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Court of Common Pleas

New Case Electronically Filed: COMPLAINT
December 23, 2022 14:16

By: DANIEL A. POWELL 0080241

Confirmation Nbr. 2734010

KATHERINE MCLAUGHLIN, ET AL.

CV 22 973016

vs.

JOHN DOE

Judge: ANDREW J. SANTOLI

Pages Filed: 12

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

KATHERINE MCLAUGHLIN)	
c/o her legal counsel, Daniel Powell)	
Minc LLC)	CASE NO.:
200 Park Avenue, Suite 200)	
Orange Village, OH 44124)	JUDGE:
)	
-and-)	
)	VERIFIED COMPLAINT FOR
CITY OF BEACHWOOD)	PERMANENT INJUNCTIVE RELIEF
c/o its Law Director, Stewart Hastings)	AND DAMAGES
25325 Fairmount Boulevard)	
Beachwood, OH 44122)	(Jury Demand Endorsed Hereon)
)	
Plaintiffs,)	
)	
vs.)	
)	
JOHN DOE)	
Address unknown)	
)	
Defendant.)	

Plaintiffs Katherine McLaughlin (“McLaughlin”) and the City of Beachwood (“Beachwood” or “the City”) (collectively “Plaintiffs”), for their Verified Complaint against an unknown Defendant identified herein as John Doe (“Defendant”), state as follows:

INTRODUCTION

1. Plaintiffs bring this action for injunctive relief and damages arising out of a persistent and continuous course of tortious conduct by an unknown individual whose malicious actions, which are carried out through various fictitious internet personas, cause harm to McLaughlin’s reputation, the City’s operations, and other collective and individual protected interests of Plaintiffs.

PARTIES AND VENUE

2. McLaughlin is an individual and resident of Summit County, Ohio who is a duly

commissioned law enforcement officer in the State of Ohio and currently appointed as the Chief of Police for the City of Beachwood. Due her status as a law enforcement officer, McLaughlin's residential address is withheld and service of process in this case, if any, shall be accepted on her behalf by her counsel of record.

3. Beachwood is a chartered municipality located in Cuyahoga County which operates pursuant to the general laws of the State of Ohio as well as its own Charter and Codified Ordinances.
4. Defendant's identity, capacity, and residence are unknown to Plaintiffs at this time. Defendant's activities relevant to Plaintiffs' claims are carried out through multiple fictitious internet usernames, including John Marconi, Amin Yashed, Relffom Nevets, and Miss Marples.
5. Plaintiffs intend to determine Defendant's true identity through the discovery process and, once such information is discovered, Plaintiffs will amend this Complaint as necessary to specify the Doe Defendant's identity and capacity and effectuate service.

FACTS

6. The City is comprised of various departments, one of which is the Department of Public Safety. The Department of Public Safety is subdivided into several sub-departments, one of which is the Department of Police.
7. McLaughlin joined the City's Police Department in 2021 to serve as Deputy Chief of Police. She previously was the Chief of the Cleveland Metroparks Police Department and has a distinguished 20-year career as a law enforcement officer during which she admirably earned, established, and enjoyed an excellent reputation for professionalism and outstanding service in a male dominated industry.
8. After the unexpected resignation of the City's most recent Police Chief in November 2021, McLaughlin gained promotion to that position.

