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5 Plaintiff,
6 IN PRO PER

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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 LOS ANGELES COUNTY

11 DES MANTTARI,

12 Plaintiff,

13 vs.

14 THOMAS J. BAKER, AND DOES 1
15 THROUGH 20, INCLUSIVE.

16 Defendants.

17) Case No. BC356367

18) **VERIFIED COMPLAINT FOR**
19) **DAMAGES FOR SLANDER PER SE;**
20) **LIBEL**

21 **FIRST CAUSE OF ACTION**

22 **FOR SLANDER PER SE**

23 **BY PLAINTIFF DES MANTTARI AGAINST DEFENDANTS THOMAS J. BAKER**

24 **AND DOES 1 THROUGH 20, INCLUSIVE**

25 Plaintiff, DES MANTTARI, alleges against Defendants, and each of them, as follows:
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27

28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 1. Plaintiff is, and at all relevant times hereto was, a resident of the County of Los
2 Angeles.

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4 2. At all relevant times, Plaintiff is, and at all relevant times hereto, was a student at
5 Santa Monica Community College in Santa Monica, California.

6 3. The true names and capacities, whether individual, corporate, associate or otherwise,
7 of Defendants sued herein as DOES 1 through 20, inclusive, are unknown to Plaintiff, who
8 will upon proper notice, seek leave to amend this Complaint when such true names and
9 capacities have been ascertained. Plaintiff is informed and believes, and therefore alleges,
10 that each of the Defendants designed herein as a DOE is responsible in some manner for the
11 events and happenings hereinafter referred to, and caused injuries and damages proximately
12 thereby to Plaintiff as hereinafter alleged.
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15 4. Plaintiff is informed and believes, and thereupon alleges, that Defendant, THOMAS
16 J. BAKER, and DOES 1 through 20, inclusive, are residents of the County of Los Angeles,
17 State of California.

18 5. On or about March 24, 2006, while on the Santa Monica Community College
19 campus, Defendant, THOMAS J. BAKER, spoke the following words of and concerning
20 Plaintiff: "You threatened Stu. You threatened Tim in the lab. You threatened their lives. We
21 have eyewitnesses. And we have people who have reported it to the campus police about it"
22 or words which convey substantially the same meaning.
23
24

25 6. At the time Defendant, THOMAS J. BAKER, spoke these words; he was referring to
26 Stu Seldon and Tim Ryan. Plaintiff is informed and believes and thereupon alleges that at all
27 relevant times, Stu Seldon is and was a staff member at the Academy of Entertainment and
28

29 **VERIFIED COMPLAINT FOR DAMAGES**

1 Technology, a satellite campus of Santa Monica Community College. Furthermore, Plaintiff
2 is informed and believes and thereupon alleges that at all relevant times, Tim Ryan was a
3 staff member at the Academy of Entertainment and Technology.
4

5 **7.** On or about March 24, 2006, Defendant, THOMAS J. BAKER, also spoke the
6 following words of and concerning Plaintiff: "I said that you were dangerous to their safety"
7 or words which convey substantially the same meaning. At the time Defendant, THOMAS J.
8 BAKER, spoke these words, he was referring to those who were present on March 24, 2006
9 and who heard his statements.
10

11 **8.** Plaintiff is informed and believes and thereon alleges that the words as set forth in
12 paragraphs 5 through 6, inclusive, of this complaint were heard by Lindsay Berkovitz, Dustin
13 Curran, Margaret Wick, Gabriel Quintero, Ricardo Galindo, and several other persons
14 whose names are not presently known to Plaintiff.
15

16 **9.** Plaintiff is informed and believes and thereon alleges that at no relevant time did
17 anyone present who saw and heard Defendant, THOMAS J. BAKER's oral statements
18 pertaining to Plaintiff's being "dangerous to their safety" speak out on Defendant, THOMAS
19 J. BAKER's behalf or ratify his words in any way. To the best of Plaintiff's knowledge,
20 Plaintiff is informed and believes and thereon alleges that no one present on March 24, 2006,
21 filed any complaint with Santa Monica Community College that Plaintiff was "dangerous to
22 their safety" or that they otherwise felt threatened in any way by Plaintiff. As such,
23 Defendant, THOMAS J. BAKER, knew or should have known at all relevant times that he
24 was not speaking on behalf of Plaintiff or anyone else who overheard or otherwise witnessed
25 his defamatory statements.
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28 **VERIFIED COMPLAINT FOR DAMAGES**
29

