

1 Joseph M. Tully (CASBN: 201187)  
Tully & Weiss Attorneys at Law  
2 713 Main Street  
Martinez, CA 94553  
3 Phone: (925) 229-9700  
Fax: (925) 231-7754  
4 Email: Joseph@Tully-Weiss.com

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6 *Attorneys for Plaintiff Marc Elliot*

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 MARC ELLIOT,

Case No.:

12 Plaintiff,

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

13 v.

14 LIONS GATE ENTERTAINMENT CORPORATION  
and STARZ, INC.,

15 Defendants.  
16

17  
18 **COMPLAINT**

19 Plaintiff, Marc Elliot (“Plaintiff”), by and through his attorneys, Tully & Weiss Attorneys at  
20 Law, respectfully alleges as follows:

21 **INTRODUCTION**

22 1. Plaintiff brings this action against Defendants, acting in concert, jointly and  
23 severally, for statutory and common law defamation per se, defamation by implication, and  
24 violation of Plaintiff’s right to privacy by the unconsented to appropriation of Plaintiff’s name and  
25 likeness, placing Plaintiff publicly in false light, and by intentionally inflicting upon Plaintiff severe  
26 emotional distress.

27 2. Defendants filmed, produced, wrote, and broadcasted a limited television series  
28 named, “Seduced: Inside the NXIVM Cult” (“Seduced” or “Series”), wherein by misleading

1 splicing of words, editing, and use of Plaintiff's images, Defendants insinuate that Plaintiff is  
2 dangerous, has been trained to kill, is capable of killing himself if told to, and condones sexual  
3 violence against women. Further, in the series Defendants equate Plaintiff to the likening of a rapist,  
4 an ISIS and Al Qaeda terrorist, a Nazi experimenter, and a murderer on command.

5 3. Defendants' false and inflammatory statements and portrayal of Plaintiff were  
6 abusive, vulgar, intentionally misleading, and damning to Plaintiff's reputation and good name.  
7 Defendants' communications were spread to the public through Defendants' platform, STARZ, as  
8 well as other major streaming platforms and television networks, including but not limited to Hulu,  
9 YouTube TV, Sling TV, Amazon Prime Video, Google Play Movies and TV, Apple TV, and Vudu.

10 4. Plaintiff is a private citizen in that he is neither a politician nor a celebrity.

11 5. Defendants' actions were malicious, intentional in nature, and undertaken to damage  
12 Plaintiff's reputation and career, as well as for Defendants to profit financially through their actions.

13 6. As a result of Defendants' extreme and defamatory conduct, Plaintiff has been  
14 subject to widespread humiliation, denigration, mental and emotional anguish, social stigma,  
15 threats, professional backlash, and occupational losses.

16 7. In light of Defendants' campaign of public humiliation and stoking outrage against  
17 Plaintiff, Plaintiff seeks judicial intervention to preserve and reinstate his previously unblemished  
18 personal and professional reputation.

19 **JURISDICTION AND VENUE**

20 8. Pursuant to 28 U.S. Code section 1332, subdivision (a) (1), this Court has original  
21 subject matter jurisdiction over this civil action in that Plaintiff and Defendants are citizens of  
22 different states, and the amount in controversy at issue exceeds \$75,000.

23 9. Pursuant to 28 U.S. Code section 1391, subdivision (b), venue is proper in the  
24 Central District of California as Defendants conduct business in the Central District of California, a  
25 substantial part of the events giving rise to Plaintiff's claim occurred in the Central District of  
26 California, and Defendants reside in the State of California as determined pursuant to 28 U.S. Code  
27 section 1391, subdivision (c)(2).

28 ///

1 **PARTIES**

2 10. Marc Elliot, hereafter “Plaintiff,” is a natural person and a resident of St. Louis,  
3 Missouri.

4 11. Lions Gate Entertainment Corporation, hereafter “Defendant(s),” is a corporation  
5 headquartered in the State of California. Lionsgate Television is the television division of  
6 Lionsgate.

7 12. STARZ, hereafter “Defendant(s),” is a corporation with offices in the State of  
8 California and a subsidiary of Defendant Lionsgate since 2016.

9 **BACKGROUND**

10 **Plaintiff is Diagnosed with Tourette Syndrome and Becomes a Nationally Recognized**  
11 **Inspirational Speaker**

12 13. Plaintiff grew up in St. Louis, Missouri. At nine years old, he was diagnosed with  
13 Tourette Syndrome. The medical community deems Tourette’s to be a genetic, neurological,  
14 involuntary, and incurable disorder that manifests in both vocal and motor outbursts known as  
15 “tics.” As he got older, his tics progressively became worse, resulting in violent head shaking, hip  
16 thrusting, and eventual profanity and racial slurs, which only a subset of individuals with Tourette  
17 Syndrome exhibit known as coprolalia.

18 14. Over the 20 years he suffered from Tourette’s, Plaintiff’s family took him to  
19 renowned doctors throughout the nation to find treatments to alleviate his tics. At the time of his  
20 diagnosis and still, to this date, the American medical community’s stance is that there is no known  
21 cure for Tourette’s. Throughout middle and high schools, Plaintiff took neuroleptic medications that  
22 sedated him to such a degree that he was almost forced to extend high school to a fifth year. He  
23 tried hypnosis and habit reversal, a type of cognitive behavior therapy, and multiple medicinal  
24 treatments.

25 15. In 2008, after graduating from Washington University in St. Louis, Plaintiff  
26 launched a career as an inspirational speaker. Drawing from his lessons of living with Tourette’s for  
27 17 years, he created a presentation on compassion and tolerance entitled “Don’t Judge a Book by Its  
28 Noises.” The purpose of the presentation was to encourage people not to judge others because, as  
Plaintiff would share, “We all have struggles that no one knows about.”

1           16.     The initial response from high school and college student audiences was so positive,  
2 Plaintiff decided not to pursue medical school, as he initially planned, and instead moved from St.  
3 Louis to New York City in the fall of 2009.

4           17.     In his first year of speaking, Plaintiff booked between 60 to 70 engagements at  
5 middle schools, high schools, and colleges across the nation and was signed by a top college  
6 speaking agency in 2009. Eventually, he changed the title of his presentation to “What Makes You  
7 Tic?”

8           18.     Over the next four years, Plaintiff traveled across the country and internationally to  
9 spread a message of tolerance using the old adage “Live and Let Live.” At the age of 24, Plaintiff  
10 was named 2011 College Speaker and Diversity Speaker of the Year by Campus Activities  
11 Magazine. From 2009 to 2013, Plaintiff booked and performed at approximately 450 speaking  
12 Engagements, and, in 2011, he self-published a book, “What Makes You Tic? My Journey from  
13 Tourette’s to Tolerance.”

14 **Plaintiff Introduced to NXIVM’s Executive Success Programs**

15           19.     In 1998, Keith Ranieri and Nancy Salzman founded NXIVM, a personal  
16 development company offering Executive Success Programs (“ESP”), and a range of techniques for  
17 self-improvement. While NXIVM was the parent company for many offshoot companies, ESP was  
18 one of the prominent companies under the NXIVM umbrella, operating training centers and  
19 programs internationally.

20           20.     In or about Fall 2009, Plaintiff met another speaker at a college speaking conference  
21 in Portland, Oregon. This speaker was a coach with ESP and spoke to Plaintiff about taking some of  
22 the company’s courses. This speaker described ESP as courses on emotional intelligence that help  
23 people break through limiting beliefs. Plaintiff did not sign up for the courses at that conference but  
24 continued communicating with this speaker over time.

