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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF LOS ANGELES, SANTA MONICA COURTHOUSE**

18 LAURA WILLIS LUHN, an individual
19 Los Angeles, CA

20 Plaintiff,

21 v.

22 SHOWTIME NETWORKS, INC., a corporation
23 10880 Wilshire Blvd. #1600
24 Los Angeles, CA 90024

25 and

26 BLUMHOUSE PRODUCTIONS, LLC, a
27 limited liability company
28 dba Blumhouse Television
29 2401 Beverly Blvd.
30 Los Angeles, CA 90057

31 and

32 GABRIEL SHERMAN, an individual
33 3537 78th Street, #41
34 Jackson Heights, NY, 11372

35 Defendants.

Case No. _____

**VERIFIED CIVIL ACTION
COMPLAINT**

1. **Misappropriation of Right of Privacy (California Civil Code § 3344)**
2. **Misappropriation of Common Law Right of Publicity (Right of Privacy)**
3. **Right of Privacy (California Constitution, Article I, Section 1)**
4. **Negligence**

DEMAND FOR JURY TRIAL

1 **I. INTRODUCTION**

2 Plaintiff Laura Willis Luhn former Senior Director of Corporate and Special Events,
3 former Director of Booking, and also Associate Producer for Fox News, (“Plaintiff” or “Plaintiff
4 Luhn”), by counsel, sues Defendants Showtime Network, Inc. (“Showtime”), Blumhouse
5 Productions, LLC dba Blumhouse Television (“Blumhouse”), and Gabriel Sherman (“Sherman”)
6 acting at all material times in concert, jointly and severally, in this civil action (1) for
7 misappropriation of the right of privacy (California Civil Code §3344); (2) misappropriation of
8 the right of privacy (common law); (3) right of privacy (California Constitution, Article I,
9 Section 1); (4) public disclosure of private facts; and (5) negligence, as a result of Defendants,
10 each and every one of them, causing actual damages, compensatory damages, and giving rise to
11 punitive damages, including continuing and aggravated harm to Plaintiff’s professional, business
12 and personal reputation and livelihood. As grounds therefore, Plaintiff alleges as follows:

13 **II. JURISDICTION AND VENUE**

14 1. This Court has personal jurisdiction over Defendants because each Defendant
15 does substantial business in the State of California, County of Los Angeles.

16 2. Defendant Showtime maintains an office in Los Angeles, CA, County of Los
17 Angeles.

18 3. Defendant Blumhouse is headquartered in the State of California, County of Los
19 Angeles and maintains an office in Los Angeles, CA.

20 4. Defendant Sherman’s manager is located in Beverly Hills, CA, County of Los
21 Angeles as he does substantial business in the state.

22 5. The Court has subject matter jurisdiction over Defendants because it is a court of
23 general jurisdiction and this matter is not of limited or exclusive jurisdiction.

24 6. Venue is proper in the County of Los Angeles because Defendants’ illegal
25 conduct occurred in Los Angeles County, Plaintiff was injured and damaged by this illegal
26 conduct, and Defendants have done business and continue to do business in Los Angeles County,
27 CA, pursuant to California Code of Civil Procedure § 395.5.

28 **III. PARTIES**

1 7. Plaintiff Luhn is an individual, natural person who is a citizen of the State of
2 California, County of Los Angeles. Plaintiff is not a public figure.

3 8. Defendant Showtime is a cable and satellite television network corporation with a
4 principal office in Los Angeles, California. Defendant Showtime has personally availed itself to
5 this Court.

6 9. Defendant Blumhouse is a film and television production company headquartered
7 in Los Angeles, California with its principal office in Los Angeles, California. Defendant
8 Blumhouse has personally availed itself to this Court.

9 10. Defendant Sherman is an individual, natural person who is a citizen of the State of
10 New York. Defendant Sherman has personally availed himself to this Court.

11 **IV. STANDING**

12 11. Plaintiff has standing to bring this action because she has been directly and
13 actually affected and victimized by the unlawful conduct complained herein. Her injuries are
14 proximately related to the conduct of Defendants.

15 **V. FACTS**

16 12. Defendant Showtime, by and through Defendant Blumhouse and Defendant
17 Sherman, is currently filming in Los Angeles County and will be airing an eight-episode
18 miniseries about the former Chief Operating Officer (“CEO”) of Fox News Channel (“Fox
19 News”), Roger Ailes, who was accused of decades of sexual harassment and other illegalities
20 before resigning in disgrace in 2016 and dying a year later.

21 13. Plaintiff is an integral part of the eight-episode miniseries.

22 14. Plaintiff was a part of the original staff which launched the Fox News Channel
23 (“Fox News”).

