

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

Civil Division

WENDY J. GORDON
1920 S Street, NW, #202
Washington, DC 20009

Plaintiff,

v.

MEDIABISTRO.COM INC.,
d/b/a "FishbowlDC"
494 Broadway, 4th Fl.
New York, NY 10012

WEBMEDIABRANDS INC.,
d/b/a "FishbowlDC"
50 Washington Street, Suite 912
Norwalk, CT 06854

PETER OGBURN
19002 Steeple Place
Germantown, MD 20874

BETSY ROTHSTEIN
2380 Champlain St., NW
Apt. 206
Washington, DC 20009

Defendants.



Civil No. **0000388-13**

JURY TRIAL DEMANDED

COMPLAINT

For her Complaint against Defendants Mediabistro.com Inc. d//b/a "FishbowlDC," WebMediaBrands Inc., d/b/a "FishbowlDC," Peter Ogburn, and Betsy Rothstein, Plaintiff Wendy J. Gordon, by her attorneys, Shulman, Rogers, Gandal, Pordy & Ecker, P.A., upon

knowledge as to her own actions and dealings, and upon information and belief as to Defendants and their actions, alleges as follows:

NATURE OF THE ACTION

1. This matter arises from an unprovoked, online smear campaign by Defendants, in which they—week after week for more than a year—knowingly published false, defamatory, malicious, nasty, and tasteless statements about Ms. Gordon, designed to cause and that did cause serious harm to her reputation, business, and overall well-being.

2. In so doing, Defendants repeatedly, knowingly, and maliciously portrayed Ms. Gordon in an entirely false light, as a self-promoting, attention-seeking, loose party girl/cougar, constantly on the prowl for considerably younger men for casual, sexual relations.

3. Defendants also repeatedly claimed that Ms. Gordon had posted outrageous photographs of herself on the Internet because she craved public attention and was some type of insatiable narcissist.

4. None of these portrayals by Defendants had any basis in reality, and Defendants knew that at the time.

5. The defamatory statements at issue were published on the Internet where they were widely accessible by the general public (either directly or through a simple Google search), and were seen by Ms. Gordon's family members, including her children, as well as numerous acquaintances, actual and prospective clients and business partners, and others.

6. Defendants persisted in their attacks despite requests from Ms. Gordon and third-party observers that Defendants stop doing what they were doing because their statements about Ms. Gordon were unfounded, wrong, and damaging.

7. Defendants also refused Ms. Gordon's demand for a retraction despite their knowledge that what they had written about her was completely false.

8. Defendants profited at Ms. Gordon's expense by publishing these repeated attacks, which were accompanied by paid advertising.

9. Ms. Gordon has initiated this action to recover compensatory and punitive damages from Defendants for the substantial injury that they have caused her from their outrageous conduct.

PARTIES

10. Plaintiff Wendy Gordon is a citizen of the District of Columbia. She resides at 1920 S Street, NW, #202, in Washington, D.C.

11. Ms. Gordon is a public relations professional. She works for her own firm, Flash Public Relations, LLC. She focuses her work for clients primarily in the hospitality industry, although also provides *pro bono* services for a variety of philanthropic causes (*e.g.*, Washington Humane Society, Wounded Warriors, Abuse Children and Women, breast cancer).

12. Ms. Gordon is not a public figure.

13. Defendant Mediabistro.com Inc. ("MediaBistro") is a Delaware corporation with its principal place of business at 494 Broadway, 4th Floor, in New York, NY. It is a wholly owned subsidiary of Defendant WebMediaBrands Inc.

14. Defendant MediaBistro operates the "FishbowlDC" website ("FishbowlDC"), which appears at www.mediabistro.com/fishbowlDC/. According to the website, FishbowlDC is "Where Politics and DC Media Mesh."

15. MediaBistro's media sales kit describes FishbowlDC as "[w]here the DC media masses go for dish about their coworkers and competitors. FBDC covers breaking news, media

transitions, and insider gossip about the print, TV, and internet journalists who cover the nation's capitol.”

16. FishbowlDC contains, among other things, short articles and pictures, updated daily, regarding print and broadcast journalists in the District of Columbia, surrounding area, and nationwide. Postings from previous days and years remain accessible by clicking the “next page” link at the bottom of each web page, by searching the website’s content using the “Search Mediabistro’s FishbowlDC” field in the upper right corner of the website next to the FishbowlDC logo, or by performing a basic search through Google or other search engines. FishbowlDC also welcomes website visitors to “Sign up for daily news from FishbowlDC.” The website also features an “Archives” section with links to previous articles.

