

II.
PARTIES

2. Plaintiff Robert Jones (previously defined as “*Jones*” or “*Plaintiff*”) is an individual residing in Travis County, Texas.

3. Defendant Warner Bros. Entertainment, Inc. is a Delaware corporation with its principal place of business in New York, New York and can be served with process by serving its registered agent, CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

4. Defendant Warner Bros. Technical Operations, Inc. dba Warner Bros. Advanced Digital Services, is a Delaware corporation with its principal place of business in New York, New York and can be served with process by serving its registered agent, CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

5. Defendant TMZ Productions, Inc. is a California corporation with its principal place of business in Burbank, California and can be served with process by serving its registered agent, CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

6. Defendant EHM Productions Inc. d/b/a TMZ is a California corporation with its principal place of business in Burbank, California and can be served with process by serving its registered agent, CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

7. Defendant TMZ.com is believed to be an unincorporated media source, owned and controlled by one or more of the TMZ Defendants, with its principal place of business in Burbank, California and can be served with process by serving one or more of its owners, all of whose registered agent is CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017.

8. Defendant McKernan is an individual who resides in California and may be served with process at her principal place of business, TMZ Productions, Inc., 8033 W. Sunset Blvd., Los Angeles, CA 90046-240

III. **INTRODUCTION**

9. Robert Jones is a great man. He has been married to his wife, Maneesha Jones, for 23 years. He and his wife have six children, three boys and three girls. Mr. Jones retired from professional football in 2002 and has been a businessman in Austin Texas since that time. His cousin, Theodore Watson on the other hand, is a convicted felon. Upon Watson's release from the penitentiary in Ohio, Watson began harassing the Jones family to give him money. Watson's pressure became so aggressive the Jones finally retained an attorney to write a Cease-and-Desist letter to Watson to keep him from further contacting and harassing the family. The Cease and Desist Letter advised Watson that if he had any further contact with the Jones family, civil and criminal charges would be sought. Angry and still desperate for money, Watson contacted the media rag TMZ, and offered them a bizarre, fabricated, false tale for money. As patently fabricated as the story was, TMZ encouraged Watson to file a complaint against Jones with the Cleveland Police Department and fax TMZ a copy. It is believed TMZ even offered Watson money to do so. Watson dutifully complied. He walked in off the street to a Cleveland, Ohio precinct police office and told a tale of how over a month prior, Jones had allegedly threatened him (i.e. Watson). An officer took notes. After his brief discussion, Watson was told by the police that all Watson had alleged, even if true, was that Jones had allegedly threatened him (i.e. Watson) which at the most was a misdemeanor akin to disorderly conduct. Watson was also told the police could and would not take any action on this, and if he (Watson) wanted to do anything, he should make an appointment with a Cleveland prosecutor and see if he (Watson) could

convince the prosecutor of his story, as the Cleveland police did not investigate matters of this kind. Rather, Watson was told, the Cleveland prosecutor's office was the only place that could agree to initiate an investigation into the matters Watson alleged. Watson was thus told where the prosecutor's offices were located and sent on his way. Watson then asked for a copy of the notes the duty officer took. Watson was told he could pick up a copy on the following Monday in downtown Cleveland, coincidentally in the same building downtown where the prosecutor's offices were. That following Monday Watson did not go to see the prosecutor but rather went to the administrative offices downtown (in the same building as the prosecutors), and an "Incident Report" was printed out for him reflecting only what Watson had told the officer. Watson took that "Incident Report," went to Kinko's and faxed it to "Liz" at TMZ with a notation that read:

"This is it. There's no turning back. Thank you Liz." ["Liz" is the TMZ reporter Elizabeth McKernan.]

10. The story Watson told TMZ, and later the police was utterly false and TMZ knew it. But not content with even a false story, the TMZ Defendants embellished it even further, reporting a further fabricated tale that Robert Jones was at the center of an ongoing investigation by the Cleveland, Ohio police department concerning a "plot" in which Jones was accused of soliciting the murder of his former Dallas-based sports agent. When TMZ published it, it went viral. Robert Jones was devastated. Everywhere, he and his family were shunned and became the subject of scorn and ridicule, suffering both from a personal as well as a business standpoint. And, given the power of the internet and the fact that these false, defamatory Broadcasts are still hosted on TMZ websites and continuously displayed, the damages continue.

11. This powerful media giant and its reporter have destroyed Robert Jones and his family. They have done so motivated by greed and an unbridled willingness to say anything,

whether true or not, if it “sells.” Robert Jones turns now to the courts for justice and to clear his name from this shameful abuse of power and abuse of process.

IV. JURISDICTION AND VENUE

12. This Court has jurisdiction over the Defendants. The Defendants have purposefully availed themselves of the benefits and protections of the State of Texas by establishing minimum contacts with the State of Texas. The exercise of jurisdiction over the Defendants does not offend traditional notions of fair play and substantial justice. The following is only a summary of the Texas contacts in this matter, which make the exercise of jurisdiction by Texas courts over the Defendants consistent with all requisite Constitutional requirements.

13. Without limiting the generality of the foregoing, and adopting by reference the factual statements and terms hereinafter set forth, identified and/or defined, this matter involves several libelous broadcasts published by the Defendants, including one on June 18, 2014 (hereinafter defined as the “*Initial Broadcast*”), another on the same day (hereinafter defined as the “*Initial Broadcast Update*”), a broadcast on the same subject matter on Twitter (together with the Initial Broadcast and Initial Broadcast Update, collectively hereafter defined as the “*Broadcasts*,”) as well as numerous republications of the subject matter of the Broadcasts, both by the Defendants and others whom the Defendants intended would republish the Broadcasts and/or the gist or subject thereof.

