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7 Plaintiff,
8 IN PRO PER

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

11 DES MANTTARI,

12 Plaintiff,

13 vs.

14 JIM KEESHEN, AND DOES 1
15 THROUGH 20, INCLUSIVE.

16 Defendants.

17) Case No. BC356729

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

21 **FIRST CAUSE OF ACTION**

22 **FOR LIBEL**

23 **BY PLAINTIFF DES MANTTARI AGAINST DEFENDANTS JAMES KEESHEN**

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

25 Plaintiff, DES MANTTARI, alleges against Defendants, and each of them, as follows:
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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, JIM
16 KEESHEN, and DOES 1 through 20, inclusive, are residents of the County of Los Angeles,
17 State of California.

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19 5. That on or about July 5, 2005, or shortly thereafter, Defendant, JIM KEESHEN,
20 published a two-page signed written statement to Santa Monica Community College District
21 (hereinafter, Santa Monica College) which is attached hereto as EXHIBIT A and made a part
22 hereof. Plaintiff is informed and believes and thereon alleges that copies of the report were
23 sent to the campus disciplinarian, Judith Penschansky, Dean Katharine Muller as well as
24 others at the college.

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26 6. Plaintiff did not learn of the existence of the written statement until on or about
27 August 18, 2005, when it was first mentioned in a letter to Plaintiff. Thereafter, Plaintiff

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1 made a diligent effort to receive a copy of the written statement and did not in fact receive a
2 copy until on or about August 23, 2005. Plaintiff is informed and believes and thereon
3 alleges that the written statement was backdated to July 5, 2005.
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5 7. Plaintiff is further informed and believes and thereon alleges that Defendants
6 deliberately withheld such written statement from her until August 23, 2005. Despite
7 repeated requests orally and in writing to Santa Monica College to physically inspect
8 Plaintiff's disciplinary file, wherein Defendant JIM KEESHEN'S original statement
9 allegedly is contained, Plaintiff has been denied access to such written statement and
10 disciplinary files. Accordingly, Defendants JIM KEESHEN and DOES 1-20 INCLUSIVE
11 kept such written statement secret and confidential from Plaintiff.
12

13 8. That the entire written allegations made by Defendant JIM KEESHEN of Plaintiff's
14 alleged conversation with Defendant is false as it pertains to the Plaintiff.
15

16 9. That the following statements were additionally false as they applied to Plaintiff:
17 "Her anger escalated to the point where she started screaming quite loudly. ... This outburst
18 lasted maybe 8 or 9 sentences and in that time she repeated that she did nothing wrong and
19 started to focus on the fact that it was Tim and Stu that were the cause of all this. At one
20 point she declared that she would get a gun and shoot the both of them for ruining her life at
21 the AET. She seemed like a child having a tantrum. After that she calmed down and became
22 quiet. ... Then I asked her if she actually had a gun and she said yes, she did."
23

24
25 10. At the time Defendant, JIM KEESHEN, wrote this statement; he was referring to Stu
26 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

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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 11. That this written statement by Defendant, JIM KEESHEN is libelous on its face. It
6 clearly exposes Plaintiff to hatred, contempt, ridicule, and obloquy because it accuses
7 Plaintiff of threatening others' lives, owning a gun, and being a potentially violent person.
8

9 12. That this written statement by Defendant, JIM KEESHEN is defamatory because the
10 language carries a meaning that Plaintiff's conduct was criminal and harmful to others.

11 13. That this written statement by Defendant, JIM KEESHEN was understood by those
12 who saw and heard it to mean that Plaintiff had in the past and was continuing to commit
13 crimes.
14

15 14. That this written statement by Defendant, JIM KEESHEN was libelous and patently
16 false because Plaintiff did not threaten anyone's life at Santa Monica Community College or
17 at any other place or time nor did Plaintiff own a gun.

18 15. That this written statement by Defendant, JIM KEESHEN, to the Office of Judicial
19 Affairs was seen and read by persons who reside in and around the Santa Monica
20 Community College campus, in the City of Santa Monica, County of Los Angeles, State of
21 California.
22

23 16. That Plaintiff is informed and believes and thereon alleges that Defendant, JIM
24 KEESHEN, distributed this written statement to various departments of Santa Monica
25 Community College. These departments include but are not limited to the Office for Student
26 Affairs, the Office for Judicial Affairs, the Office of Student Life, the Office of the President
27

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1 and Superintendent, the Board of Trustees, the Academy of Entertainment and Technology
2 satellite campus, and the Santa Monica College Police Department. Therefore, these false
3 statements were seen and read by individuals at Santa Monica Community College, in the
4 city of Santa Monica, State of California.
5