17. FishbowlDC also list job postings for positions in media and other fields in the District of Columbia, and elsewhere.

18. FishbowlDC also contains display advertising from sponsors of the website, as well as links to various programs being offered.

19. MediaBistro transacts business in the District of Columbia, including through the: preparation and publication of its website FishbowlDC; solicitation of advertisers, subscribers, and participants; and, employment of Ms. Rothstein, Mr. Ogburn, and others in the District of Columbia. It regularly does or solicits business in the District of Columbia. It engages in other persistent courses of conduct in the District of Columbia. It derives substantial revenue from online advertising, as well as goods used or consumed, and other services rendered in the District of Columbia.

20. Defendant WebMediaBrands Inc. (“WebMediaBrands”) is a publicly traded, Delaware corporation with its principal place of business at 50 Washington Street, Suite 912, in

Norwalk, Connecticut. WedMediaBrands is the corporate parent of MediaBistro.

21. On information and belief, WebMediaBrands transacts business in the District of Columbia, including through the: preparation and publication of the website FishbowlDC; solicitation of advertisers, subscribers, and participants; employment of Ms. Rothstein, Mr. Ogburn, and others in the District of Columbia; and, operation and supervision of MediaBistro and FishbowlDC in the District of Columbia. WebMediaBrands regularly does or solicits business in the District of Columbia. It engages in other persistent courses of conduct in the District of Columbia. It derives substantial revenue from online advertising, as well as goods used or consumed, and other services rendered in the District of Columbia.

22. Defendant Peter Ogburn is a citizen of the State of Maryland. He resides at 19002 Steeple Place, in Germantown, Maryland.

23. On information and belief, Mr. Ogburn, who is a contributor to FishbowlDC, is an employee of Mediabistro and/or WebMediaBrands.

24. On information and belief, Mr. Ogburn maintains his principal place of business in the District of Columbia.

25. On information and belief, Mr. Ogburn: regularly does or solicits business in the District of Columbia; engages in other persistent courses of conduct in the District of Columbia; and/or derives substantial revenue from goods used or consumed, or services rendered in the District of Columbia, including through his services as a regular contributor to FishbowlDC.

26. Defendant Betsy Rothstein is a citizen of the District of Columbia. She resides at 2380 Champlain Street, NW, Apartment 206, in Washington, D.C.

27. Ms. Rothstein is the editor of FishbowlDC. As such, she supervises the work of Mr. Ogburn and other contributors to FishbowlDC, and is responsible for the content that is published on the FishbowlDC website.

28. On information and belief, Ms. Rothstein is an employee of Mediabistro and/or WebMediaBrands.

29. Ms. Rothstein maintains her principal place of business in the District of Columbia.

30. On information and belief, Ms. Rothstein: regularly does or solicits business in the District of Columbia; engages in other persistent courses of conduct in the District of Columbia; and/or derives substantial revenue from goods used or consumed, or services rendered in the District of Columbia, including through her services as the editor of FishbowlDC.

JURISDICTION AND VENUE

31. This Court has subject-matter jurisdiction over this matter pursuant to DC Code § 11-921(a)(6).

32. This Court has personal jurisdiction over Defendants pursuant to DC Code, § 13-422, and § 13-423(a)(1)-(4).

33. Venue is proper in this Court because many, if not all, of the acts alleged in this Complaint arose in the District of Columbia, Plaintiff is a citizen of the District of Columbia, the torts committed against her occurred in the District of Columbia, and Plaintiff's injuries were sustained in the District of Columbia.

STATEMENT OF FACTS

34. Beginning in or around the fall of 2011, Defendants began running a weekly series of articles on FishbowlDC about Ms. Gordon that they called "Wendy Wednesday." Each

article was accompanied by a different picture of Ms. Gordon.

35. It is unclear what prompted Defendants initially, without provocation, to begin writing about and publishing pictures of Ms. Gordon.

36. Although FishbowlDC purports to “cover[] breaking news, media transitions, and insider gossip about the print, TV, and internet journalists who cover the nation’s capitol,” FishbowlDC repeatedly describes Ms. Gordon as a publicist or public relations person, not a journalist.

37. Ms. Gordon is not a public figure and, at least prior to Defendants’ commencement of the Wendy Wednesday series, was not generally known to the readers of the FishbowlDC website.

38. At no time did Ms. Gordon request or authorize Defendants to publish these weekly articles about her.

39. At no time did Defendants contact or communicate with Ms. Gordon about these articles, seek her consent, input, or comment.