1 **10.** These words were slanderous because they tend to injure Plaintiff in her profession,
2 trade and business by imputing to her a general disqualification in those respects that the
3 occupation and duties peculiarly require and something that has a natural tendency to less the
4 profits of Plaintiff's occupation. At the time Defendant, THOMAS J. BAKER, made these
5 false and derogatory statements, he knew or should have known that Berkovitz, Curran,
6 Quintero, and Galindo had been, or were currently, staff writers for Plaintiff's online news
7 media outlet, Phoenix Genesis, and that such statements would adversely affect Plaintiff's
8 good standing reputation with said individuals.
9

11 **11.** These words were further slanderous because they tend to injure Plaintiff as a student
12 at Santa Monica Community College, by imputing to her a general disqualification in those
13 respects and that has a natural tendency to adversely affect her status as a student.
14

15 **12.** These words uttered by Defendant, THOMAS J. BAKER, on March 24, 2006 were
16 stated by Defendant not as a matter of opinion, but as a matter of fact, thus they were not
17 protected or privileged in any way.
18

19 **13.** The words uttered were also a slanderous because Plaintiff did not threaten anyone's
20 life at Santa Monica Community College or at any other place or time.

21 **14.** That the above-described oral statements by Defendant, THOMAS J. BAKER, were
22 further not privileged because Defendant stated them with personal animosity, hatred and ill
23 will toward Plaintiff and with either the knowledge that they was false or without any
24 reasonable grounds for believing that they were true.
25

26 **15.** Furthermore, Plaintiff is informed and believes and thereon alleges that there is no
27 campus police report concerning any alleged threats by Plaintiff to anyone nor are there any
28

29 **VERIFIED COMPLAINT FOR DAMAGES**

1 “eyewitnesses” as Defendant, THOMAS J. BAKER, falsely contends. The words uttered
2 were also false because Plaintiff was not “dangerous” to anyone at Santa Monica Community
3 College nor was she a threat to anyone’s “safety.” Plaintiff is informed and believes and
4 thereon alleges that neither Stu Seldon nor Tim Ryan have ever filed any formal complaints
5 against Plaintiff for any alleged threats to their lives.
6

7 **16.** At no relevant time did Plaintiff ratify or consent to the dissemination of Defendant,
8 THOMAS J. BAKER’s statements on March 24, 2006. In fact, Plaintiff denied such
9 allegations that she had threatened anybody’s life at school.
10

11 **17.** These statements uttered by Defendant, THOMAS J. BAKER, are defamatory
12 because the language carries a meaning that Plaintiff’s conduct was criminal and harmful to
13 others.
14

15 **18.** These statements uttered by Defendant, THOMAS J. BAKER, were understood by
16 those who saw and heard them to mean that Plaintiff had in the past and was continuing to
17 commit crimes.
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19 **19.** At the time Defendant, THOMAS J. BAKER, uttered these statements, he knew or
20 should have known them to be false. In an email to Stuart Seldon from Thomas J. Baker,
21 dated March 24, 2006, Defendant, THOMAS J. BAKER, wrote in relevant part: “I want to
22 ask you something because I’ve fallen into a difficult situation.” He mentioned, “hearing
23 about threats she made either against you or Tim. I was wondering, was any of that submitted
24 to the police, and do you have any records of it? I’m really in a difficult situation so I’m
25 trying to get anything I can to help me.” This email was allegedly sent within a few hours
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28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 after Defendant, THOMAS J. BAKER, made his defamatory statements about Plaintiff to her
2 and others. This email is attached hereto as EXHIBIT A and made a part hereof.

