

6010
90069**FILED**
Superior Court of California
County of Los Angeles

AUG 03 2016

Sheri R. Carter, Executive Officer/Clerk
By Shaunya Bolden Deputy

28 Palmyra

FEM LAW GROUP

F. Edie Mermelstein, Esq., [SBN 248941]

[REDACTED]
[REDACTED]

Telephone: [REDACTED]

Facsimile: [REDACTED]

Email: [REDACTED]

Attorneys for Plaintiff, MICHELLE PUGH

VIA FAX**SUPERIOR COURT OF THE STATE OF CALIFORNIA****FOR THE COUNTY OF LOS ANGELES****BC 6 27 495**

MICHELLE PUGH,

Plaintiff,

v.

KELLY OSBOURNE; and DOES 1 through
100, inclusive,

Defendants.

) CASE NO.:

) **VERIFIED COMPLAINT FOR:**) **1. DEFAMATION;**) **2. PUBLIC DISCLOSURE OF
PRIVATE FACTS;**) **3. INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS.**) **JURY TRIAL DEMAND**

Plaintiff MICHELLE PUGH ("Plaintiff") alleges against Defendant Kelly Osbourne
("Defendant" or "Kelly") and DOES 1-50, and each of them, as follows:

INTRODUCTION

1. At all relevant times, Plaintiff MICHELLE PUGH has been and is an individual
residing in Los Angeles County, California.

2. Plaintiff is informed and believes and thereon alleges that at all relevant times
Defendant KELLY OSBOURNE has been and is an individual residing in Los Angeles County,
California.

¹ First names are used for ease of reference to differentiate between family members and are not intended to
disrespect the parties.

VERIFIED COMPLAINT FOR DAMAGES

- 1 -

RECEIVED
PAYMENT: \$435.00
DATE PAID: 08/03/16 10:42 AM
CIT/CASE: BC627495
LEA/DEF#:
RECEIPT #: CCH465980041
CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CRED: \$0.00
310

08/03/2016

1 3. Defendants DOES 1 through 50, inclusive, are sued herein under fictitious names.
2 Their true names and capacities are presently unknown to Plaintiff. When said true names and
3 capacities are ascertained, Plaintiff will amend this Complaint by inserting such information.
4 Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
5 Defendants is responsible in some manner for the occurrences alleged herein and Plaintiff's
6 damages were proximately caused by said Defendants.

7 4. Plaintiff is informed and believes and thereon alleges that at all times relevant,
8 each Defendant, including the DOE Defendants, were the agent, servant, representative and/or
9 employee of each of the other Defendants, and that in doing the things hereinafter alleged, each
10 Defendant was acting within the course and scope of his, her or its authority as such agent,
11 servant, representative and/or employee, with the permissions, knowledge, consent and
12 ratification of each of the other Defendants. Unless otherwise indicated, all Defendants,
13 including DOES defendants, are collectively referred to herein as the "Defendants".

14 **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

15 5. Plaintiff met John Michael "Ozzy" Osbourne ("Ozzy") in her capacity as a hair
16 stylist in or around September 2011. From September 2011 through September 2012, Plaintiff
17 and Ozzy had a professional relationship and a plutonic friendship. In October 2012, Ozzy
18 made advances and the relationship took a romantic turn. During 2013 to May 2016 Ozzy and
19 Plaintiff maintained a consensual secretive romantic relationship.

20 6. At the end of 2012, Plaintiff took her high profile clientele to Meche Salon, an
21 exclusive salon in Beverly Hills known for their celebrity clientele. Plaintiff terminated her work
22 relationship with Ozzy, when the professional relationship turned personal as she did not want
23 professional complications. Ozzy would frequently visit Plaintiff at her home. Early in 2016,
24 during a car ride to Plaintiff's house, Ozzy led Plaintiff to believe that he was preparing to
25 divorce his wife, Sharon Osbourne ("Sharon"). Contrary to the reported tabloid stories of Ozzy's
26 relapse into drug and alcohol abuse, Plaintiff asserts that Ozzy was not suffering from
27 diminished capacity when Ozzy left his marital home and came to stay with Plaintiff at her home
28 in May 2016.

