

Relief Requested

2. Plaintiff avers pursuant to Rule 47, Tex. R. Civ. P., that she seeks monetary relief in excess of \$1,000,000.00.

Parties & Service

3. Plaintiff is an individual and a resident of Guadalupe County, Texas.

4. Defendant Netflix, Inc. ("Netflix") is a Delaware corporation with a principal place of business in the State of California and may be served by delivery of citation to its registered agent, CT Corporation System, at its registered office, 1015 15th St. NW, Ste. 1000, Washington, D.C., 20005.

5. Defendant Netflix Worldwide Entertainment, LLC ("Netflix WE") is a Delaware limited liability company with a principal place of business in the State of California and may be served by delivery of citation to its registered agent, CT Corporation System, at its registered office, 5808 Sunset Blvd., 11th Floor, Los Angeles, CA 90028.

6. Kyoko Miyake is an individual who will be located and served using due diligence.

7. Sarit G. Work is an individual who will be located and served using due diligence.

8. Samantha Knowles is an individual who will be located and served using due diligence.

9. Andrew Glazer is an individual who will be located and served using due diligence.

10. Caitlin McNally is an individual who will be located and served using due diligence.

11. Kate Gill is an individual who will be located and served using due diligence.

12. Sabeeh Jameel is an individual who will be located and served using due diligence.

13. Isabel Evans is an individual who will be located and served using due diligence.

14. Defendant Jigsaw Productions LLC ("Jigsaw") is a Delaware limited liability company with a principal place of business in the State of New York. Jigsaw may be served by delivery of citation to its registered agent, Corporation Service Company, at its registered office, 251 Little Falls Dr., Wilmington, New Castle, DE 19808, or by serving Alex Gibney, President, at 26 Broadway, Ste. 1301, New York, NY 10004.

15. Defendant Muddy Waters Productions LLC ("Muddy Waters") is a New York limited liability company with a principal place of business in the State of New York and may be served by delivery of citation by certified mail, return receipt requested, to DOS Process, 601 West 26th St., Ste. 1762, New York, NY 10001.

16. Alex Gibney is an individual residing in New York, NY, and may be served

personally at 26 Broadway, Ste. 1301, New York, NY 10004.

17. Richard Perello is an individual who will be located and served using due diligence.

18. Stacey Offman is an individual who will be located and served using due diligence.

19. Peter Knowles is an individual who will be located and served using due diligence.

20. Philip Ross is an individual and resident of Bexar County, Texas and may be served personally at 1006 Holbrook, San Antonio, TX 78218.

21. Jo Anne Rivera is an individual and resident of Bexar County, Texas and may be served personally at 1006 Holbrook, San Antonio, TX 78218.

22. Laura Martinez is an individual residing in Bexar County, Texas and may be served personally at 3726 Colter Rd., San Antonio, TX 78247.

23. Brittany Martinez is an individual residing in Bexar County, Texas and may be served personally at 3726 Colter Rd., San Antonio, TX 78247.

24. Michelle Martinez is an individual residing in Bexar County, Texas and may be served personally at 3726 Colter Rd., San Antonio, TX 78247.

25. Jose Martinez is an individual residing in is an individual residing in Bexar County, Texas and may be served personally at 3726 Colter Rd., San Antonio, TX 78247.

Jurisdiction and Venue

26. The District Court has jurisdiction over this matter as the amount in controversy exceeds the jurisdictional minimum of the District Courts in Texas.

27. Venue is proper in Bexar County pursuant to § 15.017 of the Texas Civil Practices & Remedies Code as one or more defendants reside in Bexar County, Texas.

Summary

28. This is an action for defamation and intentional infliction of severe emotional distress. Plaintiff seeks damages arising from Defendants' unlawful, outrageous, and intentional destruction of her reputation.

29. In the midst of an ongoing global pandemic during which much of the world's population has been quarantined at home watching television, the above-named Defendants published or caused to be published worldwide, and/or appeared in, an episode of the NETFLIX series DIRTY MONEY entitled "GUARDIANS, INC." (the "Episode") in which Plaintiff was falsely and maliciously defamed.