3 **20.** Plaintiff is informed and believes and thereon alleges that this March 24, 2006 email
4 by Defendant, THOMAS J. BAKER, to Stu Seldon was forwarded by Seldon on or about
5 March 25, 2006 to Dean Katharine Muller, Campus Disciplinarian Judith Penschansky, and
6 SMCPD Chief of Police Eileen Miller, thus further damaging the reputation of Plaintiff in
7 regards to her status as a student at Santa Monica Community College.
8

9
10 **21.** The words spoken by Defendant, THOMAS J. BAKER, on March 24, 2006 carried a
11 defamatory meaning by their very terms and were understood by those who saw and heard
12 them in a way that defamed Plaintiff.
13

14 **22.** Defendant, THOMAS J. BAKER, further made such statements deliberately and with
15 knowledge and intention that such words would be heard by Berkovitz, Curran, Wick,
16 Quintero, and Galindo, all students of Santa Monica Community College, and that his
17 statements would be circulated by word of mouth on and off the college campus.
18

19 **23.** As a proximate result of Defendant, THOMAS J. BAKER's statements on March 24,
20 2006, Plaintiff has suffered loss of her reputation, shame, mortification, and hurt feelings all
21 to her general damages in a sum to be proven at trial.

22 **24.** As a further result of Defendant, THOMAS J. BAKER's statements, Plaintiff has
23 suffered special damages according to proof.
24

25 **25.** As the above-described words were spoken with malice and oppression and fraud
26 such that an award of exemplary and punitive damages is necessary and appropriate.
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28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 **SECOND CAUSE OF ACTION**

2 **FOR LIBEL**

3 **BY PLAINTIFF DES MANTTARI AGAINST DEFENDANTS THOMAS J. BAKER**

4 **AND DOES 1 THROUGH 20, INCLUSIVE**

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6 **26.** Plaintiff refers and repleads each and every allegation contained in paragraphs 1
7 through 25 of this verified complaint, and by reference incorporates the same herein and
8 makes each a part thereof.
9

10 **27.** That on or about March 24, 2006, or shortly thereafter, Defendant, THOMAS J.
11 BAKER, published a two-page undated and unsigned written statement to the Santa Monica
12 College Police Department (hereinafter, SMCPD) which is attached hereto as EXHIBIT B
13 and made a part hereof. BAKER's written statement is attached to SMCPD incident report
14 number 06-03-24-07448 and made a part therein. Plaintiff is informed and believes and
15 thereon alleges that copies of the report were sent to the campus disciplinarian and to the
16 SMCPD chief of police.
17

18 **28.** That the following statements were false as they applied to Plaintiff: "My first
19 personal contact with her was at the Trade Show E3 where she argued with a friend of mine
20 who owns his own online website. They had been friends previously, and although he held
21 no grudge toward her, she ranted on and on against him and refused to leave, and even
22 followed us around. This was my first witnessing of her strange attitude and behavior." Since
23 the E3 Trade Show only takes place once a year, Defendant, THOMAS J. BAKER, was
24 allegedly referring to an incident that occurred on or about May 2005, almost a year prior to
25 the March 24, 2006 statements uttered by Defendant.
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28 **VERIFIED COMPLAINT FOR DAMAGES**

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1 **29.** That this entire allegation by Defendant, THOMAS J. BAKER, is false as it pertains
2 to Plaintiff. Furthermore, at the time Defendant, THOMAS J. BAKER, wrote this statement
3 to the SMCPD, he knew or should have known that this statement was false. On or about
4 May 22, 2006, Defendant, THOMAS J. BAKER, caused to be filed an Answer to Request for
5 Orders to Stop Harassment (CH-110), which is attached hereto as EXHIBIT C and made a
6 part hereof.. Defendant, THOMAS J. BAKER, wrote and signed under penalty of perjury the
7 following statements: “I’ve only met Plaintiff once in my life.” (No. 7), “I’ve only interacted
8 with the Plaintiff once in my life.” (No. 11), “The Defendant has no recollection of ever
9 using profanity against the Plaintiff and has not even spoken to the Plaintiff prior to the
10 incident of March 24th, or after the incident on March 24th.” (CH-1110, Item 11 – Facts and
11 Reasons), “The Defendant has made one written statement regarding his version of the
12 events of March 24th and that was filed with Police regarding the incident on that date.” (CH-
13 1110, Item 11 – Facts and Reasons), “Considering the Defendant has only met with the
14 Plaintiff once...” (CH-1110, Item 11 – Facts and Reasons). By virtue of Defendant,
15 THOMAS J. BAKER’s repeated admissions under penalty of perjury, he had not met
16 MANTTARI until March 24, 2006, and therefore, the entire alleged E3 2005 incident
17 reported to the SMCPD by Defendant was knowingly false.