25           21.     In the summer of 2010, following more conversations, Plaintiff eventually signed up  
26 for ESP’s 5-day introductory course. The course was held in New York City, where Plaintiff was  
27 living. Plaintiff experienced such positive transformations and insights into himself during the  
28 course that he decided to continue with the remaining 11 days of ESP’s introductory courses in

1 Albany, New York.

2 22. After completing the 16-day ESP introductory course that summer, Plaintiff began  
3 his speaking tour, which aligned with the school calendar, in the fall of 2010. Over the 2010-2011  
4 school year, Plaintiff continued to speak at schools across the nation and did not take any other ESP  
5 training during that time. By the end of that school year, Plaintiff had noticed dramatic  
6 improvements in his Tourette's due to ESP's 16-day introductory course. His tics lessened to such a  
7 degree, that he believed that he could overcome his Tourette's entirely.

8 23. In the summer of 2011, one year after taking his initial 16-day course, Plaintiff took  
9 two advanced level ESP courses. He entered those courses with only one mission in mind - to  
10 overcome his Tourette's. Plaintiff did just that. After completing those two ESP trainings, he saw a  
11 90% reduction in his verbal and nonverbal tics. Though the process was unconventional, it was safe,  
12 noninvasive, non-hypnotic, non-meditative, and entirely talk-based.

13 24. Plaintiff continued his Tourette's speaking tour that year, but with one significant  
14 difference: his Tourette's was no longer visible. Because he was no longer visibly ticcing, he had to  
15 show a video of his life with Tourette's to convey to audiences what his life was like when he was  
16 plagued with Tourette's.

17 25. Overjoyed at the results he experienced from ESP's curriculum, Plaintiff began  
18 taking weekly ESP classes, known as "Ethos," in Manhattan to further his personal growth. In May  
19 of 2013, Plaintiff decided to become a coach in ESP to help others have the same type of  
20 transformations he experienced. For the next year, Plaintiff continued to do public speaking while  
21 he was a coach in ESP.

22 26. In the Spring of 2014, after four successful years of speaking engagements, Plaintiff  
23 decided to temporarily "retire" his speaking career to focus full time on becoming a trainer in ESP,  
24 also known as a "Proctor." While Plaintiff loved giving inspirational speeches, he noticed that  
25 speaking about tolerance did not inspire the sustained and dramatic behavior changes that he saw  
26 others experience in the ESP curriculum.

27 27. In 2014, Plaintiff was approached by others in NXIVM to see if he wanted to be a  
28 part of a team that would attempt to replicate the results he experienced with Tourette's Syndrome.

1 Plaintiff worked with Mr. Ranieri and Ms. Salzman to find others suffering with Tourette's and to  
2 see if these other individuals could see the same results in overcoming Tourette's as Plaintiff did.  
3 Clare Bronfman, founder of the Ethical Science Foundation ("ESF"), was willing to fund this entire  
4 project. Plaintiff viewed this as a once-in-a-lifetime opportunity to help others afflicted with  
5 Tourette's.

6 28. Within a year, the team found one individual with Tourette's interested in using  
7 ESP's curriculum to overcome their condition. The individual came to Albany and worked with  
8 Plaintiff and the rest of the team over the summer to overcome his Tourette's. After completing the  
9 curriculum, the individual was able to attend his freshman year of college completely free of  
10 Tourette's. Encouraged by their results, Plaintiff and team continued their work, and over the next  
11 four years, the team replicated these unprecedented results with other individuals who had severe  
12 Tourette's. Some participants saw a measurable 70-90% permanent reduction in their tics in a  
13 matter of hours. These transformations, and the process used to achieve them, were documented on  
14 video.

15 29. Inspired by these profound results, a filmmaker began to document the work. The  
16 film took nearly three years to complete. In 2017, with Plaintiff as an assistant producer and  
17 prominent subject in the film, it had its international debut at the Cinequest Film festival in  
18 California. The film went on to earn official selection at several international film festivals and won  
19 "Best-Documentary" at the 2018 Harlem Film Festival. The documentary allowed a handful of  
20 audiences to see how the techniques of Rational Inquiry, a methodology consisting of only  
21 conversations, helped people overcome this unexplainable and "incurable" neurological disorder.

22 30. Plaintiff's dramatic transformation stood as an example to others with Tourette's,  
23 which allowed Plaintiff to mentor the other participants as they began their own journey to  
24 overcome Tourette's.

25 31. From April 2014 to May 2017, Plaintiff continued to take many courses offered in  
26 ESP and other training from other companies under the NXIVM group of companies. Over the  
27 years, he recommended the ESP courses to many friends and family, who took the courses and in  
28 turn became coaches. He earned income teaching classes in ESP, conducting ESP training around

1 the country, becoming a salesperson in ESP, and giving introductory sales presentations that  
2 educated people about ESP's training.

3 **Criminal Allegations in the Media Lead to NXIVM Ending Operations and Plaintiff Being**  
4 **Threatened with Federal Prosecution**

5 32. In May 2017, a blog called the Frank Report began to publish posts about a secret  
6 women's society that allegedly was associated with NXIVM, and was purported to be involved in  
7 sex trafficking. The blog publicly exposed people's names and personal information without those  
8 people's consent. Because of the salacious nature of the articles, many people in the NXIVM  
9 community feared being mentioned in the blog, despite the fact that they were not affiliated with the  
10 women's group in question; being mentioned in the blog could have potentially devastating effects  
11 to someone's reputation. The women's group was not formally a part of the NXIVM group of  
12 companies.

13 33. In March 2018, Plaintiff was subpoenaed by the FBI to testify before a grand jury in  
14 a case pertaining to NXIVM and the women's group in question, despite Plaintiff having no  
15 affiliation with the women's group nor any knowledge of the group.

16 34. In the spring of 2018, as a result of the FBI's investigation into the allegations of Sex  
17 Trafficking, among other criminal allegations, NXIVM closed its operations.

18 35. In the summer of 2019, Plaintiff launched promotional material for a new  
19 presentation entitled, "Who's Next? The Rise of Character Assassination and Loss of Human  
20 Decency." The presentation explored his journey of overcoming Tourette's through ESP training,  
21 the negative press against him and NXIVM, and how to deal with adversity with ethics, love, and  
22 compassion. The speech was intended to invoke teachings of nonviolence from notable thinkers  
23 throughout history.

24 36. Within days of posting an advertisement for the talk on Instagram, Plaintiff's  
25 attorney received a call from a federal prosecutor. The prosecutor inaccurately alleged that this talk  
26 was seen as a recruitment for NXIVM, which was no longer in business. The prosecutor threatened  
27 that if Plaintiff went ahead with giving the presentation, he would be indicted. The charge for which  
28 he would be indicted remains unknown, as it was never communicated. As a result of these threats,  
Plaintiff did not give the talk. He did not hear again from the prosecutor.

1 **Defendants Broadcast Defamatory Television Series**

2 37. On October 18, 2020, Defendants broadcast a limited series entitled, “Seduced:  
3 Inside the NXIVM Cult” (“Seduced” or “Series”). The series was directed by Cecilia Peck and  
4 executively produced by Peck, Inbal Lessner, Daniel Voll, Alexandra Michan, and India Oxenberg.  
5 Oxenberg had previously been involved in NXIVM for seven years and was friends with Plaintiff  
6 during that time.

7 38. Seduced contained multiple false statements about Plaintiff, painting him in a false  
8 light and implying false negative information about Plaintiff through its use of editing. Oxenberg,  
9 Seduced’s Executive Producer and a former member of NXIVM, had knowledge of the falsity of  
10 Seduced’s content. Plaintiff was never approached, interviewed, or consulted on the content  
11 included in Seduced, which featured his name, likeness, and image. Plaintiff never provided consent  
12 for the commercial use of his name, likeness, and image in the series.

