

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

KENNETH M. SEATON d/b/a
GRAND RESORT HOTEL AND
CONVENTION CENTER
3171 Parkway
Pigeon Forge, TN

Plaintiff,

vs.

TRIPADVISOR, LLC
c/o Registered Agent:
National Registered Agents, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212

Defendant.

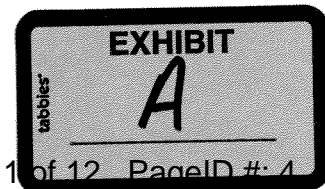
No.: 2011-0676-I

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RITA D. ELLISON, CLERK
SEVIER COUNTY, TN

CIRCUIT COURT
FILED

COMPLAINT

1. Plaintiff Grand Resort Hotel and Convention Center being operated by a sole proprietorship by Kenneth M. Seaton is and has been in the hotel restaurant and convention business in Pigeon Forge, Tennessee since 1982.
2. The Defendant Tripadvisor, LLC is a foreign limited liability company formed in Delaware and is doing business in Tennessee and having appointed as its agent of process in the State of Tennessee National Registered Agents, Inc., 2300 Hillsboro Road, Ste. 305, Nashville, TN 37212.
3. Tripadvisor is a worldwide company and subsidiary of Expedia, Inc. which is in the business of doing surveys of hotels and restaurants throughout the world.
4. Tripadvisor, LLC in its effort to survey hotels and restaurant



throughout the world, advertises that it adheres to certain rules and regulations of fairness in its ratings and reports concerning the hotels it surveys.

5. Prior to and subsequent to its opening for business in Pigeon Forge, Tennessee, the Grand Resort Hotel and Convention Center established itself as a valuable business in the state and county, that it justly and properly gained and kept the confidence and goodwill of the public generally, including the many tourists that travel to The Great Smoky Mountains for vacation.

6. In order to maintain a continuous business it is necessary that Plaintiff, Grand Resort Hotel and Convention Center continuously enjoy the confidence of the person firms and corporation with whom it has done business and with whom it would be necessary to establish business relations and for the successful operation of his business it is necessary that Plaintiff maintain the reputation which it has built up.

7. On January 25, 2011, the Defendant Tripadvisor published a survey which concluded that the Plaintiff, Grand Resort Hotel and Convention Center, was the dirtiest hotel in America. The publication stated the Plaintiffs hotel was not "one of the dirtiest" but "the dirtiest hotel in America." The Defendant published its allegations combining and confederating together with others by maliciously and wrongfully contriving, designing and intending to cause respected customers to lose confidence in the Plaintiff and to cause the public to cease and refrain from doing business with the Plaintiff and to cause great injury and irreparable damage to and to destroy the Plaintiffs business and reputation by false and misleading means,

Defendant caused the above publication to be published in the industry, including CNN, ABC, NBC, and WATE, defaming the Plaintiffs business with unsubstantiated rumors and grossly distorted ratings and misleading statements to be used by consumers.

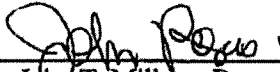
8. Plaintiff alleges that the Defendant Tripadvisor has singled out Plaintiffs business and directly advised consumers not to trust them.

9. Plaintiff further alleges that Tripadvisor used a rating system which is flawed and inconsistent and distorts actual performance and perspective.

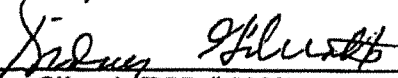
10. Plaintiff further alleges that it overstates the level of trust that can be placed in Defendants review of the Plaintiff site, thereby seeking to influence.

11. Plaintiff alleges that the Defendant in its survey acted recklessly and with disregard to Plaintiff's right to carry out its business in Pigeon Forge.

WHEREFORE, Plaintiffs sues the Defendant for FIVE MILLIION DOLLARS (\$5,000,000.00) in compensatory damages and FIVE MILLIION DOLLARS (\$5,000,000.00) in punitive damages for a total of TEN MILLIION DOLLARS (\$10,000,000.00) and demand a jury to try this cause.



Mr. John T. Milburn Rogers (BPR # 001422)
Rogers, Laughlin, Nunnally, Hood & Crum, P.C.
100 South Main Street
Greeneville, TN 37743



Sidney Gilreath (BPR # 2000)
Cary L. Bauer (BPR # 019735)
Ginger Pickard (BPR # 29529)
Gilreath & Associates
550 Main Avenue, Ste. 600
Knoxville, TN 37902
(865) 637-2442

Attorneys for Plaintiff

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

KENNETH M. SEATON d/b/a
GRAND RESORT HOTEL AND
CONVENTION CENTER
3171 Parkway
Pigeon Forge, TN

Plaintiff,

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TRIPADVISOR, LLC
c/o Registered Agent:
National Registered Agents, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212

CIRCUIT COURT
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2011 OCT 11 PM 2:13
RITA D. ELLISON, CLERK
SEVIER COUNTY, TN

SUMMONS

TO: TRIPADVISOR, LLC
c/o Registered Agent:
National Registered Agents, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212

You are hereby summoned and required to serve upon:
Sidney Gilreath, Plaintiff's attorney, whose address is:
550 Main Avenue, Suite 600, P.O. Box 1270
Knoxville, Tennessee 37901-1270

a true copy of the answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. You will file the original with the Court.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Issued this 11 day of Oct., 2011 at 2:13 o'clock P.M.

