

IN THE CIRCUIT COURT OF WILLIAMSON COUNTY, TENNESSEE

Kent and Regina Smith, Chris and Beth Ancona,)
Cliff and Lisa Peters, David and Jennifer Martin,)
Eldon and Sara Gormsen, Brandon and)
Elizabeth Hannah, Thomas and Donna Bass,)
Ivan and Linda Pearson, Chris and April Herbst,)
Luke and Heather Higgins, Blake and Rachel)
Zanoni, Robert and Catherine Zanoni,)
Lonzo and Tracey Herron, Gwen Shamblin, Craig)
and Lori Rogosheske,)
Steve and Mary Mornout, Michael and)
Erin Shamblin, Bob and Ruth Beld, Jeff and)
Gina Graves, Donald Fischer, Joel and)
Carrie Beld, John and Jean Kurtz, Al)
and Jan Voorhis, Tedd and Candace Anger)
Larry and Karen Sims, Rich and Kelly Gadke,)
David and Catherine Rector, Marcus and)
Marayet Francis, Sandy Sheridan, James)
and Lisa Henry, Joseph and Teresa Langsdon,)
Greg and Rene Maxwell, Marc and Therese)
Jost, Andrew and Kerry Nissen, George and Kristy)
McHaney)
Plaintiffs)

Vs.)

ANONYMOUS BLOGGER and)
RAFAEL MARTINEZ,)
Defendant)

FILED
NOV 6 2006
Debbie McMillan Barrett
Circuit Court

Case # 06648

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

1. The Plaintiffs are looking for remedy from the Court for the malicious actions of an anonymous writer/publisher of a website who is the author of approximately 80 pages of extremely outrageous, discriminatory, defamatory, and false accusations that are causing irreparable damage to the families of the Remnant Fellowship Church. The Plaintiffs bring this action on the basis of defamation and invasion of privacy by the Defendant Blogger. Additionally, Plaintiffs bring an action for defamation by the Defendant Rafael Martinez whose writings are related to the postings on the aforementioned website.
2. The Plaintiffs are residents of Williamson County, Tennessee and members of Remnant Fellowship church. The Plaintiffs are the following: Kent and Regina Smith, Chris and Beth Ancona, Cliff and Lisa Peters, David and Jennifer Martin, Eldon and Sara Gormsen, Brandon and Elizabeth Hannah, Thomas and Donna Bass, Ivan and Linda Pearson, Chris and April Herbst, Luke and Heather Higgins, Blake and Rachel Zanoni, Robert and Catherine Zanoni, Lonzo and Tracey Herron, Gwen Shamblin, Craig and Lori Rogosheske, Steve and Mary Mornout, Michael and Erin Shamblin, Bob and Ruth Beld, Jeff and Gina Graves, Donald Fischer, Joel and Carrie Beld, John and Jean Kurtz, Al and Jan Voorhis, Tedd and Candace Anger, Larry and Karen Sims, Rich and Kelly Gadke, David and Catherine Rector, Marcus and Marayet Francis, Sandy Sheridan, James and Lisa Henry, Joseph and Teresa Langsdon, Greg and Rene Maxwell, Marc and Therese Jost, Andrew and Kerry Nissen, and George and Kristy McHaney.
3. The Defendant, Anonymous Blogger, is an unknown blogger and publisher of a website, and is specifically identified as Anonymous Blogger, whose Google Blogger ID Number is The Google Blog ID to which this Complaint refers is #33035611 and the Blogger ID is 29671291 .
4. The Defendant, Rafael Martinez, is a resident of the State of Tennessee.

Count 1 – Invasion of Privacy – (Anonymous Blogger)

4. The Anonymous Blogger gave publicity to matters concerning Plaintiffs that places Plaintiffs before the public in a false light.
5. The false accusations on the Anonymous Blogger’s website invade the privacy of the above-mentioned Plaintiffs and are highly offensive to any reasonable person. The following offensive statements/implications include but are not limited to the following:

- A. FALSE STATEMENT– “But what could lead a religiously-devout couple to beat, torture, neglect, and eventually kill their 8-year-old son Josef?...They went to the Remnant leadership for guidance for their young son’s behavior problems...Sadly, Joseph and Sonya Smith obeyed Gwen Shamblin’s directive...and beat young Josef mercilessly...Poor Josef, beaten and tortured, continued to suffer...” October 15, 2006, 5:15pm.
- B. The Blogger destroys and maligns these families’ reputations by falsely accusing them of being guilty/convicted of crimes against children. The Blogger uses the one allegation on record in 7 years of the church’s existence and then claims that the single allegation is a fact and then extends the allegation to every member in Remnant. To date, not one of the church’s more than 1,200 members has ever been found guilty of committing child abuse. Extending accusations to an entire congregation is a leap of logic, which is dangerously defamatory and false. Then, after putting the members of Remnant Fellowship in a false light, inciting and provoking hatred towards them in the public eye, the Blogger then exposes the private address, price, and square footage of residences and investment properties of Plaintiffs with false statements as to how they paid for their properties.

EXAMPLE BLOG: *“Once upon a time...Tedd and Candace Anger were modestly living in middle Tennessee....but then along came Gwen and her*

Weigh Down Diet program. Tedd and Candace are amongst the revered leadership of Weigh Down and Remnant Fellowship. Struggling members are admonished to obey them unquestioningly. For their loyalty, they now live in luxury.

