludwick was unable to identify the grave site during the fourth search.

97. Defendants delayed traveling to Aruba to obtain the Bone Fragments from Aruban authorities for a period of seven weeks.

98. On June 14, 2017, Dave and Ward met with Aruban authorities to obtain the Bone Fragments.

99. Although Defendants obtained the Bone Fragments on June 14, 2017, Defendants did not deliver the bone fragments to their already-retained forensic expert, Kolowski, until July 6, 2017.

100. The Series, however, states that “[up]on their arrival into the U.S., the bones were handed off to forensic expert Dr. Jason Kolowski to conduct testing.”

101. Kolowski delivered the bone fragments to a third-party lab (the “Laboratory”) on the same day, July 6, 2017.

102. On August 10, 2017, prior to the next scene in the Series, Dave contacted Beth and advised that he and Ward may have discovered Natalee’s “remains.”

103. During this call, Dave advised Beth that “remains” were discovered in Aruba, and that DNA analysis has shown that the remains are “human female remains” from a “single individual” of “Caucasian Eastern European origin.” Dave further advised that the remains are at least ten years old – the general timeframe that Natalee disappeared.

104. Accordingly, no later than August 10, 2017, Defendants had informed Dave that the Bone Fragments were human.

105. During this call and a subsequent text message of the same date, Dave asked Beth for a DNA sample.

106. On the same date, August 10, 2017, Kolowski telephoned Beth to confirm the discovery and analysis of the remains.

107. During this call, Kolowski advised that there would be no gray area – the results of Beth’s DNA compared to the human remains would either be a match or a full exclusion. Kolowski further stated that the analysis would be complete within 30 days.

108. On August 11, 2017, Kolowski contacted Beth via text and overnighted a DNA kit to Beth.

109. Neither Dave nor Kolowski disclosed Defendants’ involvement to Beth.

110. Kolowski initially instructed the Laboratory on July 6, 2017, to process all four Bone Fragments together into one extract, rather than examine each of the four Bone Fragments individually.

111. Later, on August 11, 2017, Kolowski delivered to the Laboratory the remaining portions of the four Bone Fragments for individual testing.

112. On August 12, 2017, Beth received, completed, and returned the DNA kit to Kolowski.

113. The next event in the Series was a meeting between Dave, Ward, and Kolowski on August 17, 2017, at least one week after Dave was already informed of Kolowski's findings.

114. Defendants convey in their Series that this is the first time that they and their paid participants, Dave and Ward, learn the results of the DNA testing.

115. It is during this August 17, 2017, meeting that Defendants convey to their viewers that: (1) some or all of the Bone Fragments are human; (2) the Bone Fragments belong to a Caucasian of European descent; and (3) that Beth's DNA is needed to definitively determine whether the Bone Fragments belong to Natalee.

116. However, as set forth above, Kolowski had already conveyed the results of this initial DNA testing to Defendants and Dave at least a week prior to the August 17, 2017, meeting.

117. Accordingly, the August 17, 2017, meeting in the Series was not an unscripted documentary as conveyed by Defendants.

118. In keeping with Mr. Kramer's allegations in the Kramer Matter, Defendants staged this scene to appear as though it occurred in real-time when, in fact, it was preconceived.

119. Beth was unaware that the purported "remains" were merely four Bone Fragments found in a Ziploc bag by Madrigal and Ludwick until she watched the Series itself.

120. Then, in its last episode, the Series shows a meeting between Kolowski, Ward, and Dave on September 11, 2017, wherein Kolowski conveyed additional results of the DNA testing.

121. During this scene, Kolowski and Defendants convey that they were expecting one of three possible outcomes: a match, inconclusiveness, or a full exclusion.

122. Defendants further conveyed that "we are not seeing a match, but [Kolowski is]

not prepared to call this a full exclusion yet” because they only had access to the DNA profile obtained from the combined sample of all four Bone Fragments rather than each of the four Bone Fragments being tested individually.

123. Defendants, through Kolowski, convey that the testing is “comfortably” inconclusive.

124. This was the sixth and final episode of the Series, and aired September 23, 2017.

125. Defendants concluded their Series without divulging the results of the DNA testing.

126. Defendants received a written report from the Laboratory on September 22, 2017, stating, among other things, that only one Bone Fragment was human and that its results were “not reportable.” *I.e.*, that its DNA sequence was unknown, but human.

127. Accordingly, Defendants knew prior to the publication of their last episode that they could not match the Bone Fragments to Natalee.

128. Accordingly, Defendants received no new information from which they could have determined that the Bone Fragments did or did not belong to Natalee after they aired their final episode claiming that the testing was “inconclusive.”

129. Nonetheless, rather than stating that the results were “inconclusive” as was aired to the world and to Beth specifically, Kolowski’s final report, issued September 30, 2017, stated that the fact that the combined bone DNA sequence did not match Beth’s was “the first proof of an exclusion.”

130. Kolowski’s final report further stated that the fact that the remaining three Bone Fragments were determined not to be human “is the second and final proof of exclusion.”

131. Further, the Laboratory reports relied upon by Kolowski and Defendants also

stated that the sample was suitable for exclusion purposes only.

132. Accordingly, Defendants and Kolowski knew that they would not be able to compare the Bone Fragments to Beth's DNA to obtain a match. *I.e.*, determine that they had found Natalee's remains.

133. In truth, despite their representations to Beth, in the Series, and in the media, Defendants never had a DNA sample from which they could determine whether the Bone Fragments were Natalee's remains.

134. In truth, despite their representations to Beth, in the Series, and in the media, Defendants knew prior to concluding their Series that the Bone Fragments did not belong to Natalee.

