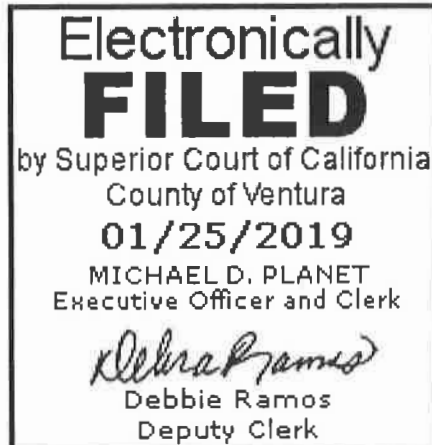


Robert J. Hudock (Bar No. 208633)
Eliza Langdon Oliver (Bar No. 272028)
Hudock Employment Law Group
515 S. Flower Street, Suite 1220
Los Angeles, CA 90071
Tel.: 213.418.9444
Fax: 213.418.9445
rhudock@hudockemploymentlaw.com
elangdon@hudockemploymentlaw.com



Attorneys for Plaintiff ERIC WOLF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF VENTURA

ERIC WOLF, an individual,

Plaintiffs,

v.

ROBERT CABRERA, an individual, and
DOES 2-150, inclusive,

Defendants.

Case No.: 56-2017-00502502-CU-DF-
VTA

**FIRST AMENDED COMPLAINT
FOR:**

1. DEFAMATION PER SE
2. DEFAMATION PER QUOD
3. INVASION OF PRIVACY –
INTRUSION INTO PRIVATE
AFFAIRS
4. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS

DEMAND FOR JURY TRIAL

Plaintiff ERIC WOLF (“Wolf”) submits this Complaint (“Complaint”) against Defendants
Robert Cabrera and Does 2-150, inclusive (collectively “Defendants”).

PARTIES

1. At all relevant times, Plaintiff Wolf was and is a resident in Bell Canyon, Ventura County,
California.

2. Upon information and belief, Defendant Robert Cabrera is, and at all relevant times has been,
an individual residing in Los Angeles County, California.

3. Wolf is ignorant of the true names and capacities of Defendants sued herein as Does 2 - 150, inclusive, and therefore sues these Defendants by such fictitious names. Wolf will amend this complaint to allege their true names and capacities when ascertained. Wolf is informed and believes and thereon alleges that each of the fictitiously named Defendants is responsible in some manner for the defamation, invasion of privacy, infliction of emotional distress, and other wrongful conduct alleged herein, and that Wolf's damages as alleged herein were proximately caused by their conduct.

4. Defendants, at all relevant times, were the agents, servants, representatives, employees, and/or co-conspirators of their codefendants, Does 2 - 150, and in doing the things hereinafter alleged were acting within the course and scope of such agency, service, representation, and/or employment, and/or in conspiracy with Does 2 - 150.

5. The defamation, invasion of privacy, infliction of emotional distress, and other wrongful conduct alleged herein were committed in Ventura County and/or were specifically aimed at Wolf, a resident and citizen of Ventura County.

GENERAL ALLEGATIONS

6. Bell Canyon, where Wolf resides, is a planned community and municipality in Ventura County. It is governed by a homeowners' association—Bell Canyon Association ("BCA"). All owners of property in Bell Canyon are members of the BCA.

7. Wolf has resided in Bell Canyon 2010. Since approximately 2011, he has been on the BCA Board of Directors, and has served as the President of the Board since approximately 2012. He earned a good reputation, both generally and in his participation on the Board and in the community.

8. Defendants have maliciously and spitefully attacked and maligned Wolf in extreme and outrageous ways. Defendants committed the acts alleged herein for the specific purpose of harming him professionally, privately, financially, and emotionally—and harming Wolf's family to further harm him. Defendants personally committed these acts, took responsible parts in them, and/or participated in conspiracies to facilitate and/or further the illegal acts.

9. In or around August 2016, one or more Defendants formed a plan to obtain Wolf's and his family's private phone call records and/or information, to identify persons to call to make

1 defamatory statements about Wolf. They agreed to have one Defendant call Sprint and fraudulently
2 represent that she is a Sprint representative, for the purpose of obtaining information regarding and
3 from Wolf's and his family's mobile communications account.