13 39. Even though Plaintiff had no criminal history, had no pending criminal charges or  
14 allegations against him, and had no association with the woman’s group that accounted for the bulk  
15 of NXIVM’s negative press, Plaintiff’s likeness was used over 19 times in the Seduced series to  
16 insinuate that Plaintiff was a recruiter and member of a purported sex cult.

17 **Defendants use Epithets and Derogatory Suggestions to Insinuate Plaintiff Endorses Sexual  
18 Abuse Against Women**

19 40. In the second episode of Seduced and in the subsection “Radicalization: The SOP  
20 Courses,” Defendants manipulated and spliced video footage from a Society of Protectors (“SOP”)  
21 meeting, together with footage from a testimonial given by Plaintiff at a JNESS meeting, a different  
22 group than SOP, to imply that Plaintiff supports sexual misconduct against women in that he is  
23 recruiting men to SOP training based on Plaintiff’s implied belief that grabbing women, having  
24 sexual relations with them, and them liking it is a way to relate to women that has never been taught  
25 to men and that men should attend the SOP course to learn this purported way to relate to women.  
26 Notably, the JNESS meeting that Plaintiff spoke at was an educational course on gender issues and  
27 focused entirely different issues than the SOP courses.

28 41. In fact, the purposes, and missions of JNESS and SOP were entirely different. The  
purpose of the specific JNESS meeting that Plaintiff spoke at was to help men and women

1 understand and relate to each other better. The purpose of SOP was to help men develop more  
2 discipline, commitment, and honor, by understanding the nature of the male body and overcoming  
3 its impulses by exercising character.

4 42. Defendants intentionally used a testimonial that Plaintiff gave for the JNESS  
5 meeting, along with an edited and spliced together audio clip of Raniere from an SOP training, so  
6 that it appears that Plaintiff supported “fucking,” “grabbing,” and “conquering” women, and invited  
7 other men to do the same.

8 43. Plaintiff’s testimonial is predicated by an audio clip of Raniere, which are actually  
9 three audio clips that were spliced together but played as though it was one sentence spoken by  
10 Raniere. The spliced audio clip resulted in the following verbal statement: “The primitive parts of  
11 us are hungry fucky beasties. I mean, that’s what we want to do. Just fuck it. Fuck it. Fuck, fuck,  
12 fuck. I feel like fucking something today. God, I’m pissed, I want to fuck something, you know.”  
13 “If we conquer a woman, if we grab the thing we want to fuck, whatever it is and fuck it...” “...they  
14 enjoy it.” The sound of applause follows the edited together audio clip. However, in the actual  
15 footage of Raniere speaking in the SOP training, there is no applause. Defendants intentionally took  
16 the footage out of context, and manipulated it, and added applause to give a false appearance that  
17 those in attendance supported sexual violence and misconduct against women.

18 44. Defendants then immediately cut to the testimonial of Plaintiff given at the JNESS  
19 meeting, where Plaintiff states, “No one has ever taught us how to relate to women, nowhere, in all  
20 the education of my whole life. And this is, in my opinion, the Harvard of trying to relate to women.  
21 You have to come.” This testimonial was related to the purposes of the JNESS meeting, and not to  
22 the SOP meeting from where the spliced audio clip was taken. However, a viewer of the Series  
23 would reasonably assume that Plaintiff’s glowing review referred to Raniere’s statement, which the  
24 Defendants intentionally manipulated to imply that Plaintiff supported and encouraged sexual  
25 violence and misconduct against women.

26 **Defendants Compare Plaintiff and Other NXIVM Members to Members of the Terrorist**  
27 **Organizations ISIS and Al-Qaeda**

28 45. At the end of Plaintiff’s testimonial, while his face is still on the screen, there is a  
voice-over that states, “Cult indoctrination is actually a mind-control regime...” and then cuts to an

1 interview of Steven Hassan, who is labeled as a “Cult Expert” and a “Mental Health Counselor,”  
2 finishing his quote, “...to reprogram your beliefs and to foster obedience.” With Plaintiff’s image  
3 still on the screen during the voice-over, Defendants make it clear that the expert is implying that  
4 Plaintiff, and others like him, support such allegedly profane and disgusting behavior because they  
5 are under “mind-control.”

6 46. Another purported “cult expert,” Rick Ross, then follows Hassan’s quote. Ross  
7 states, “What you see in NXIVM is the same indoctrination and coercive persuasion process used  
8 by terrorist organizations like ISIS and Al-Qaeda.” This quote is a voice-over of video clips of  
9 children at a soldier training camp with the caption on the screen, “ISIS CHILD SOLDIER  
10 TRAINING.”

11 47. Here, Defendants, through the “cult experts” they filmed for Series, explicitly equate  
12 ISIS child soldiers being trained to kill to people who took NXIVM classes. This comparison places  
13 members of NXIVM, including Plaintiff, in a false light, particularly as all NXIVM companies were  
14 devoted to nonviolence and had no relation to any militia groups or soldier training camps. Plaintiff  
15 was never trained to kill or hurt others, and Plaintiff knows of no members of NXIVM who were  
16 trained or encouraged to do so.

17 48. Defendants use a misleading, spliced together audio clip of Raniere from an SOP  
18 meeting followed by Plaintiff’s testimonial from a JNESS meeting to convey to viewers that  
19 Raniere has followers that have been “radicalized” through “indoctrination” and that their beliefs  
20 have been “reprogrammed” to “foster obedience,” to perform acts of terror analogous to actions  
21 attributed to the terrorist organizations ISIS and Al-Qaeda.

22 49. Out of over 17,000 individuals who took the NXIVM courses, Plaintiff is the only  
23 video and audio testimonial used in this section. He is represented as a loyalist and follower of  
24 Raniere. This section included audio of a “cult expert” stating that members were trained to be  
25 violent and weaponized to the likes of ISIS and Al-Qaeda.

26 **Defendants Compare Plaintiff, a Person of Jewish Descent, to Nazis to Convey that Plaintiff is**  
27 **Dangerous**

28 50. In the same episode entitled, “INDOCTRINATED,” Defendants focus on studies  
conducted within NXIVM by a Dr. Brandon Porter. In describing the studies completed by Dr.

1 Porter, Defendants next use another purported “cult expert,” Dr. Janja Lalich, who states, “Makes  
2 one immediately think about what the Nazis were doing, where they carried out horrific  
3 experiments under the guise of great medical experiments. This is completely unconscionable,  
4 illegal activity—even if this were in a medical institution, and of course it wasn’t. In my opinion, this  
5 is one of the most horrific things I’ve ever heard of, and I’ve been studying cults for 30 years.” As  
6 she began to make this statement, Defendants display a clip of Plaintiff laughing hysterically, sitting  
7 next to Dr. Porter and Nancy Salzman. In actuality, this is a clip taken while they were discussing  
8 working with individuals with Tourette’s and having great success in doing so. Defendants’ implied  
9 message to viewers is that Plaintiff’s participation in NXIVM is comparable, and similar to the  
10 “horrific experiments” conducted by Nazis, with Plaintiff engaging in allegedly “unconscionable”  
11 and “illegal” activity.

12 51. Before the use of Plaintiff’s image during this voiceover of being compared to Nazis,  
13 Plaintiff’s image/likeness had been used in a section only two minutes earlier dedicated to talking  
14 about how NXIVM supposedly worked with people scientifically and the company “claimed” to  
15 help people. Defendants falsely implied a connection between Plaintiff and medical studies  
16 conducted by Nazis. Not only has Plaintiff never injured anyone and has not been accused of  
17 injuring anyone, but Plaintiff is also Jewish, and his relatives were murdered by Nazis. Therefore,  
18 his comparison to the likes of Nazis here is particularly disheartening, and repugnant.

