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15 **Attorneys for Plaintiffs** Jane Roe,  
16 an individual, and John Doe, and individual

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF LOS ANGELES**

19 JANE ROE, an individual, and JOHN DOE, an  
20 individual,

21 *Plaintiffs,*

22 v.  
23

24 JENNA SMITH, an individual, and MOTHER  
25 SMITH, an individual, and DOES 1-10, inclu-  
sive

26 *Defendants.*  
27

Case No. **24STCV08102**

COMPLAINT FOR:

1. DEFAMATION
2. FALSE LIGHT
3. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

1 Plaintiffs Jane Roe (“Roe” or “Plaintiff Roe”) and John Doe (“Doe” or “Plaintiff Doe”)<sup>1</sup> (collec-  
2 tively, “Plaintiffs”), by and through their attorneys Nesenoff & Miltenberg, LLP, and Hathaway Parker,  
3 respectfully allege against Defendants Jenna Smith (“Smith” or “Defendant J. Smith”), and her mother,  
4 and Mother Smith (“Mother Smith” or “Defendant Mother Smith”) as follows:

5 **THE NATURE OF THIS ACTION**

6 1. This case arises out of a personal vendetta and envious revenge plot by Defendants Jenna  
7 Smith and Mother Smith against Plaintiffs Jane Roe and John Doe to destroy their lives and reputation,  
8 and inflict emotional distress upon them.

9 2. Intent on causing maximum damage to Roe and Doe, Jenna Smith knowingly spread and  
10 published numerous false and defamatory statements to various social media applications, erroneously  
11 accusing John Doe of sexual assault. Defendant J. Smith also verbally shared these same false allega-  
12 tions to numerous individuals verbally. Defendant Mother Smith shared these wrongful allegations  
13 crafted by her daughter to numerous other parents of students.

14 3. Defendant Jenna Smith launched these false accusations not only against Plaintiff Doe  
15 with respect to herself, but also wrongly claimed that Plaintiff Doe allegedly sexually assaulted Plaintiff  
16 Roe.

17 4. Defendant Jenna Smith’s vendetta against the Plaintiffs became clear through her relent-  
18 less posts, comments, and messages on social media, as well as through her dissemination of false infor-  
19 mation by sharing these false allegations to anyone who would listen. Defendant Mother Smith’s mis-  
20 guided crusade stemming from the lies of her daughter became apparent when she perpetually shared the  
21 false allegations to multiple other parents of students, as well as school administrators and staff.

22 5. In response to Defendant’s defamatory statements, Plaintiffs felt utterly dejected threat-  
23 ened. Doe and Roe are uniquely talented in a specific area, which they are both pursuing in collegiate  
24 study. They both anticipate making careers in a highly public realm. These untrue accusations and false  
25 statements could irreparably harm them both, ending their careers before they have even really begun to  
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27 <sup>1</sup> Jane Roe, John Doe, Jenna Smith, and Mother Smith are pseudonyms. The Plaintiffs are proceeding  
28 under pseudonyms to protect their identities, as well as the other third-party non-litigants, to stop the  
perpetuation they are suffering.

1 flourish.

2 6. Defendant Jenna Smith went so far as to file a formal complaint against Plaintiff Doe for  
3 the allegations. After a full investigation, the school district exonerated Plaintiff Doe by finding him *not*  
4 *responsible* of all allegations.

5 7. Jenna Smith, now upon information and belief in her final semester of high school, and  
6 despite both Plaintiffs having since graduated from the school, continues to perpetuate her vengeance  
7 against Plaintiffs via social media posts and verbal accusations.

8 8. As a result of Defendant Jenna Smith's false allegations and both Defendants' defama-  
9 tory statements, Plaintiffs have suffered, and continue to suffer severe emotional distress, depression,  
10 and anxiety, including loss of appetite, insomnia, and lack of concentration in their daily lives at their  
11 top universities, as well as damage to their respective reputations despite Doe's full exoneration.

12 9. Defendants' actions will continue to impact Roe and Doe if they are not stopped.

13 **THE PARTIES**

14 10. Plaintiff Jane Roe is an individual presently over the age of 18 and permanent resident of  
15 Burbank, California in the County of Los Angeles.

16 11. Plaintiff John Doe is an individual presently over the age of 18 and permanent resident of  
17 Burbank, California in the County of Los Angeles.

18 12. Defendant Jenna Smith is an individual presently over the age of 18 and permanent resi-  
19 dent of Toluca Lake, California in the County of Los Angeles.