9. As the Chief of Police, McLaughlin is a member of the unclassified civil service for the City and serves at the pleasure of the elected Mayor, who is the appointing authority for the Department of Public Safety.
10. Pursuant to the powers and duties designated by ordinance, the Chief of Police has general supervisory responsibilities as the head of the Police Department, is responsible for establishing rules and regulations for the governance of the Department and is further responsible for enforcement of those rules and regulations.
11. The safe and efficient operation of the Police Department is vital to the safety and well-being of both its members and the general public which it serves.
12. The Police Department operates in a para-military fashion, with personnel designated by ranks consisting of one Chief, one Deputy Chief, and numerous Lieutenants, Sergeants, and Patrol Officers as determined necessary by the Safety Director (i.e., the Mayor) and allowed by ordinance.
13. The City has established a Civil Service Commission which oversees appointments and promotions within the civil service as determined on the basis of merit and fitness and promulgates rules and regulations to ensure its purpose is achieved.
14. Every full-time member of the Police Department, other than the Chief and Deputy Chief, are classified civil servants and members of a certified collective bargaining unit (the "Union").
15. The collective bargaining agreement (CBA) between the City and the Union controls the terms and conditions of employment for the bargaining unit members and provides a grievance process through which contractual disputes shall be resolved.
16. Defendant has, at times, intentionally inferred that he or she is a member of the City's Police Department.
17. The City's Police Department operates a Facebook page (the "FB page") to share

information – sometimes vital information – with the public. The FB page has more than 3,000 active followers and the page is open for public viewing.

18. On or about September 15, 2022, Defendant responded to a post published on the FB page a day earlier through at least two separate user accounts – “John Marconi” and “Amin Yashed.” The responses falsely alleged that McLaughlin, who is recently married, has improper relationships with her subordinates and co-workers within the Police Department and engages in other morally repugnant, unprofessional, unlawful, and unethical behavior.
19. The September 15, 2022 responses further falsely allege that the Department’s officers will “definitely need mental health counseling” due to McLaughlin’s lack of leadership and propensity to retaliate against any members who challenge her authority.
20. Upon information and belief, John Marconi and Amin Yashed are fictitious usernames assigned to Facebook accounts created by Defendant for the sole purpose of carrying out the actions complained of herein.
21. The Amin Yashed account claimed to be operated by an individual who is married to the operator of an account with the username “Relffom Nevets,” which is also believed to be yet another fictitious account created and operated by Defendant. The profile picture of the Relffom Nevets account depicts a nude man holding a semi-automatic rifle.
22. On or about September 19, 2022, via a secured email service (Proton Mail) through which the City has been receiving malicious and harassing communications for the entirety of the 2022 calendar year, an email with the subject line “Desperate Times” was sent to and received by the Mayor, all members of City Council, the local media, and the Fraternal Order of Police (FOP). In relevant parts, the September 19, 2022 email received from MissMarples21@proton.me falsely alleged that:
 - a. McLaughlin issues illegal orders to the members of the Police Department;
 - b. McLaughlin wrongfully takes credit for the achievements of others within the

Police Department;

- c. McLaughlin unlawfully retaliates against members of the Police Department;
- d. Under McLaughlin's supervision, officers in the Police Department are threatened with suspension for voicing concerns through appropriate channels;
- e. Under McLaughlin's supervision, officers in the Police Department are unlawfully ordered to take actions which endanger members of the public;
- f. The City is unable to attract new hires or establish civil service eligibility lists due to a failure in leadership in the Police Department;
- g. The aforementioned September 15, 2022 Facebook responses about McLaughlin's personal activities are true;
- h. McLaughlin deleted those Facebook responses and unlawfully blocked legitimate commenters from public participation;
- i. McLaughlin commits illegal acts and has violated the U.S. Constitution; and
- j. The Police Department's leadership has traumatized its members, who are suffering under McLaughlin's leadership.

23. All of the above statements are patently and verifiably false.

24. Additionally, the September 19, 2022 email fabricated quotes which it falsely alleged that McLaughlin said to the members of her Department, including:

- a. "Morale starts at the bottom";
- b. "Im [sic] here to clean up this shitshow";
- c. "You have to treat officers like children"; and
- d. "I don't need your input."

25. McLaughlin never communicated any of the above alleged "quotes" to the members of the Police Department.

26. In addition to the MissMarples21@Proton.me address, Defendant has, upon information

and belief, registered and utilized numerous other secure Proton email addresses to masquerade as multiple individuals and send several unwanted, harassing, and malicious communications to various City officials, which have been a constant source of disruption, annoyance, and point of contention in City operations.