135. In truth, despite their representations to Beth, in the Series, and in the media, Defendants knew prior to filming their Series that they would not find Natalee because the Series was pre-conceived and was not a real-time investigation discovering new facts.

136. Defendants had the results necessary to confirm that the Bone Fragments did not belong to Natalee no later than September 11, 2017, but chose to publish to the world and to Beth that the results remained "inconclusive."

137. Defendants did not disclose the results of the DNA testing until October 2, 2017, via their website, Oxygen.com.

138. On October 2, 2017, Defendants admitted that they did not discover Natalee's remains.

139. Defendants attempted to delay their receipt of the Laboratory's findings – that they had not discovered Natalee's remains – so that they could continue to hype their Series as having discovered Natalee's remains, and to maximize their ratings and profits.

Publication of the Articles

140. Between August 16, 2017, and September 21, 2017, Oxygen further published via their website Oxygen.com seven absurd, grotesque, and knowingly false articles regarding the manner of Natalee's death and the desecration of her remains.

CAUSES OF ACTION

**COUNT ONE: FRAUDULENT
MISREPRESENTATION AND SUPPRESSION**

141. Beth reasserts and incorporates by reference paragraphs 1 through 140 of this Complaint as if fully restated herein.

142. Defendants obtained Beth's DNA through her reliance on their fraudulent misrepresentations and suppressions made with an intent to deceive.

143. Defendants lured Beth in with false, omitted, and misrepresented information, and later used Beth's DNA on their Series without her permission (or seeking her permission).

144. August 10, 2017, was the first time Beth was told by anyone that Dave and Ward were pursuing this lead into Natalee's disappearance.

145. On August 10, 2017, Dave contacted Beth by telephone to advise Beth that he and Ward had discovered "human female remains" in Aruba.

146. On August 10, 2017, Dave contacted Beth to ask that she provide a DNA sample for forensic analysis to determine if the human female remains he and Ward discovered were, in fact, Natalee's remains.

147. Upon information and belief, Dave contacted Beth on August 10, 2017, at the direction of Defendants and in furtherance of their business.

148. Defendants did not disclose to Beth prior to her delivery of her DNA that her DNA results would be broadcast to the world for Defendants' benefit.

149. Defendants knew that to continue their Series – which was set to air less than ten days after they sought Beth’s DNA – they needed Beth’s DNA to give the appearance of determining whether the Bone Fragments were Natalee’s.

150. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agent Dave, misrepresented to Beth material facts regarding the origins and circumstances of their purported discovery of Natalee’s remains.

151. Defendants knew, or should have known, that by making such misrepresentations, they would raise Beth’s hopes and prayers for the return of her daughter and closure to this tragedy. Indeed, Defendants forced Beth to wait through six episodes of the most heinous descriptions of what happened to her daughter, and let Beth suffer through it.

152. Defendants knew, or should have known, that they would destroy those hopes and prayers because they knew they could not return Natalee or her remains.

153. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agent Dave, misrepresented to Beth that they may have discovered Natalee’s remains.

154. As set forth herein, Defendants knew that they had not discovered Natalee’s remains prior to contacting Beth.

155. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agent Dave, misrepresented to Beth that the discovery of the remains was a spontaneous, rather than pre-planned, event.

156. As set forth herein, Defendants’ Series and its resolution was scripted.

157. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agent Dave, misrepresented to Beth that the remains they discovered were “female”

remains.

158. Defendants knew that the DNA testing they had conducted could not determine gender.

159. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agents Dave and Kolowski, misrepresented to Beth that the DNA sample in their possession could be matched to Beth.

160. As set forth herein, and upon information and belief, Defendants knew that their DNA samples were “below the limit of detection” and ultimately could be used “for exclusion purposes only.”

161. On August 10, 2017, to induce Beth into providing her DNA, Defendants, by and through their agent Dave, misrepresented to Beth that the remains were discovered in a “grave site” near Ludwick’s relative’s home.

162. As Defendants knew, the Bone Fragments were not discovered in a “grave site.” Instead, just four Bone Fragments were discovered in a small hole in the ground at the foot of a fence in a plastic Ziploc bag.

163. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that the persons who “discovered” the Bone Fragments were paid for their participation in the Series.

164. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that the persons who “discovered” the Bone Fragments were unable to lead Defendants to any remains during the first, second, and fourth searches for her remains.

165. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that the persons who “discovered” the Bone Fragments did so by

themselves with no third-party corroboration.

166. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that the persons who “discovered” the Bone Fragments found the remains on their first solo attempt, with minimal effort, hardly buried, in a seemingly fresh Ziploc bag that would have supposedly had to have been buried for approximately seven years.

167. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that the persons who “discovered” the Bone Fragments demonstrated a total lack of credibility.

168. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that Defendants themselves questioned the credibility of the persons who “discovered” the Bone Fragments because their story changed multiple times.

169. Defendants, including through their agents Dave and Kolowski, consciously failed to disclose to Beth that Ludwick admitted to being addicted to heroin at the time he claims to have disposed of Natalee’s remains.

170. Defendants, including through their agents Dave and Kolowski, did not disclose to Beth that Defendants, or any major television network, were in any way involved in the discovery of the remains.

171. Rather, Beth understood that Dave and Ward conducted their own independent investigation, thereby giving Defendants’ “discovery” of human “female” remains an aura of credibility that would not have been present had Beth known it was a project for profit.

172. Beth was unaware that the Series or any major television network was filming a series regarding Natalee until after she provided her DNA to Defendants.

173. Defendants did not disclose to Beth prior to her delivery of her DNA sample that

same would be used in Defendants' Series.

174. Defendants made each of the above lies, misrepresentations, and omissions with the intent to deceive Beth into providing her DNA.