40. In addition, the pictures that Defendants published in conjunction with the Wendy Wednesday articles were used without permission of Ms. Gordon, the person who took the pictures, or the owners of the copyright of the pictures.

41. None of the photographs of Ms. Gordon at issue here were taken by Defendants or their agents.

42. In fact, the photographs that Defendants published of Ms. Gordon were downloaded by Defendants, without authorization, from the Facebook pages of Ms. Gordon and/or one or more of her friends, and thereafter used without permission or consent.

43. The photographs that Defendants published had not been made generally available for public consumption by Ms. Gordon, the photographers or the copyright owners; rather, access was restricted via Facebook's privacy settings.

44. Most if not all of the photographs that Defendants downloaded and published had been taken at least nine months before Defendants published them, even though Defendants falsely described the photographs as involving situations that had recently occurred.

45. The weekly Wendy Wednesday articles contained numerous false and defamatory statements about Ms. Gordon that caused injury to her reputation and business interests, and caused her to suffer emotional distress and humiliation.

46. Defendants published one of the more despicable Wendy Wednesday articles on the day Ms. Gordon's mother died, resulting in further distress for Ms. Gordon who was, at that time, actively grieving and experiencing the trauma of losing a parent.

47. In each Wendy Wednesday article, Defendants published a picture of Ms. Gordon without authorization, and provided a false and humiliating description of Ms. Gordon in the photograph that Defendants knew had no basis in fact.

48. Each of the Wendy Wednesday articles was written by Mr. Ogburn and/or Ms. Rothstein, with editorial input from Mr. Ogburn, Ms. Rothstein, and others at MediaBistro and WebMediaBrands, and with the review, approval, authorization and consent of MediaBistro and WebMediaBrands.

49. Defendants repeatedly profited at Ms. Gordon's expense from publishing the false and defamatory Wendy Wednesday series, which was accompanied by paid advertising.

August 22 Article

50. On August 22, 2012, Defendants published the following article titled “Wendy Wednesday” and authored by Mr. Ogburn:

As we always say this time of the week, if it’s Wednesday, it’s WENDY Wednesday. It’s our weekly look at D.C. publicist **Wendy Gordon** and the insane pictures that she posts of herself on the Internet. Today, we have a classy Wendy at a party. That is, if your definition of classy is wearing a low cut dress that allows your boobs to spill out under a tacky choker that looks like a bedazzled bicycle chain.

The sultry look on her face says it all. Wendy is DTF [“Down to Fuck”] and on the prowl. So, give yourself an extra blast of AXE body spray, maybe think about double bagging it and say hello to Cougar Wendy!

51. Accompanying the August 22 article was a photograph of Ms. Gordon in a crowd of people at a charity benefit. She is wearing a strapless dress, appears to be reaching behind her head, and is not looking at the camera.

52. Defendants downloaded the photograph from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook’s privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

53. The August 22 article contains numerous false and defamatory statements about Ms. Gordon, and casts her in a false light.

54. Contrary to Defendants’ statement, Ms. Gordon does not post “insane pictures” of herself on the Internet.

55. Contrary to Defendants’ statement, Ms. Gordon was not “DTF” (*i.e.*, “down to fuck” or looking to have sex) or “on the prowl” at this charity event, and to falsely claim otherwise is defamatory *per se* and grossly impugns her character.

56. Moreover, Defendants published the photograph in question, out of context, to falsely imply that Ms. Gordon was “DTF” or “on the prowl,” when that was most certainly not the case.

57. Defendants also stated that anyone seeking to have sexual relations with Ms. Gordon would want to wear two condoms (*i.e.*, “double bagging”), falsely implying that Ms. Gordon has some loathsome disease.

58. Defendants also falsely claimed that Ms. Gordon is a “cougar,” which is a derogatory term for an older woman who is aggressively pursuing sexual relationships with much younger men, including men young enough to be the cougar’s son.

59. For some time now, and including in August 2012, Ms. Gordon has been involved in a relationship with a man her own age.

60. She has never sought to have a relationship with a much younger man, or one old enough to be her son, and has never been involved in such a relationship.

61. Defendants also falsely claimed that Ms. Gordon was wearing a “low cut dress that allows your boobs to spill out” or that she exhibited a “sultry” look.

62. Defendants knew these statements were false and that they had no factual basis for publishing them at the time.

63. Defendants’ primary purpose in knowingly publishing these false and defamatory statements about Ms. Gordon was to cause injury to her reputation, her business interests, and her personal well-being.