20 13. Defendant Mother Smith is an individual presently over the age of 18 and permanent resi-  
21 dent of Toluca Lake, California in the County of Los Angeles.

22 **JURISDICTION AND VENUE**

23 14. This Court has jurisdiction over Plaintiffs' claims and the Defendants because they are  
24 residents of the State of California. The conduct at subject in this complaint occurred in the County of  
25 Los Angeles, in the State of California.

26 15. In addition, the amount in controversy exceeds the minimum for unlimited civil jurisdic-  
27 tion of this Court.

1 **FACTUAL ALLEGATIONS**

2 **A. The Plaintiffs and Defendant are Members of a Select Club at their Shared High**  
3 **School.**

4 16. Jane Roe and John Doe both attended John Burroughs High School (the “School” or  
5 “JBHS”) within the Burbank Unified School District (the “District” or “BUSD”).

6 17. While enrolled at the School, Jane Roe and John Doe began a romantic dating relation-  
7 ship with each other. Although they have both since graduated, and moved onto college, they remain a  
8 loving and happy couple.

9 18. Jane Roe, John Doe, and Jenna Smith all participated in a select club (the “Club”) at the  
10 School.

11 19. The School showcased Jane Roe and John Doe in this Club. Roe and Doe were leaders in  
12 the club in all aspects, by both performance and structure. Doe served in an officer position at the helm  
13 of the Club during his senior year.

14 20. By comparison, the School did not showcase Jenna Smith in the Club. Instead, she partic-  
15 ipated in the shadows of Doe and Roe, causing Jenna Smith, upon information and belief, to become en-  
16 vious of both Doe and Roe.

17 **B. The Club Hosts an Event Spanning from April 8 through April 9, 2022.**

18 21. On April 8, 2022, the Club commenced a competitive event at the School that spanned  
19 from Friday, April 8, 2022 through Saturday, April 9, 2022. This required members of the Club to be  
20 there very early in the morning, resulting in two long days.

21 22. At approximately 6:45 pm, John Doe presented awards to middle school competitors at a  
22 Club event, at the School.

23 23. Once a year, the men’s and women’s groups engaged in a showcase activity together. As  
24 both John Doe and J. Smith were members of their individual gender groups, they engaged in a Club ac-  
25 tivity together in front of the entire event. After the showcased activity that Roe watched from the audi-  
26 ence, Roe sent a text message to Doe, indicating she loved Doe’s performance in the showcased activity.

27 24. At approximately 12:01 am, on April 9, 2022, the Club’s event concluded. In his role as  
28 leader, Doe remained at the helm of the group in the auditorium to pass out awards.

1           25.     At approximately 12:16 am, when the event concluded, Doe walked off stage into the au-  
2 dience and towards his girlfriend, Roe. The two engaged in taking photos and expressed their exhaus-  
3 tion.

4           26.     At approximately 12:22 am, Doe and Roe’s parents took their photo. Directly after taking  
5 this photo, Doe, Roe, and their respective families walked out of the main entrance (“Main Entrance”) of  
6 the School’s auditorium, walked into the parking lot, and headed towards their cars.

7           27.     At approximately 12:30 am, both Doe and Roe left the School along with their respective  
8 families.

9           28.     After arrival at their respective homes, Doe and Roe proceeded to engage in a text mes-  
10 sage exchange with each other. Both remained at their respective homes and fell asleep.

11           29.     Later on April 9, 2022, Doe, Roe, and other members of the Club returned to the School  
12 for the second day of the Club’s event. Doe returned to the School from his home sometime after 9:00 am  
13 for the second day of the Club’s event.

14           30.     Notably, on the second day of the Club’s event, Roe received a first-place recognition  
15 which resulted in her being showcased as a solo at the event. Jenna Smith also competed, but fell short.

16           **C.     Occurrences After April 9, 2022.**

17           31.     For the remainder of the Spring 2022 term, Doe, Roe, and J. Smith all participated in  
18 Club events. John Doe graduated in the Spring of 2022 and moved onto college.

19           32.     Plaintiff Jane Roe and Defendant Jenna Smith participated in the Club in the Fall of 2022  
20 and Spring of 2023.

21           33.     Jane Roe’s star continued to shine throughout the 2022-2023 school year, where she ex-  
22 perience great success at the helm, in the top tier, of the Club. At the same time, Jenna Smith was in the  
23 lower tier of the Club, and only an apprentice to the top tier.