18 **30.** That the following statements were false as they apply to Plaintiff: “Later on I heard
19 second hand, which was later verified in her own statements on her website, and then later on
20 again by students who witnessed the episode, about death threats she made against certain
21 employees of the Academy of Entertainment and Technology.”

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28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 **31.** That the entire allegation of “death threats made against certain employees” is false
2 as it pertains to Plaintiff. In making these statements, Defendant, THOMAS J. BAKER,
3 knew or should have known that there were allegedly no “students who witnessed the
4 episode” and that there was allegedly no “verification” on Plaintiff’s website in either “her
5 own statements” or anyone else’s statements.
6

7 **32.** That the following statements were false and highly inflammatory as they apply to
8 Plaintiff: “I have also heard that she may be on medication for a mental illness, although I
9 haven’t been able to find any documentation corroborating that. The only evidence I have is
10 her truly strange and mean-spirited behavior.”
11

12 **33.** That the following allegations of “mental illness” or being on “medication for a
13 mental illness” are false as they pertain to Plaintiff. Furthermore, the following allegations
14 pertaining to Plaintiff’s “truly strange and mean-spirited behavior” is false. In making these
15 statements, Defendant, THOMAS J. BAKER, knew or should have known that I have never
16 suffered a mental illness nor have I been on any sort of medication for a mental illness.
17

18 **34.** Furthermore, these statements are defamatory because the language carries the
19 meaning that Plaintiff suffered from a mental disease and thus imputes in her the present
20 existence of an infectious, contagious, or loathsome disease.
21

22 **35.** The written statements by Defendant, THOMAS J. BAKER, were understood by
23 those who saw and heard it to mean that Plaintiff had in the past and was continuing to suffer
24 from a mental disease.
25

26 **36.** That the following statements are false as they apply to Plaintiff: “I saw Des, having
27 recognized her from E3 and realized, due to her death threats, stated arrests, abnormal
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29 **VERIFIED COMPLAINT FOR DAMAGES**

1 behavior and attitude that I had to intercede somehow fearing for the safety of those at the
2 meeting.”

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4 37. That the following statements are false as they apply to Plaintiff: “Also, due to her
5 arrests, death threats, and personally observed abnormal behavior, the students that I feel an
6 obligation to be responsible for are not in a safe and secure environment.”

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8 38. That the written allegations of Defendant, THOMAS J. BAKER, recognizing Plaintiff
9 from E3 is false as Defendant had never met MANTTARI, by his own admissions, prior to
10 March 24, 2006, and that he had only met her once in his life. That the allegations of
11 Defendant, THOMAS J. BAKER, pertaining to Plaintiff’s death threats, stated arrests, and
12 abnormal behavior are false. In making these statements, Defendant, THOMAS J. BAKER,
13 knew of should have known that Plaintiff had never been arrested on the Santa Monica
14 Community College campus by either the SMCPD or any other authorized law enforcement
15 agency.

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17 39. That the entire allegations of Plaintiff as contained in the written statement by
18 Defendant, THOMAS J. BAKER, to the SMCPD regarding alleged threats, intimidation,
19 abnormal behavior, mental illness, disruption, fear for safety, ranting and raving are false as
20 it pertains to Plaintiff.

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22 40. That this written statement by Defendant, THOMAS J. BAKER, to the SMCPD is
23 libelous on its face. It clearly exposes Plaintiff to hatred, contempt, ridicule, and obloquy
24 because it accuses Plaintiff of being mentally ill, a risk to students’ and staffs’ safety,
25 disruptive, abnormal, and having been arrested.
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28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 41. That this written statement by Defendant, THOMAS J. BAKER, to the SMCPD is
2 defamatory because the language carries a meaning that Plaintiff's conduct was criminal and
3 harmful to others.

