

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

LAURA BRAUN
948 Countryridge Lane
Cincinnati, OH 45233

Case No **A0803137**

Judge

and

JEFFREY A. BRAUN
948 Countryridge Lane
Cincinnati, OH 45233

COMPLAINT FOR DAMAGES
(Jury Demand)

PLAINTIFFS

vs.

KEVIN RHODES
5521 Gwendolyn Road
Cincinnati, OH 45238

ORIG, COMP, PARTIES, SUMMONS
<input checked="" type="checkbox"/> CERT MAIL <input type="checkbox"/> SHERIFF <input type="checkbox"/> WAVE
<input type="checkbox"/> PROCESS SERVER <input checked="" type="checkbox"/> NONE
CLERKS FEES <u>1511</u> TIC
SECURITY FOR COST _____
DEPOSITED BY <u>30739</u>
FILING CODE <u>4825</u>

DEFENDANT

Now come the Plaintiffs, by and through their undersigned counsel, and hereby state as follows:

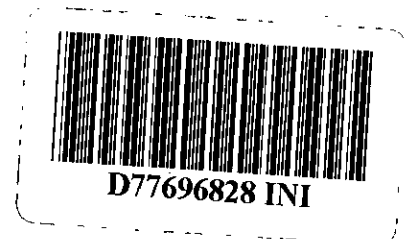
FILED

2008 MAR 31 A 10:19

COURT CLERK
HAMILTON COUNTY, OH

INTRODUCTION TO CLAIMS

1. This action is brought by Jeff and Laura Braun as a result of an obnoxious, obscene, cruel, and defamatory email sent to known and unknown recipients as a part of a pattern of activity designed to embarrass, annoy, harass, and humiliate them and the members of their family. The Plaintiffs are seeking monetary damages and injunctive relief.



ALLEGATIONS REGARDING VENUE AND JURISDICTION

2. Defendant, Kevin Rhodes (hereinafter "Defendant Rhodes") is currently a resident of Hamilton County, Ohio, and at all times relevant to the matters pertaining to this Complaint, Defendant Rhodes was a resident of Hamilton County, Ohio.

3. Defendant Rhodes is also known as Kevin M. Rhodes.

4. Plaintiffs are residents of Hamilton County, Ohio.

5. All activity alleged herein occurred in Hamilton County, Ohio.

6. All known parties are residents of Hamilton County, Ohio, and the activity giving rise to the complaint occurred in Hamilton County, Ohio. The monetary claims and subject matter are within the jurisdiction of the Court of Common Pleas of Hamilton County. The Court of Common Pleas of Hamilton County, Ohio, is the proper venue and has proper jurisdiction in this matter.

GENERAL ALLEGATIONS

7. Defendant Rhodes maintains or maintained an Internet Service Provider (ISP) account with Cincinnati Bell, Inc. and/or Cincinnati Bell Telephone Company, LLC, (collectively referred to herein as "Cincinnati Bell"), both having a principal place of business in Hamilton County, Ohio, and maintains or maintained a Fuse electronic mail (Fuse email) or Zoomtown electronic mail (Zoomtown email) account with the said Cincinnati Bell under the names and addresses of "kmr," "kevinrhodes," "delhigoodgovt," "rhonda_rhodes," "71camaro," and "dustinrhodes."

8. Defendant Rhodes' ISP account with Cincinnati Bell and the Fuse email and Zoomtown email accounts have been or had been assigned an IP address of 74.215.46.133.

9. Defendant Rhodes may have joined with others who are unknown to the Plaintiffs at this time to engage in a pattern of activity and in a conspiracy to commit the acts alleged more fully in this Complaint.

10. On or about January, 7, 2008, Defendant Rhodes, acting alone or with others, uploaded, posted, emailed, transmitted, created, published, broadcasted, or otherwise made available, over the Internet to various known and unknown recipients, comments, statements and innuendos about Plaintiffs that were false, harmful, abusive, harassing, tortuous, defamatory, vulgar, obscene, libelous, hateful, invasive of Plaintiffs' privacy, and otherwise clearly and reasonably objectionable.