19 52. Defendants intentionally targeted Plaintiff in this section. They could have used any  
20 picture or video of any of the thousands of NXIVM students who appeared with Dr. Brandon  
21 Porter. However, Defendants chose a clip with Plaintiff. By this point in the series, viewers had well  
22 been introduced to Plaintiff, as his image was prominently displayed multiple times.

23 53. In the first episode, Plaintiff is referred to with his image/likeness as someone who  
24 beat Tourette’s. In the second episode, Plaintiff’s testimonial is used to establish that he is a  
25 brainwashed “follower” of Raniere, a proponent of sexual violence against women, and is likened to  
26 ISIS and Al-Qaeda terrorists. His first and last name appear on the screen for viewers to see and  
27 remember. There is then an entire section on NXIVM doing scientific experiments on people,  
28 wherein Defendants establish Plaintiff as someone related to Tourette’s experimentation and

1 associate him in multiple shots to Nancy Salzman and Dr. Porter. During that section, his likeness is  
2 on the screen for another 15 seconds. Then only a minute and a half later, is the quote about Nazis.  
3 Layering the Plaintiff throughout the episode equates in viewers' minds that Plaintiff is a danger to  
4 society.

5 **Defendants Manipulate Footage to Insinuate that Plaintiff is Dangerous, and Capable of**  
6 **Committing Murder on Command**

6 54. Approximately five minutes after the Nazi quote, there is a new section in the  
7 episode two titled, "ULTIMATE DEVOTION: THE "ETHICIST" COURSE." The Ethicist course  
8 was a course Raniere created to help individuals understand, build, and strengthen their own set of  
9 ethics. Defendants add the words "ultimate devotion" to continue the falsified notion that members  
10 of NXIVM, such as Plaintiff, would do anything for Raniere, such as fight or kill for him as implied  
11 in earlier scenes of the series. Oxenberg states at the beginning of the section, "Keith became  
12 obsessed with having us watch these movies that were all about people sacrificing themselves for a  
13 greater cause."

14 55. Purported "cult expert" Rick Ross then follows, "In a destructive cult, there is an  
15 absolute authoritarian leader who becomes an object of worship. Everything in the group becomes,  
16 'How much are you willing to do for Keith Raniere?' And Keith Raniere was teaching a philosophy  
17 that the ends justify the means. If we lie, but our goal is to save the world, isn't that justified?"

18 56. Here, viewers are led to falsely believe any follower of Raniere learns that doing  
19 destructive things is okay so long as one's goal is "good." Defendants utilize purported "cult  
20 experts" to imply that this is the indoctrination of all "followers," including Plaintiff.

21 57. In the video clips immediately following, Defendants use purposeful editing and  
22 misinformation to make it appear as though Plaintiff is receiving orders from Raniere to kill  
23 someone and that such actions are justified. Despite what the manipulated cuts show, in the  
24 unedited cuts it can be seen that Raniere was talking about building compassion and empathy for all  
25 individuals, and the importance of extending that compassion to all humans, including someone  
26 who had committed a horrible act, like murder. He was not condoning the action of murder and was  
27 not giving someone instructions to kill, as Defendants falsely portrayed. Rather, he was speaking  
28 about building compassion for why someone would commit horrific acts. This is evident from

1 watching the original, unedited footage. Still, Defendants gathered and edited footage in a way to  
2 create a false narrative and communicate this false narrative to the viewers.

3 58. Additionally, the raw footage clearly shows that Raniere is addressing someone other  
4 than the Plaintiff, yet the Defendants edit the raw footage to make it appear as if Keith is giving  
5 Plaintiff specific instructions to kill someone specifically:

6 (1) Defendants cut to Keith sitting in a chair appearing to speak to someone and stating,  
7 “You can understand killing when you feel it is necessary. So here you have these  
8 women....”;

9 (2) Defendants then cut to Plaintiff holding a microphone appearing to be the receiver of  
10 Raniere’s statement with a voiceover of Raniere stating, “...and let’s suppose these women  
11 are representative of a gang that is killing your family...”;

12 (3) Defendants cut back to a clip of Raniere stating, “...and that you feel that if you don’t do  
13 this, your family is going to die or people you know are going to die. So, you feel they must  
14 die”;

15 (4) Defendants cut to Ross stating, “Whatever I ask you to do, don’t worry about whether it  
16 is illegal, it’s criminal, it’s unethical, because our goal is to improve the world and as long as  
17 that’s our stated goal, whatever I ask you to do is justified.” Defendants then cut to footage  
18 of burning buildings from the “Waco siege,”<sup>1</sup> followed by dead bodies on the ground from  
19 Jonestown,<sup>2</sup> with the voiceover, “Historically, the most terrible example would be Waco or  
20 Jonestown, where you have people willing to die and let their children die because the leader  
21 says this is what we must do”; and  
22  
23

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24 <sup>1</sup> The Waco Siege began in early 1993, when a government raid on a compound in Axtell, Texas, led to a 51-day standoff between  
25 federal agents and members of a millennial Christian sect called the Branch Davidians. *See Waco Siege*, HISTORY.COM,  
26 <https://www.history.com/topics/1990s/waco-siege> (last updated Aug. 21, 2018). The siege ended dramatically on April 19, 1993,  
when fires consumed the compound, leaving some 75 people dead, including 25 children. *Id.*

27 <sup>2</sup> The “Jonestown Massacre” occurred on November 18, 1978, when more than 900 members of an American cult called the Peoples  
28 Temple died in a mass suicide-murder under the direction of their leader Jim Jones (1931-78). *See Jonestown*, HISTORY.COM,  
<https://www.history.com/topics/crime/jonestown> (last updated Nov. 20, 2019). It took place at the so-called Jonestown settlement in  
the South American nation of Guyana. *Id.*

1 (5) Defendants then cut to video footage of dead bodies from Heaven’s Gate.<sup>3</sup> The section  
2 ends with Rick Ross stating, “It’s very scary to think where Keith Raniere really was leading  
3 this group because year after year it escalated.”

4 59. Raniere never asked Plaintiff for devotion, or called upon Plaintiff to blindly follow  
5 him. On the contrary, there are many documented instances of Raniere calling his students to  
6 question everything he says.

7 60. Defendants’ intent as it spliced together and purposely edited the montage is clear.  
8 Defendants were falsely communicating to the viewers that members of NXIVM, such as Plaintiff,  
9 who had been featured heavily on screen at this point, were being controlled and trained by Raniere  
10 to the point where they would die for and allow their children to die for Raniere. Additionally,  
11 Defendants had just falsely communicated to the viewers that Raniere was giving Plaintiff  
12 instructions to kill someone.

13 61. This segment ends with the horrific intentional insinuation by the Defendants that a  
14 NXIVM member like the Plaintiff could commit murder or suicide just like in “Jonestown,” where  
15 you have people willing to do and let their children die because the leader says this is what we must  
16 do.”

17 62. Defendants knowingly and intentionally targeted to discredit, defame, and destroy  
18 Plaintiff. First, the segment in this section depicting Raniere “giving instructions to kill” is from a  
19 training called, “The Source,” an acting curriculum that Raniere had created, not the Ethicist  
20 training, as was implied in the section’s title. The Defendants knowingly used video footage from  
21 different trainings by different subcompanies under NXIVM and misrepresented it to fit their  
22 defamatory narrative and to attract viewers for pecuniary benefit.