175. Defendants knew and had special reasons to expect that Beth would be influenced by their lies, misrepresentations, and omissions, because of Beth's relationship to Natalee and her ongoing search to discover what happened to her daughter.

176. Defendants, through their agent Dave, Beth's ex-husband, maintained a confidential relationship with Beth.

177. Relying on Defendants' lies, misrepresentations, and omissions, Beth provided her DNA to Defendants.

178. As a direct result of Defendants' lies, misrepresentations, and omissions, Beth began to hope and believe that her daughter had been found.

179. Defendants had not found Natalee, and they knew or should have known that they had not found Natalee, prior to their publications to the contrary directly to Beth.

180. Beth's provision of her DNA furthered Defendants' business and Defendants' Series.

181. Defendants profited and otherwise derived a benefit from Beth's provision of her DNA.

182. Upon information and belief, Defendants instructed Dave and Kolowski to obtain Beth's DNA for the purposes of their Series.

183. All acts and omissions of Dave and Kolowski were undertaken in the normal course and the furtherance of Defendants' business.

184. Upon information and belief, Defendants had the right and ability to control the

manner and means of Dave's and their other paid participants' investigation into Natalee's disappearance and the location of her remains, including by: (1) determining when episodes could be filmed; (2) determining where and when the paid participants could travel during the investigation; (3) furnishing the equipment, vehicles, plane tickets, and lodging used by the paid participants in the investigation; (4) determining what persons would be available to assist in the investigation; (5) determining the plot of each episode; (6) financing the DNA testing; and (7) financing the investigation and the Series.

185. Upon information and belief, Defendants had the right and ability to control Dave and Kolowski through their contractual terms, including by scripting and/or plotting the Series for Dave to carry out.

186. Upon information and belief, Defendants had the right and ability to control Dave and Kolowski through their contractual terms, including by requiring confidentiality regarding the production of the Series and its events.

187. Upon information and belief, Defendants had the right and ability to control Dave and Kolowski through their contractual terms, including by withholding payment to Dave and Kolowski as paid participants.

188. Upon information and belief, Defendants had the right and ability to control Dave and Kolowski through their contractual terms, including by withholding payments necessary to finance the Series and its investigation into the discovery of Natalee's remains.

189. Dave and Kolowski acted within the scope of their authority and for Defendants' benefit when they contacted Beth on August 10, 2017.

190. Defendants demonstrated their authorization and ratification of Dave's and Kolowski's actions by seeking an interview from Beth after she submitted her DNA under false

pretenses.

191. Defendants demonstrated their authorization and ratification of Dave's and Kolowski's actions by utilizing Beth's DNA in their Series without seeking or obtaining her permission.

192. Defendants demonstrated their authorization and ratification of Dave's and Kolowski's actions by attempting to surreptitiously, without Beth's authorization, film Kolowski's telephone call to Beth revealing results from the DNA testing.

193. Defendants further demonstrated their authorization and ratification of Dave's and Kolowski's actions by themselves misrepresenting the circumstances of the discovery and chain of custody of the remains to Kolowski. In particular, upon information and belief, Defendants misinformed Kolowski regarding the circumstances of the discovery of the Bone Fragments by misrepresenting and omitting: (1) that Ludwick and Madrigal discovered the Bone Fragments by themselves; (2) that Ludwick and Madrigal discovered the Bone Fragments without any of Defendants or their agents present; and (3) that the chain of custody had been broken.

194. Defendants fraudulently misrepresented and suppressed facts with an intent to deceive, and thereby induced, Beth into providing her DNA to Defendants for their benefit.

195. Defendants knew, should have known, or recklessly disregarded that their fraudulent misrepresentations would cause Beth severe emotional distress.

196. As a direct and proximate cause of Defendants' fraudulent misrepresentations to Beth, Beth has suffered severe emotional distress and corresponding physical distress.

197. Defendants demonstrated their knowledge when their paid participants uttered, among other things, the following statements and images indicating their awareness of the effect Defendants' actions would have on Beth:

a. “He knows his daughter his dead. But to hear about what happened to her remains and what they did to her afterwards – no parent should have to hear that.”

b. “I’m not gonna get my family involved and get their hopes up high and knowing that we’re gonna have to develop this thing for months, and I finally said, T.J, if anyone takes the fall, it’s going to be me.”

c. “We’ve had so many disappointments throughout the past and you are always thinking ‘is this the great big con?’ . . . My ex-wife, Natalee’s mother, Beth [does not know that we are going to New Orleans to investigate this lead.] You just can’t put somebody through anticipation, anxiety, I realize now that I should have been a lot more protective of her emotions and all of our families’ emotion throughout this process, and I didn’t want to put her through that.”

198. Defendants fraudulently misrepresented the circumstances of their discovery of the Bone Fragments and obtained Beth’s DNA with the intent to cause, or with reckless disregard of a substantial probability of causing, Beth to suffer severe emotional distress.

199. Defendants’ misconduct was willful and demonstrates that entire want of care that raises a presumption of conscious indifference to consequences.

COUNT TWO: TORT OF OUTRAGE

200. Beth reasserts and incorporates by reference paragraphs 1 through 199 of this Complaint as if fully restated herein.

201. Defendants’ actions in creating and publishing the Series – individually and in combination – are extreme, outrageous, and are not to be tolerated in a decent and civilized society.

202. Defendants’ actions in creating and publishing the Series – individually and in combination – caused Beth severe emotional distress, and Defendants knew or should have known that Beth would so suffer.

Obtaining Beth’s DNA Under False Pretenses

203. As set forth in Count One, which is expressly incorporated herein by reference,

Defendants consciously manipulated Beth into providing her DNA by misrepresenting and omitting facts which, if truthfully disclosed, would have resulted in Beth's refusal to provide her DNA.