64. The false and defamatory statements in the August 22 article and the false light in which Defendants depicted Ms. Gordon have caused her serious emotional distress, embarrassment, humiliation, and mental anguish.

May 16 Article

65. On May 16, 2012, Defendants published an article titled “Wendy Wendy” by Mr. Ogburn, with an accompanying photograph that Defendants downloaded from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook’s privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

66. In the May 16 article, Defendants stated: “Today, we find Wendy letting her hair down and roping up a steer to go bareback! She climbs on top of a mechanical bull and realizes she hasn’t had this much power between her legs since she straddled **Tiger Woods** a few weeks ago.”

67. Contrary to Defendants’ false and defamatory statement, Ms. Gordon had no such realization at the time that the photograph was taken, or otherwise.

68. Contrary to Defendants’ false and defamatory statement, Ms. Gordon had not “straddled **Tiger Woods** a few weeks” earlier, or at any time for that matter.

69. Defendants’ knowingly false statement that Ms. Gordon, in effect, had had sex weeks earlier with Tiger Woods, and the defamatory implications that flow from that statement, portrayed Ms. Gordon in a false light that caused her emotional distress.

70. Defendants knew these statements were false and that they had no factual basis for publishing them at the time.

August 15 Article

71. On August 15, 2012, Defendants published an article authored by Mr. Ogburn that stated:

We just can't get enough of D.C. publicist and all-around showboater, **Wendy Gordon**. Wherever Wendy goes, she feels the need to bring us into her warped world and share her terrifying pictures. This week we have found the scariest Wendy picture to date. It's a shot of Wendy wishing she was working the waxy wang of one time Washington mayor, **Hizzoner Marion Barry**. Judging by that smile on his face, Wendy must be VERY good at what she does! And look at those biceps! We can't imagine the kung-fu grip on those guns. So swallow your pride, pack the mouthwash and say hello to **Bitch-Set-Me-Up Wendy!**

72. Accompanying the August 15 article was a photograph of Ms. Gordon posing for a friend next to a wax figure of Mayor Barry.

73. Defendants downloaded the photograph from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook's privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

74. The August 15 article contains numerous false and defamatory statements about Ms. Gordon, and casts her in a false light.

75. Contrary to Defendants' false statements about Ms. Gordon being a "showboater" and "feel[ing] the need to bring us into her warped world and share her terrifying pictures," Ms. Gordon did not post the picture in question on the Internet or share it with Defendants.

76. Defendants falsely suggested that Ms. Gordon was posting outrageous photographs of herself to feed her ego or show off when that is not the case.

77. Contrary to Defendants' false statement, Ms. Gordon was not "wishing she was working the waxy wang" of Mayor Berry, or anything of the sort, and to suggest otherwise is not only false and defamatory, but disgusting and in extremely poor taste.

78. Defendants also made false statements and insinuations about Ms. Gordon of a sexual nature that are completely outrageous.

79. Defendants knew these statements were false and that they had no factual basis for publishing them at the time.

80. Defendants' primary purpose in knowingly publishing these false and defamatory statements about Ms. Gordon was to cause injury to her reputation, her business interests, and her personal well-being.

81. The false and defamatory statements and insinuations in the August 15 article and the false light in which Defendants depicted Ms. Gordon have caused her serious emotional distress, embarrassment, and mental anguish.

May 2 Article

82. On May 2, 2012, Defendants published an article authored by Mr. Ogburn that stated:

Today, Wendy is back at a place she seems to really enjoy: the Wax Museum. ... We aren't sure exactly WHAT the hell is going on in this picture, but it involves Wendy straddling the neck of **Tiger Woods**. Considering Tiger is made of wax, we are hoping that his neck doesn't melt from the radioactive heat emitted from Wendy. Best of luck, Tiger! So, grab your balls and shaft, get a good, tight grip and say FORE to Hole-in-Wendy.

83. Accompanying the May 2 article was a photograph of Ms. Gordon appearing to climb over a crouched wax figure of Tiger Woods. In the picture, Ms. Gordon's left leg is over the shoulder of the wax figure, while her right leg is behind him.

84. Defendants downloaded the photograph from a Facebook page on the Internet

where it was not generally accessible by the public; through Facebook's privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

85. The May 2 article contains numerous false and defamatory statements about Ms. Gordon, and casts her in a false light.

