

RETURN DATE: AUGUST 21, 2012	:	SUPERIOR COURT
	:	
LORRAINE MARTIN, individually and on Behalf of all Others Similarly Situated,	:	JUDICIAL DISTRICT OF STAMFORD / NORWALK
	:	
Plaintiff,	:	
	:	AT STAMFORD
v.	:	
	:	
THE HEARST CORPORATION, SOUTHERN CONNECTICUT NEWSPAPERS INC., MAIN STREET CONNECT, LLC, d/b/a THE DAILY GREENWICH, and NEWS 12 INTERACTIVE, INC.,	:	
	:	
Defendants.	:	JUNE 11, 2012

CLASS ACTION COMPLAINT

INTRODUCTION

1. Plaintiff **LORRAINE MARTIN** (“**PLAINTIFF**”) brings this class action suit, on behalf of herself and all those similarly situated, against **THE HEARST CORPORATION** (“**HEARST**”), **SOUTHERN CONNECTICUT NEWSPAPERS INC.** (“**SCNI**”), **MAIN STREET CONNECT, LLC d/b/a THE DAILY GREENWICH** (“**MAIN STREET**”), and **NEWS 12 INTERACTIVE, INC.** (“**NEWS 12**”) (**HEARST, SCNI, MAIN STREET** and **NEWS 12** are hereinafter referred to collectively as the “**DEFENDANTS**”), for publishing to third parties false and defamatory information about **PLAINTIFF** on their respective websites.

PARTIES

2. **PLAINTIFF** is a resident of Greenwich, Connecticut.

3. Upon information and belief, **HEARST** is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 300 West 57th Street, New York, New York 10019.

4. Upon information and belief, **HEARST** is a diversified multimedia corporation that owns and publishes at least fifteen daily newspapers across the country, including Connecticut offline and online publications, including, but not limited to, The Connecticut Post (the "Post"), The Stamford Advocate (the "Advocate"), and The Greenwich Time (the "Greenwich Time").

5. Upon information and belief, Defendant **SCNI**, a wholly-owned subsidiary of **HEARST**, is a corporation organized under the laws of the State of Connecticut, with its principal place of business at 75 Tresser Blvd, Stamford, CT, 06904. **SCNI** operates the Post, the Advocate and the Greenwich Time newspapers.

6. Upon information and belief, the Post, Greenwich Time, and the Advocate each maintain online publications of their respective daily print newspapers, where the police blotter and crime pages are some of the more popular web pages, and as a result, generate online advertising revenue.

7. Upon information and belief, **HEARST** and **SCNI** are responsible for acts, conduct, errors, and/or omissions of its subsidiary and affiliated companies and these companies' respective officials, officers, agents, representatives, servants, and/or employees, including but not limited to, the Post, Advocate and Greenwich Time media companies.

8. Upon information and belief, Defendant **MAIN STREET** is a limited liability company organized and existing under the laws of the State of Connecticut, with its principal place of business at 53 Water Street, Norwalk, CT 06854.

9. Upon information and belief, **MAIN STREET** is a media entity that owns and publishes several news websites across the country, including thedailygreenwich.com.

10. Upon information and belief, the police blotter and crime pages of **MAIN STREET'S** websites, including thedailygreenwich.com, generate online advertising revenue.

11. Upon information and belief, Defendant **NEWS 12**, is a corporation organized under the laws of the State of New York, with its principal place of business at One Media Crossways, Second Floor, Woodbury, New York 11797.

12. Upon information and belief, **NEWS 12** is a media entity that owns and publishes several news websites in the New York metropolitan area, including www.news12.com, which regularly publishes Connecticut news stories.

13. Upon information and belief, the police blotter and crime pages of **NEWS 12'S** websites generate online advertising revenue.