11. On or about January, 7, 2008, Defendant Rhodes, acting alone or with others, uploaded, posted, emailed, transmitted, created, published, broadcasted, or otherwise made available over the Internet to various known and unknown recipients, an electronic mail transmission that impersonated Plaintiffs.

12. On or about January, 7, 2008, Defendant Rhodes, acting alone or with others, uploaded, posted, emailed, transmitted, created, published, broadcasted, or otherwise made available over the Internet to various known and unknown recipients, an electronic mail transmission which contents were clearly calculated and designed to serve no lawful purposes whatsoever and were published solely to humiliate, embarrass and harass Plaintiffs.

FIRST CLAIM FOR RELIEF

13. Plaintiffs restate the allegations set forth in Paragraphs 1 through 12 of their Complaint as if more fully rewritten herein.

14. The statements of Defendant Rhodes were false, tortuous and defamatory and served no lawful purpose and were not privileged or protected.

15. Defendant Rhodes is liable in damages to Plaintiffs for these false, tortuous and defamatory comments.

SECOND CLAIM FOR RELIEF

16. Plaintiffs restate the allegations set forth in Paragraphs 1 through 15 of their Complaint as if more fully rewritten herein.

17. The statements of Defendant Rhodes were false, harmful, abusive, harassing, vulgar, obscene, hateful, invasive of Plaintiffs' privacy, and were otherwise clearly and reasonably objectionable.

18. The statements of Defendant Rhodes served no lawful purpose and were published to humiliate, embarrass and harass Plaintiffs.

19. As a direct and proximate result of the actions of Defendant Rhodes, Plaintiffs have suffered mental and emotional distress and have suffered a violation of their right to live peacefully and free from unwarranted and unlawful humiliation, embarrassment and harassment.

20. Defendant Rhodes is liable to Plaintiffs in damages for this activity.

THIRD CLAIM FOR RELIEF

21. Plaintiffs restate the allegations set forth in Paragraphs 1 through 20 of their Complaint as if more fully rewritten herein.

22. By the acts set forth herein, Defendant Rhodes has stolen the identity of Plaintiffs by impersonating Plaintiffs and by using Plaintiffs' names and by referring to Plaintiff's spouse, children, and family members as belonging to or being related to Defendant Rhodes.

23. Plaintiffs have at no time given Defendant Rhodes, or any other person who may have acted with Defendant Rhodes, permission to assume their identity or to otherwise use their names.

24. Defendant Rhodes is liable to Plaintiffs in damages for this activity.

FOURTH CLAIM FOR RELIEF

25. Plaintiffs restate the allegations set forth in Paragraphs 1 through 24 of their Complaint as if more fully rewritten herein.

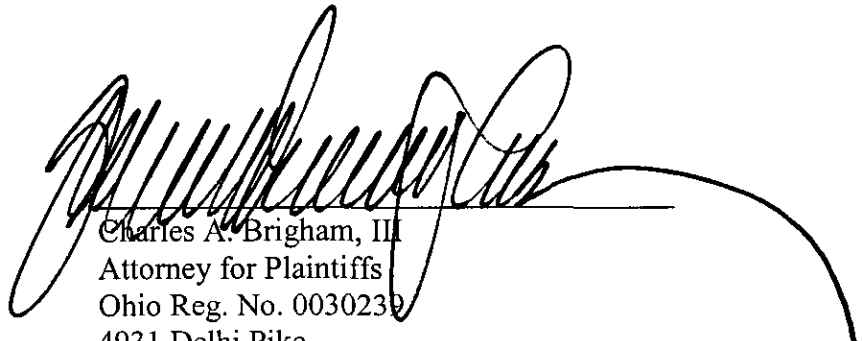
26. Plaintiffs have no adequate remedy at law to prevent Defendant Rhodes from engaging in similar behavior against Plaintiffs in the future and Plaintiffs are entitled to a permanent injunction enjoining Defendant Rhodes from engaging in behavior similar in nature, substance, or effect to the behavior alleged herein, or from assuming the identity of Plaintiffs or members of Plaintiffs' family.