24 15. Plaintiff Luhn met Ailes in the summer of 1988 at the Washington, D.C.
25 headquarters of the George H.W. Bush presidential campaign while she was on the staff at the
26 campaign.

27 16. Plaintiff spent almost 15 years working for Fox News beginning on August 12,
28 1996 as a Guest Relations staffer for *Fox News Sunday with Tony Snow*. Plaintiff was part of the

1 original staff that launched the Fox News Channel and was based in the Washington Bureau.
2 Later, Plaintiff was promoted to Associate Producer/Guest Producer and was part of the *Special*
3 *Report with Brit Hume* staff during the Starr investigation and Clinton impeachment
4 proceedings. Plaintiff later became the Director of Booking for the Fox News Channel that
5 included managing staff in both Washington, D.C. and New York City. In 2007, Plaintiff was
6 promoted to Senior Director of Corporate and Special Events. This new position required
7 commuting weekly to New York City working on the VIP launch event for the Fox Business
8 Network hosted by Executive Chairman of News Corp, Rupert Murdoch, held in October at the
9 Metropolitan Museum of Art.

10 **Facts Pertaining to Sexual and Psychological Abuse by Ailes and Fox News**

11 17. During the entirety of Plaintiff's time on staff at Fox News, Ailes demanded,
12 coerced, extorted, blackmailed and forced sexual favors from her, making impossible,
13 frightening, dangerous and unrealistic demands and using mind control techniques that he
14 referred to as her "training." Ailes had bragged that he conducted training at the Central
15 Intelligence Agency ("CIA") and this was his way to keep "Plaintiff in line and loyal to him."
16 He would periodically call her in Washington telling her he felt her slipping up and that she
17 needed more "training."

18 18. The immensely powerful Ailes always reinforced to Plaintiff that she was to tell
19 no one about what she considered his abusive and threatening tactics and demands, which is why
20 she remained fearful of Ailes' promised retribution during her tenure with Fox News. He told
21 her to think of it as the military and that she was expected to follow orders. The "orders" were
22 implied in every aspect of the Plaintiff's work life and personal life. Ailes required Plaintiff "to
23 report in" anything she had heard or seen that he would find "useful."

24 19. Plaintiff was told to perform like "G.I. Jane" and act like Doris Day.

25 20. Plaintiff was forced to purchase black garters and stockings to wear for Ailes,
26 which he called her "uniform." He required her to leave her job in the middle of the day and
27 meet him in various hotel rooms requiring her to wear the "uniform." This was particularly
28

1 painful and embarrassing to the Plaintiff, as she was booking guests for a show and had to excuse
2 herself, falsely telling the producers she felt ill.

3 21. When Plaintiff received a promotion in June of 2004, Ailes told her she needed to
4 thank him. While in his office at Fox News Headquarters (“HQ”), Ailes told Plaintiff to go to the
5 Doubletree Hotel in Times Square, put on her “uniform” and thank him for the promotion. Ailes
6 forced Plaintiff to meet him at the hotel and perform oral sex in order to thank him for the
7 promotion.

8 22. This pattern of conduct by Ailes fueled harmful gossip in New York and
9 Washington, further alienating Plaintiff Luhn from her coworkers and the management of Fox
10 News. Ailes’ threatening brazenness and arrogance escalated as the years went on, and the
11 demands became more frightening. Ailes manipulated and threatened the Plaintiff, telling her
12 that he kept the compromising photographs and videos that he had taken of her in a safe-deposit
13 box and that they were his “insurance policy” so that she would remain both silent and loyal to
14 him. Blackmailed, and with no realistic options to get away from his predatory and threatening
15 behavior, Plaintiff felt boxed in with no choice but to comply when he ordered her to meet him
16 in a hotel room. The mind control techniques were most effective and she had no choice but to
17 trust the man who told her that he was her only friend.

18 23. While this abusive behavior continued, Ailes continued to also play the role of
19 “mentor” to Plaintiff, which was confusing to Plaintiff and meant to keep her off balance.

20 24. There was a period of time after the terror attacks on September 11, 2001 when
21 Ailes told Plaintiff Luhn that he had a “friend” he wanted her to meet. The “friend” was a
22 woman he had brought to a suite at the Renaissance Hotel in Times Square. Plaintiff was asked
23 to perform 3-way sex with Ailes and his “friend.” Plaintiff recalls Ailes being threatening and
24 forceful. She was terrified and remains traumatized to this day from the experience. There were
25 a least four other meetings in New York hotel rooms with his “friend.” The last meeting that the
26 Plaintiff recalls took place at the Omni Berkshire Hotel in New York on October 2005. Plaintiff
27 recalls Ailes with a camera on that day. She will never forget the trauma and sickness she felt
28 when she saw him photograph her with that woman. Ailes often reminded the Plaintiff of his

1 “loyalty requirement” and of his collection of compromising photographs of the emotionally
2 shattered Luhn that he “owned.” Ailes kept screaming to Plaintiff, “get in there Laurie!” and
3 shoving her into his “friend.”