7. In early May 2016, Ozzy and Plaintiff were sitting on Plaintiff's couch when a tabloid exposed the couple's relationship. The relationship was mistakenly characterized as a short term fling and the catalyst to the Sharon/Ozzy divorce rumors. Plaintiff is informed and believes the precursor to Ozzy's departure from the family home in early May was due to Sharon and Ozzy's arguments involving financial issues and control; not Ozzy's infidelity. Plaintiff maintains she was not financially supported by Ozzy and had no undue influence over him nor did she seek financial gain from the relationship.

8. Plaintiff claims that Kelly intentionally and maliciously harmed her by publishing private facts and defamatory statements, in addition to inciting a rash of mass cyber-bullying against Plaintiff utilizing the highly popular social media platform, Twitter, wherein Kelly had approximately 4.07 million followers².

9. The actionable conduct began on or around May 23, 2016 when Kelly tweeted,³ "Anyone looking for cheap chunky LOW-lights a blow out and a bl**job call [REDACTED] ("phone number tweet"). At the time of the tweet, this was Plaintiff's unlisted private and blocked telephone number. Although the phone number tweet has since been removed, it was "retweeted"⁴ by at least 1,500 Twitter members, and "liked" by over 3,800 Twitter members, as well as reported on numerous media outlets. The community at large knew at this point who Plaintiff was and what she was being accused of. Kelly harnessed her celebrity and notoriety to incite her followers as well as the media machine.

10. In response to the phone number tweet, one of Kelly's 4.07 million followers with the Twitter username @jodee814 tweeted back, "@KellyOsbourne.. Why would it only be one persons fault??? It takes 2 to tango - both guilty. She knew he was married."

11. Kelly tweeted back, "@jodee814 my father is almost 70 ever heard of elder abuse?" ("elder abuse tweet"). Not only had Plaintiff begun to be slut-shamed, bullied, and

² Twitter explains to their users that "[a] follower is another Twitter user who has followed you to receive your Tweets in their Home stream." This means that each of Kelly's followers would have had this Tweet come up on their main page upon accessing the platform via computer or phone app.

³ Dictionary.com explains that a "tweet" is "a message posted on the Twitter social-media service and website."

Twitter's glossary further explains, "Tweets get shown in Twitter timelines or are embedded in websites and blogs."

⁴ Per the Twitter glossary, a "Retweet (v.)" is "[t]he act of sharing another user's Tweet to all of your followers by clicking on the Retweet button."

1 harassed for allegedly breaking up a marriage, but was wrongfully accused of a crime that further
 2 held her up to ridicule, hate, and shame. No less than 4.07 million persons were given the
 3 opportunity to communicate this hate and harassment to Plaintiff directly, to her formerly private
 4 unlisted blocked telephone; the same phone number that Plaintiff provided to her exclusive
 5 clientele.

6 12. On or about June 13, 2016, as a result of violating the Twitter Rules regarding
 7 abusive behavior, Kelly's Twitter account was locked. Kelly's Twitter account remained locked
 8 until she complied with Twitter's requested actions and stated policies. Approximately a month
 9 later Kelly removed the phone number tweet, although the damage to Plaintiff was already done.
 10 The comments about Plaintiff that followed Kelly's tweets were outrageous and utterly
 11 intolerable in a civilized society: "Bitch wanted a fame f**k⁵ #HO", "Publicity wh**e talked n
 12 took advantage of him & harder for addicts", "lol he abused the f**k out of her mouth", "If she
 13 wants to post some skanks number...", "...the slut should have thought before screwing a married
 14 man". Further, intentionally and in bad faith, Kelly left up the retweet she posted of a response
 15 to the phone number tweet by Twitter user @RiWry77 which said, "@KellyOsbourne in that
 16 order or can I request the latter first?" Thus, the spirit of the highly offensive and invasive phone
 17 number tweet remains not only on Kelly's Twitter page, but circulating on Twitter generally.