24           34.     Jane Roe and John Doe continued their romantic relationship, as well.

25           **D.     Jane Roe Learns of Untrue Statements Being Spread About Herself and John Doe**  
26           **by Defendant Jenna Smith.**

27           35.     On or around March 31, 2023, upon information and belief, Jenna Smith pulled aside  
28

1 Student 1<sup>2</sup> to share her false statements of her allegations against Doe, noting that Doe allegedly sex-  
2 ually assaulted her, and upon information and belief, Roe.

3 36. Jenna Smith knowingly and falsely shared these allegations despite knowing of their  
4 falsehood.

5 **E. Jenna Smith Continues to Spread False Statements About Roe and Doe.**

6 37. On or around April 1, 2023, Jane Roe and J. Smith, along with their Club, attended a  
7 competitive event that required travel.

8 38. The family of Roe also attended the competitive event that required travel. John Doe also  
9 attended to support his sibling and his girlfriend, Roe.

10 39. On or around April 2, 2023, Mother Smith, who attended the trip, upon information and  
11 belief, stated to another parent of a Club member, who is a leader in the Club, that her daughter had been  
12 allegedly sexually harassed. Unbeknownst to Mother Smith, she shared this information with a close  
13 friend of both the Doe and Roe families. Tellingly, she did not provide any further information, but only  
14 stated that it was “no longer a problem” because “he’s no longer at the School.”

15 40. On or around April 2, 2023, while on a boat cruise, Student 2<sup>3</sup> heard Jenna Smith spread-  
16 ing these untrue allegations about Doe. Student 2 specifically heard Jenna Smith falsely state to another  
17 student, Student 3<sup>4</sup>, that John Doe allegedly sexually assaulted her. Student 2 asked Jenna Smith directly  
18 what she was talking about, and Jenna Smith shared the story again to Student 2.

19 41. Jenna Smith stated that Doe allegedly sexually assaulted her in a separate entrance/exit  
20 area (the “Small Atrium”) sometime after April 8, 2022 at 11:59 pm and April 9, 2022 before 1:30 am.

21 42. These allegations are simply untrue, as Doe and Roe were in the front of the auditorium,  
22 then engaged in taking photos, and left from the Main Entrance, *entirely different* entrance and exit area.  
23 Neither Doe nor Roe went back to the Small Atrium, and neither engaged with Jenna Smith at all.

24 43. Upon information and belief, Mother Smith shared false statements to other Club parents,  
25 including those on the trip and not on the trip, and notably a parent leader in the club. Upon information  
26 and belief, Mother Smith shared that Doe allegedly sexually assaulted Jenna Smith.

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27 <sup>2</sup> Student 1 is a pseudonym.

28 <sup>3</sup> Student 2 is a pseudonym.

<sup>4</sup> Student 3 is a pseudonym.

1           44.     Roe’s mother noticed other parents who usually maintained friendly relations with her  
2 shying away. At the time, Roe’s mother had no idea why, but it is now clear that it was as a result of  
3 these untrue allegations.

4           45.     The Club members carried on with the rest of the trip for the competitive event and then  
5 returned back home to California.

6           **F.     Jane Roe is Prohibited from Purchasing Tickets to Her Own Prom as a Result of**  
7           **Jenna Smith’s False Statements about John Doe to the School.**

8           46.     After their return to California, upon information and belief, Jenna Smith continued to  
9 spread these false allegations to other students at the School, and other Club members.

10          47.     Upon information and belief, Jenna Smith even went so far as to take Student 2 to the  
11 Small Atrium and showed Student 2 where her head allegedly hit the wall during the alleged incident  
12 and where she purportedly “made marks” on the walls. It was during this time that, upon information  
13 and belief, Jenna Smith told Student 2 that Doe allegedly sexually assaulted Roe, as well, for the very  
14 first time.

15          48.     Jenna Smith continued to spread these lies, as other students, upon information and be-  
16 lief, shared these wrongful, false allegations with their parents.

17          49.     Mother Smith also continued to share these false allegations among parents at the School  
18 and within the Club.

19          50.     In early April of 2023, Jane Roe went to purchase tickets to her prom. However, upon  
20 attempting to purchase a ticket for herself and John Doe, the School denied her. Much to her surprise,  
21 she was informed that she could purchase a ticket for herself, but not for her boyfriend who had since  
22 graduated, John Doe.

