

FILED PSL
2009 JUN 25 PM 4:03

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BY _____ DEPUTY
MINNESOTA DISTRICT
COURT ADMINISTRATOR

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Jerry L. Moore,

Civil No. _____

Plaintiff,

COMPLAINT

v.

JURY TRIAL DEMANDED

Donald W.R. Allen, individual and as
Principal of V-Media Development
Corporation, Inc. a Minnesota Non-
Profit corporation, John Hoff a/k/a
Johnny Northside, and John Does
1-5,

Defendants.

SUMMARY OF CLAIMS

John Hoff, who operates the blog known as "Johnny Northside," and Donald Allen, who posted a comment on that website, are sued for defamation, intentional interference with contract, and/or aiding and abetting, over their cooperative effort to get Plaintiff Jerry Moore fired from his job. This lawsuit contends that Hoff's website-blog is not entitled to the First Amendment or statutory protections of the "press." That his blog lacks journalistic standards, and that his conduct of facilitating anonymous defamation and/or acting as an agent of government, disentitles him to First Amendment protection.

This lawsuit seeks to expand or modify the law, or to clarify it. It seeks a judicial determination of the definition of "press" for purposes of First Amendment and statutory protections. It seeks to create a vehicle for citizens to challenge the "anonymous" defamation that floats in the blogosphere.

PARTIES

1. Plaintiff Jerry Moore ("Moore") is a resident of Hennepin County, and at material times was employed by the University of Minnesota, UROC.
2. Defendant Donald W.R. Allen ("Allen") is an individual, and a Principal in Defendant V-Media Development Corporation, Inc., a Minnesota Non-profit corporation.
3. John Hoff, a/k/a Johnny Northside ("Hoff"), is an individual who writes on his own blog/website. He publishes to the public for purposes of defamation analysis, but he is not the "press" for purposes First Amendment or statutory protection. Reasons for this include but are not limited to: i) he does not neutrally report news, ii) does not have (or does not enforce) journalistic standards (including accuracy and standards of factual reports, slander and libel considerations and review, and application of the harm limitation principle). Instead, the blog is a mouthpiece for his own views and agendas, or as an agent for specific individuals or entities (and their agendas). Hoff makes little, if any, attempt to get the "other side" of any story. He makes little, if any, attempt to screen his own personal feelings or political viewpoint. His blog has a "comments" section, but it is not automated. Readers must submit comments for Hoff's review. Hoff then decides which ones to publish on his blog, which ones to "approve." If Hoff doesn't like a comment (for example, if it criticized Hoff, or is articulate about a viewpoint different from his), he does not have to post it, and there is evidence that he does not post it in these situations. Hoff invites readers to post "anonymously," without sufficient accountability, essentially creating a defamation zone for negative, inaccurate and/or unverified posts, which allows the defamation to be perpetrated, but which makes it difficult or impossible, to locate the speaker, in order to hold him or her

accountable. This lawsuit contends that Hoff's facilitation of such a defamation zone makes him responsible for any defamatory remarks made in his comments section, particularly for "anonymous" writers, or for those who use some moniker other than their real name. Hoff has been criticized as being a mouthpiece for Minneapolis Council Member Don Samuels. He has close ties with the City of Minneapolis. A claimed reporter who is aligned with government or acting as an agent of government is not entitled to First Amendment protection, which was created, essentially, to allow the press to criticize government. To the extent it may be necessary to allege it, Hoff acted with malice while engaged in the acts complained of herein. Just recently, in Hoff's own comments section, a reader wrote, "What's up with the Jerry Moore fixation?"

4. John Does 1-5 are reserved for those who are identified as additional defendants, herein.

FACTUAL STATEMENT

1. Plaintiff Moore was Executive Director of the Jordan Area Community Council ("JACC"). The administration of JACC that hired Moore came under political attack from others who wanted to control JACC. In the final analysis, Moore was ousted by the group that organized a take-over of the JACC Board. And that take-over resulted in civil litigation venued in Hennepin County District Court. Jerry Moore was a plaintiff in that action, and has a constitutional right of access to courts, to participate in that litigation.

2. During the court proceedings, John Hoff came nearly every day to sit in the gallery. He then blogged his observations in an obvious one-sided manner, praising the defendant board members, and vilifying anyone who had anything to do with the plaintiffs.

He repeatedly suggested that Jerry Moore's status as plaintiff in that action was somehow improper. Upon information and belief it was Hoff who gave the defendants' attorney 2 documents that purportedly had something to do with Jerry Moore: a) an invoice for \$5,000; and b) a check made out for \$5,000. Hoff sat in the Courtroom while Jerry Moore was asked under oath whether he had seen either of those documents before, and he heard Moore answer that he had not. Hoff was present when the Court sustained an objection to the documents coming into evidence and knows that they did not come into evidence. Yet Hoff has never acknowledged in his blog that there is this "other side" of the story. Hoff was physically present and involved in the defense attorneys' use of these documents. Defense attorneys turned around to look at Hoff during their attempt to get the documents into evidence. Upon information and belief, Hoff inserted himself into the litigation, provided the documents to the defense attorneys, and actively worked to get the defense attorneys to use the documents against Jerry Moore in that litigation. Hoff's active involvement in seeking to have those documents become discussed in the evidentiary hearing is noteworthy, since he would later claim that there was evidence to support his blog claims, in the Hennepin County District Court. No legitimate news reporter becomes part of the story. No legitimate news reporter offers documents obtained from sources, to be put into evidence. No legitimate news reporter later claims that his 'support' for his public comments are documents that surfaced in court - when he is himself the source of those 'court' documents. This is yet another way in which Hoff acted as private citizen and not "press" for purposes of the First Amendment and statutory protections, and defamation analysis.

