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CIRCUIT COURT
FOR MULTNOMAH COUNTY

ENTERED
AUG 08 2012
IN REGISTERED BY VAL

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

09901

National Association of Professional
Process Servers, an Arizona corporation,

Plaintiff,

v.

John Does 1 - 8,

Defendants.

Case No. 1208-09901

COMPLAINT

(Defamation, Intentional Interference with
Business Relations, and Civil Conspiracy)

**CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION**

Amount Claimed: \$975,000

Plaintiff, National Association of Professional Process Servers ("Plaintiff or
NAPPS") alleges as follows:

1

NAPPS is an Arizona non-profit corporation that is authorized to transact
business in the state of Oregon. NAPPS' administrative offices are located in Multnomah
County, Oregon.

2

NAPPS' purpose is to promote, upgrade, and perpetuate the process-serving
profession. NAPPS advances the process-serving profession by promoting legislation and rules
that advance the profession, combating legislation and rules that harm the profession, promoting
professional and ethical standards for the industry, improving relations with the legal
community, assisting in the formation and operation of state and regional associations, and
promoting NAPPS to the legal community and general public.

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3

NAPPS is a membership organization open to persons affiliated with the process serving profession.

4

The administration and management of NAPPS is controlled by a Board of Directors, consisting of members and elected officers. NAPPS also has an administrator who is in charge of the day to day operations of NAPPS.

5

Defendants John Does 1-8 ("Defendants") are, on information and belief, present and/or former members of NAPPS.

6

Defendants formed an internet blog called NAPPS Watcher which contained false, defamatory and damaging statements about NAPPS, and its Board members, members and administrator.

7

Among other things, Defendants falsely, wrongfully and maliciously alleged on NAPPS Watcher that NAPPS' directors and/or the NAPPS administrator impermissibly used NAPPS resources for personal gain, that the NAPPS directors and/or administrator developed policies designed to thwart the dissemination of information to NAPPS members, and that the NAPPS board and/or administrator refused to provide financial information to NAPPS members in violation of NAPPS procedures and applicable law for the purpose of maintaining personal control of NAPPS and financially profiting thereby. Defendants falsely, wrongfully and maliciously alleged that the NAPPS' administrator's conduct in making travel and other arrangements was "unethical and inappropriate unless properly disclosed and agree [sic] to in writing." Defendants made false, wrongful, malicious and anonymous postings and commentary using pseudonyms including the name of a highly respected deceased NAPPS member and

1 former administrator for the sole purpose of harming the NAPPS' membership, administrator,
2 and/or Board members and inflicting distress on NAPPS members, administrator, and/or Board
3 members. Defendants falsely, wrongfully and maliciously indicated that the motive of NAPPS
4 members being active in NAPPS was to sell products and services to NAPPS members.
5 Defendants falsely, wrongfully and maliciously claimed that the NAPPS board and administrator
6 have "strong tendencies to frequently deviate from [NAPPS] policies and procedures," and fail to
7 "honor the bylaws and procedures they swore an oath to" and acted in a manner motivated by
8 "[a]rrogance-ignorance" and with "[s]elf dealing."

9 8

10 In addition, Defendants threatened on NAPPS Watcher to provide false,
11 defamatory and damaging information to entities with whom NAPPS maintains contractual,
12 economic and/or business relationships, including but not limited to the Federal Trade
13 Commission, the National Sheriff's Association, and the American Bar Association.

14 9

15 NAPPS Watcher was available to be viewed by any person with an internet
16 connection, but, in approximately May, 2012, it was converted to a site requiring a username and
17 password. However, on information and belief, NAPPS Watcher remains a viable blog site.

18 **FIRST CLAIM FOR RELIEF**
19 **(Defamation *Per Se*)**

20 10

21 Plaintiff incorporates paragraphs 1-9 above.

22 11

23 The statements posted on NAPPS Watcher subjected NAPPS and/or its directors,
24 members and/or administrator, to hatred, contempt or ridicule, and/or tended to diminish the
25 esteem, respect, goodwill or confidence in which they were held.

26 ///

12

The statements were false and were stated with knowledge of their falsity and/or with reckless disregard of their falsity.

13

The statements were published and they were intended to inflict harm.

14

The statements diminished the reputation of NAPPS and/or its directors, administrator, and members.

15

Because the statements imputed unfitness and lack of integrity in the discharge of employment duties, or prejudiced such entities in their business, trade or profession, they were defamatory *per se*.

16

NAPPS has been damaged in an amount to be determined at trial, but, in any event, in a *per se* amount of not less than \$975,000.

**SECOND CLAIM FOR RELIEF
(Intentional Interference With Business Relations)**

17

Paragraphs 1-16 are incorporated herein.

18

NAPPS has a contractual, economic, or business relationship with, among other entities, the Federal Trade Commission, the National Sheriff's Association, the American Bar Association, members of the above referenced organizations, courts, attorneys, legislators, and businesses throughout the country.

19

Defendants were not a party to such relationships.

1 20

2 The above-referenced statements were uttered with the intent to interfere with
3 NAPPS' relationship with such organizations and its members or with knowledge that such
4 interference was substantially certain to occur as a result of the actions.

5 21

6 Defendants interfered through improper means and/or for an improper purpose, as
7 a result of the desire to wrest control of NAPPS from its existing operational infrastructure.

8 22

9 The interference caused harm that resulted in damages in an amount which will be
10 proved with particularity at trial, but, in any event, or not less than \$975,000.

11 **THIRD CLAIM FOR RELIEF**
12 **(Civil Conspiracy)**

13 23

14 Paragraphs 1-22 are incorporated herein.

15 24

16 Two or more Defendants intentionally acted in concert with the intention of
17 defaming Plaintiff and/or its directors, administrator or members, and/or the purpose of wresting
18 control of NAPPS from the existing organizational infrastructure.

19 25

20 As such, Defendants are jointly liable to Plaintiff.

21 **PRAYER**

22 WHEREFORE, Plaintiff prays for the following relief:

- 23 1. Determining Defendants, and each of them, liable to NAPPS for
- 24 defamation in an amount not less than \$975,000;
- 25 2. Determining Defendants, and each of them, liable to NAPPS for
- 26 intentional interference with business relations in an amount not less than \$975,000;

1 3. Determining Defendants jointly liable for the acts of each other for acting
2 in concert in a civil conspiracy;

3 4. Further judgment in favor of NAPPS for its costs, disbursements, and
4 attorney fees in the full amount legally permitted; and

5 5. All other relief the Court deems just, equitable, and lawful under the
6 circumstances presented.

7 DATED this 8th day of August, 2012.

8 MILLER NASH LLP

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