6 17. As a proximate result of the above-described publication, Plaintiff has suffered loss of
7 her reputation, shame, mortification, and hurt feelings all to her general damage in a sum to
8 be proven at trial.
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10 18. As a further proximate result of the above-described publication, Plaintiff has
11 suffered special damages in that Plaintiff was suspended from Santa Monica College for two
12 years, including an immediate interim suspension, without any formal conference or hearing,
13 and a disciplinary hold was placed on her enrollment. As such, Plaintiff has been unable to
14 complete her education, certificate, or degree despite all the monies, time, and energy
15 expended thus far, all to her injury in a sum to be proven at trial.
16

17 19. The above described publication was published by Defendants with malice,
18 oppression and fraud in that the acts of Defendant, JIM KEESHEN, were done with the
19 knowledge that the statements were false and for the sole purpose of revenge, to influence
20 the decisions of the Office of Judicial Affairs, the Dean of the Academy of Entertainment and
21 Technology, and the Office of Student Affairs, and to cause Plaintiff distress and aggravation
22 all due to Defendant, JIM KEESHEN'S ill will and hatred towards Plaintiff. Plaintiff,
23 therefore, seeks an award of punitive damages.
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26 20. That the above-described publication was not privileged because Defendant, JIM
27 KEESHEN, published it with personal animosity, hatred and ill will toward Plaintiff and
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1 with either the knowledge that it was false or without any reasonable grounds for believing
2 that it was true and then distributed said written statements to individuals outside of Santa
3 Monica Community College and beyond the interest of Santa Monica Community College
4 and Jim Keeshen.
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7 **SECOND CAUSE OF ACTION**

8 **FOR SLANDER PER SE**

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10 **BY PLAINTIFF DES MANTTARI AGAINST DEFENDANTS JAMES KEESHEN**

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

12 **21.** Plaintiff refers and repleads each and every allegation contained in paragraphs 1
13 through 20 of this verified complaint, and by reference incorporates the same herein and
14 makes each a part thereof.
15

16 **22.** On or about March 1, 2006, while on the Santa Monica Community College satellite
17 campus, the Academy of Entertainment and Technology, Defendant, JIM KEESHEN, spoke
18 the following words of and concerning Plaintiff, or words which convey substantially the
19 same meaning: "The second thing I have to make an announcement on is this. There's a
20 person at this school who is suing the school. And she's a very, ah... she's a highly intelligent
21 person, really a nice person, but I think she's ah, has a slight problem. And the slight problem
22 that she has is Asberger... Does anybody know what Asberger is? It's a form of autism. And
23 it's a kind of mental disease that allows you to walk between being extremely brilliant as she
24 is and somewhat destructive. The problem is this: that there is a spy in this class and there's a
25 spy in ET 2 class that apparently passes on information of things that I say in this course and
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1 in the ET 2 class and then it shows up on her writings that she has against the school and
2 against me and I don't like it. Fortunately for me, it's against school policy for a person who
3 is in this class doing this to share with a non-student of this class the information from
4 eCompanion or the information that's in this class. So at this point, I'm not gonna do anything
5 about it. But if I continue seeing quotes from me in this woman's writing, I'm gonna come
6 after you. I'm going to find out who the spy is in this class and in ET 2 and I'm going to get
7 you to the letter of the law and have you either kicked out or whatever other consequences
8 they can do to you in terms of doing this. Got it? All right, that's all I have to say.”
9
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11 23. That the following allegations of Plaintiff being a “slight problem,” “somewhat
12 destructive” and “against the school” are false as they pertain to Plaintiff. Furthermore, the
13 following allegations pertaining to Plaintiff’s “mental disease” is false. In making these
14 statements, Defendant, JIM KEESHEN, knew or should have known that Plaintiff has never
15 suffered from a mental disease or mental illness.
16

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

21 25. The oral statements uttered by Defendant, JIM KEESHEN, were understood by those
22 who saw and heard it to mean that Plaintiff had in the past and was continuing to suffer from
23 a mental disease.
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25 26. Furthermore, these statements are defamatory because the language carries a meaning
26 that Plaintiff’s conduct was criminal and harmful to others.
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1 **27.** That this written statement by Defendant, JIM KEESHEN was understood by those
2 who saw and heard it to mean that Plaintiff had in the past and was continuing to commit
3 crimes.
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5 **28.** Plaintiff is informed and believes and thereon alleges that the words uttered by
6 Defendant, JIM KEESHEN were heard by Jonathan Arnold, Janice Barlow, Lindsay
7 Berkovitz, Stephen Daniels, Cliff Duyn, Rashna Evavia, Jose Gonzalez, Evangelos Goulas,
8 Kave Haghightpourso, Andrew Muljo Hartono, Victor Hernandez, Elliot Hiroshige, Bibi
9 Klalsa, Daniel Lara, Oscar Leal, Jennie Punsalan, Andres Reyes, Kimberly Rodriguez, Malik
10 Shabazz, Hisae Uchiyama, Kurt Waldron and several other persons whose names are not
11 presently known to Plaintiff.
12