23  
24  
25 <sup>3</sup> On March 25, 1997, following an anonymous tip, police enter a mansion in Rancho Santa Fe, an exclusive suburb of San Diego,  
26 California, and discover 39 victims of a mass suicide. See *Heaven’s Gate cult members found dead*, HISTORY.COM ,  
27 <https://www.history.com/this-day-in-history/heavens-gate-cult-members-found-dead> (last visited Oct. 14, 2021). The deceased—21  
28 women and 18 men of varying ages—were all found lying peaceably in matching dark clothes and Nike sneakers and had no  
noticeable signs of blood or trauma. *Id.* It was later revealed that the men and women were members of the “Heaven’s Gate” religious  
cult, whose leaders preached that suicide would allow them to leave their bodily “containers” and enter an alien spacecraft hidden  
behind the Hale-Bopp comet. *Id.*

1           63.       Secondly, Plaintiff was one of the first participants in The Source training. In it, he  
2 did ask questions to Raniere that were on camera. As can be seen by the original footage of The  
3 Source training with no cuts, someone else asked Raniere a question that prompted Raniere’s  
4 response about killing. Defendants spliced Plaintiff asking Raniere a question from one section of  
5 the raw footage and Raniere responding to another participant from a different section of the raw  
6 footage, making it look as though Raniere was directly talking to Plaintiff instead. Defendants  
7 falsely and intentionally made it appear that Plaintiff was receiving orders from Raniere to kill. Not  
8 only did these edits grossly mischaracterize Raniere’s statement, but they also falsely portrayed  
9 Plaintiff as the intended audience of Raniere’s words and purported commands.

10           64.       Defendants proactively incorporated Plaintiff into the segment to create the  
11 impression that Plaintiff was the ultimate loyalist of the insinuated sex cult, and extremely  
12 dangerous. Defendants had layered Plaintiff throughout the episode in the series to build to this  
13 moment. As stated by Ross earlier in the episode, “He wanted his followers weaponized to take on  
14 his enemies.” Viewers are left to believe that Plaintiff and anyone like him are now weaponized  
15 with no moral compass to do horrific acts on other human beings. This notion is the opposite of the  
16 nature of the ESP courses that Plaintiff studied and taught to entrepreneurs and executives.

17           65.       The fact that Defendants had to manipulate and splice together footage containing  
18 Plaintiff, unrelated to the purported sex cult narrative in order to fit such narrative, shows that all  
19 statements made by Defendant in which Plaintiff was a subject through his likeness, were false,  
20 intentionally injurious to Plaintiff, and known to be such by Defendants.

21 **Defendants Intentional Conduct Resulted in Irreparable Harm to Plaintiff’s Reputation, has**  
22 **Caused Him to Suffer Financial Loss, Great Humiliation, Emotional Distress, and Threats to His**  
23 **Safety**

24           66.       Plaintiff has committed no crimes, nor has he been accused of any crimes. However,  
25 through creative film editing, voice-overs, and out-of-context statements, Defendants have  
26 communicated to viewers of the series that Plaintiff is dangerous, has been trained to kill, is capable  
27 of killing himself if told to, and condones violence against women. Defendants characterize Plaintiff  
28 to the likening of a rapist, a terrorist in training, a Nazi experimenter, and a potential murderer at the

1 direction of Raniere. Viewers are left with an indelible imprint that Plaintiff is dangerous follower  
2 who is weaponized.

3 67. Defendants not only broadcast the Seduced series on the STARZ network and its  
4 streaming platform, but also provided the series for publication to other major television streaming  
5 platforms, including Hulu, YouTube TV, Sling TV, Amazon Prime Video, Google Play Movies and  
6 TV, Apple TV, Vudu<sup>4</sup>, all of which have a combined viewership of several million subscribers, with  
7 175 million viewers subscribed to Amazon Prime alone specifically to watch series and movies.<sup>5</sup>  
8 Thus, on information and belief, Defendants published their defamatory content about Plaintiff to  
9 millions of people not only in the United States, but worldwide.

10 68. Plaintiff has dedicated the last 20 years of his life trying to better the lives of others  
11 to find more tolerance, compassion, and possibility in their own life. Seduced's executive producer,  
12 Oxenberg, has known Plaintiff for seven years and knew this to be true, and knew that Defendants'  
13 defamatory communications and implications about Plaintiff were false. It is clear that Defendants'  
14 actions were malicious, purposeful, premeditated, egregious, and an irreparable attack on Plaintiff's  
15 reputation.

16 **AS TO THE FIRST CAUSE OF ACTION**  
17 **(DEFAMATION PER SE)**

18 69. In October 2020, Defendants broadcast the television series Seduced containing false  
19 negative information about Plaintiff. Defendants, through the use of edited video and audio clips,  
20 voice-overs, written content, and statements taken out of context, have communicated to millions of  
21 people in the United States and worldwide that Plaintiff is dangerous, has been trained to kill, is  
22 capable of killing himself if told to, and condones sexual violence against women. Defendants  
23

24 \_\_\_\_\_  
25 <sup>4</sup> Seduced Google search with streaming options can be found at  
26 [http://www.google.com/search?q=seduced+nxivm&oq=seduced&aqs=chrome.0.69i59j46i39j69i57j69i59l2j69i60l2j69i61.2370j0j4](http://www.google.com/search?q=seduced+nxivm&oq=seduced&aqs=chrome.0.69i59j46i39j69i57j69i59l2j69i60l2j69i61.2370j0j4&sourceid=chrome&ie=UTF-8)  
&sourceid=chrome&ie=UTF-8 (last visited Oct. 14, 2021).

27 <sup>5</sup> For the first time, Amazon provided some hard data on how many of its Prime subscribers are watching TV shows and movies on  
28 the platform. See Adam Epstein, *Amazon's streaming audience is almost as big as Netflix's*, QUARTZ,  
<https://qz.com/2003812/amazon-prime-has-almost-as-many-streaming-subscribers-as-netflix/> (Apr. 30, 2021).

1 equate Plaintiff to the likening of a rapist, an ISIS and Al Qaeda terrorist in training, a Nazi  
2 experimenter, and a potential murderer at the direction of Raniere. Viewers are left with an indelible  
3 false imprint that Plaintiff is a dangerous weaponized follower. Specifically:

- 4 **I.** Defendants spliced audio and video footage together to make it appear as though  
5 Plaintiff gave a glowing endorsement of the statement, “The primitive parts of us are  
6 hungry fucky beasties. I mean, that’s what we want to do. Just fuck it. Fuck it. Fuck,  
7 fuck, fuck. I feel like fucking something today. God, I’m pissed. I want to fuck  
8 something, you know.” “If we conquer a woman, if we grab the thing we want to fuck,  
9 whatever it is and fuck it...” “...they enjoy it.”
- 10 **II.** Defendants played the statement “cult indoctrination is actually a mind-control  
11 regime...to reprogram your beliefs and to foster obedience” over an image of Plaintiff’s  
12 face. This was immediately followed by the statement, “What you see in NXIVM is the  
13 same indoctrination and coercive persuasion process used by terrorist organizations, like  
14 ISIS and Al-Qaeda.”
- 15 **III.** Defendants played the statement “He wanted his followers weaponized to take on his  
16 enemies,” immediately followed by Plaintiff’s image, which was shown simultaneously  
17 with the statement “Whatever shit goes on with us, we do what’s necessary.”
- 18 **IV.** Defendants played a clip of Plaintiff laughing while a voiceover states, “Makes one  
19 immediately think about what the Nazis were doing, where they carried out horrific  
20 experiments under the guise of great medical experiments. This is completely,  
21 unconscionable, illegal activity, even if this were in a medical institution, and of course,  
22 it wasn’t. In my opinion, one of the most horrific things I’ve ever heard of, and I’ve been  
23 studying cults for 30 years.”
- 24 **V.** Defendants spliced footage of Plaintiff and Raniere to make it appear as though Plaintiff  
25 was receiving orders from Raniere to kill someone, including the following statements:  
26 “You can understand killing when you feel it is necessary. So here you have these  
27 women... and let’s suppose these women are representative of a gang that is killing your  
28 family... and that you feel that if you don’t do this, your family is going to die or people

1 you know are going to die. So, you feel they must die. Whatever I ask you to do, don't  
2 worry about whether it is illegal, it's criminal, it's unethical, because our goal is to  
3 improve the world and as long as that's our stated goal, whatever I ask you to do is  
4 justified."

