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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 09 2017

V. LOPEZ

7 Attorney for Defendant,
8 JOHN HERRIOT, an Individual

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF RIVERSIDE

11 JOHN HERRIOT, an Individual,

12 Plaintiff,

13 vs.

14 DEAN MCADAMS, an Individual;
15 and DOES 1-20, inclusive.

16 Defendants.
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) CASE NO.: PSC1606342

) Assigned for all purposes to:
) Hon. Judge
) Dept.: PS2__

) FIRST AMENDED COMPLAINT FOR:

-) 1. INVASION OF PRIVACY
-) 2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
-) 3. TEMPORARY RESTRAINING ORDER
-) 4. PRELIMINARY INJUNCTION
-) 5. PERMANENT INJUNCTION

1 COMES NOW, Plaintiff JOHN HERRIOT, an Individual (hereinafter "Plaintiff") who herein
2 files his First Amended Complaint and alleges:

3 **PARTIES AND JURISDICTION**

4 1. That Plaintiff JOHN HERRIOT is an individual currently residing in the City of West
5 Hollywood, County of Los Angeles, State of California.

6 2. That Plaintiff is of the information and belief and thus herein alleges that Defendant DEAN
7 MCADAMS ("Defendant McAdams") is an individual currently residing in the City of Palm
8 Springs, County of Riverside, State of California. Plaintiff will seek leave to amend his First
9 Amended Complaint when the true facts as alleged herein become known and available.

10 3. That Plaintiff designates all persons unknown and liable to Plaintiff for damages as
11 Defendants DOES 1 through 20, inclusive. That Plaintiff is of the information and belief and thereon
12 alleges that each of the fictitiously-named Defendant DOES 1 through 20 is responsible in some
13 manner for the damages alleged in this Complaint, and that Plaintiff's damages as alleged in this
14 Complaint were proximately caused by the defamation alleged herein and therefore sues these
15 Defendants by such fictitious names. Plaintiff will seek leave to amend his First Amended Complaint
16 to allege their true names and capacities when ascertained.

17 4. That Plaintiff is of the information and belief that all of the Defendants, and each of them
18 including DOES 1 through 20, inclusive, were acting in a joint and several capacity as agents,
19 spouses, employers, employees, owners, co-owners, shareholders, co-shareholders, independent
20 contractors and or co-conspirators, joint venturers, master and or servants of one another and in doing
21 the things alleged herein are jointly and severally liable to Plaintiff.

22 5. That this court has venue in that the Defendant resides in this district having the address of
23 200 E. Racquet Club Road, #20, Palm Springs, California 92262 and that acts and or actions that
24 form as basis of Plaintiff's Complaint has occurred within the Central District for the Superior Court,
25 County of Riverside. Further, Plaintiff is of the information and belief that the postings and
26 publications originated at or near the Defendant's residence is believed to be. Plaintiff will seek leave
27 to amend his First Amended Complaint when the true facts as alleged herein become known and
28 available.

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FACTUAL BACKGROUND

6. On November 10, 2016, Defendant DEAN MCADAMS (hereinafter "Defendant McAdams") began a full attack on Plaintiff's character exposing his picture and descriptions obtained from Megan's list and his association with the CMEN Club ("Club") of which Plaintiff is the coordinator. McAdams is making unsubstantiated claims that Plaintiff who is on Megan's list is engaged in Pedophile activities. Defendant has not substantiated any of his claims that Defendant is engaged in Pedophile activity or is engaged in activities that are a cover for Pedophilia. The reason for that this attack as Defendant McAdams has clearly stated because he was not allowed to attend the Club's September 2015 and 2016 events due to a restraining order in effect against him as obtained by member Charles Kenyon. Defendant McAdams stated that, "if he cannot attend, then no one can," and that "his mission is to destroy the club by the end of 2016."

7. Defendant McAdams texted, emailed, and posted on Facebook Plaintiff's picture and Plaintiff's Megan's website listing. Defendant McAdams stated that Plaintiff's "blood" was on his computer as he posted these postings and then begin to post many other postings, many of them absolutely completely false. Defendant McAdams also threatened to stand at the gate of the Club in Malibu in September 2017 at a club event and distribute personal and private information about Plaintiff to all arrivals at the location. Such activities serve no public purpose.

8. Because Defendant McAdams' attacks were so widespread and so malicious, Plaintiff did not feel that contacting him directly to reason was a wise idea. Plaintiff first contacted a lawyer. There did not seem to be any possibility of reasoning with someone who would send hundreds of damaging texts, Facebook posts, and emails on the first day. The damage to Plaintiff was done immediately and he feared Defendant McAdams would destroy his livelihood that he has worked so hard to achieve.

9. Defendant McAdams has continued to post items about Plaintiff on this website "LegalNoodle.Com" including such private information as Plaintiff's business email homerun444@aol.com. Plaintiff feared he may try to contact his customers and try to ruin his business.