14. The libelous Broadcasts published by the Defendants concerned Robert Jones, a long-time resident of Austin, Texas. The Incident Report which TMZ had received clearly showed that Mr. Jones “resides in Austin.” Further, upon receipt of the Incident Report showing Jones to be a resident of Austin, the TMZ reporter sent a “Tweet” to Jones in Austin, seeking to speak to Jones. Jones responded from Austin. Further, Jones gave the reporter the name and

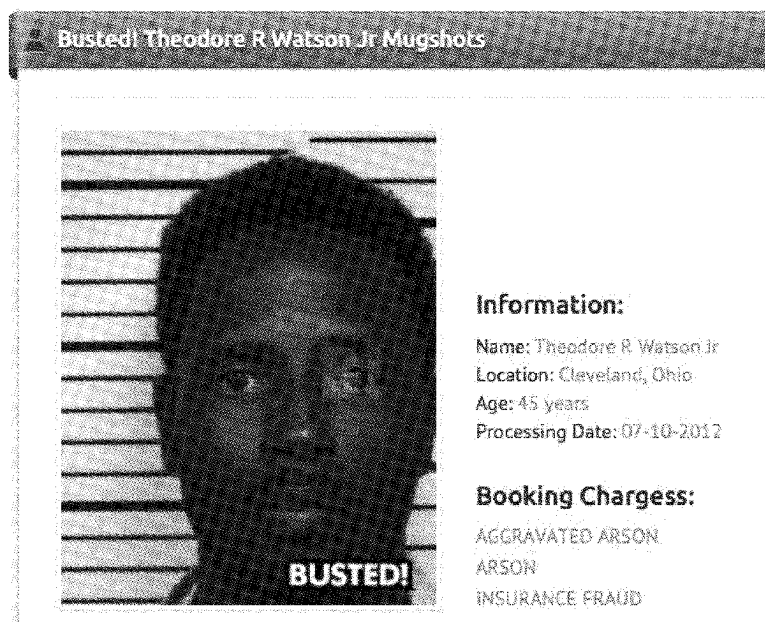
telephone number of Jones' Austin-based legal counsel. The defaming Broadcasts twice stated that Jones had played football in Dallas, Texas. The "gist" of the allegations in the Broadcasts was that Jones was the "primary suspect" in a plot to hire a hit man to murder Jones' sports agent, who resides in Dallas, Texas, and in fact hired a man to come to Texas to carry out the alleged (but ridiculous) "plot." The Broadcasts publicly claimed TMZ "reached out" to Jones, whom Defendants knew to be residing in Austin, but falsely stated that they had heard no word back, when they had in fact both communicated with Jones and received the contact information for Jones' Austin-based attorney from Jones himself. The Broadcasts stated that Jones "[s]o far" has not been arrested, and, of course, the Texas legal authorities are the only ones who could have made that arrest of a Texas resident. In the Initial Broadcast Update, which became a part of the Broadcasts, Jones himself, a Texas resident is quoted and thus is a Texas-based "source" of the libelous Broadcasts. Furthermore, the reporter also spoke with Jones' Texas-based attorney, who actually sent the reporter from Austin, copies of information relevant to the matter, which the reporter inaccurately and incompletely referred to in the Broadcasts. This unnamed "source" is also a Texas-based source about the Broadcasts. Thus, the libelous Broadcasts (a) concerned alleged illegal activities solicited to occur in Texas, (b) were drawn in significant part from Texas sources, and (c) were intended to have an impact in Texas, because of Jones former affiliation with the Dallas Cowboys. Texas was thus the focal point and brunt of the Broadcasts. The brunt of the harm was to be felt in Texas. In every sense of the word, the Defendants expressly aimed their defamatory Broadcasts into Texas and took action calculated to cause injury to Jones in his home of Texas.

15. Venue is also proper in Travis County, Texas. Jones and his family have been devastated by the libelous Broadcasts in Travis County. Relations with friends and business

associates alike in Travis County, Texas, have been adversely affected. Thus, injury to Jones and his reputation has occurred in Travis County, Texas, and a substantial part of the events giving rise to this matter have occurred in Travis County, Texas.

V.
BACKGROUND FACTS

16. Theodore R Watson, Jr. is a convicted felon and a ne'er do well. Watson had spent a good deal of his life in prison serving time for such crimes as burglary; theft; receiving stolen property; and falsification. More recently Watson had served time in the penitentiary for multiple counts of aggravated arson and insurance fraud, to which charges he had pleaded guilty. Watson had been sentenced to two years in prison and was released in early 2014. Even an elementary internet search for Theodore R. Watson, Jr. in Cleveland, Ohio reveals the following:



17. When he got out of prison with no money or prospects, Watson faced large debts, including a \$187,836 restitution judgment entered against him in connection with the aggravated arson and insurance fraud scam he perpetrated, as well as civil suits that were filed against him.

18. Robert Jones, plaintiff here, had played professional football. In the 1990's Jones played for the Dallas Cowboys. After the Cowboys and briefly playing for other teams, Jones had retired in 2002. Jones and his family live in Austin, Texas, where he has worked for quite some time as a businessman.

19. Watson was Jones' first cousin. Watson had not seen Jones in decades and had not spoken to him for years prior to Watson's release from prison.

20. Desperate for money on his release from prison, Watson began to harass the Jones family, at first begging for money and then making threats against the Jones family when they refused to give him cash. The harassment became progressively more aggressive. Jones contacted an attorney who practiced in Austin to seek advice on how to protect his family from this escalating harassment. Jones' attorney prepared and served on Watson a "cease and desist letter" (which was titled "CEASE AND DESIST NOTICE re: Robert Jones."). After citing Watson's continuous harassment, the Cease and Desist Letter notified Watson that he was to cease from any further efforts to contact the Jones family and that the Jones family would notify law enforcement officials as well as seek civil restraining orders were Watson to have any future contact with any member of the Jones family. The date of that Cease and Desist letter was **June 10, 2014.**

21. Once Watson realized that he could no longer contact the Jones family, Watson devised a plan to get money from Jones in a different way. He turned to the media pariah, TMZ, in an attempt to sell a fabricated story. TMZ is a known gossip rag, with a reputation as a lucrative scandal-buying outlet willing to pay big money for juicy content. TMZ has a "hot tip" line and a well-honed process for acquiring scandalous content. It was the perfect partner for Watson. TMZ is owned, controlled, operated by, and operates under the names of, Warner Bros.