30. The Episode was presented and published by Netflix, Inc. and Netflix Worldwide Entertainment, LLC, assisted by Kyoko Miyake, Producer, Sarit G. Work, Story Producer, Samantha Knowles, Associate Producer, Andrew Glazer and Caitlin McNally, Development Producers, Kate Gill, Researcher, Sabeeh Jameel, Development Researcher, and Isabel Evans, Series Development Researcher

("Netflix Defendants"). It was produced by Jigsaw Productions, LLC and Muddy Waters Productions, LLC, through the agency of Alex Gibney, Richard Perello, Stacy Offman, and Peter Knowles ("Jigsaw Defendants"). Appearing in the Episode were Philip Ross ("Ross"), Jo Anne Rivera ("Rivera"), Laura A. Martinez ("Laura"), and Brittany Martinez ("Brittany").

31. The Episode, which was later removed from NETFLIX, purports to be concerned with the alleged misuse of legal guardianship proceedings. The Episode aired on March 11, 2020.

32. The Episode presents what is supposedly the experience of an elderly individual from San Antonio, Texas named Charlie Thrash ("Thrash") and his "common law wife", Laura, supposedly torn apart by Plaintiff's "crime" against Thrash without concern regarding Thrash' welfare, life, or death, despite heroic efforts by Ross and Laura. Plaintiff is portrayed as motivated by greed to embark upon a plan to isolate, exploit and steal from the elderly and vulnerable Thrash.

33. The Episode followed and preceded dozens of other false and defamatory publications by Laura and her children Brittany, Michelle, and Joe, but substantially expanded upon their defamation of Plaintiff by intentional misrepresentations of fact and glaring omissions of well-known facts, with actual malice.

34. Defendants' publications concerning Plaintiff are false and defamatory. Based upon the evidence, it is abundantly clear that not only are the publications false, but

that all Defendants acted with at least "actual malice". The Netflix Defendants and the Jigsaw Defendants harbored very serious doubt as to truth or falsity and the remaining Defendants acted with specific intent to publish false and defamatory statements. Each Defendant was indifferent to the certainty that the Episode would destroy Plaintiff's reputation and livelihood and would inflict severe emotional distress upon her.

35. Defendants gave and/or were given a global audience for defamatory publications by several "sources", all individuals known by the other Defendants to have injured Thrash by fraudulent conduct. The Netflix Defendants and the Jigsaw Defendants knew all of the facts alleged in this Petition, including the lengthy findings supporting a judicial award of sanctions of more than \$227,000.00 against the "sources" for their acts in the course of an adjudicated conspiracy to strip Thrash of his property and convert it to their own whim. Defendants omitted to reveal this information that revealed the falsity of the narrative they chose to present.

36. One of the individuals they relied upon, Defendant Philip Ross ("Ross"), is an attorney of incompetent and reckless, charlatan-esque repute. Nearly a year before the Episode in May, 2019 Ross was sanctioned in the sum of \$222,974.00 for conspiring with Laura to fleece the Thrash estate, and was also then the subject of at least two disciplinary proceedings, one filed October, 2019, concerning misconduct involving an otherwise unrelated elderly San Antonio woman who died in 2016, and

another filed in March, 2020 that arose from conduct in the Thrash case. The latter charged “habitual and intentional disregard for court orders, misrepresentations to the court, fraud upon the court, conflicts of interest, dishonesty and deceit”. The Episode also gave an audience to Ross’ paralegal, Jo Anne Rivera, Both falsely and intentionally defamed Plaintiff.

37. Also a “source”, Laura had by May 24, 2019 been adjudicated to have engaged with Ross, Laura, and Laura’s daughter, Brittany Martinez (“Brittany”) in a conspiracy with the ends being to overreach Thrash and circumvent the court’s and the guardians’ supervision of Thrash and to injure Thrash’ estate and receive estate property, with some success. With Ross’ assistance as Thrash’ “attorney” beginning after Thrash’ incapacity had been determined, Laura and Ross fraudulently caused Thrash to marry Laura, to adopt her children, and to give them control over certain Thrash estate property. That “marriage” was then annulled for lack of capacity in March, 2019. The bogus “adoptions” were also set aside in March, 2019. Laura was then sanctioned in the sum of \$190,029.00 for having done so.

38. Also, a “source”, Brittany, Laura’s daughter, was sanctioned in the sum of \$189,029.00, for engaging in the same conspiratorial conduct as Ross and Laura.