86. Contrary to Defendants' false and defamatory assertion, Ms. Gordon was not "straddling the neck of **Tiger Woods**."

87. Contrary to Defendants' false and defamatory assertion, Ms. Gordon does not emit some type of unusual heat between her legs that would cause a wax figure to melt.

88. Defendants' liberal use of double entendres and sexual innuendo were meant to falsely imply that Ms. Gordon is sexually promiscuous and interested in having sexual relations with Tiger Woods and/or a wax figure.

89. The entire May 2 article and the insinuations contained within it place Ms. Gordon in a false light that has caused her serious embarrassment, humiliation, emotional distress and mental anguish.

Falsely Assertions About Self-Promotion and Seeking the Limelight

90. On September 19, 2012, Defendants published an article authored by Mr. Ogburn in which Defendants falsely stated: "[Ms. Gordon] just LOVES the limelight and can't stop putting pictures of herself on the internet."

91. Accompanying the article was a photograph of Ms. Gordon giving a hug to a friend at a party. The photograph was downloaded from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook's privacy settings, access was

limited to the friends of the Facebook page owner only. The photograph was downloaded without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

92. Contrary to Defendants' false and defamatory statement, Ms. Gordon did not post this or any of the other pictures on the Internet, and does not "LOVE[] the limelight" and has not sought the limelight.

93. Rather, it is Defendants who have thrust Ms. Gordon against her will into the "limelight" by repeatedly publishing private pictures of her, belonging to others, without her or the owner's consent or authorization, and purposely depicting the photographs in a false light and out of their actual context.

94. By repeatedly claiming that Ms. Gordon is distributing these pictures far and wide to bring attention to herself, Defendants have put Ms. Gordon in a false light by creating the false impression that she is a narcissist and/or a shameless self-promoter, which is not the case.

95. Similarly, on September 12, 2012, Defendants published an article authored by Mr. Ogburn in which Defendants falsely stated, "Wendy never hesitates to spread pictures of herself far and wide all across the internet for us to see just how well she's doing."

96. Contrary to Defendants' false and defamatory statement, Ms. Gordon did not "spread pictures of herself far and wide" on the Internet.

97. Likewise, on August 29, 2012, Defendants published an article authored by Mr. Ogburn in which Defendants falsely stated:

No matter what you say about Wendy Wednesday, one thing is clear. D.C. publicist **Wendy Gordon** is in love with herself. She spends more time posting tacky pictures of herself online than we thought was humanly possible. ... We actually have a burning and enduring love for Wendy that grows stronger with every week. Kind of like chlamydia. ... But each week, we think that the

pictures can't get any weirder or self-congratulatory. And then, thankfully, she surprises us.

98. Contrary to Defendants' false and defamatory statement, Ms. Gordon did not "spend[] more time posting tacky pictures of herself online than ... humanly possible."

99. Defendants also put Ms. Gordon in a false light by comparing her to chlamydia, a venereal disease, or implying that Ms. Gordon might have chlamydia, which she does not.

100. On May 9, 2012, Defendants published an article authored by Ms. Rothstein in which Defendants falsely stated that Ms. Gordon has "published some pretty wild photographs of herself, including this one which we've dubbed 'Charlie Chaplin Wendy.'"

101. Contrary to Defendants' false and defamatory statement, Ms. Gordon did not post "wild photographs of herself" on the Internet.

102. On January 18, 2012, Defendants published an article authored by Mr. Ogburn in which Defendants falsely referred to "the absurdity of the photographs [Ms. Gordon] posts of her public appearances."

103. Accompanying the January 18 article was a photograph purporting to show the back of Ms. Gordon as she is talking to a man at an event.

104. Once again, contrary to Defendants' false and defamatory assertion, Ms. Gordon did not absurdly posts photographs of herself at public appearances for general public consumption in an apparent attempt to draw attention to herself.

105. Similarly, on May 23, 2012, Defendants published an article authored by Ms. Rothstein in which Defendants referred to the "inexplicably wild photographs displayed by Washington publicist **Wendy Gordon.**"

106. Accompanying the May 23 article was a photograph of Ms. Gordon in a designer dress sitting on a swing that Defendants downloaded from a Facebook page on the Internet

where it was not generally accessible by the public; through Facebook's privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

107. Once again, contrary to Defendants' false and defamatory assertion, Ms. Gordon has not posted "wild photographs" of herself for general public consumption in an apparent attempt to draw attention to herself.