23          51.     Jane Roe was dumbfounded by this, as the School could not supply a reason.

24          52.     Roe and Doe inquired about the situation because they both wanted to attend Roe’s prom  
25 together.

26          **G.     Defendant Jenna Smith Filed a Complaint Against Plaintiff John Doe at the School.**

27          53.     In April of 2023, John Doe learned that a student filed a complaint against him at the  
28

1 School for alleged sexual misconduct which he did not commit. At the time, he did not know who alleg-  
2 edly filed the complaint against him. It was not until on or around May of 2023 that Doe learned of the  
3 identity of the complaining party.

4 54. Defendant Jenna Smith complained that John Doe: (a) allegedly sexually and physical  
5 assaulted her by performing oral sex and engaging in penetrative sex without consent, and that Doe al-  
6 legedly engaged in physical violence during this purported interaction; and shockingly, (b) allegedly  
7 sexually and physically assaulted Jane Roe. Defendant J. Smith alleged that all of this purportedly oc-  
8 curred on April 8, 2022, when both Roe and Doe were still enrolled at the School. As noted above, the  
9 allegations purportedly occurred in the Small Atrium, sometime after April 8, 2022 at 11:59 pm and  
10 April 9, 2022 before 1:30 am.

11 55. The initial notice that Doe received only stated “egregious misconduct” not sexual mis-  
12 conduct. It was not until later that Doe fully learned the breadth of the accusations against him. This  
13 truly shocked Doe, as he never engaged in any such behavior. He enjoys a loving, romantic relationship  
14 with Roe, where both understand the importance of consent.

15 56. On April 7, 2023, the District issued a stay away (“Stay Away”) notice to Doe requiring  
16 him to stay away from the School and all events and schools associated with the District.

17 **H. The School Conducts an Investigation in Smith’s False Claims.**

18 57. The School notified Doe that they would be conducting an investigation into the allega-  
19 tions, and that he was not required to participate. Doe participated and complied with every part of the  
20 investigation, despite not being required due to his status as a graduate. He offered evidence and wit-  
21 nesses in support of his position.

22 58. Importantly, he submitted photos taken during the time of the alleged incident—with  
23 time stamp information—that made a clear record of his location, as well as text messages from the  
24 evening of the alleged incident, corroborating his account. Roe also appeared as a witness, sharing her  
25 account of the evening in question.

26 59. Over the course of the District investigation, Plaintiff Doe obtained access to Defendant  
27 Smith’s complaint, which revealed that she had no memory of the alleged incident—yet launched these  
28 false accusations against Doe.



1           **I. Defendant Jenna Smith Continues to Spread False Information About the Plaintiffs.**

2           60. John Doe did not attend the School’s prom due to the Stay Away. Upon information and  
3 belief, School administrators searched the prom and inquired to students about whether Doe and Roe at-  
4 tended.

5           61. Doe’s sibling is also a member of the Club. On or around April 30, 2023, the president-  
6 elect of the parent’s booster section of the Club informed Doe’s mother that she could no longer host the  
7 end of the year dinner and gathering at her house because of the allegations against Doe.

8           62. On or around May 3, 2023, Student 4 shared that she heard Jenna Smith made false state-  
9 ments about her Doe and Roe to *multiple* students at the School. Upon information and belief, Student 4  
10 received this information from Student 5<sup>5</sup>. Student 5, who also served in a leadership position in the  
11 Club, directly heard Jenna Smith state that Doe sexually assaulted both her and Jane Roe.

12           63. Student 5 told a group of students including Student 4 and Student 6, about how Doe was  
13 banned from prom. Student 6 shared that he knew Doe but he did not know what to believe. It became  
14 apparent that Jenna Smith succeeded in destroying Doe’s credibility and good reputation.

15           64. Jane Roe and John Doe learned of the specifics of the false allegations on or around May  
16 3, 2023, as well. Both were utterly dumbfounded and horrified by these accusations, as John Doe never  
17 engaged in any such conduct.

18           65. This was the first time that Jane Roe or John Doe had ever heard of any such allegations  
19 of sexual misconduct.

20           66. Upon information and belief, Jenna Smith specifically told multiple people that she  
21 shared the information in order for it to get back to Jane Roe, as a further intimidation and vengeance  
22 tactic.

23           67. On or around one week later, Jane Roe first learned that Jenna Smith alleged that not only  
24 did Doe purportedly sexually assault Jenna Smith, but also that he allegedly sexually assaulted Jane Roe.