4 10. Pursuant to the plan and agreement, in August 2016, a Defendant used a Texas telephone
5 number to contact a Sprint representative in a call center in the Dominican Republic. This Defendant
6 used an illegally obtained Sprint employee identification number for a representative in the
7 Philippines to use to for the call. This Defendant fraudulently, and ironically, represented to the
8 legitimate Sprint employee that she worked in Sprint's fraud department, and she was conducting a
9 fraud investigation to protect Wolf's privacy. She instructed the legitimate Sprint representative to
10 bypass protocols and provide her with Wolf's private communications information, including, *inter*
11 *alia*, a list of all calls to and from Wolf and his family's mobile phones lasting over a certain length
12 of time between July and August 2016. This Defendant was not and is not a Sprint representative.
13 Sprint's investigation into this incident revealed and confirmed all the foregoing.

14 11. Following the foregoing event, Defendants planned and agreed to use, and/or did use
15 pursuant to the plan and agreement, the legally-protected and illegally obtained communications
16 information to make anonymous calls to Wolf's family, friends, family friends, and business
17 associates, to state that Wolf was, *inter alia*, unethical, corrupt, "taking money under the table," and
18 "a scam." The caller stated about Wolf, *inter alia*: "You go to bed with dogs, you wake up with
19 fleas." The call came from a telephone number that is associated with Defendant Robert Cabrera.
20 The recipients of these calls included Wolf's elderly mother, his friends, and a friend of his wife.

21 12. After his wife's friend received one these defamatory calls, she called Wolf's wife to inform
22 her. Wolf's twelve-year-old daughter overheard the call, and understandably became scared,
23 anxious, confused, and distraught. This was the first time his daughter became aware that not all
24 people are inherently good, and in fact some are quite the opposite. Wolf had several very difficult
25 conversations with his daughter to console her and attempt to explain to her what she heard, why
26 someone would do something like that, and how to process the event.

27 13. Through their fraud and concealment, Defendants have been successful in keeping their
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1 identities hidden and secret. Despite Wolf's inquiries into the incidents, including a records
2 subpoena to Sprint, no individuals or entities have been identified as persons involved in the
3 incidents, other than Defendant Robert Cabrera.

4 14. Incredibly, Defendants planned and agreed to widen and intensify their hate campaign
5 against Wolf. For example, they planned to have certain Defendants vandalize Wolf's house. A
6 Defendant or Defendants carried out the plan by spray painting the words "Goon Squad" on the
7 street in front of Wolf's house, to make it as public as possible.

8 15. In and around September 2016, one or more Defendants planned and agreed to, as a means
9 of bolstering their previous false and defamatory statements, distribute and publish a portion of a
10 Complaint in a pending lawsuit against the Bell Canyon Association, Wolf, and two other
11 individuals (*David-Chai v. Bell Canyon Association, et al.*). The portion distributed was only the
12 defamatory fact allegations against Wolf, and nothing else. Pursuant to that agreed-upon plan, in or
13 about late September 2016, certain Defendants placed the documents on top of residents' mailboxes,
14 instead of inside them, in order to make them more conspicuous. Additionally, in October 2017,
15 the plan to distribute and publish defamatory statements was further carried out by various
16 Defendants by obtaining the addresses of all Bell Canyon Association members, creating mailers
17 with the lawsuit documents containing defamatory statements about Wolf, and mailing those
18 documents to Bell Canyon Association members.

19 16. In *David-Chai v. Bell Canyon Association*, Plaintiff David-Chai's causes of action relate to
20 his claims that a construction project of his was wrongfully stopped, and how that stoppage has
21 allegedly caused him to suffer damages. Plaintiffs in that action conspicuously, and understandably
22 given the weakness of the actual claims, gratuitously added personal, outrageous claims against
23 Wolf, which have no logical relationship to the actual issues in this case, and that Plaintiffs' original,
24 suspended-from-practice attorney painfully strained to try to relate to the actual issues. In the
25 gratuitous text, Plaintiffs falsely state, *inter alia*, that Wolf has committed crimes, he is corrupt and
26 unethical, he has threatened people, and has insulted BCA Board members. In that text, Defendants
27 expand the scope of their toxic statements to apply other people they hate, and for no apparent reason
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1 other than personal animosity. The test in the distributed pages includes the following headings:

- 2 a. "Wolf and Co-Defendants Used Their Positions of Authority at Bell Canyon to
3 Extort Money and Services, Grant Favors Illegally, and Otherwise Abuse Positions
4 of Trust and Fidelity."
- 5 b. "Wolf Attempts to Extort Improper and Illegal Compensation from Plaintiff for
6 Allegedly Using His Position as a Member of the HOA Board of Directors to assist
7 Plaintiff with Board Issue and Respect to Projects on which Plaintiff Was Working."
- 8 c. "Wolf Asks Plaintiff to Help Re-Design and Remodel His Home and Perform a
9 Large Grading Job on his Property for Free as 'Compensation' for Wolf's Assistance
10 with Board Issue."
- 11 d. "Wolf Asks Plaintiff to Use His Luxury RV on Vacation For Free as Compensation
12 for Wolf's Assistance with Board Issue."
- 13 e. "Wolf Asks Plaintiff to Build a \$30,000.00 Retaining Wall on His Property Without
14 Any County Permits or Architectural Committee Approvals For Free as
15 "Compensation" for Wolf's Assistance with Board Issues."
- 16 f. "Wolf Commandeers a Tractor from One of Plaintiff's Projects For Use on His Own
17 Property without Compensation or Plaintiff's Knowledge or Permission."
- 18 g. "Wolf Renews His Request that Plaintiff Perform Lot Design and Major Grading
19 Work on His Property for Free as Basis for Wolf's Group's Assistance with HOA
20 Issues."
- 21 h. "Wolf Asks Plaintiff to Move Extra Dirt from Projects Plaintiff was Grading at 76
22 and 80 Saddlebow to his Property for Free."
- 23 i. "Wolf Illegally Awards His Friends Valuable Construction Projects in Bell Canyon
24 Paid for With HOA Funds without Bidding, Without Ventura County Permits or
25 Architectural Committee Review."
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- j. "Wolf and Board Co-Defendants Award Construction of Bell Canyon Community Gym to His Friends and Proceeded To Build the Gym Illegally without Permits at HOA Expense."
- k. "Defendants [including Wolf] Retaliate against Plaintiff and Others for Refusing to Agree to Defendant's Extortion Attempts or Illegal Activities Which Results in Taking of Plaintiff's Property and Inability to Perform Work in Bell Canyon for Other Members."
- l. "Wolf and His Cohorts Commence a Campaign of Defamation to Impugn Plaintiff's Personal and Business Reputation To Support Illegal Retaliation Against Plaintiff in Requested Change Orders to Plaintiff's Property."

17. The combination of the foregoing and Defendants' other deranged conduct has caused Wolf's daughter to fear for her father's life. For months, every time Wolf tried to leave the house, she cried, held his hand, and begged him not to leave because she believed he would be assassinated. If Wolf had to leave, she made him promise that he would come back alive.

18. Wolf's wife has changed as person. In her own community, which she enjoyed for years, she is constantly distraught, afraid for her safety, and is afraid to leave her house. She has suffered extreme embarrassment and shame as a result of Defendants' purposefully seeking to maximize these feelings by attempting to wage their war in public, and in very vicious ways, including but not limited to calling her friends and dragging them into the negativity. The fact that Defendants have engaged in all this conduct anonymously speaks volumes about Defendants' disregard for the truth and integrity.

19. The statements in the Complaint are discussed at his two sons' school, among his children's friends and their families, and his neighbors. One Bell Canyon resident stated on the Bell Canyon portal on the "Nextdoor" website his belief that because Plaintiff verified his Complaint, his claims must be true (although ample evidence in this case has demonstrated the fallacy of that logic and the inaccuracy of this resident's belief). Another resident simply stated without any basis that facts pleaded in the Complaint are true.

20. Defendants conspired to and did publish and repeatedly republish the defamatory statements in the Complaint, with actual malice, and for the specific purpose of hurting Wolf and his family, including his innocent twelve year-old daughter. These statements are categorically false. Indeed, Wolf voluntarily submitted to and passed a polygraph test, in which he was asked whether he engaged in the various categories of conduct claimed by Plaintiffs, which Wolf categorically denied. The results of the polygraph test are attached to this Complaint as Exhibit 21. Further, Plaintiff Chai testified under the penalty of perjury, in his verified Complaint and at his deposition, to various claimed statements and actions by third parties. Many of these individuals have already impeached Chai through their unequivocal denials of the facts to which Plaintiff testified regarding them.