Defendants' Publications Directly to Beth

204. Defendants, by and through their agents Dave and Kolowski, made a number of factual, false, and outrageous statements directly to Beth regarding their purported discovery of human remains believed to be Natalee.

205. During the August 10, 2017, call, Defendants conveyed, among others, the following factual, false, and outrageous statements either verbatim or in substance regarding Natalee's death and the desecration of her remains:

- a. Human remains were spontaneously discovered in Aruba;
- b. Natalee's remains may have been spontaneously discovered in a grave site in Aruba;
- c. The spontaneously discovered human remains were "female"; and
- d. That what was discovered were "remains" rather than the Bone Fragments.

Defendants' Publication of the Series

206. Defendants made an array of factual, false, and outrageous statements during the course of their six-episode Series regarding the manner in which Natalee allegedly died and the manner in which her corpse was allegedly desecrated.

207. Defendants knew at the time they published such statements that they were false and/or published such statements with reckless disregard for truth or falsity.

208. During the Series, Defendants made, among others, the following factual, false, and outrageous statements either verbatim or in substance regarding Natalee's death and the

desecration of her remains:

- a. “Natalee started foaming at the mouth ‘cause she was overdosing” after Joran van der Sloot drugged her.
- b. Joran van der Sloot gave Natalee a date rape drug.
- c. Natalee “choked on her own vomit.”
- d. Joran van der Sloot’s father obtained a burlap bag to put Natalee’s dead body in but she would not fit, so van der Sloot “stomp[ed] on her legs, crack[ed] her legs, [and] puts her in the burlap and actually folders her over . . .”
- e. van der Sloot “dismembered” Natalee’s body before burying her initially to fit her in the burlap bag.
- f. van der Sloot buried Natalee in a national park.
- g. Joran van der Sloot told Ludwick that he would pay Ludwick “\$1,500 to move the body, I’m gonna write up a little map and tell you where it’s at, so John goes the following night and he said it was only like three feet down, and [Ludwick] finally seen the little head of the burlap, I pulled it out and it had this decaying smell.”
- h. Ludwick puts Natalee’s body in the trunk of the car and “all the bones were just brownish, moldy and there was two inches of just black lard from the body when it decays on the bottom of the burlap, and her hair was there, and all the bones.”
- i. Reenactments of Natalee’s body being dug up in a burlap bag.
- j. “van der Sloot had a connection that his dad had at the morgue, so then John goes ahead and takes it and the body got cremated, everything in there got cremated, so he picks up all the ashes, he goes back to van der Sloot, they go, and it was low tide, and they just spread it.”
- k. “there should be DNA at the grave, at the national forest, and the aunt’s car.”
- l. “I can take you to where I got the remains, but it’s not really in the national park. It’s [the burial site] up at the top of a mountain, like not a mountain, a really big hill there that’s almost like a mountain, like houses are going all the way up this steep hill, the road just eventually dead ends, and it’s like a cul-de-sac where you can turn around. But if you walk pas the cul-de-sac, there’s like a little path that takes you back in the desert where there’s cactuses and brush trees and sh** like that, and the second clearing of Mesquite tress to duck under and then you’re gonna see a freaking opening and then you’re gonna see a bunch of cactuses grouped together. That’s where the f***ing sh** was hidden. It’s actually only like a ten minute walk from my aunt’s house.”

- m. Joran said “I’ll give you a good amount of money if you do something for me. It was like \$1,500.”
- n. Ludwick went and “dug the body up” because he “needed the money.”
- o. The body “stayed in the trunk until the next day.”
- p. Joran van der Sloot’s dad helped Joran dispose of the body.
- q. “Once you dug it [the body] up, if you open the burlap, yeah you’re gonna have a musty odor of death.”
- r. Joran van der Sloot “went to his house and dug the dog up, he took the bones out, put the dog bones on top.”
- s. Ludwick “got it [the body] cremated and then brought it back.”
- t. At the crematory, Ludwick “went in there with \$200 cash and said ‘this dog means a lot to me and freaking I don’t want anyone to be the last one to touch it except me. If I give you \$200 can I push it in there myself?’”
- u. “It’s not like we paid to get an urn made. I mean, they just put [the ashes] in a big plastic bag.”
- v. It was a lot of ashes “because it was combined with the dog.”
- w. “It’s called desecration of human remains.”
- x. “You coulda thrown it [the ashes] in the ocean. You coulda flushed it down the toilet. I don’t give a sh**.”
- y. Video of Defendants, Madrigal, and Ludwick repeatedly searching for Natalee’s remains, with a cadaver dog and Aruban authorities.
- z. Although van der Sloot did not expressly state he “roofied” Natalee, he told Ludwick that “the combination of things [drugs] that [Natalee] was on, if they think we had sex and stuff, and they tested her, it could make it look like he tried to rape her.”
- aa. Joran van der Sloot “never said Paulus’s name, but he implied it was his father.”
- bb. Joran said “Paulus came and helped him figure out how to get rid of evidence.”
- cc. Joran said “his dad helped him cover it up . . . his dad got everything

disposed of. That before sunrise, he . . . there's a cul-de-sac there, that uh, on the top of a hill, that it's desert area, cactuses, and thorn bushes, and nobody goes up there. The only house in view wouldn't be able to stumble upon them, but it's kind of like a mountain of boulders, not a mountain, but probably like 10, about 10-12 feet tall, and shaped kind of like this [motioning] with big boulders."

dd. Joran "knew I was heavily hooked on heroin at the time and I didn't have the resources to keep it up daily. So he was saying 'I'll give you \$1,500 for your help.'"