3. Hoff continued to support the defendant board members in that litigation, and did not hide that fact. Hoff did not remain neutral like a reporter, but instead became personally involved in the subject matter, and in his discussion of it. His pages were vitriolic and emotional as opposed to objective. Hoff's blog is alleged to be a mouthpiece for the City of Minneapolis, Don Samuels, and/or certain factions of the JACC organization. Upon information and belief Hoff was provided confidential employment information about Jerry Moore, by those currently in control of JACC.

4. After the take-over group voted to oust Jerry Moore as Executive Director of JACC in January 2009, Moore looked for work elsewhere. He eventually was able to obtain work at UROC, a program of the University of Minnesota, doing community-based research.

5. Around mid June, Hoff learned that Moore was working at UROC. Hoff, and others launched a campaign intended to intentionally interfere in Moore's employment contract with UROC. According to Hoff's blog, he "delay[ed] posting about this matter [] because [he] was prevailed upon to avoid airing this dirty laundry until there was a chance, behind the scenes, to call some leaders of U of M and fix this mess." Upon information and belief John Doe defendants took action to interfere with Moore's employment at UROC "behind the scenes." Hoff either knows their identity (and they are not protected "sources"), or there are no such "others" and Hoff made a false statement on his blog.

6. When, a week later, Moore was still working for UROC, Hoff blogged about it on June 21, 2009, entitling his piece, "**Former JACC Executive Director Jerry Moore Hired by U of M, Neighborhood Leaders Are All, Like, WTF?**" (Att. A). Hoff complained that Moore had been a plaintiff in the lawsuit against JACC. Hoff recklessly disregarded Jerry Moore's constitutional right to file a lawsuit. Hoff stated that Moore had been fired

for “misconduct,” even though he sat through nearly all of the evidentiary hearing, and upon information and belief had information that, in fact, no reason was given on the written motion, when the vote was called to terminate Moore as ED.

7. Hoff’s June 21 blog stated that Moore had been hired at UROC and was involved with “some kind of ‘research’ about mortgage issues in North Minneapolis.”

8. The June 21 blog went on to make this false and defamatory statement: “Repeated and specific evidence in Hennepin County District Court shows Jerry Moore was involved with a high-profile fraudulent mortgage at 1564 Hillside Ave. N.” Hoff went on, “The collective judgment of decent people in the Jordan Neighborhood – ‘decent’ being defined as ‘not actively involved in mortgage fraud’ – is that Jerry Moore is the last person who should be working on this kind of task and WHAT THE HELL was U of M thinking by hiring him.” In context, that statement is also defamatory of Jerry Moore.

9. Hoff went on to state “the current JACC leadership will have nothing to do with Jerry Moore....” When penning that statement, Hoff was well aware that there are two sides to that story, and that the fate of JACC is currently pending in court. Hoff had clearly come down on the side of the Browne-McCandless-Hodson-Hubbard group, both on his blog, and in his nearly daily appearances at court to watch the proceedings. Hoff acknowledged none of that in his June 21 blog, which was designed to get Jerry Moore fired from UROC.

10. Hoff’s June 21 post continued with statements like, “It’s not hard to picture situations where the UROC people attempt to engage the leadership of Jordan, but all the ‘Jordanites’ will want to talk about is, ‘Why the hell did you hire Jerry Moore, and when will you be getting rid of him? Get rid of him and we will talk.’”

11. Hoff declared that he was “contacted and told to please, please blog about this matter.” He declared that UROC had lost “major cred” with North Minneapolis leadership.

12. Hoff then published a number of “comments” which were designed intentionally to interfere with Jerry Moore’s employment at UROC. Upon information and belief one or more of the “anonymous” comments were written by Hoff himself. Comments published and/or republished by Hoff included, “Let’s track down the contact information for these people [UROC], post it, and have a coordinated effort to remove Jerry Moore.”

13. Another “comment” included a URL for the Board of Regents. That “anonymous” commenter urged “[b]e sure to include printed pages of blogs, news articles and other documentation of the type of quality leader that Mr[.] Moore exemplifies.” It is clear that Hoff wrote the June 21 blog post, so that others could send it to UROC in an attempt to get Jerry Moore fired.