27. The undersigned counsel of record and the City have performed all necessary due diligence but are unable to ascertain the true identity and capacity of Defendant prior to initiation of the discovery process, for which judicial authorization shall be sought.
28. Upon information and belief, Defendant is either a City official or employee in severe dereliction of duty or an individual masquerading as a City official or employee for the purpose of disrupting the safe and efficient operations of the City's departments, including the operations of the Police Department for which McLaughlin is responsible.

COUNT I - DEFAMATION

29. Plaintiffs incorporate the allegations and averments of the previous paragraphs as if fully restated herein.
30. Defendant published the September 15 Facebook responses and the September 19 email (collectively, the "Publications"), which are of and concerning McLaughlin and have resulted in injury to her.
31. The Publications falsely accuse McLaughlin of serious and unethical misconduct, including morally repugnant behavior, in both the performance of her professional duties and her personal activities.
32. The Publications are intended to and do tend to expose McLaughlin to hatred, contempt, ridicule, and obloquy in her profession and community.
33. The Publications are intended to and do tend to deprive McLaughlin of professional confidence and intercourse.
34. The Publications are defamatory per se due to the natural tendency to impugn

McLaughlin's reputation, accuse her of unlawful conduct, and injuriously affect her in her industry, trade, profession, and office.

35. Defendant authored and published the Publications without consent or privilege, and/or in abuse of any privilege which could otherwise apply.
36. Defendant acted with actual malice in authoring and publishing the Publications because Defendant knew the statements contained therein and intended impressions created therefrom were false, or Defendant had a reckless disregard as to falsity of the same. At a minimum, Defendant's fault amounts to negligence.
37. Defendant acted with express malice in authoring and publishing the Publications because Defendant's actions were motivated by hatred, ill will, and/or a spirit of revenge.
38. The Publications and false statements contained therein were specifically directed to others in Cuyahoga County, Ohio, including McLaughlin's employer and co-workers, and the general public via foreseeable dissemination by the local media and social media, for the purpose of damaging her personal and professional reputations, and causing her to incur damages, including but not limited to reputational harm, mitigation expenses, mental distress, and other compensable injury.
39. Upon information and belief, Defendant has published and continues to publish similar false statements concerning McLaughlin through different mediums and channels of communication yet to be discovered.
40. As a direct and proximate result of Defendant's actions complained of herein, McLaughlin has suffered and sustained, and will indefinitely continue to suffer and sustain, both economic and non-economic damages, in an amount to be proven at trial.

COUNT II – PERMANENT INJUNCTION

41. Plaintiffs incorporate the allegations and averments of the previous paragraphs as if fully restated herein.

42. The fundamental purpose of civil service laws is to establish a merit system through which selection for appointment and promotion in public service may be made upon the basis of merit and relative fitness.
43. Under both state and local law, the City is obligated to provide a stable framework of public offices upon which a workable civil service system may be constructed while both avoiding the traditional spoils system and utilizing a fair method of employee selection and promotion based upon merit and fitness.
44. The false and defamatory statements within the Publications create the appearance of nepotism, cronyism, and patronage, thereby creating disharmony within the ranks.
45. The false and defamatory statements within the Publications illegitimately call into question the competence and morality of the command staff, thereby threatening to fracture the trust necessary for providing the most effective emergency response police services.
46. The false and defamatory statements within the Publications jeopardize the safe and efficient operation of the City's Police Department, consequently jeopardizing the lives and safety of the Department's members and the safety and welfare of the City's citizenry and infrastructure.
47. The continuous and unrelenting actions of Defendant create an unreasonable risk of irreparable harm to the City and its residents, employees, and visitors through the consequential, foreseeable, and intended disruption in City services.
48. The City has an interest in preserving, and indeed has a duty to preserve good order, discipline, and morale in all of its departments, including the Police Department.
49. The City has an interest in protecting its employees from harassment and preventing the creation of a hostile work environment, or the fabricated appearance of a hostile work environment.
50. The Publications result in irreparable injury to McLaughlin, personally and professionally.