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1 10. Plaintiff contacted the law firm of Parker Stanbury, LLP, Los Angeles to get Defendant
2 McAdams to cease and desist from making the postings. Defendant McAdams received the letter and
3 defied the warnings and continued to post on his website and even posted the letter (mocking the
4 letter). A copy of the letter sent by Attorney Marcus Bastida is attached hereto as Exhibit "A."

5 11. Defendant McAdams' postings has basically alienated Plaintiff from hundreds of
6 members of the Club of Plaintiff's over a situation occurring in the early 1980s. The Defendant's
7 postings have alienated Plaintiff from many members of the Club and some men denounce the Club
8 because of Plaintiff's involvement. Defendant McAdams has carefully worded his postings such that
9 readers and viewers would interpret the postings such that CMEN Club is currently construed as a
10 cover for pedophiles which is a lie, falsehood and untrue. Defendant McAdams provided absolutely
11 no proof that CMEN Club is a cover for pedophiles. The Club is limited to men over 21 and very few
12 men are under 40.

13 12. Plaintiff's doctor has prescribed medication for him to cope with all the stress of his life
14 being destroyed and the Club Plaintiff has led for 18 years being destroyed by this evil defendant on a
15 mission of hate and vengeance.

16 13. Plaintiff fears that Defendant McAdams may try to physically attack him at some point in
17 addition to continuing to destroy everything in Plaintiff's life through vicious and untrue allegations.
18 Defendant McAdams is extremely unstable and is on a mission of destruction with no legitimate or
19 bona fide actual goals other than to destroy Plaintiff in a fit of rage and a vicious vendetta.

20 **FIRST CAUSE OF ACTION**

21 **(Invasion of Privacy)**

22 **[As against Defendant DEAN MCADAMS]**

23 14. That Plaintiff reincorporates and realleges Paragraphs 1 through 13 inclusive of his First
24 Amended Complaint as though alleged herein with the same force and effect.

25 15. That although Plaintiff is listed as an offender on Megan's List profile the facts associated
26 with the Megan's Law listing are not generally known to the public. However, Defendant McAdams
27 as recently as March 1, 2017, for no reason other than ill will, malice and spite posted on his website
28 "Legal Noodle" that "Child molesters such as John Herriot prefer to be labeled as a little league

1 baseball salesmen or gay naturist resort operators."

2 16. That Defendant intentionally, maliciously and callously disclosed to the public by way of
3 internet postings, including his website over which he has exclusive control and Facebook postings
4 that Plaintiff was and is listed on Megan's Law list. That such disclosure posted on various websites,
5 Facebook and other form of social media were disclosed and disseminated to enough people that it is
6 reasonably likely that the fact Plaintiff is listed on Megan's List will become public knowledge as the
7 facts disseminated by their nature facts that will be rapidly repeated. The Defendant's postings do not
8 serve any public benefit in that Plaintiff is not a pedophile, paid his debt to society 35 years ago and is
9 not engaged in pedophile activity and is not engaged in any activity that is a cover for pedophilia.

10 17. The facts disseminated by Defendant McAdams are such that a person exhibiting ordinary
11 general beliefs of the community in which the disclosure takes place would take offense of the
12 disclosure of the particular private facts which although set forth in Megan's List are not generally
13 known to the public. That the disclosures made by Defendant McAdams through various forms of
14 social media including his owner controlled "Legal Noodle" are sexually charged given the fact that
15 dissemination about Plaintiff's prior offense dating back 20 years resulting in a Megan's Law list
16 inclusion are sexually charged and extremely offensive to just about all members of the community in
17 which the disclosure took place.

18 18. That Defendant McAdams disclosed the fact that Plaintiff is on Megan's Law list with
19 reckless disregard of the offensiveness of the disclosure. In fact such facts were posted, disseminated
20 and published on Facebook, websites and blogs in order to financially, socially and emotionally
21 destroy Plaintiff as a legitimate businessman and a Club that Plaintiff is a member and serves
22 absolutely no other purpose other than to ridicule Plaintiff and have him held in contempt and
23 disdain. Defendant's statements such as alleged in Paragraph 16, above, serve no social purpose and
24 are not intended to warn the public about any actual or perceive danger to the community by reason
25 of Plaintiff being listed as a registered offender on Megan's List.

26 19. That the facts and publications by Defendant McAdams were not of general public
27 concern in that Defendant McAdams admitted the disclosure and postings were intended to destroy
28 Plaintiff, his livelihood, his self-esteem and the Club that he has a right to participate under the First

1 Amendment. That the disclosure, publications and dissemination of the private facts were
2 intentionally made for the purpose of destroying Plaintiff as Defendant McAdams so admits.

3 20. That as a result of the acts and actions of Defendant McAdams as alleged herein Plaintiff
4 has sustained damages, the exact amount of which is unknown at this time. Plaintiff will seek leave to
5 amend his First Amended Complaint when the exact amount of damages, including any special and
6 or pecuniary damages suffered by Plaintiff becomes known and available.