39. No reasonable person would or could rely upon these “sources”, nor permit them to appear without publishing the inconvenient adjudicative facts plainly demonstrating that the utter falsity of the “facts” and the “gist” of the Episode.

Defendants negligently, recklessly and/or intentionally failed to publish any of this information while presenting a false and defamatory narrative for the purpose of injuring the Plaintiff for profit.

40. Given a worldwide audience by the Netflix Defendants and the Muddy Water Defendants under circumstances that are at best reckless but probably intentional, Defendants Ross, Laura, and Jo Anne Rivera all defamed Plaintiff.

41. Martinez' children, Brittany, Michelle, and Joe, before and after the airing of the Episode, have all made similar online comments concerning Plaintiff.

42. Hundreds of people around the world have chimed in the chorus of lies published by the Defendants, republishing the defamatory material and further libelous and obscene comments which continue today. Further, Plaintiff has received dozens of death threats, threats of bodily harm, and emails revealing her whereabouts and even threatening her children's life.

43. Defendants are jointly and severally liable for the damages arising from each and every publication and republication of the defamatory matter and for Plaintiff's injuries and damages.

Facts

44. Plaintiff is a private citizen and has had a long career in banking heretofore enjoying an excellent reputation.

45. Charles Thrash was born November 25, 1937. He operated a successful

automotive shop in San Antonio, Texas and owned assets in the range of about \$3,000,000.00 as of the time of the events described herein. Yet, Thrash lived very frugally, in a small apartment attached to his automotive shop.

46. Laura Martinez (“Laura”) and Thrash had been a “couple” since approximately 2014. Due to certain events that occurred after Laura appeared on the scene, the State of Texas Department of Health and Human Services (“HHS”) sought a guardianship over Thrash.

47. On June 24, 2016, Thrash signed a new will naming Laura as his beneficiary, as well as a power of attorney in favor of Laura, which HHS believed were signed under undue influence. Henry Christopher, Thrash long-time attorney, had previously refused to draft the power of attorney for Laura because Laura would not let him meet with Thrash to discuss it. Laura went around Christopher to another attorney because, according to Thrash, Laura does not trust Christopher. Christopher notified Frost Bank of his concerns that Thrash was being manipulated.

48. In November 2016, Laura was designated as the lucky one named in the “CT Thrash Automotive and Truck Differential Service Succession Plan” (“Succession Plan”). The Succession Plan was drafted by Laura’s attorney, Carlos Uresti, a felon convicted in the United States District Court on criminal counts involving fraud and misappropriation of client funds. Laura and all of her children were then working in Thrash’ business.

49. In 2017, Thrash' spending habits changed significantly, including the purchase of a \$747,100.00 home for which Thrash believed he had paid only \$230,000.00, and large sums of money spent at retail stores. Laura and all of her children were living in the home without payment of rent. Meanwhile, Thrash was paying the mortgage on Laura's home with no binding promise of repayment.

50. Thrash' cell phone was suddenly "lost" and from that point all calls to Thrash, business and personal, had to be made to Laura's cell phone.

51. Thrash had banked at Frost Bank for 40 years, but his funds were inexplicably moved to Bank of America. Because of the red flags seen by Frost indicating Thrash was being fleeced by Laura, Frost contacted HHS.

52. On August 23, 2017, HHS filed an Application for Temporary Guardianship and Permanent Guardianship ("HHS' Application") in The Probate Court No. 1 of Bexar County, Texas ("Probate Court").

53. On August 29, 2017 a Report of Court Investigator ("August 29, 2017 Report") was prepared. The content of the August 29, 2017 Report is incorporated herein. The report details disturbing acts and conduct by Laura and her children, Brittany and Joe to the detriment of Thrash' estate and for their direct benefit.

54. On August 31, 2017, Thrash agreed to the temporary guardianship sought by HHS with the assistance of an attorney ad litem. San Antonio attorney Thomas Bassler was appointed as Temporary Guardian of the Person and of the Estate of

Thrash. The order removed Thrash' rights to make gifts, to travel outside of Bexar County, to execute a will or directive to physicians, and the power to marry or divorce.

55. On November 15, 2018, The Probate Court entered an order appointing Laura as Guardian of the Person and Tonya Barina as Guardian of the Estate of Thrash. Plaintiff, as Guardian of the Estate of Thrash, filed a Motion to Reconsider and Motion for New Trial which was heard on January 29, 2019.