ee. Ludwick went by himself, without Joran van der Sloot, "under his instruction" to "dig the remains up."

ff. Joran van der Sloot went with Ludwick to "dig the remains up."

gg. Ludwick and van der Sloot went out to dig up Natalee's remains "right at sunrise, like barely able to see."

hh. "The burlap sack was wrapped in a tarp, so it was kind of keeping stuff from seeping out, basically."

ii. The burlap sack had "a very nasty looking like blackish, brown, dried matter."

jj. "Originally he [van der Sloot] discussed getting it cremated, but that time it wasn't legal but apparently some places would do it for pets."

kk. "The idea was to crush everything [Natalee's skeleton] to the point where it was not recognizable as arm bones or skull or anything like that."

ll. "The only thing that got burnt was the skull to burn the hair fibers; it was doused in gasoline in a fire pit in a cave."

mm. The cave "was about 150 yards right of my aunt's property."

nn. Ludwick and van der Sloot "pummeled [Natalee's body] throughout a few hours."

oo. "We paid a local fisherman to borrow his boat for the night" to dispose of Natalee's remains."

pp. "I feel bad that if I had the opportunity for [Beth and Dave Holloway] to recover the remains that I let that slip through the cracks. Now they're never going to be able to bury her. I was obsessed with my friendship at the time and I was under the influence of heroin."

qq. Video of Ludwick and Madrigal allegedly uncovering Natalee's remains.

rr. Video of the Bone Fragments themselves.

ss. “This is Natalee’s . . . part of her remains.”

tt. Ludwick and van der Sloot “broke everything [Natalee’s skeleton] up over there [Ludwick’s aunt’s house] and then they both went and they buried your daughter’s bones in the pet cemetery where the rest of her remains are at.”

uu. “After [Ludwick] and Joran crushed up the bones, they put them in a box along with dog bones, mixed them together, buried them in a pet cemetery, [and] John held back a few pieces as a trophy so to speak.”

209. Defendants’ conduct was further outrageous in that they published to Beth and their viewers that the Series was an “unscripted,” “true crime” “documentary” of a “real time investigation.”

210. In truth, as set forth above, Defendants’ Series was preconceived and scripted.

211. Accordingly, Beth was forced to watch a six-part Series, hanging on every word, believing it to be real, when in fact the Series was a farce.

212. Defendants’ conduct was further outrageous in that Defendants concluded their Series without disclosing the results of the DNA testing on the Bone Fragments.

213. Defendants conduct was further outrageous in that Defendants contradicted the DNA results that they already had in their possession prior to the conclusion of their Series.

Oxygen’s Publication of the Articles

214. Between August 16, 2017, and September 21, 2017, Defendants published at least seven articles containing false and outrageous statements describing the manner of Natalee’s death and the alleged desecration of her corpse.

215. After discovering the existence of Defendants’ Series, Beth became extremely hopeful of discovering Natalee and began following Oxygen, its Series, and its media publications closely.

Article 1

216. On August 16, 2017, Oxygen published a false and outrageous article entitled:

NATALEE HOLLOWAY’S DAD REVEALS INVESTIGATORS HAVE UNCOVERED HUMAN REMAINS IN NEW INTERVIEW

217. A true and correct copy of the August 16, 2017, article published to Oxygen.com is attached hereto as *Exhibit 1* and incorporated herein by reference (“Article 1”).

218. Publication of Article 1 and the following false statements and images contained therein constituted extreme and outrageous conduct:

a. Article 1 linked to a marketing video for the Series stating, among other things, that “the body was right here” and showing images of a body in a burlap sack being exhumed.

b. “. . . human remains have been found.”

c. “The informant’s friend was friends with suspect Joran van der Sloot, and new information led them to a home where human remains were dug up. The remains were tested, and they tested positive for human remains. It’s not yet clear who the remains belong to, however.”

d. “In the new Oxygen crime series, ‘The Disappearance of Natalee Holloway,’ premiering Saturday, August 19 at 7pm ET/PT, viewers will follow Dave and T.J. Ward . . . in the latest and, perhaps, final chapter of the decade-long pursuit to uncover what really happened to Natalee. The series reveals what could be the most credible lead to date: a first-hand account from a man who claims to know the whereabouts of his daughter’s remains.

Article 2

219. On August 21, 2017, Oxygen published a false and outrageous article entitled:

4 CRUCIAL DETAILS TO KNOW ABOUT THE NEW LEAD IN THE NATALEE HOLLOWAY CASE

220. A true and correct copy of the August 21, 2017, article published to Oxygen.com is attached hereto as *Exhibit 2* and incorporated herein by reference (“Article 2”).

221. Publication of Article 2 and the following false statements and images contained

therein constituted extreme and outrageous conduct:

- a. “Joran van der Sloot allegedly paid him [Ludwick] \$1,500 to get rid of the body.”
- b. “. . . Van der Sloot reached out to the lead, asking him to help get rid of Holloway’s dead body.”
- c. “. . . Joran offered to give him \$1,500 to help dig up the body in Aruba’s national forest and dispose of the remains.”
- d. “He believes Natalee overdosed.”
- e. “Gabriel also alleges in the first episode of the docuseries that the new lead revealed how Natalee really died. According to the new account, Van der Sloot had given her a drink that may have contained drugs before taking her to the beach. While on the beach, Natalee allegedly began foaming at the mouth and choking on her own vomit. When she died, Van der Sloot called his dad to ask for help disposing of the body.”

Article 3

222. On August 24, 2017, Oxygen published a false and outrageous article entitled:

**DNA TESTING PROVES BONES FROM NATALEE HOLLOWAY
SEARCH ARE FROM A SINGLE HUMAN OF CAUCASION,
EUROPEAN DESCENT**

223. A true and correct copy of the August 24, 2017, article published to Oxygen.com is attached hereto as *Exhibit 3* and incorporated herein by reference (“Article 3”).