FIRST CAUSE OF ACTION

DEFAMATION PER SE

(AGAINST ALL DEFENDANTS)

21. Wolf hereby incorporates and reasserts Paragraphs 1 through 20, inclusive, as set forth herein.

22. The written statements regarding Wolf in Plaintiffs' Complaint, which Defendants published and republished, and/ or conspired to publish and/or republish, are defamatory on their face. Nothing further is needed to understand their defamatory meaning. Consequently, the statements constitute libel per se under Civil Code section 45a.

23. On information and belief, Wolf alleges that Defendants also orally published and republished, and/ or conspired to publish and/or republish, the defamatory statements in Plaintiffs' Complaint. Defendants also orally published and republished, and/ or conspired to publish and/or republish, defamatory statements in their telephone calls to Wolf's family, friends, and neighbors. Defendants' statements charge Wolf with, *inter alia*, criminal conduct and unethical business conduct. Consequently, the statements constitute slander per se under Civil Code section 46.

24. All the subject statements are false. The nature and circumstances of Defendants' publications and republications of the subject statements, and additional evidence, show that Defendants published and republished the statements with actual malice. Defendants knew the

1 statements were false, or acted with reckless disregard for their falsity, when they published and
2 republished them. The statements are not supported by any evidence other than Defendants' self-
3 serving and non-credible testimony, inherently lack credibility, and originated with unreliable
4 sources.

5 25. Wolf is informed and believes, and thereon alleges, that multiple Defendants agreed to and
6 did participate in specific instances of defamation of Wolf and/or the ongoing conspiracy to defame
7 him for the specific purpose of harming him and his family.

8 26. As a result of the foregoing conduct, Wolf has suffered general and actual damages,
9 including but not limited to loss of reputation, shame, mortification, marital and family stress,
10 physical distress, severe emotional distress, anxiety, worry, humiliation, lost earnings, lost business
11 and economic opportunities, and mental anguish.

12 27. As a result of Defendants' wrongful conduct, Wolf has been damaged in an amount to be
13 determined at trial, which is estimated to be in excess of \$5.0 million.

14 28. Defendants committed the subject acts and omissions with oppression, fraud, and/or malice,
15 thereby entitling Wolf to an award of punitive damages.

16 29. Defendants' publication of defamatory statements regarding Wolf is continuing and will
17 continue in the future. Absent injunctive relief from the Court, Wolf will continue to be damaged
18 by Defendants conduct. Therefore, Wolf is entitled to and seeks an injunction against Defendants,
19 enjoining repetition of defamatory statements.

20 30. Wolf hereby incorporates and reasserts Paragraphs 1 through 23, inclusive, as set forth
21 herein.

22 31. The written statements regarding Wolf in Plaintiffs' Complaint, which Defendants
23 published, republished, and/ or conspired to publish and/or republish, have exposed Wolf (and his
24 family, including his young children) to hatred, contempt, and ridicule. The publications have
25 caused him to be shunned and avoided, and have injured him in his role as the President of the BCA
26 Board of Directors. Consequently, the statements constitute libel under Civil Code section 45.

32. On information and belief, Wolf alleges that Defendants also orally published and republished, and/ or conspired to publish and/or republish, the defamatory statements in Plaintiffs' Complaint. Defendants also orally published and republished, and/or conspired to publish and/or republish, defamatory statements in their telephone calls to Wolf's family, friends, and neighbors. Defendants' statements charge Wolf with, *inter alia*, criminal conduct and unethical business conduct. Consequently, the statements constitute slander under Civil Code section 46.

33. All the subject statements are false. One or more Defendants knew the statements were false, or acted with reckless disregard for their falsity when published. Said Defendants fabricated the statements, they are unsupported by any evidence other than Defendants' self-serving testimony, inherently lack credibility, and/or originated with unreliable sources. The words, the nature of the statements, and the circumstances, patently demonstrate the hostile intent underlying publication of the statements.

34. Wolf is informed and believes, and thereon alleges, that multiple Defendants agreed to and did participate in specific instances of defamation of Wolf and/or the ongoing conspiracy to defame him for the specific purpose of harming him and his family.