Entertainment, Inc. (previously defined as “WBE”), Warner Bros. Technical Operations, Inc. dba Warner Bros. Advanced Digital Services (previously defined as “WBTO”), TMZ Productions, Inc. (previously defined as “TMZP”), EHM Productions Inc. d/b/a TMZ (previously defined as “EHM”) and TMZ.com (previously defined as “TMZ.com”). These entities operate as a group and are jointly and severally responsible for the actions and activities herein complained of. They have been collectively defined as the “TMZ Defendants” or simply “TMZ.”

22. Watson made contact with TMZ and its reporter, Defendant McKernan. On information and belief, Watson attempted to bargain a “story” for money. On information and belief, Defendant McKernan on behalf of TMZ told Watson that he would not be paid for his story and/or TMZ would not run it, unless Watson first went to the police, filed a complaint and sent TMZ the complaint he had filed. TMZ provided Watson their fax number so Watson could send the report to them once he had done so.

23. On Friday, **June 13, 2014** – less than three days after he had received the **June 10** Cease and Desist Letter – Watson did as TMZ required and went to the police. Specifically, Watson walked into a police station off the street, asked to speak to an officer and lodged a complaint against Jones. In these situations, the person claiming to be the “victim” – here Watson – asks to meet with an officer and tells the officer his “story.” That is what Watson did. On information and belief it is alleged that TMZ aided and abetted and encouraged Watson to file a false complaint with the police against Jones, even to the point of offering to pay Watson money if and when he did so and sent them a copy.

24. Watson told the duty policeman that on May 13 – thirty (30) days prior – Robert Jones had threatened him (i.e. Watson). When pressed for details as to why Jones would threaten him (Watson), Watson said Jones had attempted to hire him (Watson) to kill Jones’

Dallas-based sports agent. Watson said that he had refused at which time Watson said that Jones had told him (Watson) that he (Jones) "... is a gangster and he would make [Watson] disappear." As a result of this, Watson told the police that he was afraid for his "personal safety" and that he believed Jones would "make good on his threat," that is, harm Watson in some way.

25. Watson's statements were not made under oath or subject to any verification by the police. Rather his story was a fabricated, one-sided yarn. Watson concluded by telling the police that Jones lived in Austin, but Watson did not know Jones' address. Watson described Jones as a black man, whose height was 5' 9" and whose weight was 180 pounds. In reality, Jones, a former linebacker for the Dallas Cowboys, is actually 6'2" and weighs 255 pounds. Obviously Watson did not even know what Jones looked like.

26. At the conclusion of his tale, Watson was told by the police that even if they credited everything Watson had said, his complaint and fear for his own personal safety was at most a misdemeanor and that the Cleveland police did not investigate misdemeanors (except on specific exceptions, such as where the government was the victim or there was domestic violence). Watson was thus told that the police would not conduct any investigation. Rather, Watson was told that his only recourse was to go talk to a prosecutor in downtown Cleveland, Ohio, and tell them his story, as the prosecutors handled petty misdemeanors. If Watson could convince a prosecutor of his tale then perhaps the prosecutor would consider opening an investigation as a misdemeanor, much like disorderly conduct.

27. The officer with whom Watson spoke had been legally required to both listen to Watson and write down the information Watson had given. The officer was further obligated to take his notes of Watson's (false) complaint, and have it inputted into the computer system. Thereafter, an "Incident Report" could be generated upon query, which contains the

unsubstantiated, unverified allegations Watson had made to the police. Watson asked for a copy and was told he could pick one up on Monday in downtown Cleveland. There the matter ended as far as the police were concerned. For Watson and TMZ, however, this was the beginning.

28. On Monday, **June 16**, Watson went to the downtown administrative offices of the city of Cleveland. He did not go to the prosecutor's office on the 8th floor, but rather went to the records department on a different floor and asked that he be given a print out of what was on file – i.e. what he himself had reported. Watson was given an "Incident Report." This "Incident Report" contained nothing of substance, but rather only the information which Watson himself had told the police, albeit printed on their standard form "Incident Report." Of significance the Incident Report noted at the end that: "Victim advised to prosecutor at earliest," indicating what Watson had been told regarding the fact that the police were not going to conduct *any* investigation of this alleged misdemeanor and if Watson wanted to pursue it, he should go to the prosecutor and tell them his story and try to talk them into opening some investigation. That the police were not going to open a file and not going to investigate, is not only what Watson was told, it is obvious from a review of the Incident Report, because there would be no reason for Watson himself to be directed to go see a prosecutor if the police were going to investigate.

29. Once Watson retrieved the "Incident Report," he went to a Kinko's and faxed it to TMZ, with whom he had obviously been in contact. That Watson and TMZ had been in discussions about the necessity of Watson filing a complaint with the police and then obtaining a copy, is clear because Watson obviously had TMZ's fax number. Further, when Watson faxed it to TMZ, he did so with a transmittal note stating: "This is it. There's no turning back. Thank you Liz." He faxed this to TMZ on the same day -- Monday, **June 16, 2014**.

30. On information and belief, Watson did so fulfilling a condition of getting paid by TMZ. Again, it is alleged on information and belief, that TMZ had put Watson up to this, offering him financial compensation when he filled out the false incident report.

31. Like Watson's story, the Incident Report that parroted Watson's story, was completely false and preposterous and clearly so from its face. The Incident Report recited that Watson claimed that Jones had "threatened" him (Watson), which the police said would only constitute the misdemeanor of "menacing." Watson's Incident Report further recited that Watson claimed Jones had "threatened" Watson on **May 13** – coincidentally exactly one month prior to the date he reported it – with no explanation as to why Watson had waited a month to come to the police if he was so concerned about his own safety. Watson identified Jones as the perpetrator, referred to in the form verbiage of the Incident Report as the "suspect." Watson first identified Jones as an "acquaintance" and then when pressed, identified Jones as his "first cousin." This lie itself is revealing in that Watson was initially trying to make his story more believable by claiming only to be an acquaintance of Jones. However, when questioned as to "why" Jones would threaten Watson, Watson then had to explain how a resident of the inner city of Cleveland would even know, let alone be talking with, a resident of Austin, Texas. When the police asked Watson further as to why a resident of Austin would be threatening a Cleveland, Ohio resident, according to the Incident Report, Watson had said that (a) Jones had attempted to hire him (Watson) to kill Jones' Dallas-based sports agent, and (b) when Watson refused, Watson told the police that Jones had said: "...he [Jones] is a gangster and he would make the victim [i.e. Watson] disappear."