56. On January 29, 2019, The Probate Court entered an order ("January 29, 2019 Order") finding again that Thrash was incapacitated, and that Laura should be removed as a guardian. The January 29, 2019 Order appointed Tonya Barina as Guardian of the Person and of the Estate of Thrash and removed Laura as Guardian of the Person. Plaintiff remained Guardian of the Estate. The January 29, 2019 Order was affirmed by order of the Fourth Court of Appeals in San Antonio, Texas on December 4, 2019. Because of Laura's disturbing conduct that had been reported, the order included injunctive orders that prohibited Ross, Laura, Brittany, and anyone else from engaging in (continuing) their conduct that is described below, which they then continued in contempt of the injunctive orders.

57. Ross and Laura were aware of the January 29, 2019 Order at the time of its entry and were informed by the Court that Thrash was incapacitated that Ross' claim to have contracted with Thrash for legal services was void for want of capacity, as

shown on pages 11 and 12 of the reporter's record.

58. It has been adjudicated since May 24, 2019 that following the entry of the January 29, 2019 Order Ross, Laura and Brittany engaged in a fraudulent scheme to assist Laura and her ex-husband and her children, and Ross himself, to continue fleecing Thrash's Estate.

59. First, Ross and Laura caused Thrash to participate in a marriage ceremony. This scheme involved at least the following: 1) Ross and Laura taking Thrash out of Bexar County, Texas without the knowledge of or consent from The Probate Court or his Guardians, and obtaining a marriage license in DeWitt County, Texas for him to marry Laura; 2) Ross and Laura arranging for the marriage ceremony, including arranging a place for the marriage and securing an officiant; 3) Ross and Laura causing Thrash to participate in a marriage ceremony on or about March 4, 2019; 4) Ross participating in the marriage ceremony by serving as best man and by signing the certificate of Holy Matrimony. Ross and Laura concealed this from The Probate Court and Thrash's Guardians. The fraudulent "marriage" of Thrash and Laura was judicially annulled on March 15, 2020.

60. On February 4, 2019 at a hearing on a Motion for Temporary Restraining Order and Temporary Injunction. The Probate Court again informed Ross, and announced in open court with Laura and Brittany in attendance, that The Probate Court had found Thrash to be without capacity and that Ross could not represent

Thrash or be his attorney of record, as shown on page 29 of Reporter's Record. Also at the time of the February 4, 2019 hearing, The Probate Court further reviewed with Ross, with Laura and Brittany in attendance, that Ross did not have standing and that the proper procedure, if they were not satisfied with the January 29, 2019 Order, was to appeal, as shown on pages 14 through 15 and page 20 of the Reporter's Record.

61. At a hearing on February 22, 2019 hearing on a Second Motion for Temporary Restraining Order and Temporary Injunction, The Probate Court again informed Ross and announced in open court, with Laura and Brittany in attendance, that Ross lacked standing to represent Thrash's interests and reiterated its earlier determination that Ross could not be Thrash's attorney, as shown on pages 16 through 18 and 35 of the Reporter's Record.

62. Undeterred, on February 27, 2019, Brittany filed assumed name certificates for herself doing business as "Thrash Automotive" and "CT Thrash Differential and Axle Service", converting Thrash' trade names to her own use, though Thrash had already sold "Thrash Automotive" to another person.

63. At a hearing on March 7, 2019 of a Second Amended Verified Motion for Temporary Restraining Order and Temporary Injunction and Permanent Injunction, the Court informed Ross, and again announced in open Court with Laura and Brittany present, that Ross was not and could not be Thrash's attorney, as shown on

page 6 of the Reporter's Record.

64. At a hearing on March 15, 2019 on an Original Petition for Annulment (of the "marriage" of Thrash and Laura) and for Temporary Relief, the Court explained to Ross, with Laura and Brittany in attendance, that Ross did not have standing to appear on behalf of Thrash, and that the proper procedure if they were not satisfied with the January 29, 2019 Order, was to appeal that Order or seek to intervene, as shown on pages 8 through 10 of the Reporter's Record.