25           68. School Assistant Principal Tori Cuseo (“AP Cuseo”) called Jane Roe into her office on or  
26 around May 8, 2023 for a purported “mental health check.” Roe informed AP Cuseo of the false state-  
27 ments spread by Jenna Smith throughout the School.

28 \_\_\_\_\_  
<sup>5</sup> Student 4 and Student 5 are pseudonyms.

1           69.     On or around May 18, 2023, Student 2 shared to Jane Roe that Jenna Smith now pushed  
2 her false narrative that Doe allegedly raped Roe, as well. Upon information and belief, Jenna Smith  
3 shared to multiple students that Doe allegedly seemed drunk, that he kept offering J. Smith his drink,  
4 who thought later that he was trying to drug her.

5           70.     Upon information and belief, J. Smith shared that John Doe allegedly kissed her and then  
6 she “blacked out”; then, Roe walked in, and Doe allegedly ignored Defendant J. Smith and began kiss-  
7 ing Roe.

8           71.     Upon information and belief, Jenna Smith further stated that she allegedly heard Roe  
9 scream “stop”, was then allegedly taken into a different room, and Doe allegedly raped her. Again, these  
10 allegations are entirely false.

11           72.     On or around May 19, 2023, two of John Doe’s sibling’s friends shared with Doe’s sib-  
12 ling and Doe’s mother that they heard Jenna Smith’s untrue allegations. The damage had been done,  
13 with the school rumor mill running wild due to Jenna Smith’s false statements.

14           73.     Beginning on or around May 20, 2023, Plaintiff Roe and Plaintiff Doe both began receiv-  
15 ing harassing comments and messages on their social media accounts. This happened directly after Roe  
16 was interviewed for the investigation into Jenna Smith’s false accusations.

17           74.     Nearly every single post both of them had on respective Instagram accounts received at  
18 least one comment.

19           75.     The dozens of comments were explicit and violent in nature, and unrelenting. For exam-  
20 ple, may accused both of them of being homophobic, yet also accused them in a derogatory way of iden-  
21 tifying as LGBTQ+. Both Doe and Roe are ardent supporters of the LGBTQ+ community and to con-  
22 strue them as anything but that is utterly false. Due to the industry they are both pursuing as careers, they  
23 are uniquely aware of and celebrate the LGBTQ+ community.

24           76.     Upon information and belief, Jenna Smith published these harmful comments.

25           77.     Furthermore, although the account that Roe and Doe received these messages from was  
26 anonymous, upon information and belief, the person sending the messages was Jenna Smith. The infor-  
27 mation contained in these messages and comments showcased information that Jenna Smith would spe-  
28 cifically have.

1           78.     Jane Roe feared for her safety, missed substantial periods of school due to fear of what  
2 Jenna Smith may do next and the rampant false accusations of Jenna Smith, and took her final examina-  
3 tions in the School’s administration office.

4           79.     Jane Roe attended her graduation in the Spring of 2023; however, the School did not per-  
5 mit Doe to attend.

6           **J.     After Asserting His Innocence at Every Turn, and with Ample Evidence and Testi-  
7 mony Supporting Such, John Doe Received Full Exoneration of All Allegations  
8 Against Him by the School.**

9           80.     After a lengthy investigation conducted by an outside investigator, on August 4, 2023, the  
10 School found John Doe *not responsible* for any of the claims that Defendant Smith launched against  
11 him.

12          81.     As a result, John Doe was exonerated of allegations against him.

13          82.     On August 14, 2023, the School notified John Doe that they completely removed the Stay  
14 Away of April 7, 2023. At that time, the School made note to share that the only limitations that applied  
15 to Doe directly would be the same as those that applied to any member of the public.

16          83.     In a separate letter to Jane Roe, the School admitted that it is “more likely than not that  
17 Jenna Smith] had shared with others her allegations against the former student that involved [Roe].”  
18 (emphasis added).

19          **K.     Jenna Smith Continues to Spread False Information, Resulting in a Second Stay  
20 Away.**

21          84.     Despite the finding of no responsibility, and a mere three days after the School uplifted  
22 the Stay Away, John Doe received a notice on August 17, 2023 from the School that enacted a *second*  
23 stay away order (the “Second Stay Away”). Through this notice, the School banned John Doe from all  
24 properties and events associated with any School in the entire District.