FACTUAL ALLEGATIONS

14. Upon information and belief, on or about August 26, 2010, **HEARST** and **SCNI**, through the acts of the Post, the Advocate, and Greenwich Time, published an article in their online versions of their print newspapers that reported that **PLAINTIFF** was “arrested and charged with numerous drug violations Aug. 20 after police received information that a pair of brothers were selling marijuana in town” (hereinafter referred to as the “Hearst Defamatory Statements”).

15. Since January 11, 2012, the Hearst Defamatory Statements have been published and displayed, and continue to be published and displayed, on the Post, the Advocate, and Greenwich Time websites.

16. Upon information and belief, on or about August 25, 2010, **MAIN STREET** published an article on www.thedailygreenwich.com that reported that **PLAINTIFF** was “charged with possession of narcotics, possession of drug paraphernalia and possession of marijuana. She was released after posting a \$1,000 bond and is due in court Aug. 27” (the “Main Street Defamatory Statements”).

17. Since January 11, 2012, the Main Street Defamatory Statements have been published and displayed, and continue to be published and displayed, on the www.thedailygreenwich.com website.

18. Upon information and belief, on or about August 27, 2010, **NEWS 12** published an article on its website that reported that **PLAINTIFF** was “arrested on Aug. 20 after police say they confiscated 12 grams of marijuana, scales and traces of cocaine from their house”, was “freed on bond” and “did not enter a plea” in Stamford Superior Court (together, the “News 12 Defamatory Statements”).

19. Since January 11, 2012, the News 12 Defamatory Statements have been published and displayed, and continue to be published and displayed, on the **NEWS 12** websites.

20. Together the Hearst, Main Street, and News 12 Defamatory Statements are referred to herein as the “Plaintiff Defamatory Statements”.

21. Since January 11, 2012, **DEFENDANTS’** respective online publications of the Plaintiff Defamatory Statements were, and continue to be, false and defamatory.

22. At all material times herein, **PLAINTIFF** maintained a reputation as a successful and respectable professional.

23. Prior to filing this lawsuit, **PLAINTIFF** delivered direct requests to **DEFENDANTS** to remove the Plaintiff Defamatory Statements from their respective websites.

24. In spite of **PLAINTIFF'S** respective requests for such removal, the **DEFENDANTS** failed to do so.

CLASS ALLEGATIONS

25. **PLAINTIFF** now brings this class action individually and on behalf of members of a proposed Plaintiff Class defined in Paragraph 28 below (the "**CLASS**") pursuant to Practice Book Sections 9-7 and 9-8.

26. The **CLASS** is comprised of individuals who are similarly situated to the **PLAINTIFF** in that the **DEFENDANTS** have published and continue to publish the names of the **CLASS** members in the police blotters and/or news sections of their respective online versions of their print newspapers as having been arrested, when in fact they are not deemed to have been arrested.

27. *Numerosity*: The proposed **CLASS** is so numerous that joinder of all members would be impracticable. While the exact number and identities of **CLASS** members are unknown at this time, and can only be ascertained through appropriate discovery, **PLAINTIFF** is informed and believes there are hundreds of individuals in the **CLASS**.

28. *Commonality and Predominance*: There is a commonality of interest among the members of the proposed **CLASS** in that there are questions of law and fact common to the proposed **CLASS** that predominate over questions affecting only individual members. Among the questions of law and fact common to the **CLASS** are:

- a. whether **DEFENDANTS'** online publications of alleged arrests of **CLASS** members are in fact defamatory;
- b. whether **DEFENDANTS** have publicly placed each **CLASS** member in a false light before the public by virtue of **DEFENDANTS'** online publications of alleged arrests of **CLASS** members;

- c. whether **DEFENDANTS** have negligently inflicted emotional distress upon each **CLASS** member by virtue of **DEFENDANTS'** online publications of alleged arrests of **CLASS** members;
- d. whether **DEFENDANTS** misappropriated each **CLASS** member's name and likeness for **DEFENDANTS'** own personal gain and benefit; and
- e. to what extent and magnitude each **CLASS** member has been damaged as a result of the **DEFENDANTS'** (i) defamation of each **CLASS** member as alleged in the First Count of this Complaint, (ii) the placing of each **CLASS** member in a false light before the public as alleged in the Second Count of this Complaint, (iii) negligently inflicted emotional distress upon each **CLASS** member, and (iv) misappropriated each **CLASS** member's name and likeness.