65. Equally undeterred, on or about March 5, 2019, Ross signed and filed "Plaintiffs' Original Petitions for Adoption" in Bexar County District Court, in Cause No. 2019-CI-04422 ("Brittany's Adoption") and Cause No. 2019-CI-04424 ("Joe's Adoption") and signed and submitted for entry Decrees of Adoption in both, knowing of the Court's January 29, 2019 Order, and of the admonishments made in open court regarding Thrash's incapacity and inability to contract. Further, both Petitions for Adoption falsely represented that Ross is the attorney for Thrash and falsely represented that "(t)here are no Court-ordered relationships affecting the parties or the subject matter of this suit" when in fact there was a court ordered guardianship for Thrash at that time. Both were groundless, brought in bad faith, and brought for the purpose of harassment and to interfere with the pending guardianship. Ross, Laura, Brittany and Joe all knew the allegations in both were utterly false. On March 5, 2019, Ross, Laura, Brittany and Joe appeared before the

Honorable David Canales, Judge Presiding, in Brittany's Adoption and Joe's Adoption, without the knowledge of The Probate Court or consent from Thrash's Guardians and participated in the proceedings for the adoption of Laura's adult children, Brittany and Joe, by Thrash.

66. Ross, Laura, Joe and Brittany demonstrated dishonesty and contempt of The Probate Court by failing to notify The Probate Court of their intention to participate in proceedings for the adoption of Brittany and Joe by Thrash without the knowledge of or consent from The Probate Court or Thrash's Guardians.

67. Ross, Laura, Joe and Brittany demonstrated dishonesty and contempt of The Probate Court by failing to notify Judge Canales of the January 29, 2019 Order, of the fact that Thrash was adjudged totally incapacitated and without capacity to contract or marry and of the fact that The Probate Court and Thrash's Guardians had no knowledge of and had not consented to the adoptions.

68. On March 8, 2019, The Probate Court's investigator filed a Report of the Court Investigator ("March 8, 2019 Report") with The Probate Court. The entirety of the March 8, 2019 Report is incorporated herein. The conclusion of the March 8, 2019 Report is that Ross, Laura, Brittany had isolated, and overreached Thrash, that he does not want to marry, does not want to marry Laura, did not have a problem with the guardianship as long as he is able to work in his shop, is fond of Plaintiff, that Thrash' friends, other than one, have been unable to communicate with Thrash

due to interference by Laura, that Laura had contacted all women Thrash knew, including his long-time bookkeeper, and told them to “stay away”, that Laura’s ex-husband moved into Thrash’s apartment at the shop without consent and was supposed to pay rent but never did and that he destroyed the apartment such that it now requires renovation, that Laura’s ex-husband stole and wrecked a \$100,000.00 antique car in a drunken driving accident, that Laura and her family had taken a thriving, 50 year-old business that was profitable and turned it into a money-losing business, that Laura hit Thrash and caused significant bruising, that Laura might have been planning an arson at Thrash’s airplane hangar, that Laura’s ex-husband has had two “emotional disturbance incidences [sic]” in Thrash’s presence, that Joe has a schizoaffective disorder and lives with Thrash but pays nothing for rent, that Ross and Laura have taken Thrash from Bexar County on five separate occasions without consent of the Guardian and in violation of the injunctive orders, and many other details too long to list.

69. On April 10, 2019, a hearing was had on an Application for Injunctive Relief filed by Plaintiff, in her capacity as the Guardian of the Estate of Thrash, and by the Guardian of the Person of Thrash. The Probate Court granted the injunction, finding that Ross, Laura, Joe, and Brittany had “individually, and in concert with each other...engaged in acts in violation of the rights of [Thrash] or his estate, including...: concealing property...: converting property...: breaching fiduciary

duties...; engaging in fraud...; making misrepresentations about their relationship to and authority to act on behalf of [Thrash]; filing pleadings on behalf of [Thrash] without authority...in direct contravention of this Court's rulings; requesting relief on behalf of [Thrash] from the Courts in this State without showing candor and honesty...and without authority; misappropriating the name and likeness of [Thrash]; unjustly enriching themselves by unlawfully securing and receiving benefits from [Thrash]; wrongfully holding funds and property belonging to [Thrash]; and improperly interfering with the proper and lawful performance of the duties of the...guardians...by withholding information, access to property, billing and medical documentation...". All of the findings and orders contained in the eleven-page order are incorporated herein.