108. On October 10, 2012, Defendants published an article authored by Mr. Ogburn stating that Ms. Gordon "wraps her arms around us each week and gives us an intimate look at her life." It further states, "That's a nice way of saying that she won't stop sharing pictures of herself online in ridiculous situations."

109. Accompanying the October 10 article was an unremarkable photograph of Ms. Gordon standing in a room and smiling.

110. Defendants downloaded this photograph from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook's privacy settings, access was limited to the friends of the Facebook page owner only. The photographs were downloaded, without permission of the Facebook page owner, and republished without consent, authorization, or attribution.

111. Contrary to Defendants false and defamatory statements, Ms. Gordon is not trying to give Defendants or the general public "an intimate look at her life" and is not actively "sharing pictures of herself online in ridiculous situations" with Defendants or the general public.

112. Ironically, it is Defendants who have inexplicably posted and drawn attention to these pictures of Ms. Gordon that were never meant for general, public consumption.

Additional Articles

113. On April 11, 2012, Defendants published an article authored by Mr. Ogburn in which Defendants falsely stated that Ms. Gordon was “shitfaced”—*i.e.*, drunk to the point of incoherence.

114. Accompanying the article was a photograph of Ms. Gordon at a party that Defendants downloaded from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook’s privacy settings, access was limited to the friends of the Facebook page owner only. The photograph was downloaded, without permission of the Facebook page owner, and was republished by Defendants without consent, authorization, or attribution.

115. Contrary to Defendants’ false and defamatory statement, Ms. Gordon was not “shitfaced,” drunk or even inebriated at the time.

116. Similarly, on June 27, 2012, Defendants published an article authored by Mr. Ogburn with an accompanying photograph of Ms. Gordon and a man smiling at the camera. Defendants stated: “We aren’t sure where this was taken, but considering the look of sheer bliss on Wendy’s face, we assume it’s a bar.”

117. In doing so, Defendants perpetuated the false and defamatory impression that they had previously attempted to create that Ms. Gordon is a big drinker and a lush who is constantly frequenting bars. In so doing, Defendants put Ms. Gordon in a false light.

118. On May 30, 2012, Defendants published an article authored by Mr. Ogburn with an accompanying photograph of Ms. Gordon and a man sitting together on a sofa. Defendants downloaded the photograph from a Facebook page on the Internet where it was not generally accessible by the public; through Facebook’s privacy settings, access was limited to the friends

of the Facebook page owner only. Defendants downloaded the photograph without permission of the Facebook page owner, and republished it without consent, authorization, or attribution.

119. In the May 30 article, Defendants stated: “Today, we find [Ms. Gordon] donned in a beret and cozying up to a gentlemen who looks QUITE happy! Since we can’t see Wendy’s other hand, we can only assume that he’s putting his ham in her baguette.”

120. In so doing, Defendants falsely suggested that Ms. Gordon had her hand in the man’s pants or was engaged in some other sexual contact with him.

121. Ms. Gordon had no such contact with the man in the picture, and Defendants knew that they had no basis to suggest otherwise.

122. On October 3, 2012, Defendants published an article in which they claimed that Ms. Gordon puts “the HUMP in Hump Day.”

123. In so doing, Defendants, through the use of double entendres, cast Ms. Gordon in a false light, falsely suggesting that she is sexually promiscuous.

124. In addition to the statements described above, Defendants have published numerous other false and defamatory statements about Ms. Gordon since they began their Wendy Wednesday series.

125. Defendants have also published additional photographs of Ms. Gordon without Ms. Gordon’s permission, including photographs that they downloaded from the Internet where they were not generally accessible by the public; through Facebook’s privacy settings, access was limited to the friends of the Facebook page owner only. The photographs were accompanied by false descriptions of what was occurring when the photographs were taken and that cast Ms. Gordon in a false light, causing injury to her reputation, business, and general well-being.

126. The false and defamatory statements that Defendants published about Ms. Gordon

were made with knowledge of their falsity, reckless disregard for their truth, and/or with negligence as to their truth or falsity.

127. Among other things, Defendants knew that they had no factual basis for making the statements about Ms. Gordon that they did.

128. At no time did Defendants even attempt to contact Ms. Gordon regarding the photographs or what Defendants intended to publish about the photographs prior to publishing the photographs and accompanying false statements about Ms. Gordon.

129. Defendants published these false and defamatory statements about Ms. Gordon with the intention of causing serious harm to her reputation, her business, and her emotional and mental well-being.

130. Defendants published these false and defamatory statements about Ms. Gordon with complete indifference as to the harm they might cause Ms. Gordon's reputation, business, and emotional and mental well-being.