32. Watson did not name the "agent" that Jones allegedly referenced, and he could not as he was obviously making this up and had no idea who Jones' agent had been. Unexplained

was the fact that if Jones were a “gangster” who could make Watson “disappear,” why would he (Jones) need someone in Cleveland, Ohio to carry out an attack in Dallas, Texas. And the allegation as to why Jones had “threatened” Watson was patently absurd: was the threat that if Watson, having turned the matter down, didn’t change his mind and agree to do it he would be hurt? Was it if he told anyone?

33. Indeed, there was no threat and the entire story was ridiculous. Watson’s complaint was that he (Watson) was the “victim.” And the Incident Report clearly applied only to Watson and no one else. As if nothing else could make Watson’s yarn more ludicrous, he identified Jones as being 5’ 9” tall and weighing 180 pounds, when Jones, a former linebacker for the Dallas Cowboys is actually 6’2” and weighs 255 pounds. The statements in the Incident Report were nothing more than the fabricated prattle of an uneducated, desperate ex-convict.

34. When TMZ received the false and defamatory Incident Report on Monday, **June 16**, TMZ did not contact Mr. Jones’ sports agent. On information and belief, the Defendants did not contact the police department. The Defendants did not ask Watson if he had even talked to the prosecutor as the Incident Report plainly stated. Neither did the Defendants immediately contact Mr. Jones. Rather, they waited until 6:45 p.m. central time on Tuesday, **June 17**, when TMZ reporter Liz McKernan “tweeted” Jones at his home in Austin, Texas, asking to speak to him. Jones responded asking what she wanted, and Liz McKernan of TMZ replied:

“We have a police report that was filed against you, claiming you hired a hitman to kill your agent. The alleged victim claims that he is in fear for his life because of this. We wanted to reach out to you about it **because it is hard to believe obviously**. My number is 310 303 4302.” (emphasis added)

35. TMZ misrepresented and omitted important details in its communications with Jones. Instead of telling Jones that his worthless first cousin – the convicted felon, Watson – claimed that Jones had threatened him (Watson), TMZ said a police report had been issued

(implying that this was the result of an official police investigation), and the police claimed Jones had actually hired a hit man to assassinate his agent. TMZ did not disclose that this was merely what the felon Watson was saying, knowing that would reveal too much and TMZ did not want Jones or anyone else making discounting statements about Watson which would then unquestionably impose a burden on the Defendants to further investigate before publishing a story. Further, in addition to deliberate omissions, TMZ also deliberately misrepresented the “facts” which it did have. For example, TMZ falsely stated that the police believed Jones had in fact hired an unnamed “hitman.” Further, TMZ falsely stated that the “victim,” obviously the sports agent, was in fear rather than telling Jones the truth that Watson was the one who was claiming to be “in fear.”

36. The entire statement that TMZ confronted Jones with was a deliberate misrepresentation of even Watson’s deliberate misrepresentations. Bewildered at the bizarre accusations, Jones called his Austin attorneys to seek advice, and then at approximately 7:15 p.m. central time, texted the TMZ reporter the name and number of Jones’ attorney instructing her to call the lawyer. Hence, TMZ had several contacts with Jones and now was given a legal source to call for substantive discussions and verifications.

37. But TMZ did not call Jones’ attorney. Instead, at 2:45 a.m. on Wednesday, **June 18**, TMZ published a false and defamatory broadcast, which stated as follows (the “*Initial Broadcast*”):

“A former Dallas Cowboys linebacker has been named the primary suspect in a police investigation in Cleveland after allegedly trying to hire a hit man to take out his agent ... this according to a police report obtained by TMZ Sports.

The man at the center of the case is Robert Jones -- a 1st round pick in the '92 NFL Draft who went on to become a Pro Bowler who won 3 Super Bowls with the Cowboys.

According to the document, a 47-year-old man named Theodore told police that Jones approached him and tried to hire Theo to take out Jones' agent.

Theo told cops he refused -- and Jones (who's also 47-years-old) -- responded by saying he is a "gangster" and he would make Theodore "disappear."

Theodore told cops he's afraid and fears for his personal safety because he believes Jones will make good on his threat.

So far, Jones has NOT been arrested or charged with a crime. We reached out to Jones several times for comment -- so far, no word back."

38. At 8:03 a.m. central, on **June 18**, after releasing the Initial Broadcast, the TMZ reporter then did call Jones' attorney in Austin. The story now being out that Watson was a "source," TMZ was fully advised by Jones' lawyer that Watson was a con man and a criminal who had been harassing the Jones family and shaking them down for money. Importantly, TMZ was explicitly advised by Jones' attorney that the attorney himself had served just a few days prior the Cease and Desist Letter on Watson, demanding that Watson have no further contact with the Jones family or criminal and civil action would be taken against Watson. The service of the Cease and Desist Letter advising of criminal action against Watson – dated June 10 – completely belied any contention that Jones was "threatening" Watson. Indeed it showed it was the other way around. And the timing of Watson's Incident Report – coming over 30 days after the alleged "threat" and 3 days after the Cease and Desist Letter — further discredited the Initial Broadcast. This, however, was irrelevant to the Defendants.

39. Moments after the call with Jones' attorney, TMZ issued an "*Initial Broadcast Update*" to its story – not a retraction or correction, but a mere supplement. It does not mention, among other things, the fact that the Cease and Desist Letter had been served. Instead, it read as follows:

“8:21 AM PT -- Jones says the hit man allegations are complete B.S. -- and insists he's got a great relationship with his agent.

The former NFL star just issued a statement saying the accuser -- a distant relative -- "has filed a false police report" ... and that he "absolutely denies" all allegations.

Jones says he plans on taking legal action of his own against Theodore -- and says the guy has "recently been attempting to extort money" from him and his family.