5 70. Defendants' statement created by intentionally manipulating segments of NIXVM  
6 footage containing Plaintiff's likeness cannot be reasonably construed or interpreted as opinion, or  
7 hyperbole. Defendants' statements using such manipulated footage were assertions of fact.

8 71. Defendants' statements were false and known by Defendants to be such, in that  
9 Defendants had to manufacture such statements by splicing together out-of-context footage to create  
10 statements about Plaintiff that are defamatory.

11 72. Plaintiff is not dangerous or violent, has never been dangerous or violent, does not  
12 condone sexual violence against women, and has not, in any way, been brainwashed. As such,  
13 Defendants' statements were made with actual malice in that Defendants had knowledge of the  
14 falsity of the statements.

15 73. Further, Defendants recklessly disregarded the falsity thereof by creating such  
16 statements themselves to appease Defendants' narrative. When Defendants made the statements  
17 above, they knew or should have known that the statements pertaining to the Plaintiff were false.

18 74. When Defendants made the statements above, they acted in an intentionally reckless  
19 manner without appropriate consideration for the standards for information gathering and  
20 dissemination ordinarily followed by responsible parties.

21 75. Defendants' statements were not privileged, as the statements were not published in  
22 the kind of circumstances in which absolute protection applies, or in which it was necessary or  
23 appropriate to make those communications subject to a qualified privilege.

24 76. Defendants' statements about Plaintiff are not about matters of public interest as  
25 Defendants' manufactured the statements themselves.

26 77. Defendants' statements were defamatory per se in that the statements epithetically,  
27 impliedly, and falsely accused Plaintiff of the serious crimes of abuse and assault.

28

1 78. Defendants' statements were defamatory per se in that the statements epithetically,  
2 impliedly, and falsely accused Plaintiff of sexual immorality, and sexual misconduct against  
3 women.

4 79. Defendants' statements were defamatory per se in that the statements resulted in  
5 Plaintiff's shame, hurt feelings, and mortification.

6 80. Defendants' false statements were a substantial factor in causing Plaintiff to suffer  
7 contempt, aversion, and hatred. Plaintiff's reputation has been irreparably damaged as the result of  
8 Defendants' defamatory statements. Further, Plaintiff has and continues to endure emotional pain  
9 and suffering as the result of Defendants' defamatory statements as well as financial and career  
10 damages.

11 81. Plaintiff is further entitled to actual damages, compensatory damages, and punitive  
12 damages for Defendants' malicious, and intentional defamatory statements, as Plaintiff has been  
13 damaged in an amount to be determined at trial.

14 82. Defendants' conduct was willful, wanton, and malicious such that punitive damages  
15 should be awarded.

16 **AS TO THE SECOND CAUSE OF ACTION**  
17 **(DEFAMATION BY IMPLICATION)**

18 83. Plaintiff repeats and re-alleges each and every allegation above as if fully  
19 set forth herein.

20 84. Defendants, without Plaintiff's prior knowledge or consent, through use of edited  
21 video and audio clips, voice-overs, written content, and statements taken out of context in the series,  
22 have communicated to millions of people that Plaintiff is brainwashed and dangerous, has been  
23 trained to kill, is capable of killing himself if told to, and condones sexual violence against women.  
24 Defendants equate Plaintiff to the likening of a rapist, an ISIS and Al Qaeda terrorist in training, a  
25 Nazi experimenter, and a potential murderer on command.

26 85. Plaintiff's interpretation of Defendants' statements as noted herein is reasonable, and  
27 is clearly the only reasonable interpretation that can be drawn from Defendants' statements.

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1 86. Defendants' implications are neither true nor substantially true in that Plaintiff is not  
2 dangerous or violent, is not brainwashed, has never been dangerous or violent, does not condone  
3 sexual violence against women, does not harbor behavior comparable to a member of ISIS or Al-  
4 Qaeda terrorist organization. Further, Plaintiff is of Jewish descent, and has relatives were murdered  
5 by Nazis during the holocaust. As such, Defendants' insinuation that Plaintiff participated in Nazi-  
6 like experiments is extremely repugnant.

7 87. Defendants' implications regarding Plaintiff are not matters of public interest  
8 because Defendants created said statements themselves.

9 88. The fact that Defendants had to splice together footage and present it out of context  
10 to create statements about Plaintiff that are defamatory is evidence that Defendants' statements were  
11 made with actual malice in that Defendants had knowledge of the falsity of the statements, and  
12 recklessly disregarded their falsity. As such, Defendants' statements, as published about Plaintiff,  
13 are defamatory by implication.

14 89. Defendants not only broadcast the Seduced series on the STARZ television  
15 streaming platform, but also provided the series for publication to other major television streaming  
16 platforms, including Hulu, YouTube TV, Sling TV, Amazon Prime Video, Google Play Moves and  
17 TV, Apple TV, Vudu, all of which have a combined viewership of several million subscribers, with  
18 175 million viewers subscribed to Amazon Prime alone specifically to watch series and movies.<sup>6</sup>  
19 Thus on information and belief, Defendants published their defamatory content about Plaintiff to  
20 millions of people in the United States and worldwide.

21 90. Plaintiff's friends, family, colleagues, neighbors, acquaintances, and a significant  
22 number of the members of the general public saw the series portray Plaintiff in a degrading,  
23 embarrassing, and scandalous manner.

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27 <sup>6</sup> Amazon provided hard data related to Prime subscribers watching TV shows and movies on the platform. See Adam Epstein,  
28 *Amazon's streaming audience is almost as big as Netflix's*, QUARTZ, <https://qz.com/2003812/amazon-prime-has-almost-as-many-streaming-subscribers-as-netflix/> (Apr. 30, 2021).

1 91. Defendants' conduct harmed, and continues to harm, Plaintiff's reputation by  
2 lowering his estimation in the community, as well as among friends, family, colleagues, neighbors,  
3 acquaintances, and millions of members of the general public.

4 92. As a direct and proximate result of the Defendants' filming, editing, production, and  
5 broadcast, Plaintiff has been and continues to be exposed to public contempt, ridicule, and threat of  
6 harm.

7 93. Further, as a direct and proximate result of the filming, editing, production, and  
8 broadcast, Plaintiff has suffered, and continues to suffer, emotional distress, mental anguish,  
9 symptoms of anxiety and depression, humiliation, insomnia, social stigma, loss of reputation, and  
10 other physical and psychological harm.

11 94. As a direct and proximate result of the Defendants' conduct, Plaintiff sustained  
12 tremendous damages, including, without limitation, emotional distress, and other direct and  
13 consequential damages.

14 95. As a direct and proximate result of the Defendants' conduct, Plaintiff is entitled to  
15 damages in an amount to be determined at trial, plus prejudgment interest, attorneys' fees, expenses,  
16 costs, and disbursements.

17 96. Further, Defendant's conduct was reckless and intentional such that an award of  
18 punitive damages is proper, the amount of which is to be determined by a jury at the time of trial.