4 25. Ailes photographed, coerced, blackmailed, extorted and threatened Plaintiff in
5 Mafiosa fashion for twenty years. He disseminated false statements and smears to both the
6 management, on-air talent and staff of Fox News, defaming the Plaintiff. Ailes intentionally
7 gave false statements about the Plaintiff to the media in an effort to create confusion and deflect
8 from his two decades long sexual harassment and abuse of the Plaintiff. Ailes monitored,
9 harassed and gaslit Plaintiff Luhn, and along with his aides, drove her into a deeply depressed
10 mental state.

11 26. Ailes hired contractors (which were overseen by one of the Vice Presidents of
12 Fox News, Warren Vanderveer) to install a very large unusual brass lock that could be accessed
13 by a fingerprint and a separate key to Plaintiff’s front door at her Westchester apartment in
14 Washington, D.C., located at 4000 Cathedral Avenue, NW, Apartment 729B. Plaintiff was
15 questioned by curious neighbors about the lock. It was obtrusive and unlike the standard
16 building locks for the Westchester. It was another embarrassing and humiliating experience for
17 the Plaintiff to endure. Ailes was completely oblivious to Plaintiff’s continuing pain and
18 humiliation. Ailes told her falsely that it was for her security and protection.

19 27. At one point during her tenure at Fox News, Ailes told Plaintiff to cut off contact
20 with both staff in the Fox News Washington, D.C. bureau and her personal friends, told her to
21 sell her co-op apartment in Washington, D.C. and move to New York in order for him to monitor
22 her and control and use her. Plaintiff was a classic victim of Stockholm Syndrome. This was part
23 of a diagnosis by Plaintiff’s psychiatrist.

24 28. Ailes would call Plaintiff at her desk in Washington and demand phone sex.

25 29. Ailes continuously told Plaintiff that she had “no friends” and that he was her
26 only friend in the world. “I’ll protect you,” Ailes told Plaintiff. “You need to do this for me, stay
27 quiet and show your loyalty Laurie.” Ailes continued to threaten Plaintiff by telling her not to
28

1 trust anyone with the exception of Ailes' inner circle at Fox News, which included Judy Laterza,
2 Michael Tammero, Bill Shine, and Suzanne Scott, now the Chief Operating Officer at Fox News.

3 30. Ailes had installed Plaintiff in the Washington Bureau of Fox News in 1996,
4 telling her that she would be his "eyes and ears in Washington." Ailes required Plaintiff to report
5 to him any signs of what he called "disloyalty" within the management, staff, and on-air talent of
6 Fox News, and that included anyone who did not fall in line with Ailes' editorial agenda. This
7 later included on-air guests that Ailes deemed unsuitable because of their particular views on
8 policy, whatever may be the topic at hand or his whim. Ailes was an extremely vindictive and
9 mean person toward guests who "displeased" him for any reason. It was an unwritten policy that
10 got so out of hand, Plaintiff lost her job as Director of Booking due to an impending expose by
11 Brody Mullins of *The Wall Street Journal* and what became not so fondly known as Ailes'
12 "blacklisting" of guests appearing on Fox News. It was a huge controversy at the time. *The Wall*
13 *Street Journal* did not run the piece because Plaintiff was removed from the news division and
14 was considered no longer "relevant."

15 31. Media Relations Vice President Irena Briganti told Plaintiff that she would need
16 to be removed from the Booking Unit because of the rumors and gossip surrounding the Plaintiff
17 and Ailes. The Media Relations Department and the very volatile Ailes were making every
18 effort to stop *The Wall Street Journal* from publishing this expose on Fox News "blacklisting"
19 because it would no doubt put the entire operation and Ailes' culture under close scrutiny for
20 their disreputable editorial approach and the highly abusive Ailes/Luhn relationship. Here, it
21 was actually Briganti, not her supervisor Bill Shine, who effectively removed the Plaintiff from
22 her position as Director of Booking in a preemptive move to (always) protect her boss from
23 scrutiny and negative press or exposure, no matter the collateral damage, the lies that were told,
24 the extent of the cover-up, or the lives that were destroyed. As part of a larger strategy and
25 reflective of the "culture" of Fox News, Ailes tasked the Media Relations Department with the
26 role of smearing and discrediting Plaintiff. This provided Ailes "cover" and plausible deniability
27 since he could not be responsible for "whispers to the media."