35. As a result of the foregoing conduct, Wolf has suffered general and actual damages, including but not limited to loss of reputation, shame, mortification, marital and family stress, physical distress, severe emotional distress, anxiety, worry, humiliation, lost earnings, lost business and economic opportunities, and mental anguish.

36. As a result of Defendants' wrongful conduct, Wolf has been damaged in an amount to be determined at trial, which is estimated to exceed \$5.0 million.

37. Defendants committed the subject acts and omissions with oppression, fraud, and/or malice, thereby entitling Wolf to an award of punitive damages.

38. Defendants' publication of defamatory statements regarding Wolf is continuing and will continue in the future. Absent injunctive relief from the Court, Wolf will continue to be damaged by the same. Therefore, Wolf is entitled to and seeks an injunction against the culpable Defendants, enjoining repetition of statements found to be defamatory.

THIRD CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(AGAINST ALL DEFENDANTS)

39. Wolf hereby incorporates by reference Paragraphs 1 through 38, inclusive, as set forth herein.

40. By their extreme and outrageous conduct, Defendants intended to and did cause Wolf severe emotional distress, or they acted with reckless disregard of the probability that Wolf would suffer severe emotional distress.

41. Wolf is informed and believes, and thereon alleges, that multiple Defendants agreed to and did participate in the subject extreme and outrageous conduct—as to particular instances of such conduct and/or the ongoing conspiracy to harm Wolf and cause him severe emotional distress.

42. Defendants' extreme and outrageous conduct was a substantial factor in causing Wolf's severe emotional distress.

43. As a result of Defendants' wrongful conduct, Wolf has been damaged in an amount to be determined at trial, which is estimated to exceed \$5.0 million.

44. Defendants committed the subject acts and omissions with oppression, fraud, and/or malice, thereby entitling Wolf to an award of punitive damages.

FOURTH CAUSE OF ACTION

INVASION OF PRIVACY – INTRUSION INTO PRIVATE AFFAIRS

(AGAINST ALL DEFENDANTS)

45. Wolf hereby incorporates by reference Paragraphs 1 through 44, inclusive, as set forth herein.

46. On or around August 2016, Defendants, without Wolf's consent, conspired and agreed to invade, and did in fact invade, Wolf's privacy's rights with respect to his personal phone information. A Defendant called a Sprint representative and ironically, fraudulently represented that she worked in Sprint's fraud department, and was investigating fraud to protect Wolf. She

1 obtained Wolf and his family's personal calling data, the activation date of their account, and their
2 billing cycle date.

3 47. Wolf had a reasonable expectation of the privacy of this information. California Public
4 Utilities Code, section 2891(a)(1) provides, in relevant part, that: "No telephone or telegraph
5 corporation shall make available to any other person or corporation, without first obtaining the
6 residential subscriber's consent, in writing, . . . [t]he subscriber's personal calling patterns, including
7 any listing of the telephone or other access numbers called by the subscriber"

8 48. Defendants' intrusion was offensive and objectionable to Wolf, and to any reasonable
9 person of ordinary sensibilities.

10 49. As a proximate result of the above-mentioned conduct, Plaintiff was scorned by his friends
11 and family, exposed to contempt and ridicule, and suffered loss of reputation and standing in the
12 community, all of which caused him humiliation, embarrassment, hurt feelings, and mental physical
13 anguish, all to his damage in an amount according to proof.

14 50. Defendants committed the subject acts with oppression, fraud, and/or malice, entitling Wolf
15 to an award of punitive damages.

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17 **PRAYER FOR RELIEF**
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19 WHEREFORE, Wolf prays for judgment against Defendants as follows:
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- 21 1. For general damages, according to proof, which are estimated to be in excess of \$5.0 million;
 - 22 2. For special damages, according to proof, which are estimated to be in excess of \$5.0 million;
 - 23 3. For exemplary or punitive damages;
 - 24 4. For attorney fees and costs of suit,
 - 25 5. For such other further relief as the Court may deem proper.
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Hudock Employment Law Group.

Dated: January 25, 2019

By: *Eliza Langdon Oliver*

Robert J. Hudock
Eliza Langdon Oliver
Counsel for Plaintiff Eric Wolf