25          85.     Upon information and belief, Defendant J. Smith and Defendant Mother Smith, an em-  
26 ployee of the District, brought the Smith family’s general dissatisfaction and disagreement with the find-  
27 ing of not responsibility to a higher authority to seek further action.

1           86.     Upon information and belief, the Smith family filed police report about the alleged con-  
2 duct. Tellingly, Doe has not been changed with a single thing.

3           87.     Upon information and belief, the Second Stay Away came about only after the actions of  
4 Defendants.

5           88.     The Second Stay Away remains in effect to this day. Despite the Second Stay Away not-  
6 ing that if Doe wishes to attend any event for the District, he can request to do so, the School has *never*  
7 permitted him to attend a single event to date. Since the enactment of the Second Stay Away, the School  
8 has not permitted Doe to attend various events for his own sibling.

9           89.     John Doe has made numerous requests for events that he would want to attend in connec-  
10 tion with or at a District school, which all have been denied.

11           90.     John Doe has missed out on critical, important events with his younger sibling that at-  
12 tends the School and will further be prevented from even attending their graduation due to these false  
13 allegations against him.

14           **L.     Jenna Smith Continues to Defame and Portray Doe and Roe in a False Light.**

15           91.     Despite both Roe and Doe having since graduated from the School, Smith continued her  
16 unrelenting attack on them both.

17           92.     On or around August 6, 2023, another parent shared that they too have learned of the alle-  
18 gations by Jenna Smith against John Doe, and concerning Jane Roe.

19           93.     Upon information and belief, students continue to discuss the false allegations, only  
20 spurned by Jenna Smith’s unrelenting attacks on Doe and Roe.

21           94.     On or around October 21, 2023, Jane Roe attended an event for the Club with her family  
22 members. As Jenna Smith is still enrolled, she was involved in the event. Jenna Smith stated “f\*ck you”  
23 directly to Jane Roe, displaying her true feelings of distaste towards Jane Roe.

24           95.     Jenna Smith has posted and re-posted numerous posts on social media that have defamed  
25 both Roe and Doe. She has repeatedly referenced “rape” and “PTSD”. By way of example and not limi-  
26 tation:

27           96.     On or around January 17, Jenna Smith re-posted a video about sexual assault, upon infor-  
28 mation and belief, alluding to Doe and Roe in her post.

1           97.     On or around January 31, Jenna Smith re-posted video with the caption stating that “the  
2 thing” happened a year before, implying, upon information and belief, that the “thing” was the alleged  
3 assault.

4           98.     On or around February 25, Jenna Smith re-posted a video with the text, “I’m convinced  
5 everyone goes through that one thing in 10<sup>th</sup> grade that changes the trajectory of their life forever” once  
6 again referring, upon information and belief, to the alleged assault that never occurred.

7           99.     On or around February 27, Jenna Smith re-posted a video that included the words “you  
8 killed my light” with the caption “most honest song yet”—all purportedly in reference, upon information  
9 and belief, to her false claims against John Doe.

10          100.    Jenna Smith’s attacks have not stopped. Doe and Roe live in fear of what Jenna Smith,  
11 and Mother Smith, may do next to tarnish their reputations even further.

12           **M.     Plaintiffs Jane Roe and John Doe Have Suffered and Continue to Suffer Damages.**

13          101.    As a result of Defendants’ defamatory actions against Plaintiffs, Plaintiffs have suffered  
14 and will continue to suffer substantial damages.

15          102.    Plaintiffs have suffered and continue to suffer severe emotional distress, including anxi-  
16 ety, loss of appetite, insomnia, lack of concentration, and a general fear of what Jenna Smith and Mother  
17 Smith may do next.

18          103.    Both Plaintiffs also suffer and continue to suffer damage to their reputations as a result of  
19 Jenna Smith’s false statements. Plaintiff Doe has suffered and continues to suffer reputational damage  
20 due to the false statements from Defendants and ongoing harassment from Jenna Smith. His reputation is  
21 tarnished in his home community despite being found not responsible for all allegations. Plaintiff Roe’s  
22 reputation is tarnished by her association with Doe and by being portrayed as the person who remained  
23 with an alleged abuser, as well as by the false allegations she was raped. It has tainted her credibility and  
24 otherwise good standing in the community. Both Doe and Roe have suffered reputational damages from  
25 the Instagram comments that wrongly accused them of being homophobic. The chosen career field that  
26 both Doe and Roe have chosen to enter has a large LGBTQ+ population that they both support, love,  
27 and embrace fully.