224. Publication of Article 3 and the following false statements and images contained therein constituted extreme and outrageous conduct:

- a. “Forensic scientist tells Oxygen.com that testing can’t reveal gender, but a conclusive answer is expected sometime in September.”
- b. “At least one of the bone fragments discovered is ‘from a single individual,’ Kolowski, who is pictured below, tells Oxygen.com. ‘They are human, and they are of Caucasian, European descent.’ Natalee, who was declared legally dead in 2012, was also Caucasian and of European descent.”

Article 4

225. On September 2, 2017, Oxygen published a false and outrageous article entitled:

FRIEND OF JORAN VAN DER SLOOT SAYS HE WAS PAID TO DIG UP NATALEE HOLLOWAY’S REMAINS AND CREMATE THEM

226. A true and correct copy of the September 2, 2017, article published to Oxygen.com is attached hereto as *Exhibit 4* and incorporated herein by reference (“Article 4”).

227. Publication of Article 4 and the following false statements and images contained therein constituted extreme and outrageous conduct:

a. “No body or remains have ever been found, but a sting operation in Episode 3 of the show reveals shocking footage that could lead to a break in the case.”

b. “JORAN VAN DER SLOOT’S FRIEND CLAIMS HE WAS PAID \$1,500 TO DIG UP NATALIE’S [sic] REMAINS AND CREMATE THEM”

c. “. . . John Ludwick told [Madrigal] he was paid \$1,500 to dig up Natalee’s remains and have them cremated. ‘I can take you to where I . . . I got the remains,’ says John during the sting operation on episode 3. John then describes in great detail that Natalee had been buried up a steep hill and past a cul-de-sac near a bunch of cactuses in the desert. ‘That’s where the fucking shit was hidden,’ he said.”

d. “Asked if the body smelled after he dug it up, John answered: ‘Yeah once you dug it up, if you opened the burlap, you’re going to have the musty odor of death.’ John also claimed Joran put dog bones on top of Natalee’s remains, presumably to throw off future investigations, before John took Natalee’s remains to a crematorium.”

e. “‘I went in there with \$200 cash,’ explained John. ‘And said, ‘this dog means a lot to me and, freakin’, I don’t want anyone to be the last one to touch it except me. If I give you \$200 can I push it in myself?’”

f. “Asked if he felt remorse, John answered callously that he did not. ‘It didn’t happen to my kid,’ said John. ‘Could have thrown it in the ocean, coulda flushed it down the toilet. I don’t give a shit.’”

Article 5

228. On September 8, 2017, Oxygen published a false and outrageous article entitled:

MEET THE FORENSIC SCIENTIST WHO’S HELPING IN THE SEARCH FOR NATALEE HOLLOWAY’S REMAINS

229. A true and correct copy of the September 8, 2017, article published to Oxygen.com is attached hereto as *Exhibit 5* and incorporated herein by reference (“Article 5”).

230. Publication of Article 5 and the following false statements and images contained therein constituted extreme and outrageous conduct:

a. “Dr. Jason Kolowski explains how he traveled to Aruba to help identify potential burial sites and how he’s testing the DNA of discovered bone fragments for a possible match to Natalee Holloway.”

b. “The show previously showed footage of John Ludwick, a friend of primary suspect Joran van der Sloot, saying he was paid \$1,500 to dig up Natalee Holloway’s remains in 2010 and have them cremated. In the clip above, from episode 4, which airs Saturday at 7/6c and 9/8c, TJ Ward wants to know whether John’s description of the condition of the remains would be accurate for a body that had allegedly been buried in 2005.”

c. “According to John, a burlap bag contained blonde hair and there was a musty odor. When he pulled the bag up there was some dark fluid that settled back into the ground. ‘Everything that is described as far as the disinterment of the remains in 2010 fits with what we would expect for the normal decomposition of a human body, especially in this type of environment and this type of a locale,’ says Dr. Kolowski.”

d. “As Oxygen.com recently reported, at least one of the four bone fragments that are ultimately discovered through TJ Ward’s investigation on the show came from a single human of Caucasian, European descent—just like Natalee.”

Article 6

231. On September 16, 2017, Oxygen published a false and outrageous article entitled:

JORAN VAN DER SLOOT’S FRIEND SAYS THEY BURNED NATALEE HOLLOWAY’S SKULL IN A CAVE

232. A true and correct copy of the September 16, 2017, article published to Oxygen.com is attached hereto as *Exhibit 6* and incorporated herein by reference (“Article 6”).

233. Publication of Article 6 and the following false statements and images contained therein constituted extreme and outrageous conduct:

a. “‘The only thing that got burned was the skull to burn the hair fibers,’ says Joran’s friend. ‘It was doused in gasoline in a fire pit in a cave.’”

b. “In episode 5 of ‘The Disappearance of Natalee Holloway,’ John Ludwick, who is a friend of Joran Van der Sloot, claims on video that he and Joran burned Natalee’s skull in a cave in Aruba.”

c. “In the clip above, John has agreed to talk after an informant working with TJ recorded him saying that Joran Van der Sloot paid him \$1,500 to dig up Natalee’s body.”

d. “Asked where he took the remains, John says Joran had initially discussed having them cremated. While it was illegal to bring in human remains to be cremated, John says that some morgues in Aruba would cremate pets.”

e. “‘The idea was to crush everything to the point where it wasn’t recognizable as her bones or skull or anything like that,’ says John, explaining that he and Joran spent hours pummeling the bones.”

f. “Natalee’s skull was also apparently burned in this process. ‘The only thing that got burned was the skull to burn the hair fibers,’ says John. ‘It was doused in gasoline in a fire pit in a cave.’”

g. “Bone fragments discovered during the new investigation by Dave Holloway and TJ Ward are currently in a lab for DNA testing. The forensic scientist leading the charge, Dr. Jason Kolowski, told Oxygen.com at least one of the bone fragments is from a single individual. ‘They are human, and they are of Caucasian, European descent,’ he said. Natalee, who was declared legally dead in 2012, was also Caucasian and of European descent.”