19 **AS TO THE THIRD CAUSE OF ACTION**

20 **(APPROPRIATION OF NAME OR LIKENESS)**

21 97. Plaintiff repeats and re-alleges each and every allegation above as if fully set forth  
22 herein.

23 98. Without Plaintiff's prior knowledge, Defendants included in their series multiple  
24 images of Plaintiff, along with his full name, and caused these images of Plaintiff to be broadcast to  
25 millions of people worldwide.

26 99. Plaintiff did not consent to Defendants' use of his likeness or his name for any  
27 purpose.

28

1 100. Defendants spliced together out-of-context footage in order to create statements  
2 about Plaintiff that are defamatory in that Defendants insinuate that Plaintiff is dangerous, has been  
3 trained to kill, is capable of killing himself if told to, and condones sexual violence against women.  
4 Defendants equate Plaintiff to a rapist, an ISIS and Al-Qaeda terrorist in training, a Nazi  
5 experimenter, and a potential murderer at direction of Ranieri.

6 101. Defendants gained commercial benefit from using Plaintiff's likeness in the  
7 production of the Seduced series, including pecuniary benefits for publishing the series on the  
8 STARZ network and its platforms, as well as pecuniary benefit resulting from Defendants'  
9 dissemination of the series for publication to other major television streaming platforms including  
10 Hulu, YouTube TV, Sling TV, Amazon Prime Video, Google Play Movies and TV, Apple TV,  
11 Vudu, all of which have a combined viewership of several millions of subscribers.

12 102. Plaintiff was harmed by the publication as noted herein. Plaintiff's friends, family,  
13 colleagues, neighbors, acquaintances, and a significant number of the members of the public saw  
14 the series portray Plaintiff in a degrading, embarrassing, and scandalous manner. As such, the  
15 filming, editing, production, and broadcast of the series prejudices Plaintiff in the eyes of a  
16 substantial and respectable segment of the community.

17 103. Defendants' conduct has harmed, and continues to harm, Plaintiff's reputation by  
18 lowering his estimation in the community, as well as among friends, family, colleagues, neighbors,  
19 acquaintances, and millions of members of the general public.

20 104. As a direct and proximate result of the Defendants' conduct, Plaintiff has been and  
21 continues to be exposed to public hatred, ridicule, and threat of harm.

22 105. As a direct and proximate result of Defendants' conduct. Plaintiff has suffered, and  
23 continues to suffer, emotional distress, mental anguish, symptoms of anxiety and depression,  
24 humiliation, insomnia, social stigma, loss of reputation and other physical and psychological harm.

25 106. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained  
26 tremendous damages, including, without limitation, emotional distress and other direct and  
27 consequential damages.

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1 107. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be  
2 determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements.

3 108. Further, Defendant's conduct was reckless and intentional such that an award of  
4 punitive damages is proper, the amount to be determined by a jury at the time of trial.

5 **AS TO THE FOURTH CAUSE OF ACTION**

6 **(FALSE LIGHT)**

7 109. Plaintiff repeats and re-alleges each and every allegation above as if fully set forth  
8 herein.

9 110. Defendants, without Plaintiff's prior knowledge or consent, included in their  
10 television series multiple images of Plaintiff, along with his full name, and caused these images of  
11 Plaintiff to be broadcast to millions of people worldwide

12 111. Defendants' publication falsely and reasonably offensively portrays Plaintiff as a  
13 dangerous, brainwashed, and trained killer, who will kill on command, who condones sexual  
14 misconduct and violence against women, and whose conduct is akin to that of a member of ISIS and  
15 Al Qaeda, and the Nazis.

16 112. Defendants knew that the disclosure of the information in their statements would  
17 create a false impression of Plaintiff because Defendants created the statements themselves by  
18 splice footage to achieve a false narrative of Plaintiff.

19 113. The fact that Defendants had to splice footage together to achieve the false narrative  
20 of Plaintiff is evidence that Defendants' statements were made with actual malice in that  
21 Defendants had knowledge of the falsity of the statements, and recklessly disregarded the falsity  
22 thereof by creating such statements themselves to satisfy Defendants' narrative.

23 114. The fact that Defendants had to splice footage to achieve the narrative above shows  
24 that Defendants acted intentionally, recklessly, and without appropriate consideration for the  
25 standards for information gathering and dissemination ordinarily followed by responsible parties.

26 115. Defendants' statements portray Plaintiff publicly in a false light in that Plaintiff is  
27 not dangerous or violent, is not brainwashed, has never been dangerous or violent, does not condone  
28 violence or sexual violence against women, does not harbor any behavior that is comparable to a

1 member of ISIS or Al-Qaeda terrorist organizations. Further, Plaintiff is of Jewish descent, and his  
2 relatives were murdered by Nazis during the holocaust. As such, Defendants' insinuation that  
3 Plaintiff participated in Nazi-like experiments is tremendously repugnant.

4 116. As a direct and proximate result of the Defendants' filming, editing, production, and  
5 broadcast, Plaintiff has been and continues to be exposed to public hatred, ridicule, and threat of  
6 harm.

7 117. Additionally, as a direct and proximate result of the filming, editing, production, and  
8 broadcast, Plaintiff has suffered, and continues to suffer, emotional distress, mental anguish,  
9 symptoms of anxiety and depression, humiliation, insomnia, social stigma, loss of reputation and  
10 other physical and psychological harm.

11 118. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be  
12 determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements.

13 119. Further, because Defendants' conduct was reckless and intentional, an award of  
14 punitive damages is proper, the amount of which is to be determined by a jury at the time of trial.

15 **AS TO THE FIFTH CAUSE OF ACTION**

16 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

17 120. Plaintiff repeats and re-alleges each and every allegation above as if fully set forth  
18 herein.

19 121. Based on the facts and circumstances noted above, Defendants intentionally inflicted  
20 emotional harm by communicating defamatory content about Plaintiff through a television series  
21 watched by millions of people, including Plaintiff.

22 122. Defendant's actions were so outrageous as to go beyond all possible bounds of  
23 decency, and are utterly intolerable in a civilized community in that Defendants intentionally  
24 broadcast Plaintiff's name, image, and likeness while communicating that Plaintiff is brainwashed,  
25 dangerous, trained to kill, capable of killing himself if told to, and condones sexual violence against  
26 women. Additionally, Defendants equate Plaintiff to a rapist, an ISIS and Al-Qaeda terrorist in  
27 training, a Nazi experimenter, and a potential murderer.

28

1 123. Defendants blindsided Plaintiff with the broadcast, communication, and  
2 dissemination of knowingly false allegations, as Defendants' themselves created the statements.

3 124. In publishing and disseminating false, defamatory statements about Plaintiff as noted  
4 above, Defendants acted with an intent to cause, and with reckless disregard of the substantial  
5 probability of causing Plaintiff severe emotional distress; it was foreseeable that Defendants'  
6 publication of knowingly false statements about the Plaintiff as noted above would cause Plaintiff  
7 severe emotional distress.

8 125. Defendants' actions did cause Plaintiff severe emotional distress, mental anguish,  
9 symptoms of anxiety and depression, humiliation, insomnia, social stigma, loss of reputation, and  
10 other physical and psychological harm.

11 126. As the direct and proximate result of Defendants' conduct, Plaintiff's health has  
12 suffered, as he suffers from symptoms of anxiety and depression.

13 127. As a direct and proximate result of the above conduct, Plaintiff sustained tremendous  
14 damages, including but not limited to emotional distress and other direct and consequential  
15 damages.

