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5 Attorneys for Plaintiffs
BENCHMARK YOUNG ADULT SCHOOL, INC.
6 AND JAYNE LONGNECKER
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO, CENTRAL CIVIL DISTRICT
10

11 BENCHMARK YOUNG ADULT SCHOOL,)
12 INC., a California corporation; and JAYNE)
LONGNECKER, an individual,)
13)
14 Plaintiff,)
15)
16 v.)
17 MICHAEL CRAWFORD, an individual; and)
DOES 1 through 50, inclusive,)
18)
19 Defendant.)

CASE NO.:

COMPLAINT FOR :

1. DAMAGES FOR INTENTIONAL INTERFERENCE WITH ECONOMIC RELATIONS;
2. DAMAGES FOR LIBEL PER SE;
3. DAMAGES FOR LIBEL;
4. DAMAGES FOR INVASION OF PRIVACY;
5. PRELIMINARY AND PERMANENT INJUNCTION.

21
22 Plaintiff, BENCHMARK YOUNG ADULT SCHOOL, INC. and JAYNE LONGNECKER
23 (“Plaintiffs”), hereby alleges as follows:

24 **FACTS COMMON TO ALL CAUSES OF ACTION**

25 1. At all times herein mentioned herein Plaintiff, BENCHMARK YOUNG ADULT SCHOOL,
26 INC. (hereinafter “Plaintiff” and/or “BENCHMARK”), was and is California Corporation organized and
27 existing under the laws of the state of California, with its principal place of business in the City of
28 Redlands, County of San Bernardino, California.

1 2. At all times herein mentioned herein Plaintiff, JAYNE LONGNECKER is an individual
2 residing in Redland, California.

3 3. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned
4 Defendant MICHAEL CRAWFORD (hereinafter “Defendant” and/or “CRAWFORD”), was and is an
5 individual residing in various locations.

6 4. The true names and capacities of the Defendants sued herein as DOES 1 through 50, inclusive,
7 are unknown to the Plaintiff who therefore sues those Defendants by such fictitious names pursuant to
8 *Code of Civil Procedure* §474. The Plaintiff will amend this Complaint to include their true names and
9 capacities when the same are ascertained. Plaintiff is informed and believes and thereon alleges that
10 each of the fictitiously named Defendants is responsible and liable in some manner for Plaintiff's
11 damages herein.

12 5. At all times herein mentioned each of the Defendants were the agents, servants and employees
13 of the remaining Defendants and was at all times acting within the scope and purposes of said agency
14 and employment. Each is bound by or responsible for the acts of the others. Said relationships between
15 Defendants were and are created by agreement, by ratification, by ostensible agency, by estoppel, by
16 actual, inherent, implied or ostensible authority or otherwise, and this paragraph is not a limitation on
17 the manner in which said relationships were created as a matter of fact or matter of law.

18 6. Pursuant to the provisions of Part 2, Title 4 of the *Code of Civil Procedure*, the Superior Court
19 of California, County of San Bernardino is the proper court in which to bring this action since the
20 property at issue in this action is located in said County.

21 7. Plaintiff BENCHMARK is a residential co-educational emotional growth school dedicated to
22 assisting troubled teens and young adults who are between 18 - 28 years of age.

23 8. Plaintiff Jayne Longnecker is the principal shareholder of BENCHMARK.

24 9. CRAWFORD is a prior BENCHMARK student. CRAWFORD attended BENCHMARK from
25 approximately September 2001 until June 2002.

26 10. Beginning in or about 2003, CRAWFORD notified BENCHMARK that he was creating a web
27 site with the purpose and intention of destroying BENCHMARK's business. Consistent with that threat,
28 shortly after that CRAWFORD began a campaign of intimidation, harassment and abuse against

1 BENCHMARK and Longnecker that has continued to the date of this lawsuit.

2 11. CRAWFORD's actions against BENCHMARK and Longnecker have included:

- 3 a. Making defamatory statements to third parties, including education consultants upon
4 whom BENCHMARK relies to refer student to its program;
- 5 b. On or about Thanksgiving 2007, CRAWFORD appeared at the BENCHMARK campus
6 and over a period of approximately eight (8) days sought to disrupt and destroy
7 BENCHMARK's ongoing school operations. CRAWFORD's actions included (1)
8 standing outside student apartments yelling at students soliciting them and offering to pay
9 them to terminate their participation at BENCHMARK. In so doing, CRAWFORD
10 encouraged those students to violate the terms of their contractual agreement with
11 BENCHMARK and in some cases, terms of court probation; (2) stalking at least one
12 BENCHMARK employee while she was traveling home from BENCHMARK, eventually
13 forcing her to contact 911 out of fear for her safety; (3) videotaping BENCHMARK
14 students and staff members and photographing their car license plates; and (4) trespassing
15 on BENCHMARK property, requiring BENCHMARK to contact the police to force him
16 off the premises;
- 17 c. Posting defamatory statements on internet sites that are targeted to be presented to
18 individuals searching on the internet for information on BENCHMARK. Those
19 defamatory comments include, but are not limited to, statements that BENCHMARK
20 engages in "systematic discrediting", and "character assassination" of BENCHMARK
21 students, that BENCHMARK engages in "mind experimentation" on BENCHMARK
22 students, that BENCHMARK ignored instances of "abuse or mistreatment" by
23 BENCHMARK staff against BENCHMARK students, that BENCHMARK "regularly
24 abuses" the trust placed in BENCHMARK by parents, that BENCHMARK staff "creates"
25 problems in BENCHMARK students in order to financially exploit parents, that
26 BENCHMARK schemes to promote the failure of students who leave the BENCHMARK
27 program, that BENCHMARK "brainwashes" students for the purpose of deceiving
28 potential participants in the BENCHMARK program and only permits certain students to

1 succeed, that BENCHMARK engages in the unauthorized practice of experimental
2 psychology, and that BENCHMARK engages in “psychological abuse” and “physical
3 abuse” of BENCHMARK students.

4 **FIRST CAUSE OF ACTION**

5 (For Intentional Interference With Economic Relations by Plaintiffs Against All Defendants and
6 DOES 1- 50)

7 12. Plaintiff realleges and reincorporates each and every allegation set forth in Paragraphs 1
8 through 11 of this Complaint as though fully set forth at this point.

9 13. The actions of Defendants including but not limited to, those set forth above, were designed
10 to disrupt the above described economic relationships between Plaintiffs and its actual and potential
11 customers, all with the intent to harm Plaintiffs financially.

12 14. On information and belief, the above described economic relationships between Plaintiffs and
13 its existing and potential customers has been disrupted, by among other things, persuading by means
14 of untruthful claims and coercive actions certain potential customers not to use BENCHMARK’
15 services.

16 15. As a proximate result of defendants’ aforementioned conduct, plaintiffs have suffered damages
17 in an amount to be determined at trial but in excess of \$100,000.

18 16. The aforementioned acts of defendants were willful, oppressive, fraudulent and malicious.
19 Plaintiffs are therefore entitled to punitive damages.

20 **SECOND CAUSE OF ACTION**

21 (For Libel *Per Se* by Plaintiffs Against All Defendants and DOES 1-50)

22 17. Plaintiff realleges and reincorporates each and every allegation set forth in Paragraphs 1
23 through 16 of this Complaint as though fully set forth at this point.

24 18. Beginning in or about 2006, Defendants have published on various websites, the statements
25 set forth above and similar statements.

26 19. The statements are false as they pertain to the Plaintiffs.

27 20. The statements are libelous on their face in that they accuse Plaintiffs of criminal conduct and
28 actions.

1 21. The statements have been seen and read by persons who reside in and around Redlands,
2 California.

3 22. As a proximate result of the above-described publication, Plaintiffs have suffered loss of their
4 reputation, shame, and mortification, all to their general damage in an amount of no less than one million
5 dollars (\$1,000,000).

6 23. As a further proximate result of the above-described publication, Plaintiffs have suffered
7 special damages including but not limited to injury to Plaintiffs' business, trade and profession, all to
8 their injury in an amount to be proved at trial, but no less than one hundred thousand dollars (\$100,000).

9 24. The above-described publications were made by the Defendants with malice, oppression and
10 fraud, in that Defendant CRAWFORD has specifically expressed his intention to "shut down" the
11 Plaintiffs' business and Plaintiffs therefore seek an award of punitive damages against Defendants.

12 **THIRD CAUSE OF ACTION**

13 (For Libel By Plaintiffs Against All Defendant and DOES 1-50)

14 25. Plaintiff realleges and reincorporates each and every allegation set forth in Paragraphs 1
15 through 24 of this Complaint as though fully set forth at this point.

16 26. Beginning in or about 2006, Defendants have published on various websites the statements set
17 forth above and similar statements.

18 27. The statements are false as they pertain to the Plaintiffs.

19 28. The statements have been seen and read by persons who reside in and around Redlands,
20 California.

21 29. As a proximate result of the above-described publication, Plaintiffs have suffered loss of their
22 reputation, shame and mortification all to their general damage in an amount of no less than one million
23 dollars (\$1,000,000).

24 30. As a further proximate result of the above-described publication, Plaintiffs have suffered
25 special damages including but not limited to injury to Plaintiffs' business, trade and profession, all to
26 their injury in an amount to be proved at trial, but no less than one hundred thousand dollars (\$100,000).