70. On April 15, 2019 Ross appeared before the Honorable David Canales on Plaintiffs' Rule 12 Motions to Show Authority filed in Brittany's Adoption and in Joe's Adoption and opposed those motions notwithstanding his knowledge of the January 29, 2019 Order and of the admonishments made in open court as set forth above.

71. Brittany's Adoption and Joe's Adoption were set aside by orders signed on March 22, 2019, almost a year before the Episode aired.

72. With knowledge that Thrash was found to be totally incapacitated and without capacity to contract or marry and of the January 29, 2019 Order, Ross, Laura and

Brittany each committed or participated in one or more of each of the wrongful acts described in the thirty-five page First Amended Order Granting Motion for Sanctions entered on May 24, 2019 (“May 24 2019 Sanctions Order”) and a Second Amended Order Granting Sanctions entered on May 29, 2019 (“May 29, 2019 Sanctions Order”) (collectively, the “Sanctions Orders”), almost a year before the Episode aired. The May 24, 2019 Sanctions Order and the May 29, 2019 Sanctions Order are incorporated herein. In the Sanctions Orders, the Court found amongst other things:

a. “The Respondents have acted in concert with each other, with each having undertaken one or more overt acts as found herein which were undertaken in furtherance of a common plan or scheme to frustrate and avoid the effect of the January 29, 2019 Order, to interfere with the proper administration of the Guardianship of the Person and Estate of Thrash, to undermine the authority and integrity of The Probate Court, and to interfere with The Probate Court’s legitimate exercise of its traditional core functions, to wit deciding issues of fact, deciding questions of law, rendering final orders and enforcing its orders.”

b. “Because the Respondents have acted in concert with each other in furtherance of a common plan or scheme, it is just and proper that sanctions be imposed upon them jointly and severally to the extent ordered herein.”

c. “The conduct of Respondents as found herein was intentional, knowing and

outrageous.”

d. “There is a direct relationship between the sanctions ordered herein and the offensive conduct of each of Respondents and of Respondents' collective conduct undertaken in concert with each other and other in furtherance of a common plan or scheme.”

e. “Respondents' repeated misconduct as found herein supports the inference that their claims and defenses in this cause are without merit.”

f. “IT IS THEREFORE ORDERED that the Court imposes and orders the following sanctions against each of the Respondents: 1) ...Sanctions/Attorney's fees against Philip M. Ross, Laura Martinez and Brittany A. Martinez... in the amount of \$187,529.00... 2) Sanctions/Attorney's fees against Philip M. Ross, in the amount of \$30,445.00; 3) Punitive sanctions against Philip Ross, in the amount of \$5,000.00... 4) Punitive sanctions against Laura Martinez, in the amount of \$2,500.00... 5) Punitive sanctions against Brittany Martinez, in the amount of \$1,500.00... 6) As a sanction, Laura Martinez shall not be entitled to pursue any claim, or offer any evidence to support any claim, that Laura Martinez is or was ever the wife of Charles Thrash... 7) The acts and omissions of Laura Martinez and Brittany Martinez justify the presumption that their claims and defenses... lack merit and justify ... the pleadings of Laura and Brittany asserting any affirmative claim or asserting any affirmative defense are stricken.”

73. Between March 22, 2019 and June 4, 2019, Plaintiff's attorney Karen R. Andersen corresponded with Kate Gill of Muddy Waters. On or before March 22, 2019, Andersen sent Gill the August 27, 2017 Report and the March 8, 2019 Report. On March 29, 2019, Andersen sent a transcript of the April 10, 2019 hearing that led to the Sanctions Orders. On June 4, 2019, Andersen sent a copy of one or more of the Sanctions Orders to Gill. On April 15, 2019, Gill wrote that "...after reviewing the attached transcript and investigating the matter further, many questions remain in our minds-namely about Laura's motives...We've only heard one side of the story-and you (and your client, of course) are the only ones who can offer us a full picture of the case". That information was provided.