16 128. As a result of the foregoing, Plaintiff is entitled to damages in an amount to be  
17 determined at trial, plus prejudgment interest, attorneys' fees, expenses, costs, and disbursements.

18 129. Further, Defendant's conduct was reckless or intentional such that an award of  
19 punitive damages is proper, the amount to be determined by a jury at the time of trial.

20 **DEMAND FOR JURY TRIAL**

21 130. Pursuant to the Seventh Amendment of the United States constitution, and Federal  
22 Rule of Civil Procedure 38, subdivision (b), Plaintiff hereby exercises his right to a trial by jury, and  
23 demands said right herein.

24 **PRAYER FOR RELIEF**

25 **AS TO THE FIRST CAUSE OF ACTION**

26 **(DEFAMATION PER SE)**

27 131. For injunctive relief precluding further defamatory statements against Plaintiff by  
28 Defendants and all of their agents.

1 132. For a Judicial finding that Defendants libeled and defamed Plaintiff through the  
2 filming, editing, production, and broadcast of their television series “Seduced.”

3 133. For a Judicial finding that Defendants defamatory statements were communicated  
4 with actual malice and intent.

5 134. For a judicial finding that Defendants’ statements about Plaintiff are not matters of  
6 public interest and concern.

7 135. For a Judicial finding that Defendants’ publication and dissemination of the  
8 defamatory statements were grossly irresponsible and without due consideration for the standards of  
9 information gathering and dissemination ordinarily followed by responsible parties.

10 136. A judgment awarding plaintiff damages in an amount to be determined at trial but in  
11 no event no less than \$3,000,000, plus interest, attorney’s fees, expenses, costs, and disbursements,  
12 as described below:

13 a) Judgment for Plaintiff of per se damages in an amount to be determined at trial, but  
14 in no event less than the amount of five hundred thousand dollars (\$500,000).

15 b) Judgment for Plaintiff of actual and compensatory damages in an amount to be  
16 determined at trial, but in no event less than the amount of five hundred thousand  
17 dollars (\$500,000).

18 c) Judgment for Plaintiff of punitive damages in an amount to be determined at trial,  
19 but in no event less than the amount of two million dollars (\$2,000,000).

20 137. For judgment for Plaintiff’s attorneys’ fees as against Defendants, in an amount to be  
21 determined at trial.

22 **AS TO THE SECOND CAUSE OF ACTION**  
23 **(DEFAMATION BY IMPLICATION)**

24 138. For injunctive relief precluding further defamatory statements against Plaintiff by  
25 Defendants and all of their agents.

26 139. For a Judicial finding that Defendants libeled and defamed Plaintiff through the  
27 filming, editing, production, and broadcast of their television series “Seduced.”  
28

1 140. For a Judicial finding that Defendants' defamatory statements were communicated  
2 with actual malice and intent.

3 141. For a Judicial finding that Plaintiff's interpretation of Defendants defamatory  
4 statements is reasonable under the circumstances deduced herein.

5 142. For a judicial finding that Defendants' statements about Plaintiff cannot be  
6 reasonably construed or interpreted as opinion, or hyperbole, but were assertions of fact.

7 143. For a Judicial finding that Defendants' publication and dissemination of the  
8 defamatory statements were grossly irresponsible and without due consideration for the standards of  
9 information gathering and dissemination ordinarily followed by responsible parties.

10 144. A judgment awarding plaintiff damages in an amount to be determined at trial but in  
11 no event no less than \$3,000,000, plus interest, attorney's fees, expenses, costs, and disbursements,  
12 as described below:

13 a) Judgment for Plaintiff of per se damages in an amount to be determined at trial, but  
14 in no event less than the amount of five hundred thousand dollars (\$500,000).

15 b) Judgment for Plaintiff of actual and compensatory damages in an amount to be  
16 determined at trial, but in no event less than the amount of five hundred thousand  
17 dollars (\$500,000).

18 c) Judgment for Plaintiff of punitive damages in an amount to be determined at trial,  
19 but in no event less than the amount of two million dollars (\$2,000,000).

20 145. For judgment for Plaintiff's attorneys' fees as against Defendants, in an amount to be  
21 determined at trial.

22 **AS TO THE THIRD CAUSE OF ACTION**

23 **(APPROPRIATION OF NAME OR LIKENESS)**

24 146. For a judicial Finding, that Defendants used of Plaintiff's name and likeness.

25 147. For a judicial finding that Defendants gained a commercial benefit from the use of  
26 Plaintiff's name and likeness.

27 148. For Judgment for Plaintiff in the amount of Defendants' profits that are attributed to  
28 the use of Plaintiff's name and likeness, to be determined at trial but in no event no less than one-

1 quarter of all Defendants' profits derived from the direct publication of the Seduced series on any of  
2 Defendants' STARZ network platforms, and any of Defendants' subsidiary networks.

3 149. For Judgment for Plaintiff in the amount of Defendants' profits that are attributed to  
4 the use of Plaintiff's name and likeness, to be determined at trial but in no event no less than one-  
5 quarter of all Defendants' profits derived from the direct or indirect publication of the Seduced  
6 series on any streaming platform including but not limited to Hulu, YouTube TV, Sling TV,  
7 Amazon Prime Video, Google Play Movies and TV, Apple TV, Vudu, or any television network  
8 authorized by Defendants to publish the series.

9 150. For Judgment for Plaintiff for punitive damages in an amount to be determined at  
10 trial, but in no event less than the amount of two million dollars (\$2,000,000).

11 151. For judgment for Plaintiff's attorneys' fees as against Defendants, in an amount to be  
12 determined at trial.

13 **AS TO THE FOURTH CAUSE OF ACTION**

14 **(FALSE LIGHT)**

15 152. For a judicial finding that Defendants' defamatory conduct placing Plaintiff in false  
16 light was done with actual malice and intent.

17 153. For a judicial finding that there is clear and convincing evidence that Defendants  
18 knew that their publications would create a false impression about plaintiff.

19 154. For a judicial finding that the false light about Plaintiff created by Defendants'  
20 statements is highly offensive to a reasonable person.

21 155. For a judgment for Plaintiff awarding him damages in an amount to be determined at  
22 trial, including, without limitation, damages to physical well-being, emotional and psychological  
23 damages, damages to reputation, plus prejudgment interest.

24 156. For Judgment for Plaintiff of punitive damages in an amount to be determined at  
25 trial, but in no event less than the amount of two million dollars (\$2,000,000).

26 157. Judgment for attorneys' fees as against Defendants, in an amount, to be determined  
27 at trial.

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**AS TO THE FIFTH CAUSE OF ACTION**

**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

158. For a judicial finding that Defendants’ defamatory statements were extreme and outrageous.

159. For a Judicial finding that Defendants’ defamatory statements were communicated with reckless disregard of the probability that Plaintiff if exposed to such statements would suffer emotional distress.

160. For a judgment for Plaintiff awarding him damages in an amount to be determined at trial, including, without limitation, damages to physical well-being, emotional and psychological damages, damages to reputation, plus prejudgment interest.

161. For Judgment for Plaintiff of punitive damages in an amount to be determined at trial, but in no event less than the amount of two million dollars (\$2,000,000).

162. Judgment for attorneys’ fees as against Defendants, in an amount, to be determined at trial.

163. Further, Plaintiff prays for any other further relief as the court deems just and proper.

Dated: October 15, 2021

Respectfully submitted,

/s/ Joseph M. Tully  
Joseph M. Tully, CASBN 201187  
Tully & Weiss Attorneys at Law  
713 Main Street  
Martinez, CA 94553  
Telephone: (925) 229-9700  
Fax: (925) 231-7754  
Email: Joseph@Tully-Weiss.com