



3. Teamster.net is an internet website registered to and administered by Defendant Phillip Ybarrolaza, a California resident located at 1275 4<sup>th</sup> Street, Santa Rosa, California 95404-4041. Defendant Ybarrolaza is the publisher of Teamster.net within the meaning of § 29-24-101 *et seq.*, Tenn. Code Ann. Defendant Ybarrolaza is not an internet service provider.

4. Teamster.net offers news, links to local unions, and election information pertinent to Teamster activities across North America. In addition, Teamster.net hosts an internet bulletin board service on which Defendant Ybarrolaza publishes comments from persons such as John Does 1-10, about Plaintiffs and others without identifying the source of those comments.

5. Defendants John Does 1-10 wrote and submitted for publication, and Defendant Ybarrolaza published written false statements about the Plaintiffs on the internet bulletin board which were intended to impeach Plaintiffs' honesty, integrity, virtue, chastity, marital fidelity, or reputation. Upon information and belief, Defendants John Does 1-10 are residents of Tennessee and members of Teamsters Local Union 480 in Nashville, Davidson County, Tennessee. Defendant Ybarrolaza knows and/or has records of the identities of John Does 1-10.

6. The defamatory statements were, including, but not limited to, the following:

a. With regard to Billy Cullen:

1. "All of his lies and crooked ways are starting to catch up with the piece of crap we have in office." (12-07-2003 at 21:50)
2. "Let the lying, thieving sonofa\*\*\*\*\* go to jail and take that Fatass Foreleach<sup>1</sup> with him." (13-07-2003 at 03:45).
3. "...I think this would be a good time for all of them to resign and give

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<sup>1</sup> It is clear from the context that "Foreleach" refers to plaintiff Froelich.

the local back to the members along with all they have stolen. Billy always said he wanted a million before he retired, guess that plan got busted,..." (13-07-2003 at 04:14).

4. "Good luck in getting rid of the s\*\*\*\*\* that is draining the local into his own pocket." (13-07-2003 at 04:56).
5. "So where are Mr. Hoffa and Mr. Keegel? With the loss of the flight attendants seems like they would be doing everything in their power to protect what is left of the teamsters from thieves [sp] like Billy and Claudette Cullen." (14-07-2003 at 12:19).
6. "KG needs to go out the door with the Cullens, Karen took the fall to protect Claudette and her own "special relationship" with Billy." (04-08-2003 at 06:15).
7. "WHAT IS PRINTED HERE IS THE TRUTH ABOUT THE CLAN AT 480 AND THE FACTS WILL BE SOON MADE AVAILABLE TO ALL, AND THEN WE WILL STILL SEE BILLY LYING TO TRY AND SALVAGE A MISERABLE FLOP AT AN ATTEMPT TO RUN A LOCAL FOR THE MEMBERS, ALL HE HAD TO DO WAS BE TRUTHFUL, BUT UNFORTUNATELY THAT IS SOMETHING THAT HE JUST CAN'T DO!!" (05-08-2003 at 00:28).
8. "Besides, he is the one who squealed on Billy in the union meeting and made him out for the bandit he is..." (07-08-2003 at 05:17)

9. "Good try Cullen Clan and idiot criminal supporters of Karen Sawyer, the Vanhoosiers, Jerry Froelick & Dana "SCAB" Barret. ALL CRIMINALS!!!" (04-08-2003 at 11:29)
10. "Him [Cullen] and his clan of thieves are the ones "out of order!!!" (08-08-2003 at 02:27)
11. "This past week-end was the dismale failure of the annual golf outing sponsored by 480. This year there were not as many prizes donated that allowed the office staff, especially Billy to rifle through and pick out which items he wanted to keep for himself." (20-07-2003 at 04:54).
12. "Can someone help, who does her baby look like most, Charles Manson or Billy Cullen???????" (22-07-2003 at 21:13).
13. "I will help you out on this one. Manson has the mark on his forehead, Cullen has it in his head. Besides that there is not much difference" (23-07-2003 at 19:15).
14. "SO BELIEVE ME WHEN I SAY NO ONE COULD BE GUILTY BUT BULLY THIEF BILLBOARD WHOREMONGER CULLEN." (28-07-2003 AT 21:12).
15. "CONTACT THE DOL OR THE IBT. NOW IST HE TIME TO RID 480 OF SADDEM CULLEN & HIS REGIME." (24-04-2003 AT 20:27).
16. "I hope Cullen and Froelich both go to jail. the thieving SOB"s"

(25-04-2003 at 08:39).