Article 7

234. On September 21, 2017, Oxygen published a false and outrageous article entitled:

THE LATEST ON THE NATALEE HOLLOWAY DNA TESTING

235. A true and correct copy of the September 21, 2017, article published to Oxygen.com is attached hereto as *Exhibit 7* and incorporated herein by reference (“Article 7”).

236. Publication of Article 7 and the following false statements and images contained therein constituted extreme and outrageous conduct:

a. “These bone fragments were discovered as part of an investigation being chronicled on Oxygen’s ‘The Disappearance of Natalee Holloway.’”

b. Images of the alleged bone fragments belonging to Natalee Holloway.

c. “Pictured are four bone fragments currently being tested for a possible match to Natalee Holloway . . .”

d. “As Oxygen.com recently reported, at least one of the bone fragments discovered through an investigation chronicled on ‘The Disappearance of Natalee Holloway’ came from a single human of Caucasian, European descent.”

e. “The bone fragments were recently discovered in Aruba during an 18-month investigation conducted by Natalee’s father, Dave Holloway, and his private investigator, TJ Ward. John Ludwick, a friend of longtime suspect Joran van der Sloot, claimed he was paid \$1,500 in 2010 to dig up Natalee Holloway’s remains and have them cremated. In a disturbing interview with TJ Ward, John claimed that he and Joran pummeled the bones for hours and burned Natalee Holloway’s skull in a cave before he took them to a morgue.”

f. “‘The idea was to crush everything to the point where it wasn’t recognizable as her bones or skull or anything like that,’ said John, explaining that it was illegal to bring human remains to a crematorium but not those of a pet. John said that Joran mixed in dog bones with Natalee’s remains. John then took them to a morgue and paid someone \$200 cash to allow him to cremate what he claimed was his beloved pet. John also told TJ Ward that he and Joran paid a fisherman to borrow his boat and then spread the ashes at sea.”

g. “‘Beth’s would be exactly the same as Natalee’s [DNA] or any of Beth’s other children,’ explains Dr. Jason Kolowski. Final results of the testing should be completed by October 6, at the latest. If any of the bone fragments turn out to match Beth’s mitochondrial DNA, the 12-year search for Natalee’s remains will be over.”

237. Articles 1 through 7 are collectively referred to as the “Articles.”

Falsity

238. Defendants’ publications in their Series and in Oxygen’s Articles (hereinafter, “Defendants’ Publications”) were false.

239. The statements in Defendants’ Publications are false because whether Natalee is alive or dead is unknown.

240. The statements in Defendants’ Publications are false because if Natalee is dead, the location of her remains is unknown.

241. The statements in Defendants’ Publications are false because Defendants did not find Natalee’s remains.

242. The statements in Defendants’ Publications are false because the manner in which

Natalee died, if she died, is unknown.

243. The statements in Defendants' Publications are false because whether Natalee's body, if she died, was cremated, buried, or otherwise disposed of is unknown.

244. The statements in Defendants' Publications are false because where Natalee was buried, if she was buried, is unknown.

245. The statements in Defendants' Publications are false because whether Natalee's body has ever been exhumed, if she died, is unknown.

246. The statements in Defendants' Publications are false because whether Natalee's corpse, if she died, has ever been desecrated is unknown.

247. The statements in Defendants' Publications are false because the Bone Fragments did not belong to Natalee.

248. The statements in Defendants' Publications are false because Defendants could not prove through DNA analysis whether the Bone Fragments belonged to Natalee, as the DNA samples obtained from the Bone Fragments were suitable for "exclusion purposes only."

Actual Malice

249. Defendants' Publications were made with actual malice in that Defendants knowingly and recklessly made numerous factual, false, and outrageous statements regarding their purported discovery of Natalee's remains, the purported manner in which Natalee died, the purported resting place from which Natalee was purportedly exhumed, and the purported heinous means by which Natalee's corpse was desecrated.

250. Defendants' Publications were made with actual knowledge of falsity or with reckless disregard for truth or falsity.

251. Defendants knew prior to publishing Defendants' Publications that their Series

was scripted, that the discovery of the purported remains was preconceived, and that the Series therefore was not an “unscripted” “true-crime” “documentary.”

252. Defendants knew or recklessly disregarded prior to publishing Defendants’ Publications that they had not discovered Natalee’s remains.

253. Defendants knew prior to publishing Defendants’ Publications that Natalee’s death was not confirmed.

254. Defendants knew prior to publishing Defendants’ Publications that the manner in which Natalee died, if she is dead, is unknown.

255. Defendants knew prior to publishing Defendants’ Publications that the location of Natalee’s remains, if she is dead, is unknown.

256. Defendants knew prior to publishing Defendants’ Publications that the manner in which Natalee’s body was disposed of, if she is dead, is unknown.

257. In publishing Defendants’ Publications, Defendants knowingly relied upon sources known to them to be unreliable, lacking credibility, and untrustworthy.

258. In publishing Defendants’ Publications, Defendants knowingly relied upon sources known to them to be unreliable, lacking credibility, and untrustworthy without obtaining any independent verification or corroboration of the statements those sources made.