51. Plaintiffs have no other adequate remedy at law and will continue to suffer irreparable injury if Defendant is not enjoined.

WHEREFORE, Plaintiffs demand judgment against Defendant as follows:

1. As to Count I, McLaughlin seeks compensatory damages in excess of \$25,000, punitive damages at the statutory maximum, pre- and post-judgment interest at the maximum rate allowable by law, and a decree by this Court that the Publications are false and defamatory;
2. As to Count II, Plaintiffs seek permanent injunctive relief following final adjudication that Defendant is prohibited from re-publishing and required to remove any and all published statements which are the same or similar to those decreed to be false and defamatory by this Court;
3. As to Counts I and II, Plaintiffs seek costs of this action and any and all other relief, both at law and in equity, this Court is empowered to grant, including reasonable attorney fees.

Respectfully submitted,

MINC LLC

/s/ Daniel A. Powell

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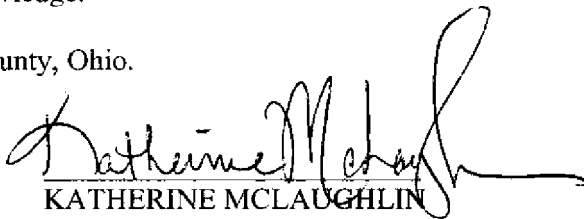
Counsel for Plaintiffs

VERIFICATION

I, Katherine McLaughlin, declare as follows:

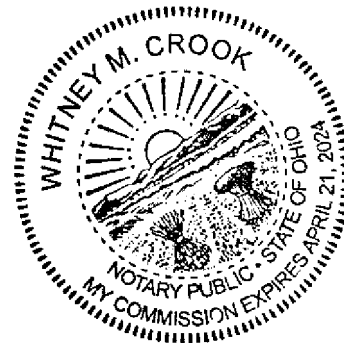
1. I am a resident of Ohio and a Plaintiff in the above captioned case.
2. I have personal knowledge of the facts set forth in this *Verified Complaint*, and if called on to testify I would competently testify as to those matters stated herein.
3. I have reviewed this *Verified Complaint* and, under penalty of perjury, verify that the factual statements and allegations contained herein to be true and correct to the best of my belief and knowledge.

Executed in Cuyahoga County, Ohio.


KATHERINE MCLAUGHLIN

Subscribed and sworn to (or affirmed) before me on this 22nd day of December 2022.


Notary Public



VERIFICATION

I, Stewart Hastings, declare as follows:

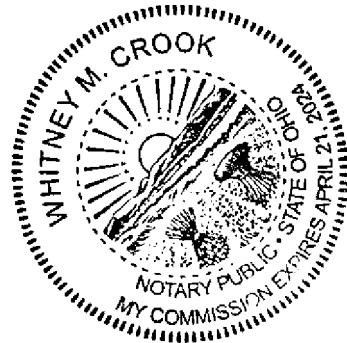
1. I am the Director of Law for the City of Beachwood, a Plaintiff in the above captioned case.
2. I have personal knowledge of the facts set forth in this *Verified Complaint*, and if called on to testify I would competently testify as to those matters stated herein.
3. I have reviewed this *Verified Complaint* and, under penalty of perjury, verify that the factual statements and allegations contained herein to be true and correct to the best of my belief and knowledge.

Executed in Cuyahoga County, Ohio.


STEWART HASTINGS

Subscribed and sworn to (or affirmed) before me on this 22nd day of December 2022.


Notary Public



JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues not determinable as a matter of law.

/s/ Daniel A. Powell
DANIEL A. POWELL (0080241)

Counsel for Plaintiffs