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Attorneys for Plaintiff Yuin Kim

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

YUIN KIM,

Plaintiff,

vs.

JOHN DOE DEFAMER and JANE DOE
DEFAMER, husband and wife

Defendants.

NO. CV2021-052995

COMPLAINT

(Tort: Non-Motor Vehicle)

Plaintiff Yuin Kim, through counsel, for his complaint, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. Yuin Kim is a resident of Alberta, Canada, but conducts business in the United States.

2. Defendant John Doe Defamer is either a resident of Maricopa County, Arizona, or has caused an event to occur in Maricopa County, Arizona, out of which Mr. Kim claims liability.

3. Defendant John Doe Defamer is the fictitious name ascribed to a person whose identity is not yet known but whose acts constitute the torts alleged below for which Mr. Kim seeks recovery. At such time as the true identity of John Doe Defamer is ascertained, Mr. Kim will amend the complaint to properly identify John Doe Defamer.

4. Defendant Jane Doe Defamer is the fictitiously named spouse of Defendant John Doe Defamer. Jane Doe Defamer is joined to this action as a member

1 of the marital community of John Doe Defamer and Jane Doe Defamer, if any. All acts
2 done by John Doe Defamer were on behalf or for the benefit of such marital community.
3 At such time as Jane Doe Defamer's true name becomes known, the complaint will be
4 amended to properly identify Jane Doe Defamer.

5 5. This court has subject matter jurisdiction over the claims pled. This court
6 has personal jurisdiction over the parties. Venue is proper in Maricopa County.

7 **GENERAL ALLEGATIONS**

8 6. In 2019, John Doe Defamer posted content on the website,
9 www.thedirty.com ("The Dirty Website") attacking the character, reputation, morality,
10 and behavior of Mr. Kim.

11 7. The assertions made by John Doe Defamer suggest:

- 12 a. Mr. Kim is a "con artist."
- 13 b. Mr. Kim has committed sexual assault.
- 14 c. Mr. Kim uses deception and fraud and other nefarious practices in
15 business.
- 16 d. Mr. Kim steals investors' money.
- 17 e. Mr. Kim hires prostitutes.
- 18 f. Mr. Kim is unfaithful to his wife who ingests illegal drugs.

19 8. These assertions are false, which were known by John Doe Defamer to
20 be false when made.

21 9. The content includes racist commentary and content against Mr. Kim
22 based on his background as Asian.

23 10. In spite of efforts to discover the identity of John Doe Defamer, The Dirty
24 Website does not publicize or provide access to its users.¹

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26 ¹ A subpoena will be issued to The Dirty Website to expose the true identity of John Doe Defamer.

1 **FIRST CLAIM FOR RELIEF**
2 **(DEFAMATION)**

3 11. Mr. Kim incorporates by reference all prior allegations as though fully set
4 forth in this claim for relief.

5 12. The content posted by John Doe Defamer to The Dirty Website has a
6 tendency to damage and has damaged the person, reputation, business acumen, and
7 business prospects for Mr. Kim.

8 13. John Doe Defamer's post on The Dirty Website constitute defamation *per*
9 *se* and defamation *per quod*.

10 14. John Doe Defamer's posted content on The Dirty Website were done with
11 malice and intent to harm and have done actual harm to Mr. Kim's reputation to such
12 an extent that an award of punitive damages is appropriate.

13 **SECOND CLAIM FOR RELIEF**
14 **INTENTIONAL INFLICTION OF EMOTION DISTRESS**

15 15. Mr. Kim incorporates by reference all prior allegations as though fully set
16 forth in this claim for relief.

17 16. Defendant John Doe Defamer's posted content constitutes outrageous
18 and extreme conduct intended by John Doe Defamer to cause emotional distress, agony,
19 anxiety, and has actually done so.

20 17. Mr. Kim has sustained compensable damages for emotional distress
21 committed by Defendant John Doe Defamer.

22 **THIRD CLAIM FOR RELIEF**
23 **INTENTIONAL INTFERENCE WITH BUSINESS EXPECTANCY**

24 18. Mr. Kim incorporates by reference all prior allegations as though fully set
25 forth in this claim for relief.

26 19. Mr. Kim is a commercial and residential property developer with projects
in the United States.

20. Upon information and belief, Defendant John Doe Defamer is aware of
and familiar with the business activity of Mr. Kim.

1 21. The defamatory content posted by John Doe Defamer is intended to injure
2 Mr. Kim's prospects for further business dealings with others by specific reference to
3 Mr. Kim's business practices and business ethics.

4 22. John Doe Defamer has caused Mr. Kim to lose trust of business
5 associates, potential business, and injured Mr. Kim's business expectancy.

6 23. The conduct by Defendant John Doe Defamer was intentional, was
7 intended to cause harm and was done with malice. An award of punitive damages is
8 appropriate.

9 WHEREFORE, based upon the foregoing, Mr. Kim prays for entry of judgment
10 in his favor and against Defendant John Doe Defamer and Jane Doe Defamer as
11 follows:

12 A. Compensatory, consequential, incidental, punitive damages in amounts
13 to be proven at trial, plus interest from the date such sums become liquidated at the
14 legal rate under A.R.S. § 44-1201.

15 B. For costs and attorneys' fees in the event there is an imposition of
16 frivolous defenses pursuant to Ariz. R. Civ. P. 11 and A.R.S. § 12-349, and interest
17 from the date of judgment at the legal rate under A.R.S. § 44-1204.

18 C. For a temporary restraining order, preliminary injunction, and permanent
19 injunction requiring Defendant John Doe Defamer to remove, withdraw, or otherwise
20 delete any and all defamatory content from any website and to de-publish the same,
21 with such order to be binding upon the Defendants, their agents, confederates,
22 attorneys, or any person in active concert or participation with them causing the
23 defamatory content to remain publicly available.

24 **DATED** this 18 day of August 2021.

25 **CLARK HILL PLC**

26 By: /s/ Ryan J. Lorenz
 Ryan J. Lorenz
 Attorneys for Plaintiff Yuin Kim

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

****FILED****

06/15/2022

by Superior Court Admin
on behalf of Clerk of the
Superior Court

06/11/2022

COURT ADMINISTRATION

Ct. Admin
Deputy

Case Number: CV2021-052995

Yuin Kim

V.

John Doe Defamer

The Judge assigned to this action is the Honorable Alison S Bachus

JUDGMENT OF DISMISSAL

This case was previously placed on the dismissal calendar for dismissal pursuant to Rule 38.1(d) of the Arizona Rules of Civil Procedure. When the court placed this matter on the dismissal calendar, the court specified what action would need to occur to avoid dismissal. None of the actions listed have occurred by the specific date.

Pursuant to Rule 38.1(d)2 of the Arizona Rules of Civil Procedure

IT IS ORDERED, dismissing all unadjudicated claims in the above entitled case without prejudice.



SPECIAL COMMISSIONER

Superior Court of Maricopa County - integrated Court Information System

Endorsee Party Listing

Case Number: CV2021-052995

Party Name	Attorney Name	
Yuin Kim	Ryan J Lorenz	Bar ID: 019878