7 21. That the acts and actions of Defendant McAdams were clearly intentional, willful,
8 wanton, callous, cruel and malicious with the sole intent of financially, socially and emotionally
9 destroying Plaintiff and a Club that Plaintiff is a member and justify the awarding of exemplary and
10 punitive damages.

11 **SECOND CAUSE OF ACTION**

12 **(Intentional Infliction of Emotional Distress)**

13 **[As against Defendant DEAN MCADAMS]**

14 22. That Plaintiff reincorporates and realleges Paragraphs 1 through 21 inclusive of his First
15 Amended Complaint as though alleged herein with the same force and effect.

16 23. That Defendant McAdams intentionally intruded upon Plaintiff's emotional and mental
17 solitude, seclusion or private affairs and concerns. Defendant McAdams' intrusion would be highly
18 offensive to a reasonable person and was unwarranted and unjustified and served no public benefit.

19 24. That Defendant McAdams intentionally, maliciously and without justification and or
20 authorization engaged in the following:

21 (a) Disclosed to the public by way of internet postings including his own tightly
22 controlled website "LegalNoodle.Com" and Facebook postings that Plaintiff was and is listed on
23 Megan's List.

24 (b) That such disclosure posted on various websites, Facebook and other form of
25 social media were disclosed and disseminated to enough people that it is reasonably likely that the
26 fact Plaintiff is listed on Megan's List is reasonably likely to become public knowledge as the facts
27 disseminated by their nature facts that will be rapidly repeated.

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1 (c) That referencing Plaintiff by name in March 1, 2017 on Defendant's website
2 posting proclaiming therein that "Child molesters such as John Herriot prefer to be labeled as a little
3 league baseball salesmen or gay naturist resort operators." Plaintiff has had for years a successful
4 *bona fide* business selling baseball uniforms.

5 25. Defendant McAdams' postings, disseminations and or publications served and continue
6 to serve no purpose other than to expose Plaintiff to hatred, contempt, ridicule or disgrace all of
7 which has injured Plaintiff's reputation and caused severe and intentional emotional distress. As a
8 result, Plaintiff suffered injury as a proximate cause of such the intrusion.

9 26. That as a further proximate result of Defendant McAdams' publications, dissemination
10 and postings on Facebook, websites and blog sites and the consequences proximately caused by such
11 acts as herein above alleged, Plaintiff has suffered severe humiliation, mental anguish, and emotional
12 and physical distress, and has been injured in mind and body that includes, but is not limited to
13 anxiety and fear of social disgrace, humiliation, financial losses, financial ruin and being shunned not
14 only by the public but his inner circle of friends.

15 27. That Plaintiff is yet uncertain of the amount of damages he has sustained by reason of the
16 acts of Defendant McAdams, as alleged herein in this cause of action, including but not limited to
17 publications, dissemination and postings on Facebook, websites and blog sites as alleged herein
18 Plaintiff has sustained damages, the exact amount of which is unknown at this time. Plaintiff will
19 seek leave to amend his Complaint when the exact amount of damages becomes known and available.

20 28. That the acts and actions of Defendant McAdams were clearly intentional, willful,
21 wanton, callous, cruel and malicious with the sole intent of financially, socially and emotionally
22 destroying Plaintiff and a Club that Plaintiff is a member and justify the awarding of exemplary and
23 punitive damages.

24 **PRAYER**

25 WHEREFORE, this Plaintiff prays for judgment as follows:

26 For the First Cause of Action for Invasion of Privacy:

- 27 1. For general damages according to proof;
28 2. For special damages according to proof;

- 1 3. For statutory damages according to proof;
- 2 4. For exemplary and punitive damages according to proof.

3 For the Second Cause of Action for Intentional Infliction of Emotional Distress:

- 4 1. For general damages according to proof;
- 5 2. For special damages according to proof;
- 6 3. For statutory damages according to proof;
- 7 4. For exemplary and punitive damages according to proof.

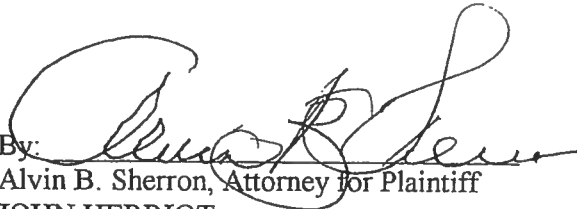
8 For all causes of action:

- 9 1. For costs of suit and attorney's fees incurred in this complaint; and
- 10 2. For such other and further relief as the court may deem proper.

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12 Dated: March 8, 2017

Respectfully submitted,

13 LAW OFFICES OF ALVIN B. SHERRON

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16 By: 
17 Alvin B. Sherron, Attorney for Plaintiff
18 JOHN HERRIOT