27 31. The above-described publications were made by the Defendants with malice, oppression and
28 fraud, in that Defendant CRAWFORD has specifically expressed his intention to "shut down" the

1 Plaintiffs and Plaintiffs therefore seek an award of punitive damages against Defendants.

2 **FOURTH CAUSE OF ACTION**

3 (For Invasion of Privacy by All Plaintiffs Against All Defendant and DOES 1-50)

4 32. Plaintiff realleges and reincorporates each and every allegation set forth in Paragraphs 1
5 through 31 of this Complaint as though fully set forth at this point.

6 33. Beginning in or about 2006 and continuing until today, Defendants, without Plaintiffs' consent,
7 have invaded Plaintiffs' right to privacy by publishing statements in which Defendants falsely portrayed
8 Plaintiff's conduct with regard to BENCHMARK and BENCHMARK's actions in dealing with
9 BENCHMARK students, all as set forth above.

10 34. The disclosure by Defendants created publicity in the sense of a public disclosure to a large
11 number of people in that Defendants have posted the disclosure on the internet and intentionally sought
12 to obtain the widest possible audience for the disclosure by directing individuals searching for
13 BENCHMARK to websites containing the posted material.

14 35. The publicity created by Defendants placed Plaintiffs in a false light in the public eye in that
15 the statements contain false statements and inaccuracies which incorrectly portray Plaintiffs in the ways
16 set forth above.

17 36. The publicity created by Defendants was offensive and objectionable to Plaintiffs and to a
18 reasonable person of ordinary sensibilities in that it has portrayed Plaintiffs as committing crimes,
19 seeking to destroy the lives of its students, and acting to exploit parents for financial gain.

20 37. The publicity created by Defendant was done with malice in that it was made either with
21 knowledge of its falsity or in reckless disregard of its truth.

22 38. As a result of Defendants' actions, Plaintiffs' have suffered damages in an amount to be
23 proved, but no less than \$100,000.

24 **FIFTH CAUSE OF ACTION**

25 (For Injunctive Relief by Plaintiffs Against All Defendant and DOES 1-50)

26 39. Plaintiff realleges and reincorporates each and every allegation set forth in Paragraphs 1
27 through 38 of this Complaint as though fully set forth at this point.

28 40. Plaintiff is further informed and believes and thereon alleges that Defendants will continue to

1 harass and make defamatory statement regarding Plaintiffs unless that conduct is forthwith enjoined.

2 41. Plaintiff is entitled to a preliminary and permanent injunction enjoining Defendants and
3 their agents, servants, and employees, and all persons acting under, in concert with, from posting on any
4 website, weblog, message board, and/or any other internet site any defamatory comments regarding
5 Plaintiffs; (2) creating, developing, maintaining, or otherwise participating in the existence of any
6 website, weblog, message board, and/or any other internet site or medium that is designed, either in
7 whole or in part for the purpose of disseminating false information regarding Plaintiffs.

8 WHEREFORE, Plaintiffs pray judgment against Defendants as follows:

9 **FOR THE FIRST CAUSE OF ACTION**

- 10 1. Damages in an amount to be proven, but no less than \$100,000.
11 2. Punitive damages in an amount to be determined;

12 **FOR THE SECOND CAUSE OF ACTION**

- 13 1. General damages in an amount to be proven, but no less than \$1,000,000.
14 2. Special damages in an amount to be proven.

15 **FOR THE THIRD CAUSE OF ACTION**

- 16 1. General damages in an amount to be proven, but no less than \$1,000,000.
17 2. Special damages in an amount to be proven.

18 **FOR THE FOURTH CAUSE OF ACTION**

- 19 1. Damages in an amount to be proven, but no less than \$100,000.

20 **FOR THE FIFTH CAUSE OF ACTION**

- 21 1. For a preliminary and permanent injunction enjoining Defendants and their agents, servants,
22 and employees, and all persons acting under, in concert with, from (1) posting on any website,
23 weblog, message board, and/or any other internet site any defamatory comments regarding
24 Plaintiffs; (2) creating, developing, maintaining, or otherwise participating in the existence of
25 any website, weblog, message board, and/or any other internet site or medium that is designed,
26 either in whole or in part for the purpose of disseminating false or derogatory information
27 regarding Plaintiffs.

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3 **FOR ALL CAUSES OF ACTION**

- 4 1. For cost of suit incurred herein as provided by law and according to proof; and
5 2. For such other further relief as the Court deems just and proper.

6 DATED: March 24, 2008

KIRK & TOBERTY, LLP

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9 By: _____
10 J. Douglas Kirk, Esq.
11 Attorneys for Plaintiff
12 **BENCHMARK YOUNG ADULT SCHOOL, INC.**
13 **AND JAYNE LONGNECKER**

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