1           112. The above noted statements consisted of oral and written statements tending to directly  
2 injure Plaintiffs and Plaintiffs’ personal reputation and careers.

3           113. The statements are unequivocally false.

4           114. Importantly, the District exonerated Doe completely by finding Doe *not responsible of all*  
5 *allegations against him falsely launched by Defendant Jenna Smith*. Doe provided ample evidence to  
6 support his innocence, including photos from the time period in question and testimony from eyewit-  
7 nesses as to his whereabouts.

8           115. Furthermore, neither Doe nor Roe are homophobic and took great offense to that implica-  
9 tion, as both are staunch supporters of the LGBTQ+ community. Allegations of homophobia can severely  
10 harm a person’s reputation, in particular in the industry where Doe and Roe are pursuing careers.

11           116. The false statements made by Mother Smith and Jenna Smith were not privileged in any  
12 manner.

13           117. The defamatory statements have a natural tendency to cause injury or result in special  
14 damage.

15           118. Each of these false defamatory publications were recklessly, and intentionally published  
16 in a manner equating to “malice.” All of the publications were made with hatred, ill will, and intent to  
17 vex, harass, annoy, and injure Plaintiffs with knowledge that they were untrue. These false and defama-  
18 tory statements were made to cause damage to Plaintiffs’ professional and personal reputation, their  
19 good names, and their respective abilities to make a living, obtain employment, and to humiliate them  
20 before third parties.

21           119. Based on the foregoing, Plaintiffs have suffered and will continue to suffer substantial  
22 damages including but not limited to: (i) severe emotional distress, including loss of appetite, insomnia,  
23 and lack of concentration in their daily lives; (ii) damage to Doe and Roe’s reputations; (iii) attorney’s  
24 fees; and (iv) medical fees to help aid them in combating the false allegations, as well as receive treat-  
25 ment for severe emotional distress.

26           120. Defendants proximately caused the damages to Plaintiffs.

27           121. The above-described statements were published and instigated by Defendants with mal-  
28 ice, oppression, and fraud, in that they sought to ostracize Plaintiffs, subject them to ridicule and shame,

1 and to ruin Plaintiffs' professional reputation and life, and therefore Plaintiffs seeks an award of punitive  
2 damages.

3 122. Based on the foregoing, Plaintiffs are entitled to recover damages in an amount to be de-  
4 termined at trial.

5 123. Due to the continuing nature of the harm against Plaintiffs as a result of Defendant's li-  
6 belous, slanderous, and defamatory publications, Plaintiff respectfully requests an injunction that: (i) di-  
7 rects Defendant Jenna Smith to remove all defamatory posts from social media; (ii) prohibits Defendants  
8 from publishing any future statements about Plaintiffs Doe and Roe (whether online or verbal); (iii) di-  
9 rects Defendant Jenna Smith to publicly issue a written apology to the Plaintiffs and publicly to the  
10 Club, as well as the parent booster group, via email, and for Mother Smith to issue a public apology to  
11 Plaintiffs in the same fashion; and (iv) directs Defendants to provide Plaintiffs with a written admission  
12 to both Doe and Roe that they falsely accused Doe of rape, sexual assault, and homophobia.

13  
14 **COUNT II**  
**FALSE LIGHT**

15 *(Defendants Jenna Smith, Mother Smith and DOES 1-5)*

16 124. Plaintiffs repeat and reallege each and every allegation hereinabove as if fully set forth  
17 herein.

18 125. "False light is a species of invasion of privacy, based on publicity that places a plaintiff  
19 before the public in a false light that would be highly offensive to a reasonable person, and where the  
20 defendant knew or acted in reckless disregard as to the falsity of the publicized matter and the false light  
21 in which the plaintiff would be placed." (internal citations and quotations omitted). *Jackson v. May-*  
22 *weather*, 10 Cal. App. 5th 1240, 1264, 217 Cal. Rptr. 3d 234, 256 (2017), as modified (Apr. 19, 2017).

23 126. A claim for false light "exposes a person to hatred, contempt, ridicule, or obloquy and  
24 assumes the audience will recognize it as such." *Jackson v. Mayweather*, 10 Cal. App. 5th 1240, 1264,  
25 217 Cal. Rptr. 3d 234, 256 (2017), as modified (Apr. 19, 2017).