259. In particular, Defendants relied upon Madrigal and Ludwick as their key sources for Defendants’ Publications.

260. Defendants had clear and compelling reasons to doubt the veracity of Madrigal and Ludwick and the truth or accuracy of their uncorroborated false factual statements regarding Natalee’s death, her burial, her exhumation, and the desecration of her remains.

261. Madrigal and Ludwick’s story changed significantly during the course of the

Series. The changes included, among others: (1) how Natalee died; (2) who initially disposed of Natalee's body; (3) where Natalee's body was initially buried; (4) who was present when Natalee's body was exhumed; (5) where Natalee's body was exhumed; and (6) after being exhumed, whether Natalee was cremated and tossed in the ocean or her remains buried in a pet cemetery.

262. Madrigal and Ludwick were unable to identify where Natalee's remains were purported buried during the first, second, and fourth searches with Defendants present.

263. Madrigal and Ludwick purported to discover the Bone Fragments easily and by themselves without any independent corroboration.

264. Madrigal and Ludwick were highly unlikely to incriminate themselves in criminal conspiracies amounting to, among other possible charges, desecration of human remains and accessory to murder after the fact.

265. Upon information and belief, Madrigal and Ludwick are known drug users.

266. Upon information and belief, Madrigal and Ludwick were paid by Defendants to make the outrageous claims on which Defendants relied in Defendants' Publications.

267. Defendants, in fact, harbored serious doubts as to the truth of the information they chose to publish. Defendants' own paid participants in the Series repeatedly expressed their belief that Madrigal and Ludwick were liars. For instance, Defendants' cast stated the following during the Series:

a. Ludwick's "story changed and that's concerning. Why would he lie about all that stuff; I mean why would he fabricate an entire story."

b. Madrigal and Ludwick are "bulls*** artist[s]."

c. "I know John [Ludwick] has lied a number of times."

d. "Maybe he [Ludwick] hasn't taken us to the right place [grave site]."

e. “Fully expected that John [Ludwick] planted those bones.”

f. “If he was involved, is this just little bits and pieces of truth, or is it just a complete lie? That is the big question mark here.”

g. “I still can’t prove beyond a reasonable doubt that John is lying.”

268. Defendants’ knew prior to publishing the Articles that Madrigal and Ludwick were not reliable sources.

269. Yet, Defendants failed to conduct a reasonable investigation of the false and outrageous statements made in Defendants’ Publications prior to publishing same.

270. Indeed, Defendants consciously avoided discovery of the truth by intentionally delaying the DNA results so that Defendants could publish their Series and Articles with plausible deniability at the time of publication.

271. Defendants consciously elected to publish Defendants’ Publications prior to receiving the Laboratory reports so that they could continue to market their Series to the public (and to Beth) as discovering Natalee.

272. As set forth herein, the timeline shows that Defendants consciously avoided discovery of the truth by intentionally delaying the DNA results so that they could claim plausible deniability at the time of publication.

273. Ludwick and Madrigal advised Defendants that they discovered the Bone Fragments on April 25, 2017.

274. Approximately seven weeks later, Dave and Ward obtained the Bone Fragments from Aruban Authorities on June 14, 2017.

275. Defendants did not provide the Bone Fragments to their already-retained forensic expert, Kolowski, until July 6, 2017.

276. The last episode of the Series was aired September 23, 2017.

277. The last scene involving Kolowski in the Series is dated September 11, 2017.

278. In that scene, Kolowski and Defendants published that a match to Natalee's remains is possible.

279. Defendants knew that they could not match, but only exclude, the Bone Fragments to Natalee with the DNA sample in their possession.

280. In that scene, Kolowski and Defendants publish that the results of the DNA testing remain "inconclusive."

281. In truth, Defendants already knew prior to the conclusion of the Series that the DNA analysis showed "the first proof of exclusion."

Damages

282. Defendants' misconduct – through obtaining Beth's DNA, making false statements directly to Beth, and publishing false statements via the Series and the Articles – raised Beth's desperate hopes for the discovery of her daughter.

283. Defendants' misconduct truly made Beth believe that she could finally lay Natalee to rest.

284. Defendants' misconduct forced Beth to wait in hope for nearly two months that Natalee had been found (August 10, 2017 to October 2, 2017).

285. Defendants forced Beth to hear, watch, and read gruesome and false statements regarding how Natalee died and how her body was thereafter desecrated.

286. Defendants' misconduct is extreme, outrageous, and goes beyond all possible bounds of decency.

287. Defendants' misconduct cannot be tolerated in a civilized society.

288. Defendants intended to, knew, should have known, or recklessly disregarded that their conduct would, cause Beth grievous emotional injury.

289. As a direct and proximate result of Defendants' misconduct, Beth suffered severe emotional distress and associated physical distress of such intensity that no person could be expected to endure it.

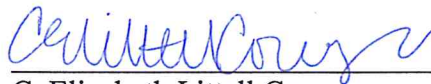
290. Defendants' misconduct was willful, reprehensible, and demonstrates that entire want of care that raises a presumption of conscious indifference to consequences.

291. In Beth's own words, Defendants misconduct "completely and utterly destroyed me."

WHEREFORE, Plaintiff, Elizabeth Ann Holloway, demands:

- (a) A trial by jury;
- (b) That judgment be entered against Defendants, jointly and severally where applicable, for compensatory damages in an amount not less than \$10 Million (\$10,000,000.00);
- (c) That judgment be entered against Defendants, jointly and severally where applicable, for punitive damages to punish and deter Defendants in an amount not less than \$25 Million (\$25,000,000.00);
- (d) That judgment be entered against Defendants for attorneys' fees, costs, and interest; and
- (e) Such other relief as this Court deems equitable, just, and proper.

Respectfully submitted this 2nd day of February, 2018.



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