74. Gill had requested and received "the full picture", and yet the Netflix Defendants and the Jigsaw Defendants intentionally chose to exclude the information in order to present a false picture. The "gist" of the Episode is that Thrash and the "sources", Laura, and Brittany, are victims of the Plaintiff's overreaching and abusive conduct toward Thrash, and that Ross is some type of a hero, and that Plaintiff is a villain. These Defendants deliberately chose to present only one "side" - the one that is conclusively belied by adjudicative facts omitted from the Episode. They deliberately chose to withhold true information, while presenting false information proven false, solely to create the perception that Plaintiff was an elder-abusing criminal who dehumanized and exploited Thrash for

personal gain. The adjudicative facts establish not only that Plaintiff had performed her duties ably despite interference from Laura and her children, but that Laura and her children intentionally conspired together to exploit and abuse and steal from Thrash. The portrayal of Plaintiff could not be less true than the picture painted by the Defendants. At a minimum the Netflix Defendants and the Jigsaw Defendants published and gave a forum for publications of defamatory and false information with "actual malice"; the evidence supports a strong inference that they did so intentionally. Ross, Laura, and Brittany did so intentionally-obviously.

75. In the weeks that followed the Episode's release, a global pandemic required increased numbers of Netflix subscribers to stay at home. Upon information and belief, viewership of the Episode increased because of the state-at-home orders that were in place to deal with this health crisis. It has been widely reported in the financial media that subscriptions to Netflix, a publicly traded company, have grown substantially since the crisis began.

76. The Defendants' publications have destroyed the Plaintiff's good name and reputation and Plaintiff is being subjected to public hatred, disgrace, contempt, and ridicule, and to harassing and threatening emails, voicemails, letters, social media posts, and stalking.

77. The severe emotional distress resulting from Defendants' libelous publications has had a severe and deleterious effect on Plaintiff's health. She now

suffers from anxiety, insomnia, lack of appetite, and loss of hair, among other symptoms.

78. The facts alleged above, including but not limited to those reported in the August 29, 2017 Report, the March 8, 2019 Report, and the Sanctions Order directly rebut the false claims made in the Episode and the entire context in which it was presented. Defendants intentionally disregarded this information when publishing their false and defamatory statements concerning Plaintiff, with actual malice.

First Cause of Action: Defamation

79. Plaintiff repeats and re-alleges the allegations set forth above.

80. Through their streaming of the Episode worldwide on Netflix, the Netflix Defendants published and caused to be published statements of and concerning Plaintiff that they knew to be false, or concerning which they recklessly disregarded truth and falsity, or knew or should have known in the exercise of reasonable care were false and defamatory concerning the Plaintiff. The degree to which the Episode skewed the facts demonstrates that the Netflix Defendants did so with “actual malice”, or with the specific intent to sensationalize the defamatory information for the purpose of harming the Plaintiff, for profit.

81. Through their involvement in producing the Episode, the Jigsaw Defendants published and caused to be published statements of and concerning Plaintiff that they knew to be false, or concerning which they recklessly disregarded truth and falsity.

or knew or should have known in the exercise of reasonable care were false and defamatory concerning the Plaintiff. The degree to which the Episode skewed the facts demonstrates that the Jigsaw Defendants did so with “actual malice”, or with the specific intent to sensationalize the defamatory information for the purpose of harming the Plaintiff, for profit.

82. Through various platforms, Laura, Brittany, Michelle and Joe published statements of and concerning Plaintiff that each knew to be false, intentionally recklessly disregarded known falsity, and intentionally defamed the Plaintiff with the specific intent to defame and harm the Plaintiff.

83. Through their publications all of the Defendants held Plaintiff up to public scorn and ridicule and destroyed her good name and reputation. The public has been left with the false understanding and belief that Plaintiff, among other things, and stole from Mr. Thrash, a vulnerable elderly man. The public has been further led to believe that Plaintiff has engaged in unethical and criminal conduct against Mr. Thrash and perhaps others.

84. As a result of this defamation, Plaintiff has suffered, and continue to suffer substantial harm in the form of past and future loss of reputation, personal injury, severe emotional distress, fear of death, and lost earning capacity. She is entitled to public apologies and retractions and an award of significant monetary damages, actual and exemplary.

85. Demand for retraction has been presented to the Defendants but they have not withdrawn or corrected their false statements.

Second Cause of Action:

Intentional Infliction of Severe Emotional Distress

86. Plaintiff repeats and re-alleges the allegations set forth above.

87. All of the Defendants knew they would inflict and intended to inflict severe emotional distress on Plaintiff.

88. The Defendants' acts described above are extreme and outrageous, beyond all bounds of possible decency, and utterly intolerable in civilized society.