29. *Typicality*: **PLAINTIFF'S** claims are typical of those of the **CLASS** that she seeks to represent.

30. *Adequacy Representation*: **PLAINTIFF** will fairly and adequately protect the interests of the **CLASS**. **PLAINTIFF** has retained competent litigation counsel. **PLAINTIFF** has no interests that are antagonistic to, or in conflict with, the Members of the **CLASS**. Indeed, **PLAINTIFF'S** interests are, for purposes of this litigation, coincident with the interests of the other Members of the **CLASS** litigation.

31. *Superiority*: A class action is superior to other methods for the fair and efficient adjudication of the controversy. Because the damages suffered by individual **CLASS** members are relatively small compared to the expense and burden of litigation, it would be impractical and economically unfeasible for **CLASS** members to seek redress individually.

FIRST COUNT
(Per Se Defamation – Libel)

1-31. Paragraphs 1-31 above are re-alleged in this **FIRST COUNT** as if fully set forth herein.

32. The **DEFENDANTS** each published and circulated their respective Plaintiff

Defamatory Statements with the knowledge and intent that these words were going to be published to hundreds of individuals through each of **DEFENDANTS'** respective worldwide websites.

33. The libelous words written by **DEFENDANTS**, as respectively set forth above in the Plaintiff Defamatory Statements, were in fact false and defamatory and the **DEFENDANTS** knew or, in the exercise of reasonable care, should have known, that the Plaintiff Defamatory Statements were false as, on and after January 11, 2012, **PLAINTIFF** was deemed to have never been arrested.

34. **DEFENDANTS** each respectively published the Plaintiff Defamatory Statements with knowledge of their falsity or reckless disregard of the truth of such statements.

35. The libelous words written by **DEFENDANTS**, as set forth above in the Plaintiff Defamatory Statements, are libelous *per se* insofar as these words were written and insofar as these words accuse **PLAINTIFF** of committing a crime punishable by imprisonment.

36. The libelous words written by **DEFENDANTS**, as set forth above in the Plaintiff Defamatory Statements, have damaged **PLAINTIFF**.

37. As a result of **DEFENDANTS'** respective defamation of **PLAINTIFF**, **PLAINTIFF** has been damaged and is entitled to recover monetary damages in an amount in excess of \$15,000, and punitive damages in excess \$15,000, the precise amounts of which are to be determined at the trial of this matter.

SECOND COUNT

(Publicity Placing Another in a False Light before the Public)

1-31. Paragraphs 1-31 of the **FIRST COUNT** are re-alleged as Paragraphs 1-31 of this **SECOND COUNT** as if fully set forth herein.

32. The **DEFENDANTS** have placed the **PLAINTIFF** in a false light in a manner that would be and is highly offensive to a reasonable person.

33. The **DEFENDANTS** had knowledge of or acted with reckless disregard as to the falsity of the publicized matters and the false light in which the **PLAINTIFF** would be and has been placed.

34. The **PLAINTIFF** has suffered continuing injury and damages as a result of the **DEFENDANTS'** acts.

35. As a result thereof, **PLAINTIFF** is therefore entitled to recover from **DEFENDANTS** compensatory, general and consequential damages in an amount to be determined at a trial of this matter.

THIRD COUNT
(Negligent Infliction of Emotional Distress)

1-31. Paragraphs 1-31 of the **FIRST COUNT** are re-alleged as Paragraphs 1-31 of this **THIRD COUNT** as if fully set forth herein.

32. **DEFENDANTS** owed a duty of care to the **PLAINTIFF** to report truthful information about the **PLAINTIFF**.

33. **DEFENDANTS** each breached that duty of care by respectively publishing and continuing to publish the Plaintiff Defamatory Statements.