28

1 32. The removal of Plaintiff from the news division was severely traumatic as it was
2 actually a cover-up for Ailes' crimes.

3 33. Plaintiff had been referred to as "Roger's spy" since the early days of Fox News,
4 both within the organization and in the greater political and journalistic community. Plaintiff
5 suffered greatly by this designation and the continuing gossip and innuendo that permanently
6 damaged the Plaintiff's reputation -- never to be recovered -- as she has endured unimaginable
7 pain and sadness, while at the same time being defamed.

8 34. Ailes also utilized Fox News' Management and Media Relations Department to
9 monitor, harass, threaten, and gaslight Plaintiff.

10 35. For twenty years, Ailes threatened Plaintiff by telling her, "I own you."

11 36. Starting in 2006 and into 2007, Plaintiff had a stalker. Ailes fueled her fear and
12 kept her terrified by telling her she should not stay in her Washington D.C. co-op apartment that
13 she owned. Ailes had her stay at the Warwick Hotel in New York under the name Suzanne
14 Scott, who is today the CEO of Fox News. It was a frightening and harrowing experience where
15 Ailes required Plaintiff to cut off all communication with everyone, even friends. Ailes forced
16 Plaintiff to provide all incoming and outgoing emails to him for "approval." He even dictated
17 responses for the Plaintiff to send. It was classic Ailes - making the Plaintiff feel owned,
18 controlled and completely dependent on him. Plaintiff was fearful because the stalker had been
19 ransacking her Washington D.C. apartment on a regular basis. Ailes told the Plaintiff that
20 George Soros and Hillary Clinton were trying to kill her.

21 37. Ailes had constantly demanded what he referred to as "loyalty" and forbade
22 Plaintiff from telling her Washington DC psychiatrist, friends or family about the constant
23 sexual, emotional and psychological abuse. She remained silent for 20 years, becoming deeply
24 depressed by keeping the destructive abuse she endured bottled up inside. Plaintiff was
25 completely isolated from Fox News staff and remained a prime target for painful malicious
26 gossip and rumors, eventually driving her from Washington D.C. and moving to Los Angeles in
27 2011. Ailes exploited the Plaintiff's vulnerable position and dependency on him—intentionally
28 keeping her off balance through his mind control techniques, Mafiosa tactics, gaslighting and

1 harassment by his aides.

2 38. Ailes threatened, harassed and questioned Plaintiff about every aspect of her life.
3 This included probing her personal life and constantly instructing her on whom she could “trust,”
4 whom she could have as friends, including forcing her to cut off existing relationships with
5 friends and colleagues. Ailes was very insistent for years that the Plaintiff could not trust
6 anyone. Therefore, this resulted in complete isolation both from within Fox News and the
7 community as a whole.

8 39. In 2011, Bill Shine, Ailes’ right-hand man - at the direction of Ailes – ordered
9 Plaintiff to vacate her apartment – with zero notice - in Los Angeles. This event took place a few
10 days after *The New York Times* published a page one story on February 24, 2011 about Roger
11 Ailes urging Judith Regan to lie to federal investigators regarding a cover-up involving key
12 figures, such as Bernard Kerik of the 9/11 terror attacks.

13 40. Shine sent the Plaintiff to her family home in San Antonio, telling her that the Los
14 Angeles (“LA”) apartment had to be checked out due to stalkers. Ailes had continued to tell the
15 Plaintiff that George Soros was trying to kill her, which kept her terrified because she was being
16 terrorized at the LA apartment. During her stay with her parents, Bill Shine, Ailes’ top deputy
17 sent the Plaintiff to a hand-picked psychiatrist based at the University of Texas Health Science
18 Center in an effort to manipulate and prevent her from speaking out about the sexual and
19 psychological abuse.

20 41. While in San Antonio, Plaintiff contacted the office of the Attorney General of the
21 United States, Eric Holder, on the telephone. It is noteworthy that there were rumors online and
22 in the press that Roger Ailes was to be indicted, which terrified the Plaintiff. The Plaintiff
23 explained that she would like to have a confidential conversation with Holder regarding Fox
24 News. Mr. Holder’s assistant would not put the call through to the Attorney General. Instead,
25 Plaintiff was directed to meet with First Assistant U.S. Attorney Jim Blankenship
26 (“Blankenship”) in San Antonio. A very shaken and frightened Plaintiff spent time outlining in
27 graphic detail years of abuse and sexual torture that she endured at the hands of Ailes.

28

1 42. Blankenship, a George H.W. Bush appointee, and his aide, were dismissive and
2 did not take her seriously or make any effort to follow up on the very serious claims regarding
3 Ailes. The meeting was cut short when the Shine-picked psychiatrist, Dr. Camis Milam (“Dr.
4 Milam”), called her out of the meeting while she was in the U.S. Attorney’s office in San
5 Antonio. On the telephone, Dr. Milam threatened to admit the Plaintiff to the hospital psych
6 ward that very night if she did not leave immediately.