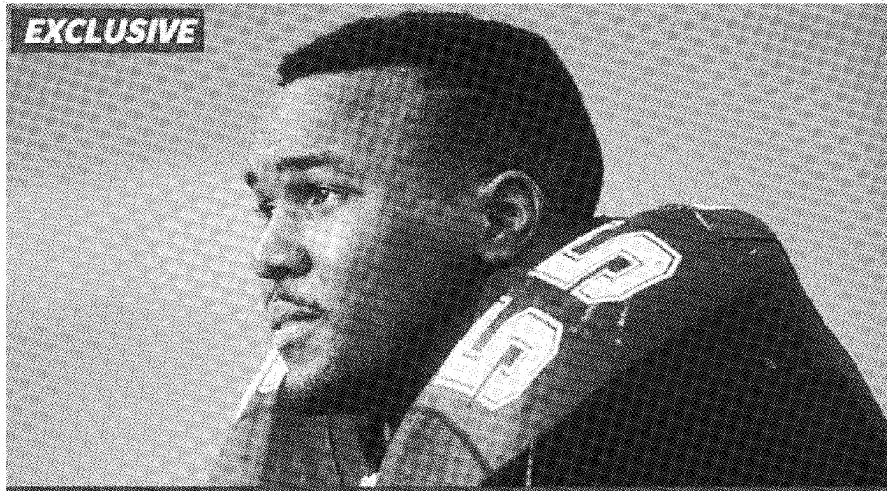
As far as the allegation that he tried to hire a hit man to take out his agent, Jones says the two have a "wonderful relationship" and the notion that he wants him dead is completely false.”

40. Indeed, TMZ that same day posted on its Twitter account, to untold thousands: “WHOA. Ex-Super Bowl champ, Robert Jones allegedly tried to hire a HIT MAN to kill who?” And the capital letters are in the original tweet. The Initial Broadcast, the Initial Broadcast Update and the subsequent posting on Twitter, are herein collectively called the “Broadcasts.”

41. Even today, evidencing the continuing nature of the libelous Broadcasts, the following appears at the TMZ website:

EX-SUPER BOWL CHAMP SUSPECT IN POLICE INVESTIGATION Allegedly Tried to Hire Hit Man [Update]

6/18/2014 12:45 AM PDT BY TMZ STAFF



UPDATE

8:21 AM PT -- Jones says the hit man allegations are complete B.S. -- and insists he's got a great relationship with his agent.

The former NFL star just issued a statement saying the accuser -- a distant relative -- "has filed a false police report" ... and that he "absolutely denies" all allegations.

Jones says he plans on taking legal action of his own against Theodore -- and says the guy has "recently been attempting to extort money" from him and his family.

As far as the allegation that he tried to hire a hit man to take out his agent, Jones says the two have a "wonderful relationship" and the notion that he wants him dead is completely false.

A former **Dallas Cowboys** linebacker has been named the primary suspect in a police investigation in Cleveland after allegedly trying to hire a hit man to take out his agent ... this according to a police report obtained by **TMZ Sports**.

The man at the center of the case is **Robert Jones** -- a 1st round pick in the '92 NFL Draft who went on to become a Pro Bowler who won 3 Super Bowls with the Cowboys.

According to the document, a 47-year-old man named Theodore told police that Jones approached him and tried to hire Theo to take out Jones' agent.

Theo told cops he refused -- and Jones (who's also 47-years-old) -- responded by saying he is a "gangster" and he would make Theodore "disappear."

Theodore told cops he's afraid and fears for his personal safety because he believes Jones will make good on his threat.

So far, Jones has NOT been arrested or charged with a crime. We reached out to Jones several times for comment -- so far, no word back.

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42. There can be no mistake that the “gist” of the reporting by the Defendants was:
- a. a plot had been uncovered to murder a sports agent in Dallas Texas
 - b. the evidence was sufficiently compelling that the Cleveland police had launched an investigation into the matter, which was on-going
 - c. as the investigation had progressed, the Cleveland police had determined that Jones was in fact the person most likely to have been behind this plot, which was gang-related and a felony of conspiracy to solicit murder
 - d. at least one witness, Watson, had come forth to acknowledge that he had been approached by Jones to participate in the plot – in fact to be the “hit man,” and when the “hit man” had refused, Jones had threatened to kill him too
 - e. while Jones had been named by the Cleveland police as the primary suspect in the police investigation into the murder for hire plot – or, the person “at the center” of it – the investigation was on-going and continuing in order to determine the scope and other participants involved in the plot
 - f. Jones had “so far” not been arrested, but arrests were imminent, and
 - g. solicitation and conspiracy to commit murder is a first degree felony, punishable by life imprisonment.

43. That this was the gist of the Broadcasts is clear, as the story went viral being picked up by scores of news outlets. A simple Google search for “Robert Jones” shows the various tag lines and subtitles to describe how TMZ’s libelous Broadcasts were understood:

Ex Cowboy Robert Jones Accused: Hired a Hit Man to ...

www.classicalite.com/.../ex-cowboy-robert-jones-accused-hired-hit-man-...

Jun 23, 2014 - Robert Jones, a former professional football player, has been accused of ... linebacker Robert Jones had asked him to ice his agent (via TMZ):.

Former Dallas Cowboys Robert Jones Hires Hit Man to Kill ...

www.jetsetdc.com/index.php?...robert-jones...

Jun 18, 2014 - Via TMZ. According to the document, a 47-year-old man named Theodore told police that Jones approached him and tried to hire Theo to take ...

Former Dallas Cowboy Hires Hit Man To Kill His Agent ...

www.balleralert.com/xn/detail/2015113:BlogPost:1823821?xg_source...

Jun 18, 2014 - ... 'You're fired' would be far too difficult, former Dallas Cowboy, Robert Jones, is accused of approaching a hit man to kill his agent. Via TMZ ...

Ex-Cowboys LB Robert Jones Allegedly Tried To Hire ...

blacksportsonline.com/.../ex-cowboys-lb-allegedly-tried-to-hire-hitman-L... ▼

Jun 18, 2014 - According to TMZ, former Dallas Cowboys linebacker Robert Jones is at the center of an investigation involving a murder for hire plot.