FIFTH CLAIM FOR RELIEF

27. Plaintiffs restate the allegations set forth in Paragraphs 1 through 26 of their Complaint as if more fully rewritten herein.

28. The actions of Defendant Rhodes alleged herein were malicious, egregious, designed to embarrass and humiliate and harass, and served no lawful purpose and Plaintiffs are therefore entitled to punitive damages and an award of reasonable attorney fees.

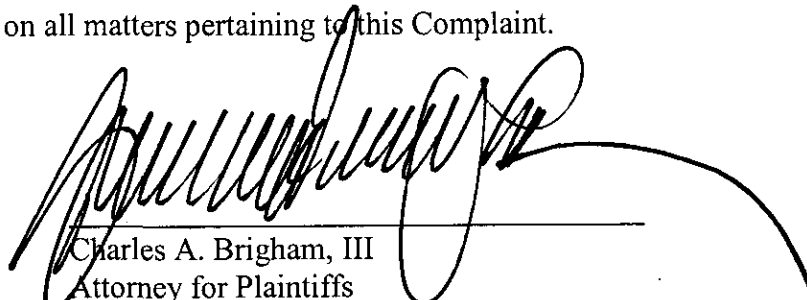
WHEREFORE, Plaintiffs respectfully demand judgment against Defendant Rhodes for Plaintiffs' damages herein in an amount reasonably believed to be in excess of \$25,000.00; for punitive damages and reasonable attorney fees; for a permanent injunction against Defendant Rhodes enjoining him from engaging in behavior similar in nature, substance, or effect to the behavior alleged herein, or from assuming the identity of Plaintiffs or members of Plaintiffs' family; and for their costs herein.



Charles A. Brigham, III
Attorney for Plaintiffs
Ohio Reg. No. 0030239
4931 Delhi Pike
Cincinnati, OH 45238
(513) 451-4577

JURY DEMAND

Plaintiffs demand a trial by jury on all matters pertaining to this Complaint.



Charles A. Brigham, III
Attorney for Plaintiffs
Ohio Reg. No. 0030239

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

REQUEST AND INSTRUCTIONS FOR ORDINARY MAIL SERVICE

LAURA BRAUN, et al.

Plaintiff

-vs-

INSTRUCTIONS TO THE CLERK

CASE NUMBER: A0803137

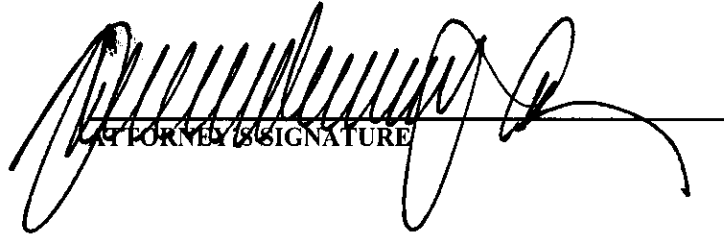
KEVIN RHODES

Defendant

IF SERVICE OF PROCESS BY CERTIFIED MAIL IS RETURNED BY THE POSTAL AUTHORITIES WITH AN ENDORSEMENT OF "REFUSED" OR "UNCLAIMED" AND IF THE CERTIFICATE OF MAILING CAN BE DEEMED COMPLETE NOT LESS THAN FIVE (5) DAYS BEFORE ANY SCHEDULED HEARING, THE UNDERSIGNED WAIVES NOTICE OF THE FAILURE OF SERVICE BY THE CLERK AND REQUESTS ORDINARY MAIL SERVICE IN ACCORDANCE WITH CIVIL RULE 4.6 (C) OR (D) AND CIVIL RULE 4.6 (E).

CHARLES A. BRIGHAM III 0030239

ATTORNEY OF RECORD (TYPE OR PRINT)



ATTORNEY'S SIGNATURE

FILED
DATE 3/13/08
2008 MAR 31
REGGORY HART
CLERK OF COURTS
HAMILTON COUNTY, OH