13 **29.** These words were slanderous because they tend to injure Plaintiff in her profession,
14 trade and business by imputing to her a general disqualification in those respects that the
15 occupation and duties peculiarly require and something that has a natural tendency to less the
16 profits of Plaintiff's occupation.
17

18 **30.** These words were further slanderous because they tend to injure Plaintiff as a student
19 at Santa Monica Community College, by imputing to her a general disqualification in those
20 respects and that has a natural tendency to adversely affect her status as a student.
21

22 **31.** These words uttered by Defendant, JIM KEESHEN, on March 1, 2006 were stated by
23 Defendant not as a matter of opinion, but as a matter of fact, thus they were not protected or
24 privileged in any way.
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26 **32.** The words uttered were also slanderous because Plaintiff was not "destructive" at
27 Santa Monica Community College or at any other place or time.
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1 **33.** That the above-described oral statements by Defendant, JIM KEESHEN, were further
2 not privileged because Defendant stated them with personal animosity, hatred and ill will
3 toward Plaintiff and with either the knowledge that they was false or without any reasonable
4 grounds for believing that they were true. In fact, Plaintiff had previously indicated to
5 Defendant, JIM KEESHEN that she had never been on SSI and did not want rumors being
6 spread around school that she had any sort of mental disorder.
7

8 **34.** At no relevant time did Plaintiff ratify or consent to the dissemination of Defendant,
9 JIM KEESHEN'S statements on March 1, 2006. In fact, Plaintiff subsequently sought an
10 apology from Defendant, JIM KEESHEN for his defamatory and false oral statements.
11

12 **35.** Plaintiff is informed and believes and thereon alleges that Defendant, JIM
13 KEESHEN repeated these false statements about Plaintiff's "mental disease" to others,
14 including administrators, faculty, staff, and students, thus further damaging the reputation of
15 Plaintiff in regards to her status as a student at Santa Monica Community College.
16

17 **36.** The words spoken by Defendant, JIM KEESHEN, on March 1, 2006 carried a
18 defamatory meaning by their very terms and were understood by those who saw and heard
19 them in a way that defamed Plaintiff.
20

21 **37.** Defendant, JIM KEESHEN, further made such statements deliberately and with
22 knowledge and intention that such words would be heard by Jonathan Arnold, Janice Barlow,
23 Lindsay Berkovitz, Stephen Daniels, Cliff Duyn, Rashna Evavia, Jose Gonzalez, Evangelos
24 Goulas, Kave Haghightpourso, Andrew Muljo Hartono, Victor Hernandez, Elliot Hiroshige,
25 Bibi Klalsa, Daniel Lara, Oscar Leal, Jennie Punsalan, Andres Reyes, Kimberly Rodriguez,
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1 Malik Shabazz, Hisae Uchiyama, Kurt Waldron, and that his statements would be circulated
2 by word of mouth on and off the college campus.

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4 **38.** As a proximate result of Defendant, JIM KEESHEN'S statements on March 1, 2006,
5 Plaintiff has suffered loss of her reputation, shame, mortification, and hurt feelings all to her
6 general damages in a sum to be proven at trial.

7 **39.** As a further result of Defendant, JIM KEESHEN'S statements, Plaintiff has suffered
8 special damages according to proof.

9
10 **40.** As the above-described words were spoken with malice and oppression and fraud
11 such that an award of exemplary and punitive damages is necessary and appropriate.

12
13 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them as
14 follows:
15

16 **FOR PLAINTIFF ON EACH RESPECTIVE CAUSE OF ACTION**

- 17 1. For general damages in a sum to be proven at the time of trial and within the
18 jurisdictional limits of the Superior Court of the State of California;
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20 2. For special damages in a sum to be proven at the time of trial and within the
21 jurisdictional limits of the Superior Court of the State of California;
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23 3. Punitive and exemplary damages from each Defendant, as allowed by law, in the sum
24 to be proven at time of trial;
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26 4. For cost of suit incurred herein; and,
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28 **5.** Such other and further relief as the Court deems just and proper.

29 **VERIFIED COMPLAINT FOR DAMAGES**

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Dated: August 7, 2006

BY:

DES MANTTARI, Plaintiff, in Pro Per

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 7, 2006

BY:

DES MANTTARI, Plaintiff, in Pro Per