26 127. To establish a claim for false light, a plaintiff must show that "(1) the defendant caused to  
27 be generated publicity of the plaintiff that was false or misleading, and (2) the publicity was offensive to  
28 a reasonable person[,]" as well as malice. *Burnell v. Marin Humane Soc'y*, No. 14-CV-05635-JSC, 2015



1 WL 6746818, at \*17 (N.D. Cal. Nov. 5, 2015) (internal citations and quotations omitted).

2 128. As demonstrated above, the Defendants published these false and defamatory statements  
3 to the public. Mother Smith did so verbally, and upon information and belief, through text message and  
4 email. Defendant Jenna Smith did so verbally, and through social media, as well as, upon information  
5 and belief, text message and email.

6 129. Prior to the publication of Defendants' false and defamatory statements, Plaintiffs en-  
7 joyed unblemished and respectable reputations within their community. Both Plaintiffs have enjoyed  
8 high regard for their talent and leadership, in particular connection with the Club.

9 130. The above-described false accusations would be highly offensive to a reasonable person.  
10 With this in mind, Defendants published unfounded allegations to publicly humiliate and disparage  
11 Plaintiffs, to cast them both in a "false light" and ruin their reputations and careers forever.

12 131. Defendants Jenna and Mother Smith exercised actual malice when they shared their state-  
13 ments with the public about Plaintiffs Jane Roe and John Doe.

14 132. As a result of Defendants' publication, Plaintiff has suffered actual damages and general  
15 damages including for reputational harm, severe emotional distress, and attorney's fees.

16  
17 **COUNT III**  
18 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
19 ***(Defendants Jenna Smith, Mother Smith and DOES 1-5)***

20 133. Plaintiffs repeat and reallege each and every allegation hereinabove as if fully set forth  
21 herein.

22 134. To establish a claim for intentional infliction of emotional distress, a plaintiff must show:  
23 (1) that the defendant "engaged in extreme and outrageous conduct with the intent to cause, or with  
24 reckless disregard for the probability of causing, emotional distress"; (2) that "plaintiff suffers with ex-  
25 treme or severe emotional distress"; and (3) "that the defendant's extreme and outrageous conduct was  
26 the actual and proximate cause of the plaintiff's extreme or severe emotional distress." *So v. Shin*, 212  
27 Cal. App. 4th 652, 671, 151 Cal. Rptr. 3d 257, 271 (2013), as modified on denial of reh'g (Jan. 28,  
28 2013); *see also Hayes v. TJX Companies, Inc.*, No. 2:17-CV-07182-ODW-JC, 2018 WL 619876, at \*4  
(C.D. Cal. Jan. 29, 2018).

1 135. Defendants Jenna and Mother Smith engaged in extreme and outrageous conduct with the  
2 intention of causing, or reckless disregard of the probability of causing, emotional distress upon Plain-  
3 tiffs John Doe and Jane Roe as a result of the defamatory and false statements that Doe purportedly  
4 raped Jenna Smith and Jane Roe, as well as the comments wrongly suggesting homophobia.

5 136. Plaintiffs suffered severe or extreme emotional distress as a result of the grossly defama-  
6 tory statement Defendants made both in writing and verbally.

7 137. Defendants Jenna and Mother Smith's outrageous conduct was the actual and proximate  
8 causation of the Plaintiffs' emotional distress. Defendants knew their statements would injure Plaintiffs  
9 and cause them emotional distress. Defendants' outrageous conduct was so extreme as to exceed all  
10 bounds of that which is usually tolerated in a civilized community.

11 138. Defendants' conduct was intended to inflict injury or engaged in with the realization that  
12 Plaintiffs' injury would result.

13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiffs pray, and demand Judgment as follows:

- 15 1. For actual damages and profits according to proof in excess of \$5,000,000;
- 16 2. For compensatory damages according to proof in excess of \$5,000,000;
- 17 3. For exemplary damages in an amount sufficient to punish Defendants' wrongful conduct  
18 and deter future misconduct;
- 19 4. For attorneys' fees and costs incurred herein;
- 20 5. An injunction that directs Defendants to remove all defamatory posts and comments from  
21 social media and issue apologies to Plaintiffs, as well as prohibits Defendants from pub-  
22 lishing any future statements about Plaintiffs (whether online, in another written form, or  
23 verbal);
- 24 6. For punitive damages; and
- 25 7. That such other and further relief be awarded and ordered as this Court may deem just  
26 and proper.

27 ///

28 ///

1 Dated: March 29, 2024

Respectfully submitted,

2  
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**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all issues so triable.

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