Witness, Rita Ellison, Clerk of said Court, at office the 11 in Oct., 2011

By:

Rita D. Ellison
Beverly [Signature]
Deputy Clerk

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

NOTICE

TO THE DEFENDANT (S):

Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution of garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family, and trunks or receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Received this _____ day of _____, 20____, _____, Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I hereby certify and return that on the _____ day of _____, 20____, I served this summons together with the complaint as follows: _____
failed to serve this summons within 30 days after its issuance because _____

Sheriff-Deputy Sheriff

IN THE CIRCUIT COURT FOR SEVIER COUNTY, TENNESSEE

KEN M. SEATON d/b/a
GRAND RESORT HOTEL AND
CONVENTION CENTER

Plaintiffs,

v.

TRIPADVISOR, LLC

Defendant.

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No.: 2011-0676-I

PLAINTIFFS' FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION PROPOUNDED TO DEFENDANT

TO: TRIPADVISOR, LLC
c/o Registered Agent:
National Registered Agents, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212

RITA D. ELLISON, CLERK
SEVIER COUNTY, TN
2011 OCT 11 PM 2:14

CIRCUIT COURT
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Pursuant to *Rules 33 and 34 of the Tennessee Rules of Civil Procedure*, the Plaintiff in this action hereby requests that you respond to the following First Set of Interrogatories and Requests for Production separately, in writing, fully, completely and truthfully, under oath, and serve said responses upon the attorney for the Plaintiff within the time provided in said Rule.

This First Set of Interrogatories and Requests for Production is continuing in nature, so as to require you to file and serve supplementary responses if further or different information becomes available to you at any time before trial, in accordance with said rule and as otherwise provided by law.

PRELIMINARY STATEMENT

You are requested to furnish all information in your possession and all information available to you, not merely such information as you know of your own personal knowledge, or from business records, but also all knowledge available to you and others reasonably known to you or your agent(s) by reason of inquiry, including inquiry of their representatives. If you are

unable to respond to any of the following requests completely, respond to the extent possible, specifically, and state whatever information or knowledge you have concerning the document or information sought. If you rely upon the attorney-client privilege or any other privilege as a ground for objection to production of any document called for in these requests, please state for each such document which you refuse to produce:

- a. the name and address of the author of the document;
- b. the name and address of any person to whom the document was sent or to whom copies were sent or circulated at any time;
- c. the name of any person currently possessing the document or a copy thereof;
- d. a brief description of the nature and subject matter of the document; and
- e. the nature of the privilege claimed.

DEFINITIONS

In an effort to avoid cumbersome and needless repetition, the Plaintiffs set forth below certain definitions of terms. Please note that these terms are underlined in the requests that follow in order to bring clearly to the attention of the responding party the information that is being sought.

A. The words "you" and "your" as used herein and in the following requests means the person answering these Interrogatories and Requests for Production as a duly authorized representative of the Defendants for purposes of this litigation, and includes your agents, servants, and/or employees or any other persons, firms or corporations who acted for you or on behalf of you, or any subsidiary or predecessor.

B. The word "document" includes any written, typed, printed, pictorial, graphic or photographic material of any sort or description whatsoever, as well as any copy or reproduction thereof, and also, any voice recording or any recorded or electronically stored information or

data from which any oral, typed, printed or graphic material may be obtained by any means whatsoever.

C. The word "person" shall include a natural person, firm, corporation, association or any type of governmental or political agency or entity.

D. The words "identity" and "identify" when used in connection with a document as defined herein indicate that you are to give:

1. Its type and general nature;
2. Its title or subject;
3. The date it was written, printed, made, published or recorded;
4. The name and address of each author or person who aided in its preparation;
5. The name and address of the publisher, if any;
6. Any number or other designation needed to identify it completely;
7. The name and address of each individual addressee (including those who were to receive copies); and

8. In the case of a document meant to serve as an instruction, direction or warning, a brief description of the class of persons to which it was meant to be directed.

E. The word "identify" when used in connection with a person as defined herein indicates that in the case of a natural person you are to give his or her:

1. Full name;
2. Business address and business telephone number(s);
3. Principal occupation;
4. Connection to any of the parties, issues or facts of this case.

Where the subject is other than a natural person, give:

1. Its full name;
2. The address of its principal office and its principal place of business;
3. The nature of its principal business; and
4. Its connection or relationship to the parties, issues or facts of this case.

F. The word "statement" as used in these Interrogatories and Requests for Production means any written document, recording of an oral conversation or monologue by a person, as defined herein, by electronic or any other means, or any other archival of words issued, uttered, spoken, or adopted by such person, made for the purpose of recording factual information or opinions concerning an event, occurrence, incident, or other happening.