17. "NOBODY GIVES A DAMN!! LET THE CROOKED CULLEN FAMILY KEEP STEALING MONEY FROM THE 480 MEMBERS!!!!...CROOKS!!!! THE ENTIRE E-BOARD!!!! ALL CROOKS!!!...FROELICK'S A CROOK!!!! BILLY'S THE BIGGEST CROOK 480 EVER HAD!!!" (05-05-2003 AT 9:56).
18. "Maybe Hoffa has finally had enough of the Bully bullshit and is blazing a path to take the thief out of the local." (07-05-2003 at 07:28).
19. "Billy Cullen has been spending time lavishing attention on Dana Barrett grooming her for the 'position' he has wanted her in for a long time." (17-06-2003 at 21:43).
20. "BULLY CULLEN AND FORESKIN<sup>2</sup> ARE THE GUILTY ONES." (17-06-2003 AT 22:00).
21. "YES BULLY STUD CULLEN HAS SPENT A LOT OF TIME GROOMING DANA FOR THE "POSITION" ON HER BACK!!! (18-06-2003 AT 01:51).
22. "YOU TALK ABOUT KEEPING THEIR PANTS ZIPPED BULLY AND FORESKIN SCREW ANYTHING THAT WALKS, CRAWLS, SLITHERS, OR LEAPS. THEY GO TO THE TITTY SHOWS. THEY CLAIM TO WORK LONG HOURS BUT HOW

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<sup>2</sup> Again, it is clear from the context that this is a reference to Plaintiff Froelich.

MANY JOBS DO THEY GET BACK. THEY ARE LOSING COMBO JOBS AND FEEDER JOBS. IF YOU BELIEVE THAT LYING CULLEN YOU MUST BE STUPID. IF YOU BELIEVE THAT HE IS LIKE A BROTHER TO JIMMY HOFFA YOU ARE STUPID. HOFFA DID NOT EVEN KNOW WHO BILLY CULLEN WAS WHEN HE WENT TO WASHINGTON THE FIRST TIME AFTER HE WAS ELECTED. MR. HOFFA ASKED SOMEONE WHO WAS THERE WHO HE WAS. DOES THAT SOUND LIKE THEY PLAYED TOGETHER IN THE SAND BOX WHEN THEY WERE GROWING UP. JUST LISTEN TO BILLY CULLEN TALK AND YOU WILL SOON REALIZE THAT HE LIES ABOUT EVERYTHING." (18-06-2003 AT 02:02).

23. "AGAIN, I STATE THAT BULLY IS THE BUSINESS MANAGER AND IS RESPONSIBLE FOR EVERYTHING THAT GOES ON IN THAT LOCAL. IF K. GEORGE IS GUILTY THEN BULLY CULLEN IS DOUBLE GUILTY...BULLY CULLEN IS A LIER [sp] AND A THIEF. HE DOES NOT CARE ABOUT THE MEMBERS. THE ONLY MEMBERS HE CARES ABOUT ARE THE ONES WHO STICK THEIR HEADS UP HIS ASS LIKE JAMES CURBEAM, EVERETT VANHOOSER, DANA BARRETT, & FORESKIN!!!!...THE SO CALLED LEADERSHIP ARE THE ONES WHO TRASHED THE LOCAL." (19-06-2003 AT 14:56).

b. With regard to Claudette Cullen:

1. "Seems like the honeymoon is over, it was over heard that while the D.O.L. was twowheeling out the records at 480, BimBo, (Claudette) was overheard telling the investigators "that lying bastard told us you were through here and I want you to know that I don't have anything to do with what is in those records....It was funny that right after that bimbo was called into the office and told that she was going to have to take some vacation time and get out of the hall...And just think of all the money that is going to waste from the maintenance on bimbo, all that playground [sp] equipment just going to waste from non use,..." (13-07-2003 at 05:45).
2. "I DO want to let the 480 bros know that the reason Billy Cullen sent Claudette home from the Local last week was because the D.O.L. was focusing their investigation specifically on her. She has been given HER OWN LOCAL 480 CREDIT CARD. They are looking in all her ridiculous spending of the Locals money for her own personal needs. They have found reciepts for VERY expensive makeup, clothing, jewelry, etc. you get the picture." (14-07-2003 at 12:52).
3. "Yep time to dump all the stocks in the make-up industry if HIGH MAINTENANCE BIMBO IS loosing her credit card." (23-07-2003 at 19:22).

c. With regard to Tracy Cullen:

1. "NEXT THING WE WILL DISCOVER IS THAT TRACY IS GAY. HE DID LOOK REAL CUTE THAT DAY ON THE DOCK WITH THOSE DAISEY DUKE SHORT SHORTS!!" (13-07-2003 at 03:45).
2. "LOOKS LIKE TRACY TO ME BUT, SO DOES CHARLES MANSON." (23-07-2003 AT 19:06).
3. "Don't tell "Teamster Hero" Tracey Cullen from Nashvilles Local 480!!! His crooked daddy is the locals president. Teamster hero Tracey aka Killer Kid Kullen (KKK) wears daisy duke shorts on the dock at Roadway and he looks DAMN fine in em too!!! Too bad he don't like black guys like me. He only likes the other white boys. Damn what a shame!!!" (14-07-2003 at 13:03)
4. "Ah...Lacey Tracey Cullen..., How art thou! Butt hole a little sore this morning?" (21-07-2003 at 8:56).
5. "We [poster and Tracey Cullen] are also going to move to one of those states that recognize same sex marriages. That part should make all of you happy as will be one less Cullen in Tennessee." (25-07-2003 at 04:56).
6. "Damn, Tracy you a hero? you are a little whimp-ass punk. Ateamster biker, not!!! A fag on a motorcycle, yes!" (06-06-2003 at 8:22).
7. "Tracie has to go over to Mike Greens house to get laid!!!!!" (26-07-

2003 at 1:07)

d. With regard to Dana Barret:

1. "Was she too busy doing other things like not counting the money from the golf tourney, since there was none, having to breast feed the little kiddo which looks like Billy, who stays in the play pen in the corner of the office, or watching to see if Claudette was around so she could play graba\*\*?"
2. "Dana "Scab" Barret lying to investigators, crossing the UPS pickett line, and whatever else the Cullen family tells her to do?" (02-08-2003 at 15:34).
3. "Seems that the Sex A Tary, sorry abou [sp] the spelling Seceratrary [sp] Treasurer, used Local funs [sp] to obtain for her personal use a hotel room in Springfield,Tn." (20-07-2003 at 04:54)
4. "WELL I GUESS DANA BARRETT HAS PICKED UP BULLY CULLEN'S BAD HABIT OF LYING." (28-07-2003 AT 21:04)
5. "DANA WILL RAM HER HEAD UP THE RECTUM AND OUT THE MOUTH TO HAVE THE JOB SHE GOT!!!! CLAUDETTE THEY HAVE BEEN SEEN MAKING OUT ALREADY!!! GET READY TO MOVE OVER BECAUSE DANA GIRL IS TAKING OVER!!! ...ANYTHING DANA GOT IN THE MARINES SHE GOT ON HER BACK!!!! SO WHY WOULD BULLLY GO AROUND TELLING EVERYBODY HOW SMART DANA IS!!! BECAUSE

SHE LAYS ON THAT BACK FOR BULLY & FORESKIN!!!" (18-06-2003 AT 01:51).

e. With regard to Jerry Froelich:

1. "Let the lying, thieving sonofa\*\*\*\*\* go to jail and take that Fatass Foreleach with him." (13-07-2003 at 3:55)
2. "Fatass, worthless lying, stealing, Forelick screwing the "lying slut" (02-08-2003 at 15:34).
3. "It has been discovered that there are quite a few receipts for the VANDERBILT Plaza hotel signed for VP Forlick and a quest. Wonder why he would be in a Nashville motel. Could the reason be BimBo, Claudette, or Liar Liar Pants on Fire Sawyers????" (02-08-2003 at 09:05)
4. "He's one of Ali Forelicks nit-wit punk ass part-timers from UPS. Don't pay him any nevermind!!! He's happy because Ali Forelick has cut him and his part-time buddies a side deal that enables them to get extra hours on the clock in lieu of ANYONE else filing grievances on stupidvisors working!!!" (13-05-2003 at 14:09).

f. With regard to Karen Sawyer:

1. "Karen can't look behind her unless she is looking in the mirror, hard to see when you are down on all fours." (23-07-2003 at 19:22).
7. Plaintiffs are not public figures.
8. Defendant Ybarrolaza, by publishing written false statements on the internet bulletin

board which were intended to impeach Plaintiffs' honesty, integrity, virtue, chastity, marital fidelity, or reputation, defamed Plaintiffs. Defendants John Does 1-10, by writing and submitting for publication said material, also defamed Plaintiffs.

9. The false and defamatory statements resulted in actual damage to the Plaintiffs which was caused by Defendant Ybarrolaza and Defendants John Does 1-10.

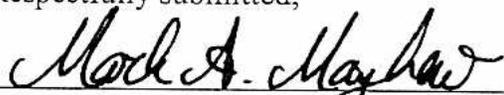
10. Pursuant to § 29-24-103, Tenn. Code Ann., Plaintiffs served written notice upon Defendant Ybarrolaza on August 29, 2003, and again on September 16, 2003, specifying the article and statements therein which the Plaintiffs allege to be false and defamatory. (Copies of written notice attached hereto and marked as Collective Exhibit A). Defendant Ybarrolaza has not responded to either written notice, nor has he removed the false and defamatory material from his website, nor has he published a correction, apology, or retraction of the false and defamatory statements.

11. Plaintiffs have suffered damage to both their personal and their professional reputations because of the false and defamatory statements made by Defendants John Does 1-10, whose identities are still being concealed by Defendant Ybarrolaza. Unless this Court orders Defendant Ybarrolaza to divulge the identities of the John Doe defendants, the Plaintiffs will suffer irreparable harm in that they will be unable to recover from the John Doe defendants for the damage caused by the John Doe defendants' tortious acts.

**WHEREFORE**, premises considered, the Plaintiffs pray:

1. That process issue and be served upon the defendants requiring them to answer the allegations herein, and for a jury to try this cause of action;
2. For a judgment for actual, special, and compensatory damages in an amount not greater than \$74,999.00 for each Plaintiff;
3. For punitive damages in an amount sufficient to deter future such conduct by Defendants and others;
4. For a temporary injunction to be issued as soon as permitted by the Tennessee Rules of Civil Procedure, mandatorily directing Defendant Ybarrolaza to divulge to the Plaintiffs any and all information in his possession about the identities of Defendants John Does 1-10, including, but not limited to, their names, addresses, screen aliases, pseudonyms, pen names, i.p. addresses, and urls.
5. For a permanent injunction mandatorily directing Defendant Ybarrolaza to remove the false and defamatory material from the website, and restraining him from publishing such false and defamatory material about the Plaintiffs in the future;
6. For an award of reasonable costs and attorney fees;
7. For such further or general relief to which the plaintiffs may be entitled.

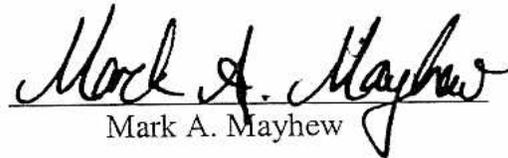
Respectfully submitted,

  
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JENNINGS  
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255-5419 (fax)

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Amended Complaint was served upon the following by placing the same in the United States Mail, First Class postage prepaid, upon this the 30<sup>th</sup> day of November, 2004:

Charles Lee Mudd, Jr.  
3344 North Albany Avenue  
Chicago, Illinois 60618

  
Mark A. Mayhew