Reader Complaints

131. During the time that Defendants published the weekly Wendy Wednesday articles, they received numerous complaints from readers, as Defendants themselves reported.

132. On November 21, 2011, Defendants noted that one reader "thinks D.C.'s uber publicist **Wendy Gordon** ought to take legal action against us." According to Defendants, the unidentified reader said: "I hope Wendy comes out blazing with her lawyers. I would."

133. On November 23, 2011, Defendants wrote, "We've had a few angry readers who want us to discuss [Ms. Gordon's] accomplishments and the many people she helps."

134. On March 28, 2012, Defendants wrote, "Despite some feisty online efforts to shut this piece down, we continue to keep Wendy-Mania alive."

135. On April 4, 2012, Defendants acknowledged that while they have found their weekly attacks on Ms. Gordon “to be a great source of enjoyment,” “some people think that we’re unfairly targeting her.”

136. Nevertheless, Defendants scurrilous attacks on Ms. Gordon continued unabated.

137. Defendants’ false attacks have caused Ms. Gordon to lose business opportunities and have otherwise caused Ms. Gordon’s work as a public relations professional to suffer.

138. Defendants’ false attacks have deterred others from wanting to do business with or otherwise interact with Ms. Gordon.

139. As a result of Defendants’ attacks, Ms. Gordon has had difficulty attracting higher-end clients, for whom she had previously worked, due to the false light in which Defendants depicted Ms. Gordon—depictions that could be readily found through a simple Google search.

140. Defendants’ false attacks have caused people to consider Ms. Gordon to be of a lesser moral character than she is. Defendants have falsely portrayed Ms. Gordon as a big drinker, loose, party girl, cougar, who is constantly “on the prowl.”

141. As a result, Ms. Gordon’s personal, social and professional life and relationships have suffered.

142. Defendants’ false attacks have caused Ms. Gordon extreme embarrassment, anxiety, and stress, and have otherwise affected her mental well-being.

Demand for Retraction

143. On October 5, 2012, undersigned counsel on behalf of Ms. Gordon sent a letter to Alan M. Meckler, the Chairman and Chief Executive Officer of Defendant WebMediaBrands Inc., requesting that Defendants: (1) cease and desist from any further publication of

photographs and commentary of Ms. Gordon; (2) remove all “Wendy Wednesday” articles from the Internet so that they are no longer publicly accessible; (3) publish a mutually acceptable, and prominently displayed full retraction and apology to Ms. Gordon on the FishbowlDC website; and (4) reimburse Ms. Gordon for legal fees incurred in this matter.

144. Although Defendants proceeded to remove most, but not all, of the Wendy Wednesday articles from the Internet, they refused to issue a retraction or apology, or take any further action to mitigate the harm that Ms. Gordon has sustained as a result of Defendants’ tortious conduct.

COUNT I

Defamation

145. Ms. Gordon repeats and realleges each and every allegation contained in paragraphs 1 through 144 as if set forth herein.

146. Defendants have intentionally, knowingly and/or recklessly published and disseminated the false and defamatory statements identified above on the Internet where they have been easily accessible, and were in fact accessed by numerous people, such as Ms. Gordon’s family members, including her children, as well as numerous acquaintances, actual and prospective clients and business partners, and others.

147. The statements at issue were of and concerning Ms. Gordon.

148. The statements at issue have caused and continue to cause substantial injury to Ms. Gordon’s reputation, business, and personal well-being, among other things.

149. The statements at issue have caused and continue to cause deep embarrassment, humiliation, emotional distress, and mental suffering for Ms. Gordon.

150. Defendants' false and defamatory statements and the implications drawn from Defendants' statements of and concerning Ms. Gordon are defamatory *per se* because they tend to injure Ms. Gordon in her trade, profession or community standing, and lower her in the estimation of the community.

151. Defendants' false and defamatory statements and the implications drawn from Defendants' statements of and concerning Ms. Gordon are defamatory *per se* because they make Ms. Gordon appear odious, infamous or ridiculous.

152. Defendants' false and defamatory statements and the implications drawn from Defendants' statements of and concerning Ms. Gordon are defamatory *per se* because they state or imply that Ms. Gordon has an infectious or loathsome disease.

153. Defendants published these false and defamatory statements to third parties who reasonably understood the published statements to be defamatory.

154. Defendants were aware of the defamatory implication of their statements about Ms. Gordon, and intended and endorsed the defamatory implication.