7 43. In fact, the doctor did admit the Plaintiff to the psych ward at a mental hospital
8 48 hours later. Dr. Milam scolded the Plaintiff for contacting the U.S. Department of Justice.
9 Both Bill Shine and Dianne Brandi, Legal Counsel for Fox News, were in direct and constant
10 contact with Dr. Milam – including issuing threats to the Plaintiff and scolding her for contacting
11 a co-worker at Fox News.

12 44. This was part of Ailes’ strategy to paint Plaintiff as “crazy, delusional, and
13 paranoid” and to discredit any possible testimony regarding his psychological and sexual abuse.
14 As acts of intimidation, Bill Shine also frequently called Plaintiff’s father during this time asking
15 questions about her.

16 45. When Plaintiff returned to her LA apartment, Dr. Milam indirectly referred
17 Plaintiff to an attorney in order to negotiate settlement with Fox News.

18 46. However, Fox News executives knew that Plaintiff was in no mental or emotional
19 condition to negotiate settlement, as she was on serious medication that prevented her from
20 having a clear head or thinking logically.

21 47. Plaintiff never received proper assistance of counsel, as she was pressured and
22 deceived, if not fraudulently induced, into settlement by the unethically conflicted attorney who
23 was referred indirectly by Dr. Milam - who was working in concert with Fox News – when
24 Plaintiff really wanted to file a legal action. No legal action was ever filed, and Plaintiff, in a
25 heavily medicated, hazy, and foggy mental state, was pressured, coerced and fraudulently
26 induced into agreeing to settlement.

27 48. The entire “settlement” process was rushed through and slapped together
28 extremely quickly by Ailes, Dianne Brandi, and Plaintiff’s attorney, all working closely together.

1 49. Plaintiff has suffered and continues to suffer serious, debilitating and life
2 threatening trauma, anxiety and other serious health complications as a result of Ailes' severe
3 psychological torture and mind control. This was covered up and furthered by his inner circle,
4 including but not limited to Judy Laterza, Bill Shine, Brian Lewis, Irena Briganti and Suzanne
5 Scott. Emotionally shattered and deeply depressed by her tragic experience with Ailes and Fox
6 News and a with destroyed reputation, Plaintiff twice attempted suicide and to this day continues
7 to be severely damaged with PTSD and bouts of intermittent anxiety and hopelessness. She
8 continues to feel isolated and ostracized by society. The long-term impact and severe damage
9 caused by Ailes' mind control techniques, and the cover-up and complicity of his
10 abovementioned top aides, and the resulting Stockholm Syndrome still gripping and strangling
11 the Plaintiff is incalculable.

12 50. After Ailes resigned in 2016, Plaintiff called a New York law firm hired by 21st
13 Century Fox to investigate sexual-harassment allegations against him.

14 51. Ailes sexually, psychologically and emotionally harassed Plaintiff for over two
15 decades.

16 **Facts Pertaining to *The Loudest Voice in the Room***

17 52. Defendant Showtime, by and through Defendant Blumhouse and Defendant
18 Sherman, is currently filming in LA and will soon air an eight-episode miniseries about Ailes
19 titled, *The Loudest Voice in the Room*.

20 53. Defendant Showtime's and Blumhouse's miniseries is based on the book and
21 prior writings by Defendant Sherman and stars Russell Crowe as Ailes, Naomi Watts as
22 Gretchen Carlson, the first prominent person to publicly accuse Ailes of sexual harassment, and
23 has cast A-List actress Annabelle Wallis as Plaintiff.

24 54. Defendant Sherman coerced and induced Plaintiff to be interviewed, telling her
25 through an intermediary, Madelon Highsmith, that she was in grave "danger" and thus
26 shamelessly and cruelly lured her to be interviewed by Defendant Sherman as so-called
27 "protection." When Plaintiff expressed hesitation about going forward with the interview,
28 Defendant Sherman told Plaintiff that he had heard from a NewsCorp executive that her June 15,

1 2011 Separation Agreement: “was not worth the paper it was printed on.” Defendant Sherman,
2 to induce her to be interviewed, further stated that he knew of instances where the Agreement by
3 Fox News had been broken and that the Plaintiff had been disparaged by Fox News – in violation
4 of the Separation Agreement and Mutual General Releases signed by Ailes and Shine.

