

SHORT TITLE: KELLY VS. DOE	CASE NUMBER
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ONE _____ CAUSE OF ACTION- Intentional Tort Page 1

(number)

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): THOMAS P. KELLY III
 alleges that defendant (name) : JOHN DOE A/K/A MICHAEL L.

Does 1 to 10

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
 on (date): JANUARY 17, 2019
 at (place): SAN FRANCISCO, CALIFORNIA

(description of reasons for liability):
 ON JANUARY 17, 2019 DEFENDANT ANONYMOUSLY POSTED A REVIEW TO THE ONLINE SYSTEM WWW.YELP.COM STATING AS FOLLOWS: "DO NOT DO IT. HE COMPLETELY BUNGLED MY CASE. HAS NO IDEA WHAT HE'S DOING. EVENTUALLY I HAD TO FIND ANOTHER ATTORNEY AND PAY DOUBLE. STAY AWAY!"

PLAINTIFF DOES NOT AND NEVER HAS REPRESENTED ANYONE NAMED "MICHAEL L." AND DOES NOT HANDLE CASES IN SAN FRANCISCO. FURTHER, THIS STATEMENT CONTAINS REPRESENTATIONS OF FACT WHICH ARE DEMONSTRABLY FALSE. (1) THAT THERE WAS A CASE, (2) THAT PLAINTIFF REPRESENTED DEFENDANT IN THAT CASE, (3) THAT THE CASE WAS "COMPLETELY BUNGLED" (4) THAT DEFENDANT HAD TO HIRE ANOTHER ATTORNEY, AND (5) HAD TO PAY DOUBLE.

THESE WERE NOT MERE STATEMENTS OF OPINION, BUT WERE STATEMENTS OF FACT. THESE STATEMENTS WERE FALSE WHEN MADE, WERE PUBLISHED TO THIRD PARTIES IN THE ONLINE SYSTEM OF WWW.YELP.COM, THE DEFENDANT KNEW THEM TO BE FALSE WHEN MADE, WERE MADE WITH THE CLEAR INTENT TO CAUSE HARM TO PLAINTIFF, AND CAUSED DAMAGE TO PLAINTIFF'S BUSINESS AND REPUTATION IN AN AMOUNT NOT LESS THAN \$100,000.00.