INTERROGATORIES

1. Please state the name and title of the person answering these Interrogatories.

ANSWER:

2. State the names of all agents of the Defendant who performed a survey of the Grand Resort Hotel and Convention Center in the year 2011 or in any prior years.

ANSWER:

3. State the name and address of all agents and servants of the Defendant Tripadvisor, who were present in the Pigeon Forge area during the survey in the year 2011 or in any prior years.

ANSWER:

4. State the name and address of each and every person on behalf of the Defendant who personally visited the Grand Resort Hotel and Convention Center during the year 2010, 2011 or in any prior years.

ANSWER:

5. State the name and address of all agents of the Defendant who personally and in

person interviewed employees of the Grand Resort Hotel and Convention Center or any other hotel in the Pigeon Forge area during the year 2010, 2011 or in any prior years.

ANSWER:

6. State the name of any and all persons who lived and worked in the Pigeon Forge area who personally conferred with the agents of the Defendant Tripadvisor during the year 2010, 2011 or in any prior years.

ANSWER:

7. State the name of any and all hotels in the Pigeon Forge area which were paid a personal visit by any agent of the Defendant Tripadvisor during the year 2010, 2011 or in any prior years.

ANSWER:

8. State the name of any employee of the Grand Resort Hotel and Convention Center or any former employees of the Grand Resort Hotel and Convention Center who were personally interviewed by agents of the Defendant Tripadvisor during the year 2010, 2011 or in any prior years.

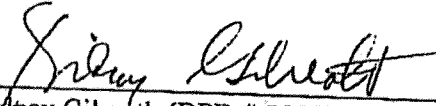
ANSWER:

REQUEST TO PRODUCE

1. Please furnish copies of all business records generated by Defendant Tripadvisor in 2010, 2011 or in any prior years related to the responses to the above Interrogatories.

Respectfully submitted this 11th day of October, 2011.

Mr. John T. Milburn Rogers (BPR # 001422)
Rogers, Laughlin, Nunnally, Hood & Crum, P.C.
100 South Main Street
Greeneville, TN 37743



Sidney Gilreath (BPR # 2000)
Cary L. Bauer (BPR # 019735)
Ginger Pickard (BPR # 29529)
GILREATH & ASSOCIATES
550 Main Avenue, Suite 600
P.O. Box 1270
Knoxville, Tennessee 37901-1270
(865) 637-2442


Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the forgoing document was served simultaneously with the Complaint via Certified U.S Mail, Return Receipt Requested to the following:

TRIPADVISOR, LLC
c/o Registered Agent:
National Registered Agents, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212

This 11th day of October, 2011.

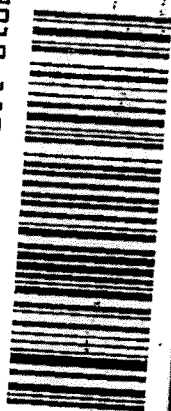


Attorney for Plaintiff

LAW OFFICES
Gilreath & Associates

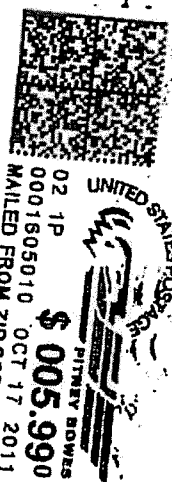
BANK OF AMERICA CENTER
550 MAIN AVENUE, SUITE 800
P.O. BOX 1270
KNOXVILLE, TENNESSEE 37901-1270

CERTIFIED MAIL™

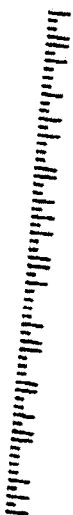


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TRPADVISOR, LLC
c/o Registered Agent
National Registered Agent, Inc.
2300 Hillsboro Road, Ste. 305
Nashville, TN 37212



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Defendant.

Docket No.: 2011-0676-I

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RITA D. ELLISON, CLERK
SEVIER COUNTY, TN

COST BOND

I, KENNETH M. SEATON d/b/a GRAND RESORT HOTEL AND CONVENTION CENTER, as Principal, and GILREATH & ASSOCIATES as Surety, are held and firmly bound unto the Circuit Court Clerk of Sevier County, Tennessee, for the payment of court costs awarded against the principal. To that end, we bind ourselves, our heirs, executors and administrators.

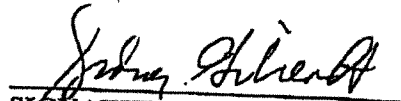
The Principal is commencing legal proceeding in the Circuit Court of Sevier County, Tennessee. If the Principal shall pay all costs which are adjudged against her then this obligation is void. If the Principal fails to pay then the surety shall undertake to pay court costs adjudged against the Principals. Mandated at T.C.A. §20-12-120, et seq., excluding discretionary costs.

PRINCIPALS

KENNETH M. SEATON d/b/a
GRAND RESORT HOTEL AND
CONVENTION CENTER
3171 Parkway
Pigeon Forge, TN

SURETY

Gilreath & Associates
550 Main Avenue, Suite 600
P. O. Box 1270
Knoxville, TN 37901-1270
(865) 637-2442


SIGNATURE OF SURETY