18 13. Screen shots of the phone number tweet are still available online, memorializing
 19 the content of the tweet and continually being used to publicly bully Plaintiff. One Twitter user,
 20 @RatchetToday, staged a call to Plaintiff on video using the number posted in the phone number
 21 tweet, and calling to Kelly's attention, "@KellyOsbourne... Between you and I; I am happy you
 22 gave me her number;-)", followed immediately by a link to the YouTube page where the video is
 23 located, which is still available as of the date of filing this complaint. The portion of the video
 24 directed at Plaintiff started, "Kelly Osbourne sent a ratchet⁶ tweet to a ratchet mistress... And I
 25 feel a little indifferent about it... because you don't go around f**king somebody's dad." The
 26

27 ⁵ Especially egregious language has been censored so as not to offend this Court.

28 ⁶ The word "ratchet" is a slang, highly derogatory term. Urban Dictionary (used here not has an authority, but rather to place the remarks in context) defines "ratchet" as, "[a]n annoying, very rude person... Most people think of 'Ratchet' girls or boys as trashy."

1 author of the Ratchet Today Show, Yusuf Glenn, then proceeded to read the phone number tweet
2 aloud, including each digit of Plaintiff's phone number, along with the visual aide of a screen
3 shot of the tweet. Glenn continued, "Yeah the bitch lucky... I bet she did change that phone, she
4 done sucked all the d*ck she can suck... for now. Perhaps she's taking a lock-jaw break. God
5 damn ratchet celebrity hair stylist Michelle Pugh is alleged the ratchet wh**e that Ozzy been
6 f**king that ended his 33 year marriage with Sharon Osbourne." Before ending the
7 approximately six and a half minute bash of Plaintiff, Glenn addressed Plaintiff directly, "You
8 want to be a ratchet wh**e, well I got a ratchet d*ck for you to suck."

9 14. Since having her private blocked phone number publicly released, Plaintiff has
10 had to obtain a new phone number and actively dispel false rumors of termination from her salon
11 due to her relationship with Ozzy, as framed by Kelly. As a result of Kelly's global campaign
12 against Plaintiff, international tabloids, as well as mainstream media wrongfully reported that
13 Plaintiff had been fired from Meche Salon. As a direct result of Kelly's actions, Plaintiff has not
14 only experienced long-lasting emotional and psychological effects of harassment and hate, but
15 has also lost business in an amount to be determined at trial.

16 **FIRST CAUSE OF ACTION**

17 *(Defamation Per Se)*

18 15. Plaintiff repeats and re-pleads Paragraphs 1 through 14, inclusive, and
19 incorporates the same herein by reference.

20 16. On or around May 23, 2016, Plaintiff claims that Defendant defamed Plaintiff
21 through Defendant's tweeted statement, "@jodee814 my father is almost 70 ever heard of elder
22 abuse?", made in connection with Kelly's campaign against Plaintiff after learning of Plaintiff's
23 on-going relationship with Defendant's father, Ozzy.

24 17. The elder abuse tweet, a statement, made by Defendant was broadcast online, via
25 Kelly's Twitter page, which is not private, but instead is openly available for any persons in the
26 world to view. Further, it was specifically drawn to the attention of those 4.07 million followers
27 of Defendant for which the elder abuse tweet came up on their own home page.
28

VERIFIED COMPLAINT FOR DAMAGES

1 18. Plaintiff is informed and believes and thereupon alleges, members of the Twitter
2 community and those persons worldwide who read the published pieces derived from Kelly's
3 Twitter rant, understood the statements were about Plaintiff, as the statements were made of,
4 concerning, and mentioned Plaintiff by reference to her position as a hairdresser (the capacity in
5 which she initially met Ozzy), by reference to the phone number of her private blocked phone,
6 and in context with Defendant's ongoing campaign against Plaintiff. Further, Plaintiff was
7 acknowledged by her first and last name at least once throughout the complete stream of
8 responses emanating from Kelly's elder abuse tweet.

9 19. Plaintiff is informed and believes and thereupon alleges that those persons who
10 viewed the tweet reasonably understood the statement to mean that Plaintiff had committed elder
11 abuse.

12 20. The statement is entirely false as it pertains to Plaintiff, and is defamatory,
13 libelous on its face, and exposes Plaintiff to hatred, contempt, ridicule, and obloquy because it
14 accuses Plaintiff of a crime which she did not commit. Upon information and belief, Defendant
15 failed to use reasonable care to determine the truth or falsity of the statement, and made the elder
16 abuse tweet knowing the statement was false, or had serious doubts as to truth of the statement.