34. At all material times herein, **DEFENDANTS**, its representatives, agents and/or employees, knew and/or reasonably should have known that its breach of this duty of care could result in harm to **PLAINTIFF**.

35. **DEFENDANTS'** conduct, through the acts of its representatives, agents and/or employees, breached **DEFENDANTS'** legal duties and involved an unreasonable risk of causing

emotional distress to **PLAINTIFF**.

36. This negligent and careless conduct of **DEFENDANTS'** caused **PLAINTIFF** severe mental and emotional distress, manifested by symptoms reasonably likely to occur to someone in **PLAINTIFF'S** position, such as: anxiety, paranoia, anger, anguish, insomnia, nervousness, headache, and depression.

37. As a result thereof, **PLAINTIFF** is therefore entitled to recover from **DEFENDANTS** compensatory, general and consequential damages in an amount to be determined at a trial of this matter.

FOURTH COUNT

(Invasion of Privacy—Misappropriation of Name & Likeness)

1-31. Paragraphs 1-31 of the **FIRST COUNT** are re-alleged as Paragraphs 1-31 of this **FOURTH COUNT** as if fully set forth herein.

32. Upon information and belief, **DEFENDANTS** each used **PLAINTIFF'S** name in a false, defamatory and deceptive manner without **PLAINTIFF'S** knowledge, information, authorization or consent.

33. By engaging in the above acts, **DEFENDANTS** have misappropriated **PLAINTIFF'S** name and likeness for **DEFENDANTS'** own personal gain and benefit, and to the detriment of **PLAINTIFF**.

34. As a result thereof, **PLAINTIFF** is therefore entitled to recover from **DEFENDANTS** compensatory, general, consequential and punitive damages in an amount to be determined at a trial of this matter.

WHEREFORE, the **PLAINTIFF**, on behalf of herself and the other members of the **CLASS** proposed in this Complaint, prays for the following:

1. That this Court certify the **CLASS** pursuant to the Practice Book, certify **PLAINTIFF** as representative of the **CLASS**, and designate its counsel as counsel for the **CLASS**;
2. That the **PLAINTIFF** and the **CLASS** be awarded money damages against **DEFENDANTS** for the following: their respective *per se* libel and defamation of the **PLAINTIFF** and the **CLASS**; for publicly placing **PLAINTIFF** and the **CLASS** in a false light before the public; for their respective infliction of emotional distress upon **PLAINTIFF** and the **CLASS**; and for their misappropriation of **PLAINTIFF'S** and the **CLASS'S** respective names and likenesses;
3. General and consequential damages;
4. The legal interpretation and determination of **PLAINTIFF'S** and the **CLASS'S** rights under and by virtue of C.G.S. § 52-237;
5. That the amount of damages to the **PLAINTIFF** and the **CLASS** be ascertained and established against the **DEFENDANTS**;
6. Punitive damages, where applicable;
7. That **PLAINTIFF** and the **CLASS** be awarded their expenses and costs of prosecuting this action, including reasonable attorneys' fees and experts' fees and costs;
8. That a permanent restraining order enjoining the **DEFENDANTS** and their officers, agents, subsidiaries, affiliates, and all persons in active concert or

participation with them who receive actual notice of an order from this Court, from publishing in any manner whatsoever, any information that falsely indicates or suggests that **PLAINTIFF** and the **CLASS** were arrested on any charges for which they were deemed to have never been arrested; and

9. Such further and other relief with this Honorable court deems just and proper.

Dated at Stamford, Connecticut, this 11th day of June, 2012.

THE PLAINTIFF,

LORRAINE MARTIN

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AMOUNT IN DEMAND

The amount, legal interest, and or property in demand in this action is greater than FIFTEEN THOUSAND DOLLARS (\$15,000), exclusive of interest and costs.

The remedy sought in this Complaint is not based on an express or implied promise to pay a definite sum.

THE PLAINTIFF,

LORRAINE MARTIN

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