4
5 42. That this written statement by Defendant, THOMAS J. BAKER, to the SMCPD was
6 understood by those who saw and heard it to mean that Plaintiff had in the past and was
7 continuing to commit crimes.

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9 43. That this written statement by Defendant, THOMAS J. BAKER, to the SMCPD was
10 seen and read by persons who reside in and around the Santa Monica Community College
11 campus, in the City of Santa Monica, County of Los Angeles, State of California.

12 44. That Plaintiff is informed and believes and thereon alleges that Defendant, THOMAS
13 J. BAKER, distributed this written statement to various departments of Santa Monica
14 Community College. These departments include but are not limited to the Office for Student
15 Affairs, the Office for Judicial Affairs, the Office of Student Life, the Office of the President
16 and Superintendent, the Board of Trustees, the Academy of Entertainment and Technology
17 satellite campus, and the Santa Monica College Police Department. Therefore, these false
18 statements were seen and read by individuals at Santa Monica Community College, in the
19 city of Santa Monica, State of California.
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22 45. As a proximate result of the above-described publication, Plaintiff has suffered loss of
23 her reputation, shame, mortification, and hurt feelings all to her general damage in a sum to
24 be proven at trial.

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26 46. As a further proximate result of the above-described publication, Plaintiff has
27 suffered special damages in that Plaintiff was restricted in participating in student related

28 **VERIFIED COMPLAINT FOR DAMAGES**
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1 activities by the Dean of Student Life, Denya Hearn, all to her injury in a sum to be proven at
2 trial.

3 47. As a further proximate result of the above-described publication, Plaintiff has
4 suffered special damages in that Plaintiff was suspended from Santa Monica College for two
5 years, including an immediate interim suspension, without any formal conference or hearing,
6 and a disciplinary hold was placed on her enrollment. As such, Plaintiff has been unable to
7 complete her education, certificate, or degree despite all the monies, time, and energy
8 expended thus far, all to her injury in a sum to be proven at trial.
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11 48. The above described publication was published by Defendants with malice,
12 oppression and fraud in that the acts of Defendant, THOMAS J. BAKER, were done with the
13 knowledge that the statements were false and for the sole purpose of revenge, to influence
14 decisions of the campus police officers at Santa Monica Community College, to influence the
15 decisions of the Office of Judicial Affairs, the Office of Student Life, and the Office for
16 Student Affairs, and to cause Plaintiff distress and aggravation all due to Defendant,
17 THOMAS J. BAKER's ill will and hatred towards Plaintiff. Plaintiff, therefore, seeks an
18 award of punitive damages.
19
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21 49. That the above-described publication was not privileged because Defendant,
22 THOMAS J. BAKER, published it with personal animosity, hatred and ill will toward
23 Plaintiff and with either the knowledge that it was false or without any reasonable grounds
24 for believing that it was true and then distributed said written statements to individuals
25 outside of Santa Monica Community College and beyond the interest of Santa Monica
26 Community College and Thomas J. Baker.
27

28 **VERIFIED COMPLAINT FOR DAMAGES**
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2 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them as
3 follows:
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5 **FOR PLAINTIFF ON EACH RESPECTIVE CAUSE OF ACTION**

- 6 1. For general damages in a sum to be proven at the time of trial and within the
7 jurisdictional limits of the Superior Court of the State of California;
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9 2. For special damages in a sum to be proven at the time of trial and within the
10 jurisdictional limits of the Superior Court of the State of California;
11
12 3. Punitive and exemplary damages from each Defendant, as allowed by law, in the sum
13 to be proven at time of trial;
14
15 4. For cost of suit incurred herein; and,
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17 5. Such other and further relief as the Court deems just and proper.

18 Dated: August 1, 2006

BY:

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DES MANTTARI, Plaintiff, in Pro Per
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28 **VERIFIED COMPLAINT FOR DAMAGES**
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VERIFICATION

I verify under penalty of perjury that the facts alleged in the foregoing complaint are true and correct to the best of my information, knowledge and/or belief.

Dated: August 1, 2006

BY:

DES MANTTARI, Plaintiff, in Pro Per

VERIFICATION OF PLAINTIFF DES MANTTARI