Ex-Super Bowl Champ Robert Jones Suspected In Murder ...



videos.huffingtonpost.com/.../ex-super-bowl-champ-r...

Former Dallas Cowboys linebacker Robert Jones is reportedly the primary suspect ... by TMZ. Dallas Cowboys ...

Ex-Super Bowl Champ Robert Jones — Suspect In Police ...

www.zennie62blog.com/.../ex-super-bowl-champ-robert-jones-suspect-in-p...

Jun 18, 2014 - TMZ.com. The man at the center of the case is Robert Jones — a 1st round pick in the '92 NFL Draft who went on to become a Pro Bowler who ...

Ex-Super Bowl Champ Robert Jones -- Suspect In Police ...

<https://lockerdom.com/tmz.com/6717274562375188> ▼

Jun 18, 2014 - tmz.com's Hangs ... The man at the center of the case is Robert Jones -- a 1st round pick in the '92 NFL Draft who went on to become a Pro ...

Ex-Cowboy Robert Jones Accused of Hiring Hit Man To Kill ...

www.vladtv.com/.../ex-cowboy-robert-jones-accused-of-hiring-h... ▼ DJ Vlad ▼

Jun 19, 2014 - According to a police report obtained by TMZ Sports, former Dallas Cowboys linebacker Robert Jones is the primary suspect in an ongoing ...

Report: Robert Jones Accused of Hiring Hitman

www.sportstalkflorida.com/report-robert-jones-accused/ ▼

Jun 18, 2014 - Robert Jones is a first round pick in the 1992 Draft and he went on to ... man to take out his agent, reports TMZ Sports, sourcing a police report.

44. The Broadcasts were republished virtually verbatim by scores of other news outlets, each and every one of which reported their stories, with the lead in “According to TMZ...” or some virtually identical attribution. Indeed, this was precisely what TMZ intended. TMZ issued its reporting with full knowledge of how their reporting would be used and further disseminated by other news outlets and interested persons. Not only did TMZ recognize that their actions created a risk of repetition and further communication, it was their intention.

Hence, the Defendants are liable and responsible for all the full consequences of not only the libelous Broadcasts, but also those who repeated them as they are treated the same as direct and intentional communications.

45. As the Defendants' Broadcasts as well as those of third party republishers' reports based on the Defendants' Broadcasts are accessible on the websites of these Defendants and others to this day, they constitute an ongoing, continuing libel and defamation, which is ongoing even as of the date hereof. Hence, each day in which they are accessible, constitutes a separate act of libel.

46. Looking at the gist of the Broadcasts and also at the specific statements contained in these Broadcasts, they are defamatory and they are false in every material respect – and the Defendants knew it. It was the Defendants' intention to produce false and libelous Broadcasts. The mischaracterizations and calculated omissions contained therein are not the result of mere negligence, although negligence is sufficient for liability. Rather, they are the product of intentional misstatements or at a minimum, statements made with a high degree of awareness of probable falsity and/or made by those who entertained serious doubts as to the probable falsity of the publication.

47. Most basically, there was no “murder for hire” plot. Indeed, Robert Jones and his agent have enjoyed a long standing, good, and conflict free relationship. And a simple call to the agent would have so confirmed, yet TMZ did not even attempt to contact the agent. There was not even a threat to Watson. To the contrary, Watson had been sufficiently menacing to the Jones family that attorneys had threatened legal action against Watson if he contacted the Jones family.

48. Furthermore, there was no investigation by the police of anything at all. There never was. Moreover, the Cleveland police were certainly not conducting an investigation into a murder for hire plot and nothing in the Incident Report remotely so states. They were not even investigating whether Jones had threatened Watson. Indeed, neither Jones nor his former agent was or have ever been, contacted by the police at all. Rather, Watson had been told by the Cleveland police that they would not even open a file on the matter and told him that if he wanted to initiate a complaint on this misdemeanor, he should go see a prosecutor and try to convince them of his story. The Incident Report itself states at the very last line: “Victim advised to prosecutor at earliest.” Indeed, there would be no reason for Watson himself to be directed to go see a prosecutor if the police were going to first investigate. Thus, not only was Watson told that the police were not going to open a file and not going to investigate, it is obvious from a review of the Incident Report. The Defendants thus knew it.

49. The police never opened an investigation file on anything. And Watson never went to see a prosecutor. As such, Robert Jones had not and could not have been named by the Cleveland Police in any nonexistent “murder for hire” investigation as a “prime” suspect. In fact he was never “named” by the police at all. It was only Watson who had done the “naming” and the Defendants knew it.

50. Furthermore, the Broadcasts refer to the Incident Report as a “police report,” intentionally suggesting the police had issued a report containing the officer’s factual assessments on the matter while in the midst of conducting an ongoing investigation. That this is what the Defendants intended to communicate is clear from both what the Defendants told Jones himself before the Broadcasts and also how others republished the Defendants’ accounts evidencing their understanding. However, this was only an *Incident Report*, made by a person

walking in to the police department off the street stating a one-sided version of a complaint which the police were duty bound to transcribe -- even if they suspected the contents of what was being stated to be untrue and/or the person making the complaint could not substantiate their claim or it was implausible.

51. To further make clear that the Incident Report was in no way the product of the police or any police investigation, but rather was a one sided rendition of allegations made by Watson, the Incident Report qualifies things with terms like “victim [i.e., Watson] stated” and does so repeatedly. This cannot be in any way an indication that the police suspected the matters addressed in the Incident Report or had come to any conclusion from any “investigation.” Nevertheless, the Broadcasts sought to create the false impression that the police themselves had made findings. That this is the intended message is further amplified when the publication stated that Jones “so far” had not been arrested, suggesting that the arrest was imminent.