On June 24, 2002, they purchased a home built in 1990 in the upper class community of Brentwood, Tennessee at 5118 Heathrow Blvd. This 4800+ sq. foot two-story home was purchased by the Anger family for \$642,500. 642K....things that make ya go hmmmmmm.

I guess not having to worry about house payments has left Tedd and Candace with extra cash...because on June 11, 2004 they doled out another cool \$130,464 for a condo in Brentwood at 806 Brentwood Pointe. Non-profit...ha!"

THE STATEMENT ABOVE IS FALSE, MISLEADING AND DECEPTIVE.

- C. In addition, the Anonymous Blogger reveals pictures of their children and family photos, prints names and ages of minors, along with their addresses, surrounded by dangerous inciteful religious bigotry. The sarcastic repetitive and defamatory nature of the Blogger's statements has led to negative reactions in the community, including schools and local neighborhoods.
1. The Blogger baselessly portrays Plaintiffs as mindless individuals who expose their children to abuse, starvation, and imprisonment (which is, of course, another dangerous lie).
 2. The Blogger implores the local community not to transact business, including renting and selling of homes, employment, and commerce with Plaintiffs.
 3. The Blogger characterizes Plaintiffs in a false light, individually and collectively, as members of a dangerous cult.

6. The Anonymous Blogger had knowledge of or acted in reckless disregard as to the falsity of the publicized matter on the blog/website and the false light in which the Plaintiffs would be placed.
7. The Defendant, Rafael Martinez, has written numerous false and hateful statements regarding the Plaintiffs and their religious beliefs that are related to the postings by the Anonymous Blogger.
8. The Plaintiffs have suffered damages including, but not limited to, loss of reputation, humiliation, public ridicule, mental distress, and loss of privacy as a result of the aforementioned actions which invaded Plaintiffs' privacy.

Count 2 – Defamation – (Anonymous Blogger)

9. Plaintiffs hereby incorporate paragraphs 1 through 8 within this count as if fully set forth herein.
10. The Anonymous Blogger published one or more written false statements that were intended to impeach Plaintiffs' honesty, integrity, virtue, and/or reputation. The false statements expose the Plaintiffs to hatred, contempt, and ridicule. The defamatory statements are set forth on the Anonymous Blogger's website and are an attempt to portray decent, Christian people as members of a dangerous cult.
11. All Plaintiffs except for Gwen Shamblin are not public figures.
12. The statements imputed by this Defendant to Plaintiffs, the slurs on the Plaintiffs' character by Defendant, including their honesty, integrity, virtue, or reputation, the written statements by Defendant that Plaintiffs engaged in a dangerous cult are untrue and defamatory.
13. The defamatory statements made by this Defendant were made willfully, intentionally, and maliciously, and were clearly calculated to harm the Plaintiffs.
14. As a result of the Anonymous Blogger's malicious, defamatory statements, the Plaintiffs have suffered damages to their reputations and potential incomes.

Count 3 – Defamation – (Rafael Martinez)

15. Plaintiffs hereby incorporate paragraphs 1 through 14 within this count as if fully set forth herein.
16. Defendant, Rafael Martinez, published one or more written false statements that were intended to impeach Plaintiffs' honesty, integrity, virtue, and/or reputation. The false statements expose the Plaintiffs to hatred, contempt, and ridicule. The defamatory statements include, but are not limited to the following and have the same objective as the aforementioned website of the Anonymous Blogger:
 - a. "She won't tell you about the marriages that have ended, the children who have been starved and the family relationships dissolved directly due to her application of "God's Rules."
 - b. "Furthermore, Remnant Fellowship teachings are dangerous and destructive. Over the past five years, Remnant members have lost dangerous amounts of weight, with extreme fasting often advocated (even 14-21 day fasts). Family relationships are often damaged because any family member who tries to convince a Remnant Fellowship member to leave the group is cut off."
 - c. "The most disturbing development of Remnant Fellowship's teachings include its advocacy over the past couple of years of extreme discipline for children raised in the movement, included repetitive and harsh spankings and whippings for children who disobey and do not maintain emotional control."

Each of these statements by Defendant Martinez is a lie and a falsehood.

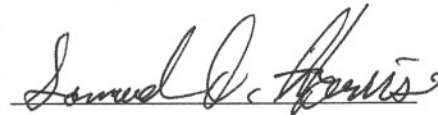
17. The statements imputed by Rafael Martinez to Plaintiffs, the slurs on the Plaintiffs' character by Defendant Martinez, including their honesty, integrity, virtue, or reputation, the written statements by Rafael Martinez that Plaintiffs engaged in a dangerous cult are untrue and defamatory.

18. The defamatory statements made by the Rafael Martinez were made willfully, intentionally, and maliciously, and were clearly calculated to harm the Plaintiffs.

19. As a result of Defendant's malicious, defamatory statements, the Plaintiffs have suffered damages to their reputations and potential incomes.

WHEREFORE, the Plaintiffs pray for judgment against Defendants for injunctive relief and actual, special, and compensatory damages in an amount deemed at time of trial to be just, fair, and appropriate, but said damages are in excess of \$300,000.00, and further, the Plaintiffs seek punitive damages in the amount of \$3,000,000.00.

Respectfully submitted,



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permission