5 55. Defendant Sherman recorded the interview with over 11 hours of audio including
6 accessing the Plaintiff’s computer with Defendant Sherman’s wife, Jennifer Stahl of *The New*
7 *Yorker*, who unexpectedly accompanied Defendant Sherman for the interview - which took place
8 at the Plaintiff’s residence in Encino, California. Defendant Sherman published lies, promoted,
9 marketed and monetized Plaintiff’s severe pain, trauma and tragedy. He capitalized on her very
10 vulnerable state of mind, PTSD and exploited an already terrified, confused, and emotionally
11 shattered woman. Sherman cashed in on Plaintiff’s tragic Fox News experience and the psycho-
12 sexual torture she had endured by Ailes without so much as a courtesy notification regarding the
13 Showtime and Blumhouse series.

14 56. Prior to this, Defendant Sherman published an article on July 29, 2016, titled
15 *Former Fox News Booker Says She Was Sexually Harassed and ‘Psychologically Tortured’ by*
16 *Roger Ailes for More Than 20 Years*”, which contains several false, misleading and defamatory
17 statements and innuendos. When Plaintiff demanded that the misleading and false statements be
18 retracted and/or corrected, Defendant Sherman ignored her requests and proceeded on to profit
19 from his works which used, however inaccurately, the likeness and being and life story of
20 Plaintiff.

21 57. Defendants Showtime, Blumhouse and Sherman use Plaintiff’s identity, name,
22 likeness, persona, privacy rights and otherwise (“Plaintiff’s Rights”) to advertise, market, and
23 promote and sell Defendants’ miniseries, commercial products, and commercial services.

24 58. In addition to using Plaintiff’s Rights, Defendants, on information and belief, use
25 Defendant Sherman’s false, misleading and defamatory statements and innuendos and present
26 them as fact in their miniseries. In particular, Defendant Sherman falsely claimed that Luhn sent
27 Ailes’ women to his office “after hours,” as well as falsely representing that she had a history of
28 mental illness, among other perversions of the truth.

1 59. As just one other example, Defendant Sherman falsely claimed that Plaintiff fired
2 a staffer, when in actuality Human Resources fired that staffer for cause.

3 60. At no time did Plaintiff ever give permission to Defendants, any of them, to use
4 Plaintiff's Rights or otherwise to associate with, advertise, market or promote and sell
5 Defendants' miniseries, commercial products, or for any other purpose. Nor did she give
6 Defendant Sherman in particular the right to use her likeness and being to produce a manuscript
7 and/or script of her life story to sell to the other Defendants to line his own pockets. The eight-
8 part miniseries prominently features this life story and a prominent "A list actress," Anabelle
9 Wallis, who has been cast to play the prominent role and part of Plaintiff.

10 61. Plaintiff has not received any compensation for such unauthorized commercial
11 use of Plaintiff's Rights and otherwise to advertise, promote market and sell Defendants'
12 miniseries, products, and services.

13 62. Plaintiff is informed and believes that Defendants intentionally, purposefully,
14 recklessly, and/or negligently used Plaintiff's Rights to advertise, promote market and sell
15 Defendant's miniseries, products and services.

16 63. Defendants have, without any right, title or authorization, misappropriated
17 Plaintiff's Rights for their own commercial purposes and resulting financial reward.

18 64. Plaintiff and the undersigned counsel have tried to resolve the serious matters set
19 forth in this Verified Complaint, but Defendants, each and every one of them, have arrogantly
20 refused, obviously believing that their self-styled powerful standing in Hollywood and the
21 entertainment industry and far superior financial positions would dissuade Plaintiff from filing
22 this lawsuit. As a result, Defendants' law firm, Davis Wright Tremaine brushed Plaintiff aside, to
23 allow their clients to continue to exploit and profit from Luhn's tragic and abusive past with
24 Ailes and Fox News, which is prominently used and portrayed in their works by and through "A
25 list" actress Annabelle Wallis, who was cast to play Plaintiff.

26
27 **FIRST CAUSE OF ACTION**
Misappropriation of Right of Privacy/Right of Publicity
California Civil Code § 3344
28 **Against all Defendants**

1 65. Plaintiff repeats, re-alleges, adopts and incorporates all of the previous allegations
2 of the entirety of this Verified Complaint, with the same force and effect, as if fully set forth
3 herein again at length.

4 66. The illegal conduct of Defendants, as alleged hereinabove, constitutes a violation
5 of Section 3344 of the California Civil Code, due to the knowing and unauthorized use of
6 Plaintiff's Rights for commercial purposes.

7 67. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
8 Plaintiff has been damaged in a huge amount that is not yet fully ascertainable, but which
9 exceeds the jurisdiction minimum of this Court.

10 68. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
11 Plaintiff has suffered severe emotional distress and harm in an amount to be determined at trial.