52. And the contents of the “Incident Report” were misrepresented. The Incident Report plainly states that it deals with: 1 offense; 1 offender and 1 victim. And the “victim” is not Jordan Woy, the Dallas-based sports agent, but plainly stated to be Watson. Further, the “offense” Watson was alleging was “*menacing*” not “*solicitation of murder.*” And this was clearly stated in the Incident Report, yet misrepresented. Menacing is threatening to cause someone – i.e. Watson – to believe that *that person* – Watson – would suffer bodily harm. It is a misdemeanor. The sports agent could not possibly be the subject of this alleged “crime.” Solicitation of murder, on the other hand, is an aggravated felony of the first degree.

53. No one looking at the Incident Report could possibly believe that even if there was an “investigation” into something, it was into an alleged plot to kill Dallas resident Jordan Woy. But more fundamentally, TMZ knew from the Incident Report itself that the police were

not conducting any investigation, since TMZ saw the words reflecting that the police had told Watson to go to a prosecutor if he wished to pursue a complaint on the misdemeanor issue of whether Watson was a “victim” of a petty misdemeanor and that the police would not be conducting any investigation. And Watson never went to a prosecutor – even though the Cleveland prosecutor is in the same building that houses the records department where Watson went to retrieve the Incident Report – and the Defendants knew Watson had not done so.

54. Further, the TMZ reporter admitted to having serious doubts about the story herself when she said to Jones:

“We have a police report that was filed against you, claiming you hired a hitman to kill your agent. The alleged victim claims that he is in fear for his life because of this. We wanted to reach out to you about it **because it is hard to believe obviously**. My number is 3103034302.” (emphasis added)

55. TMZ blatantly mischaracterized the facts and Incident Report to Jones when they called him and in that call, deliberately withheld that they had been fed this information by Watson, as that would have immediately resulted in information Jones would have given them which TMZ was purposely avoiding being told.

56. Furthermore, TMZ’s presentation of facts and omission of facts were deliberately chosen with knowledge, or at the very minimum strong suspicions, that they would create false impressions. For example, TMZ omitted to disclose that it had gotten the report from Watson himself, instead suggesting that it had been obtained independently from the police. Indeed, this was not a case where the Defendants were independently reporting on events disclosed from a police report. Rather the Broadcasts were based on the highly implausible story of a felon, whom the Defendants had told to go get a police report so they could try to make it appear that their source was something other than Watson. But it was not. TMZ also failed to disclose that it had convinced Watson to go to the police in the first place. This intentionality will be further

demonstrated if, as alleged herein, TMZ actually paid or offered to pay Watson upon receipt of the report, which is highly probable as TMZ is known to pay people and the payment makes this even more suspect. TMZ falsely said that it had "... reached out to Jones several times for comment -- so far, no word back." This blatant falsehood is inexplicable given the TMZ reporter's texts with Jones and Jones' response giving TMZ the name and cell phone number of his attorney to call. Also inexplicable is TMZ's failure to call Jones' attorney until after the Initial Broadcast. Neither did the Defendants contact or even attempt to contact, the Dallas-based sports agent or, on information and belief, the Cleveland Police department or the Cleveland prosecutor's office.

57. Furthermore, when TMZ did call Jones' attorney after the Initial Broadcast, TMZ was explicitly advised, among other things, that Watson had been harassing Mr. Jones and his family for the past several months and that Jones' attorney himself had just sent Watson the Cease and Desist Letter, demanding that Watson have no more contact with the Jones family on threat of criminal and civil consequences just three days before Watson had made his Incident Report. The story that Jones was threatening Watson was indisputably revealed as baloney when Jones had gone to the lengths of retaining an attorney to threaten to institute criminal and civil action to keep Watson from contacting Jones – and this was confirmed by the attorney who himself had written the Cease and Desist Letter. Yet TMZ consciously chose to hide this fact as it wanted to deliberately continue the false impressions that the Broadcasts had created. None of this was published, even though shortly after the call, TMZ issued the "Initial Broadcast Update."

58. Furthermore, the story itself was inherently implausible. Jones retired in 2002, over 12 years prior. What beef or argument could Jones possibly have with a Dallas sports

agent twelve years after retirement? And why would a “gangster” from Texas want or need the help of someone in Cleveland, Ohio to come to Dallas, Texas to harm a former sports agent? If Watson was truly in fear, as he claimed, why had he waited over 30 days to report the matter – a fact clearly revealed from the face of the Incident Report, and yet omitted from the Broadcast? Why had he not gone to see the prosecutor as the Cleveland police told him, if he really had concerns? In describing Jones as being 5’9” and 180 pounds, when Jones is 6’2” and 255 pounds, Watson clearly can never have even seen Jones.

59. In omitting these facts and deliberately distorting the facts that they did report, the Defendants have published defamatory reports with the intention of telling the audience a false and defamatory story, doctored and edited to make it believable. Furthermore, given the deliberate misrepresentations, the grossly inappropriate omission of facts and information, the glaring implausibilities and the purposeful avoidance exhibited by the Defendants, their libelous Broadcasts are clearly malicious.

VI. **CAUSES OF ACTION**

A. Libel

60. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

61. Defendants made numerous defamatory statements about Plaintiff, including without limitation, those in violation of TEX. CIV. PRACTICE & REM. CODE §73.001, *et seq.* Such statements are addressed in detail above, and are incorporated herein by reference. The defamatory statements by Defendants are libelous and defamatory per se because the false statements by Defendants accuse Plaintiff of conduct involving moral turpitude and criminal activity. As a consequence of Defendants’ conduct, Plaintiff has both suffered injury to his

reputation and has been exposed to public hatred, contempt, ridicule and financial injury, as well as incurred losses of business and business opportunities and special damages.

62. The statements were published when they appeared in numerous publications owned by Defendants and distributed worldwide, including in Texas.

63. The Broadcasts were republished virtually verbatim by scores of other news outlets, each and every one of which reported their stories, with the lead in “According to TMZ...” or some virtually identical attribution. Indeed, this was precisely what TMZ intended. TMZ issued its reporting with full knowledge of how their reporting would be used and further disseminated by other news outlets and interested persons. Not only did TMZ recognize that their actions created a risk of repetition and further communication, it was their intention. Hence, the Defendants are liable and responsible for all the full consequences of not only the libelous Broadcasts, but also those who repeated them as they are treated the same as direct and intentional communications.