155. Defendants published these false and defamatory statements about Ms. Gordon even though they knew that Ms. Gordon was a private figure, and not someone who was otherwise in the public eye.

156. Defendants published these false and defamatory statements about Ms. Gordon even though they refer to Ms. Gordon repeatedly as a publicist or public relations person and not a journalist, the stated focus of FishbowlDC.

157. Defendants published these false and defamatory statements about Ms. Gordon with knowledge of their falsity and/or reckless disregard as to their truth or falsity.

158. Alternatively, Defendants published these false and defamatory statements about Ms. Gordon negligently as to the truth or falsity of what they were saying.

159. Each of the Defendants was directly involved and responsible for the false and defamatory statements that were published about Ms. Gordon.

160. Defendants published these false and defamatory statements with both common-law and actual malice, and with the intent of harming Ms. Gordon.

161. Defendants published these false and defamatory statements week after week for more than a year, with the attacks becoming nastier and nastier as time progressed.

162. Defendants' false and defamatory statements have caused substantial injury to Ms. Gordon's reputation, business interests, and mental and overall well-being.

163. Ms. Gordon's business has suffered as has her emotional and mental state as a result of Defendants' actions.

164. Defendants' false and defamatory statements have caused Ms. Gordon to sustain damages exceeding \$1 million.

165. Defendants' actions against Ms. Gordon were willful, wanton and malicious, were intended to deliberately harm Ms. Gordon, and were made with a callous indifference to Ms. Gordon.

166. Defendants refused Ms. Gordon's request for a retraction despite knowing that what they had published about Ms. Gordon was false and defamatory and had caused serious injury to her.

167. Thus, in publishing the numerous false and defamatory statements about Ms. Gordon, Defendants acted with an evil motive or callous indifference to Ms. Gordon's rights and

interests. As a result of Defendants' outrageous and repeated conduct, Defendants should be ordered to pay substantial punitive damages.

COUNT II

False Light Invasion of Privacy

168. Ms. Gordon repeats and realleges each and every allegation contained in paragraphs 1 through 167 as if set forth herein.

169. Defendants' Wendy Wednesday weekly articles identified above contained false statements, representations or imputations about Ms. Gordon that placed her in a false light.

170. As discussed in greater detail above, Defendants falsely depicted Ms. Gordon as a self-promoting, attention-seeking, loose party girl/cougar, constantly on the prowl for considerably younger men for casual, sexual relations.

171. Defendants also falsely depicted Ms. Gordon as someone who craves public attention and is some type of insatiable narcissist who posted outrageous photographs of herself on the Internet for general public consumption

172. The false light in which Defendants placed Ms. Gordon would be considered highly offensive to a reasonable person.

173. Defendants were each complicit in and responsible for casting Ms. Gordon in a false light.

174. Defendants disseminated the articles described on their FishbowlDC website where the articles were widely and readily available to and accessible by members of the general public in the District of Columbia and beyond.

175. Defendants knew that their actions had the effect of casting Ms. Gordon in a false light but nevertheless continued to do so week after week for more than a year.

176. Alternatively, Defendants were negligent in their publication of the articles about Ms. Gordon, the effect of which was to portray Ms. Gordon in a false light.

177. Defendants' placing of Ms. Gordon in a false light, week after week, in the numerous articles described above caused substantial injury to Ms. Gordon's reputation, business interests, and mental well-being.

178. Defendants' placing of Ms. Gordon in a false light has caused Ms. Gordon to sustain damages exceeding \$1 million.

179. Defendants' actions against Ms. Gordon were willful, wanton and malicious, and were intended to deliberately harm Ms. Gordon.

180. Defendants refused Ms. Gordon's request for a retraction despite knowing that what they had published had cast Ms. Gordon in a false light and had caused serious injury to her.

181. Thus, Defendants acted with an evil motive or careless indifference to Ms. Gordon's rights and interests. Defendants' outrageous conduct warrants the imposition of significant punitive damages.

WHEREFORE, Ms. Gordon respectfully requests that the Court enter judgment as follows:

1. Awarding Ms. Gordon compensatory damages in an amount to be determined at trial, but in no event less than \$1 million;
2. Awarding Ms. Gordon punitive damages of no less than \$1 million;
3. Awarding Ms. Gordon interest, costs, reasonable attorneys' fees and other expenses; and
4. Awarding Ms. Gordon such other and further relief as the Court deems just and proper.

JURY DEMAND

Ms. Gordon hereby demands a trial by jury on all claims so triable.

Dated: January 17, 2013

Respectfully submitted,



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