12 69. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
13 Plaintiff has suffered harm to her reputation in an amount to be determined at trial.

14 70. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
15 Defendants have received and will receive large profits from and attributable to the unauthorized
16 use, which Plaintiff is entitled to recover.

17 71. Plaintiff is informed that Defendants, in doing the illegal acts herein alleged, acted
18 willfully, maliciously, and oppressively, and with full knowledge of the adverse effects of their
19 actions on Plaintiff, and with willful and deliberate disregard for the consequences to Plaintiff.
20 By reason thereof, Plaintiff is entitled to recover punitive and exemplary damages from
21 Defendants in an amount to be determined at trial by the jury of her peers.

22 72. Plaintiff also seeks preliminary and permanent injunctions to prohibit Defendants
23 form any further commercial use of Plaintiff's Rights.

24
25 **SECOND CAUSE OF ACTION**
26 ***Misappropriation of Common Law Right of Privacy***
27 **Right of Publicity**
28 **Against all Defendants**

1 73. Plaintiff repeats, re-alleges, adopts and incorporates all of the previous allegations
2 of the entirety of this Verified Complaint, with the same force and effect, as if fully set forth
3 herein again at length.

4 74. The illegal conduct of Defendants, as alleged herein, constitutes a violation of
5 Plaintiff's common law rights of publicity and rights of privacy, due to unauthorized use of
6 Plaintiff's Rights for Defendants' advantage.

7 75. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
8 Plaintiff has been hugely damaged in an amount that is not yet fully ascertainable, but which
9 exceeds the jurisdiction minimum of this Court.

10 76. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
11 Plaintiff has suffered severe emotional distress and harm in an amount to be determined at trial.

12 77. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
13 Plaintiff has suffered severe harm to her reputation in an amount to be determined at trial.

14 78. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
15 Defendants have received and will receive large profits from and attributable to the unauthorized
16 use, which Plaintiff is entitled to recover.

17 79. Plaintiff is informed and believes and based thereon allege that Defendants, in
18 committing the illegal acts herein alleged, acted willfully, maliciously and oppressively, and with
19 full knowledge of the adverse effects of their actions on Plaintiff, and with willful and deliberate
20 disregard for the consequences to Plaintiff. By reason thereof, Plaintiff is entitled to recover
21 punitive and exemplary damages from Defendants in an amount to be determined at trial by a
22 jury of her peers.

23 80. Plaintiff also seeks preliminary and permanent injunctions to prohibit Defendants
24 from any further use of Plaintiff's Rights for Defendants' advantage.

25
26 **THIRD CAUSE OF ACTION**
27 *Right of Privacy*
28 **California Constitution, Article I, Section 1**
 Against all Defendants

1 81. Plaintiff repeats, re-alleges, adopts and incorporates all of the previous allegations
2 of the entirety of this Verified Complaint, with the same force and effect, as if fully set forth
3 herein again at length.

4 82. The California Constitution, Article I, Section 1, provides an actionable and
5 inalienable right of privacy, as follows:

6
7 All people are by nature free and independent and have inalienable rights. Among
8 these are enjoying and defending life and liberty, acquiring, possessing, and
protecting property, and pursuing and obtaining safety, happiness, and privacy.

9 83. The alienable right to privacy under the California Constitution includes the right
10 to be free from “. . . the improper use of information properly obtained . . . [and] the use of it for
11 another purpose or the disclosure of it to some third party.” *White v. Davis*, 13 Cal.3d 757, 775
12 (1975). The State Constitutional right of privacy “. . . is self-executing and confers a judicial
13 right of action on all Californians.” *Id.* Privacy is protected not merely against state action; it
14 may not be violated by anyone. *Porten v. University of San Francisco*, 64 Cal. App. 3d 825, 829
15 (1976).

16 84. The illegal conduct of Defendants, acting together jointly and severally,
17 constitutes a violation of the right of privacy of Plaintiff as guaranteed by the California
18 Constitution, Article I, Section 1.

19 85. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
20 Plaintiff has suffered severe emotional distress and harm in an amount to be determined at trial
21 by a jury of her peers.

22 86. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
23 Plaintiff has suffered severe harm to her reputation in an amount to be determined at trial by a
24 jury of her peers.

25 87. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
26 Defendants have received and will receive large profits from and attributable to the unauthorized
27 use, which Plaintiff is entitled to recover.

28

1 88. As an actual and legal result of the Constitutional violation herein alleged,
2 Plaintiff has sustained economic and non-economic damages in an amount to be determined
3 according to proof at trial by a jury of her peers.

4 89. Plaintiff also seeks preliminary and permanent injunctions to prohibit Defendants
5 from any further use of Plaintiff's Rights for Defendants' advantage.