64. As the Defendants’ Broadcasts as well as those of third party republishers’ reports based on the Defendants’ Broadcasts are accessible on the web sites of these Defendants and others to this day, they constitute an ongoing, continuing libel and defamation, which is ongoing even as of the date hereof. Hence, each day in which they are accessible, constitutes a separate act of libel.

65. Defendants were the owners, operators and publishers of various publications that printed articles about Plaintiff and acted wrongfully in the publication of the defamatory statements in that such statements were based on false claims. Defendants permitted the statements to be published even though Defendants knew the statements were false and had

participated in fabricating the false statements. Defendants knew or should have known that the defamatory statements were inaccurate for the reasons set forth above.

66. Furthermore, Defendants published the defamatory statements with actual malice, in that they either knew that they were false or they acted with reckless disregard as to the truth or falsity of the statements. Defendant TMZ, in particular, on information and belief, paid considerable sums so that they would solicit or fabricate defamatory information regarding Plaintiff.

67. Prior to the publication of the statements, Plaintiff had an excellent reputation in the community which has been severely damaged by the matters herein complained of.

68. These statements constitute libel and statutory libel because they tend to injure Plaintiff's reputation and expose Plaintiff to public hatred, contempt, ridicule and financial injury, and impeached his honesty and integrity.

B. Intentional Infliction of Emotional Distress

69. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

70. Defendants intentionally harassed and humiliated Plaintiff by publishing false statements impugning his character and invading his privacy. Such statements are addressed in detail above. Defendants knew that such behavior would subject Plaintiff to severe emotional distress because Defendants knew that the statements would be communicated to Plaintiff's friends and business associates, in addition to the general public, and that such statements would severely impugn Plaintiff's reputation with all these people.

71. Defendants' conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly

intolerable in a civilized community. In particular, the conduct was outrageous because Defendants knew that it would ruin Plaintiff's reputation, business and career.

72. Defendants' conduct proximately caused Plaintiff's damages and injuries in that it caused Plaintiff to suffer severe emotional distress. In particular, Defendants' conduct was the direct and proximate cause of severe disappointment, indignation, wounded pride, shame, despair and public humiliation, as well as business losses.

73. Plaintiff's emotional distress has been severe in that Plaintiff has suffered extreme amounts of anxiety, has been unable to sleep at night, has been unable to enjoy life to any great extent and has dealt with overwhelming feelings of indignation, wounded pride, despair and public humiliation.

C. Civil Conspiracy

74. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

75. Defendants conspired with Watson to libel and defame Plaintiff by publishing false statements impugning his character. Through such actions, Defendants, in concert with Watson, intended to injure Plaintiff's reputation and character as well as his standing in the community. Defendants undertook this conspiracy by publishing false articles about Plaintiff, and paying persons to create false stories. Plaintiff's injuries and damages, as described hereinabove were proximately caused by Defendants' civil conspiracy.

D. Abuse of Process/Malicious Prosecution

76. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

77. In causing and participating in the causing of the issuance of the Incident Report, TMZ participated in, and aided and abetted, the malicious misuse and/or misapplication of

process in order to accomplish an ulterior purpose. The true purpose of the Incident Report was other than for its intended purpose.

78. In the alternative, the process was caused to be issued for a wrongful intent and with malice.

79. Defendants in so acting have caused damage for which they are proximately liable.

E. Exemplary Damages

80. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

81. Defendants did not engage in the aforesaid conduct out of any proper motive, but did so intentionally, maliciously and oppressively, knowing that the statements published were patently false and fabricated and would be personally and professionally injurious to Plaintiff. Defendants deliberately engaged in their misconduct in order to deceive the public and increase the sales and/or distribution of their publications. By reason of the aforesaid malicious acts of Defendants, Defendants are liable to Plaintiff for exemplary damages. In this connection, Plaintiff will show that as a result of Defendants' conduct, Plaintiff has suffered losses of actual and prospective business, and incurred expenses, including attorneys' fees, incurred in the investigation and prosecution of this action. Accordingly, Plaintiff asks that exemplary damages be awarded against Defendants in a sum within the jurisdictional limits of the Court.

F. Permanent Injunction

82. Robert Jones re-alleges and incorporates by reference all of the other paragraphs of this Petition as if set forth herein.

83. Plaintiff requests the Court order Defendants to remove the statements at issue from their websites and sources over which they have control, and requests that Defendants be

ordered to contact third-party republishers of their statements and request that these third-party republishers do the same, upon a final adjudication that the statements are defamatory.

VII.
JURY DEMAND

84. Robert Jones requests a trial by jury.

VIII.
REQUEST FOR INITIAL DISCLOSURES

85. Within the time limits provided by the rules of civil procedure, Defendants are hereby requested to produce the following documents, to the extent relevant:

- a. the correct names of the parties to the lawsuit;
- b. the name, address, and telephone number of any potential parties;
- c. the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
- d. the amount and any method of calculating economic damages;
- e. the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- f. for any testifying expert: (i) the expert's name, address, and telephone number; (ii) the subject matter on which the expert will testify; (iii) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information; (iv) if the expert is retained by, employed by, or otherwise subject to the control of the responding party; (v) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and (vi) the expert's current resume and bibliography;
- g. any indemnity and insuring agreements described in Rule 192.3(f);
- h. any settlement agreements described in Rule 192.3(g);
- i. any witness statements described in Rule 192.3(h); and

- j. the name, address, and telephone number of any person who may be designated as a responsible third party.

IX.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff ROBERT JONES requests that Defendants be required to appear and answer herein, that Plaintiff Robert Jones have judgment against Defendants, and Plaintiff respectfully requests that this Court award:

- a. actual and special damages in an amount within the jurisdictional limits of this Court;
- b. exemplary and/or punitive damages in a sum determined by the trier of fact;
- c. attorney's fees;
- d. prejudgment and post-judgment interest as provided by law;
- e. all costs of court; and
- f. all other relief, both special and general, at law and in equity, to which Plaintiff Robert Jones may be justly entitled.

Dated: June 12, 2015

Respectfully submitted,



By: _____

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