89. The acts described above have caused and continue to cause Plaintiff to suffer severe emotional distress of a nature that no reasonable person should be expected to endure.

90. As a result of this intentional infliction of emotional distress, Plaintiff has suffered, and continue to suffer, substantial damages.

91. Defendants' conduct was "grossly negligent", or constitutes "malice", as defined in Ch. 41, Tex. Civ. Prac. & Rem. Code. Accordingly, Plaintiff shall be entitled to recovery of exemplary damages as limited by that statute.

Aiding and Abetting/Assisting & Encouraging/Concert of Action

92. The Netflix Defendants and the Jigsaw Defendants each committed a tort and had knowledge that Ross', Rivera's and Laura's conduct constituted a tort. Each had

the intent to assist Ross, Rivera and Laura to commit the tort, and gave them assistance or encouragement which was a substantial factor in causing the tort and the resulting damages.

Conspiracy

93. Ross, Rivera, Laura and Brittany each participated in a conspiracy to accomplish an unlawful purpose or a lawful purpose by unlawful means. Each had a meeting of the minds on the object or course of action and each committed one or more unlawful acts in furtherance of the object of the conspiracy, and each proximately caused Plaintiff's injuries and damages.

Conditions Precedent

94. All conditions precedent to this suit have occurred or have been performed or are excused.

Jury Demand

95. Plaintiff hereby demands a jury trial.

Request for Disclosure

96. Plaintiff requests that the Defendants each disclose within the time required by the Rule 194.3, Texas Rules of Civil Procedure the material and information described in Rules 194.1 and 194.2.

Request for Production

97. Plaintiff requests that the Defendants produce a full, unedited and complete

video copy of the Episode as defined in this Petition.

98. Plaintiff requests that the Defendants produce a full, unedited and complete transcript of all words published in the Episode as defined in this Petition.

99. Plaintiff requests that the Defendants produce a true and correct, complete and unedited copy of every interview and all documents, photographs and other information received and/or reviewed by such Defendant prior to the airing of the Episode, as defined in this Petition, on or about March 11, 2020.

100. Plaintiff requests that the Defendants produce true and correct complete copies of each and every communication or publication concerning the Plaintiff authored by any Defendant under a Defendant's actual or constructive possession, custody or control.

101. Plaintiff requests that the Defendants produce a true and correct and complete copy of all communications received by any such Defendant from the public, concerning the Episode as defined in this Petition, at any time following the time the Episode aired on or about March 11, 2020.

102. Plaintiff requests that Defendants produce a true and correct complete copy of any and all agreements by or between any of the Defendants related, directly or indirectly, to: a) the Episode as defined in this Petition; b) the role any Defendant occupied with respect to the Episode; and c) employment by any Defendant of any other Defendant.

103. Plaintiff requests that Defendants produce a true and correct copy of every document, tangible thing, photograph, electronic data, or other item retrieved from the files of The Probate Court, as defined in this Petition, and from the files in Brittany's Adoption and/or Joe's Adoption, as defined in this Petition.

104. Produce the documents evidencing the settlement of claims arising from the Episode, as defined in this Petition, between any Nicholas J. Louisa and a) Netflix, Inc.; b) Netflix Worldwide Entertainment, LLC; c) Jigsaw Productions, LLC; d) Muddy Waters Productions, LLC; e) Alex Gibney; f) Richard Perello; g) Stacey Offman; h) Peter Knowles; i) Samantha Knowles; j) Lisa Siegel Belanger; k) Lonnie Brennan; and l) Boston Broadside.

105. Plaintiff requests that Defendants produce all correspondence, emails and other written communication between any Defendant and Plaintiff, or any attorney representing Plaintiff, including but not limited to Karen Andersen.

Prayer

WHEREFORE, Plaintiff respectfully requests that the Defendants be cited and served and commanded to answer, that this cause be set for a jury trial and that upon final trial that Plaintiff have judgment, jointly and severally, against all Defendants for damages, nominal, actual, and exemplary, and for such other relief to which Plaintiff is shown entitled, and for general relief.

Respectfully submitted,

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By: *vs. Carl J. Kolb*
Carl J. Kolb
State Bar Number 11660480
Glenn Deadman
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