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THE HONORABLE _____

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

K VINTNERS LLC and CHARLES
SMITH

Plaintiffs,

v.

JOHN DOES 1-10,

Defendants.

No.

COMPLAINT FOR LIBEL

Plaintiffs K Vintners LLC and Charles Smith, by and through their attorneys of record, hereby allege and state as follows:

I. PARTIES

1. Plaintiff K Vintners is a corporation that is now, and at all relevant times hereto has been, organized and existing under the laws of Washington, qualified to do and doing business in Washington and having its principal place of business at 820 Mill Creek Road, Walla Walla, Washington, 99362.

1 wine cartoon. Really." The article has prompted—to date—29 comments. Some of these
2
3 comments were made by "anonymous" posters, identified in this Complaint as Does 1-10
4
5 and hereinafter referred to as "Defendants."

6
7 7. On or about July 21, 2010 at 1:18 PM, Defendants published or caused to be
8
9 published on the Internet a comment that contained the following false and defamatory
10
11 statement: "Having been around Mr. Smith, he is not the winemaker . . . He is a promoter,
12
13 not a winemaker."

14
15 8. On or about July 21, 2010 at 1:45 PM, Defendants published or caused to be
16
17 published on the Internet a comment that contained the following false and defamatory
18
19 statement: "Chuck is a lot of things...but seldom a winemaker...this is a fact."

20
21 9. On or about July 21, 2010 at 2:17 PM, Defendants published or caused to be
22
23 published on the Internet a comment that contained the following false and defamatory
24
25 statement: "Glad people are starting to figure this one out...Marketing whiz-absolutely.
26
27 Winemaker....???"

28
29 10. On or about July 21, 2010 at 6:21 PM, Defendants published or caused to be
30
31 published on the Internet a comment that contained the following false and defamatory
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33 statement: "Batali can cook. In the alternative, Batali could walk a novice through the
34
35 cooking process. Big Hair cannot make wine without a lot of help from others with the real
36
37 winemaking skills and knowledge. In the old days of the wine west, Big Hair would have
38
39 been known as a "snake oil salesman."

40
41 11. Copies of the comments described in Paragraphs 7-10 (the "Comments") are
42
43 attached hereto as Exhibit A.

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45 12. The Comments were published, or caused to be published, by Defendants on
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47 a blog accessible to the public through the Internet.

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13. The Comments were and are false and defamatory. Charles Smith is and has always been the winemaker at K Vintners.

14. The Comments have damaged and will continue to damage Plaintiffs' business and reputation, including but not limited to Plaintiffs' reputation and business relationship with Plaintiffs' business partners, customers, restaurants, wine stores, and distributors.

15. Many of these individuals and businesses reside in or do business in King County, Washington.

IV. CAUSE OF ACTION – LIBEL

16. Plaintiffs reallege and herein incorporate by reference Paragraphs 1 through 15 as if set out in full in this cause of action.

17. By posting the Comments on the Internet, Defendants published or caused to be published the Comments to at least one third party, and made the Comments available to Internet users.

18. The Comments are, and at all relevant times were, false and defamatory, and libelous on their face as they apply to Plaintiffs.

19. The Comments are, and at all relevant times were, of a matter and character that have the tendency to injure Plaintiffs' reputation.

20. The Comments are not and were not privileged.

21. On information and belief, Defendants published or caused to be published the Comments either with the knowledge that they were false, or with conscious disregard for the truth.

22. By the acts alleged herein, Defendants acted with malice and intentionally caused damages to Plaintiffs.

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23. As a proximate result of Defendants' publication of the Comments, Plaintiffs have suffered loss to their trade, business and reputation, all contributing to Plaintiffs' general and special damages.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants Does 1-10, inclusive, as follows:

- A. For judgment in favor of Plaintiffs, and against Defendants, for general and special damages in such amounts as may be proven at trial;
- B. For judgment against Defendants for Plaintiffs' costs of suit, including Plaintiffs' reasonable attorneys' fees; and
- C. For such other relief as the Court may deem just and proper.

DATED: August 31, 2010

PERKINS COIE LLP

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