17 21. Plaintiff is informed and believes and thereupon alleges, the wrongful conduct of
18 Defendant was a substantial factor in causing Plaintiff harm, including but not limited to harm to
19 Plaintiff's business, trade, profession, and/or occupation; expenses Plaintiff has had to pay as a
20 result of the defamatory statement; and harm to Plaintiff's reputation, in addition to that assumed
21 by law.

22 22. As a proximate result of the above-described statement, Plaintiff has suffered loss
23 to her reputation, shame, mortification, and hurt feelings, all to her general damages.

24 23. As a further proximate result of the above-described statement, Plaintiff has
25 suffered loss of business, in an amount to be proven at trial.

26 24. Plaintiff is informed and believes and thereupon alleges, Defendant committed the
27 acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of
28 injuring Plaintiff, and acted with an improper and evil motive, maliciously and in conscious

1 disregard of Plaintiff's rights. Because the acts taken toward Plaintiff were carried out by
2 Defendant acting in a deliberate, cold, callous and intentional matter in order to injure and
3 damage Plaintiff, she is entitled to recover punitive damages from Defendant in an amount
4 according to proof.

5 **SECOND CAUSE OF ACTION**

6 *(Public Disclosure of Private Facts)*

7 25. Plaintiff repeats and re-pleads Paragraphs 1 through 24, inclusive, and
8 incorporates the same herein by reference.

9 26. Plaintiff is informed and believes, and thereupon alleges that, in tweeting the
10 statement "Anyone looking for cheap chunky LOW-lights a blow out and a bl** job call +1
11 [REDACTED]", in connection with Kelly's campaign against Plaintiff, Defendants, without
12 Plaintiff's consent, violated her right to privacy established in Article I, Section 1 of the
13 California Constitution and the common law. Plaintiff maintains a legally protected privacy
14 interest in her private, unpublished blocked telephone number.

15 27. Plaintiff is informed and believes, and thereupon alleges that Defendant's
16 wrongful conduct constitutes public disclosure of private facts that would be offensive and
17 highly objectionable to the reasonable person, and that Plaintiff's unpublished blocked telephone
18 number is not a matter of legitimate public concern.

19 28. Defendant knew, or should have known, that Plaintiff had a reasonable
20 expectation of privacy and that identifying Plaintiff's actual unpublished blocked telephone
21 number, without Plaintiff's knowledge or consent, constituted publication of private facts in
22 violation of Plaintiff's right to privacy.

23 29. Plaintiff is informed and believes, that thereupon further alleges that it was
24 foreseeable, contemplated, and intended by Defendant that Plaintiff's phone number would be
25 exploited, published, distributed, and otherwise disseminated to the general public through the
26 world wide web, and that Defendant knew, or acted with reckless disregard for the fact, that a
27 reasonable person in Plaintiff's position would consider the publicity highly offensive.
28

30. Defendant's wrongful conduct as alleged hereinabove, without regard to whether Defendant acted intentionally or with any other particular state of mind or scienter, renders Defendant liable to Plaintiff for the wrongful publication of private facts concerning Plaintiff and for the damages caused thereby. In doing the acts as alleged hereinabove, Defendant acted with actual malice and constitutional malice, that is, Defendant acted intentionally or with conscious disregard for Plaintiff's right to privacy.

31. As a direct and proximate result of said wrongful conduct of Defendant, Plaintiff has suffered damages in an amount to be proven at trial.

32. Plaintiff is informed and believes and thereupon alleges, that in performing the acts herein alleged, Defendant acted with oppression, fraud, and malice, or, alternatively, that Defendant acted in such conscious disregard to Plaintiff's right to privacy, that, as a direct and proximate result of Defendant's acts, Plaintiff is entitled to punitive damages to punish Defendant and to deter such conduct in the future, in an amount to be determined at trial.

THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

33. Plaintiff repeats and re-pleads Paragraphs 1 through 32, inclusive, and incorporates the same herein by reference.

34. The conduct of Defendant as set forth above was so extreme and outrageous that it exceeded the boundaries of human decency and was beyond pale of conduct tolerated in a civilized society. This conduct was intended to cause severe emotional distress, or was done in reckless disregard of the probability of causing severe emotional distress.

35. As an actual and proximate result of Defendant's wrongful conduct, Plaintiff has suffered and continues to suffer severe and continuous humiliation, emotional distress, and physical and mental pain and anguish, all to her damage in an amount according to proof at the time of trial.

36. Plaintiff is informed and believes and thereupon alleges, Defendant committed the acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil motive amounting to malice and in

VERIFIED COMPLAINT FOR DAMAGES

[illegible]

1 conscious disregard of Plaintiff's rights. Because the acts taken toward Plaintiff were carried out
2 by Defendant acting in a deliberate, cold, callous and intentional matter in order to injure and
3 damage Plaintiff, she is entitled to recover punitive damages from Defendant in an amount
4 according to proof.

5 **PUNITIVE DAMAGES PRAYER**

- 6 1. All foregoing paragraphs are incorporated herein as if expressly set forth.
- 7 2. The intentionally tortious and otherwise unlawful conduct of Defendant as
8 described above is so despicable, oppressive, malicious, and fraudulent as to entitle Plaintiff to
9 punitive damages for sake of example and by way of punishing Defendant.
- 10 3. The statement made by Kelly on her world-wide Twitter account was calculated,
11 clearly referring to Plaintiff, in an intentional and personal attack and affront on Plaintiff for the
12 express purpose of harming Plaintiff.
- 13 4. The dignitary and pecuniary harm and emotional distress suffered by Plaintiff as a
14 result of Defendant's despicable conduct amounts to a cruel and unjust hardship, depriving
15 Plaintiff of her personal and property rights.
- 16 5. For these reasons, and upon satisfactory proof of all the foregoing allegations,
17 Plaintiff prays for a substantial award of punitive damages on the grounds Defendant knowingly
18 and intentionally defamed Plaintiff and made statements with intent to cause severe emotional
19 distress to Plaintiff. Such award is necessary and appropriate to motivate Defendant and her co-
20 conspirators not to engage in the same or similar conduct in the future.

21 **PRAYER FOR DAMAGES**

22 Wherefore, Plaintiff prays for relief as follows:

- 23 1. Compensatory damages, including special and general damages, according to
24 proof;
- 25 2. Reasonable attorneys' fees and costs according to proof;
- 26 3. Punitive damages allowed by law;
- 27 4. Pre-judgment and post-judgment interest; and
- 28 5. For such and other relief as the Court deems appropriate.

1 DATED: August 1, 2016

FEM LAW GROUP

2
3 By: 

F. Edie Mermelstein
Attorneys for Plaintiff

4
5
6 **JURY TRIAL DEMANDED**

7 Plaintiff demands a trial by jury on all issues so triable.

8
9 DATED: August 1, 2016

FEM LAW GROUP

10
11 By: 

F. Edie Mermelstein
Attorneys for Plaintiff

12
13
14 **VERIFICATION**

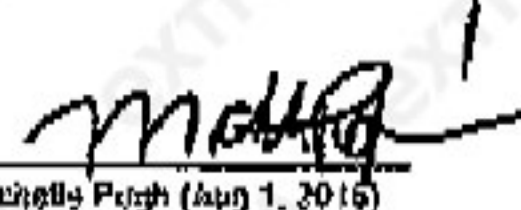
15 The undersigned, for herself declares:

16 I am the Plaintiff in the above-entitled action. I read the forgoing Verified Complaint for
17 Damages and know the contents thereof. I verify that the information contained in the Verified
18 Complaint for Damages is true by my own knowledge, except as to those matters, which are
19 therein stated on information and belief, and, as to those matters, I believe to be true.

20 I declare under penalty of perjury under the laws of California and the United States of
21 America, that the forgoing is true and correct.

22
23 Aug 1, 2016

24 Dated: _____


Michelle Pugh (Aug 1, 2016)

25 MICHELLE PUGH

26
27
28
VERIFIED COMPLAINT FOR DAMAGES