6
7 **FOURTH CAUSE OF ACTION**
8 ***Public Disclosure of Private Facts***
9 **Against all Defendants**

10 90. Plaintiff repeats, re-alleges, adopts and incorporates all of the previous allegations
11 of the entirety of this Verified Complaint, with the same force and effect, as if fully set forth
12 herein again at length.

13 91. The illegal conduct of Defendants, as alleged hereinabove, constitutes a violation
14 of Plaintiff's common law rights of privacy, due to unauthorized disclosure of Plaintiff's private
15 facts.

16 92. No legitimate public interest was served having these private facts disclosed.

17 93. Defendants were directly and actually at fault for making these private
18 disclosures.

19 94. Defendants' disclosure of private facts was highly offensive to a reasonable
20 person.

21 95. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
22 Plaintiff has been damaged in an amount that is not yet fully ascertainable, but which exceeds the
23 jurisdictional minimum of this Court.

24 96. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
25 Plaintiff has suffered severe emotional distress and harm in an amount to be determined at trial
26 by a jury of her peers.

27 97. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
28 Plaintiff has suffered severe harm to her reputation in an amount to be determined at trial by a
jury of her peers.

1 98. Plaintiff is informed and believes and based thereon allege that Defendants, in
2 committing the acts herein alleged, acted willfully, maliciously and oppressively, and with full
3 knowledge of the adverse effects of their actions on Plaintiff, and with willful and deliberate
4 disregard for the consequences to Plaintiff. By reason thereof, Plaintiff is entitled to recover
5 punitive and exemplary damages from Defendants in an amount to be determined at trial by a
6 jury of her peers.

7 99. Plaintiff also seeks preliminary and permanent injunctions to prohibit Defendants
8 from any further use of Plaintiff's Rights for Defendants' advantage.

9
10 **FIFTH CAUSE OF ACTION**

11 *Negligence*

12 **Against all Defendants**

13 100. Plaintiff repeats, re-alleges, adopts and incorporates all of the previous allegations
14 of the entirety of this Verified Complaint, with the same force and effect, as if fully set forth
15 herein again at length.

16 101. At all times, and pursuant to applicable law, Defendants owed a duty to Plaintiff
17 not to use Plaintiff's Rights in advertisements or otherwise to associate with, advertise, promote
18 market or sell Defendants' products and services.

19 102. Defendants breached that duty by using Plaintiff's Rights in the advertisements
20 and otherwise to associate with, advertise, promote, market or sell Defendants' products and
21 services.

22 103. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
23 Plaintiff has been damaged in an amount that is not yet fully ascertainable, but which exceeds the
24 jurisdictional minimum of this Court.

25 104. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
26 Plaintiff has suffered severe emotional distress and harm in an amount to be determined at trial
27 by a jury of her peers.
28

1 105. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
2 Plaintiff has suffered severe harm to her reputation in an amount to be determined at trial by a
3 jury of her peers.

4 106. As an actual and proximate result of the aforesaid wrongful acts of Defendants,
5 Defendants have received and will receive large profits from and attributable to the unauthorized
6 use, which Plaintiff is entitled to recover.

7 107. Plaintiff also seeks preliminary and permanent injunctions to prohibit Defendants
8 for any further commercial use of Plaintiff's Rights.

9 **VI. PRAYER FOR RELIEF**

10 (a) For general (non-economic), special (economic), actual and compensatory
11 damages in excess of \$250,000,000 USD;

12 (b) For additional consequential damages in a sum reasonable to a jury;

13 (c) For punitive damages in excess of \$500,000,000 USD to punish and impress upon
14 Defendants the seriousness of their conduct and to deter similar conduct in the future;

15 (d) For Defendants to immediately produce to Plaintiff Luhn the script and any
16 already produced video and audio for the eight-part miniseries and for preliminary and
17 permanent injunctive relief to air this eight-part miniseries and to use Plaintiff's likeness, being
18 and life story in any way without it being accurate and non-defamatory, as well as her being
19 fairly compensated for its use;

20 (e) For attorneys' fees, expenses and costs of this action, and;

21 (f) For such further relief as this Court deems necessary, just and proper.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff demands a trial by jury on all counts as to all issues so triable.

24 Dated: January 8, 2019

25 /s/ JOHN HOLT SMITH

26 LARRY KLAYMAN, ESQ.
27 Klayman Law Group, P.A.
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Attorneys for Plaintiff

VERIFICATION

I, Laura Luhn, hereby swear and attest under penalty of perjury under the laws of the state of California that the substantive facts set forth in this Verified Complaint are true and correct to the best of my personal knowledge and belief.

/s/ Laura Luhn

Laura Luhn

Dated: January 8, 2019