14. Hoff published and/or republished an email that Defendant Donald Allen says he sent to Dr. McClaurin at UROC. That email was: a) designed intentionally to interfere with Jerry Moore’s employment contract with UROC; and b) contained false and defamatory statements. The false and defamatory statements include:

i. This comes on the heels of several different scenarios involving Mr. Moore and his relationship with Tynessia Snoddy who is under indictment for mortgage fraud as reported on KSTP-TV (Read it here: <http://www.kstp.com/news/stories/S795057.shtml?cat=1>).

ii. Mr. Moore did a deal that remains in question where he received a \$5000 check for ‘new windows’ at 1564 Hillside Avenue North.

iii. This was a conflict of interest, at the time he was JACC's executive director.

15. Defendant Allen has been criticized as doing the bidding of Don Samuels.

16. Defendant Allen went on to cite the John Hoff blog quoted from above, and the date and time under his "comment" is June 22, 2009 12:18 AM (early morning hours of Monday, June 22). He further stated, "[t]he Independent Business News Network will consider covering this on Tuesday, but since our media group is trying to do business with the U of M, I will remain cordial and diplomatic - for now."

17. By letter dated Monday, June 22, 2009, UROC terminated Jerry Moore's employment.

18. By post dated June 23, 2009, Hoff posted, "[a] known, creditable source at U of M gave information to a known, creditable source in the Hawthorne Neighborhood, who conveyed it to me earlier today: Jerry Moore, the former Executive Director of JACC, who is currently involved in a lawsuit against JACC, was 'let go' from his job at the University of Minnesota UROC program. According to the U of M source....It was reportedly coverage on this blog which 'blew open' the issue of Moore's hiring and forced the hand of U of M decision-makers after the issue had been quietly, respectfully brought to their attention over a week ago. I am told pages were printed from my previous blog post about Moore's hiring by UROC, including the extensive comment stream, and these pages got 'waved around' in a bit of a discussion at U of M."

COUNT 1

Defamation

Plaintiff re-alleges all foregoing information as if fully set forth herein.

14. Defendants Hoff and Allen made and published (and/or republished) false statements about Moore to third parties as quoted above and identified herein as false and defamatory statements. The statements were false and defamatory in isolation, and/or were false and defamatory in context.

15. These statements as described and quoted herein have harmed Moore's reputation, and result in defamation *per se* because they were targeted at him in the context of his work/profession. Moore's reputation was lowered in the estimation of the community (as evidenced by other comments on the very blog dated June 21, 2009), and subjected Moore to ridicule. To the extent necessary to be plead, the statements were made with malice, which is averred generally at this time, although there is evidence of malice contained in this complaint.

16. The false and defamatory statements caused Moore to lose his employment at UROC. As a direct or proximate result of the defamation, Moore has been damaged in an amount in excess of \$50,000 to be proven at trial.

COUNT II

Intentional Interference with Contract

Plaintiff re-alleges all allegations made herein.

17. A valid contract existed between Moore and the U of M/UROC. Defendants knew about Moore's employment contract with UROC. Defendants intentionally induced the breach of the contract and/or intentionally induced UROC to refuse to perform its contract with Plaintiff. Defendants actions were not justified. UROC did terminate said contract, just before the "Tuesday" deadline imposed by Defendant Allen.

16. The intentional interference caused the termination of Moore's employment contract at UROC. As a direct or proximate result of the defamation, Moore has been damaged in an amount in excess of \$50,000 to be proven at trial.

COUNT III
Aiding and Abetting

Plaintiff re-alleges all of the allegations stated herein.

18. The primary tortfeasors committed a tort(s) that caused injury to Plaintiff and the other Defendants knew that the conduct of the primary tortfeasors was tortious, and the other defendants substantially assisted the primary tortfeasors in the achievement of the tort.

19. Damages were proximately caused by the conduct of these Defendants, and Plaintiff is entitled to judgment and compensatory damages in excess of \$50,000, as well as costs and disbursements herein.

WHEREFORE, Plaintiff prays for relief in the form of an injunction against Defendants, and each of them, and/or as follows:

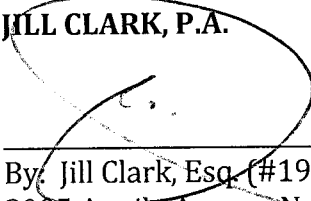
1. Judgment in a reasonable amount in excess of \$50,000, and including but not limited to compensatory, presumed and punitive damages (Plaintiff reserves the right to bring a motion to add punitive damages to state-law claims);
2. Interest on the aforesaid amounts;
3. Awarding to Plaintiff his reasonable attorney fees and costs and disbursements incurred herein; and
4. Issuing a temporary and/or permanent prohibitory injunction prohibiting Defendants, their officers, agents, employees, and successors, from engaging in the illegal

practices complained of herein. Moore seeks an order requiring Hoff to remove all offending material from his website, and/or an order to shut down the website. Moore seeks an order prohibiting Allen from distributing the offending material.

Plaintiff hereby demands a trial by jury on all applicable Counts.

Dated: June 25, 2009

ATTORNEYS FOR PLAINTIFF
JILL CLARK, P.A.



By: Jill Clark, Esq. (#196988)
2005 Aquila Avenue North
Minneapolis, MN 55427
(763) 417-9102