

FILED

CAUSE NO. 22-CV-0220

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JEROME KARAM,

Plaintiff,

vs.

ASHLYN PAIGE MOORE,

Defendant.

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

405th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND VERIFIED APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND INJUNCTION
AND SUIT FOR \$100,000,000 FOR DAMAGES FOR DEFAMATION, LIABLE
AND MALICIOUS PROSECUTION

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff Jerome Karam ("Plaintiff") and files this Original Petition and Verified Application for Temporary Restraining Order and Injunction against Defendant Ashlyn Paige Moore and respectfully shows the following:

I. INJUNCTIVE RELIEF IS PROPER

1.1 Perhaps with the goal of extorting money from him and with the stated goal of destroying Plaintiff's reputation Defendant falsely accused Plaintiff of sexually assaulting her and others. Such heinous lies will destroy Plaintiff's reputation if it they are allowed to persist. Plaintiff will suffer irreparable harm unless Defendant is enjoined against the bad faith and malicious defamation detailed herein. See Exhibit 1, the Affidavit of J. Karam, at pars. 1-6.

II. DISCOVERY LEVEL

2.1 Plaintiff intend to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3 and affirmatively plead that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169.

III. CLAIMS FOR RELIEF AND JURISDICTION

- 3.1 Plaintiff primarily seek monetary relief less than \$250,000 and non-monetary relief.
- 3.2 The damages sought are within the jurisdictional limits of the Court.

Status conference set 5-12-2022

22-CV-0220
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Original Petition - OCA
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IV. PARTIES

4.1 Plaintiff is a Galveston County resident who also works in Galveston County.

4.2 Defendant Ashlyn Paige Moore (“Defendant”) is an individual who works in Galveston County, Texas, and who may be served at 1322 Elkins Hollow Lane in League City, Texas wherever she may be found. Plaintiff requests issuance of citation at this time.

V. VENUE

5.1 Venue is proper in Galveston County pursuant to Texas Civil Practice & Remedies Code §15.002 because it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

VI. BACKGROUND

6.1 Defendant recently published false and malicious statements concerning Plaintiff. See Exhibit 1, Affidavit, at par. 3. Specifically, Defendant published false statements to social media that (1) Plaintiff “sexually assaulted [her] on January 31st”, (2) Plaintiff “sexually assaulted me...on January 21;” (3) that Defendant “is not [Plaintiff’s] first victim;” and (4) “here’s the face of the man who sexually assaulted me; and I know I’m not the first.” See Exhibit 1, at par. 3.

6.2 Each statement is false and a malicious lie. *Id.*, at par. 4. Defendant knew the statements were false when she made them, or she made them with reckless disregard for their truth. *Id.*, at par. 5.

6.3 Unless prevented, Defendant’s malicious defamation will irreparably harm Plaintiff and damage his personal and business reputation. *Id.*, at par. 6.

6.4 Defendant’s intent is clear. She plans to communicate further lies and false statements to destroy Plaintiff’s business and personal reputation. These malicious, false statements will cause Plaintiff irreparable harm unless they are stopped. *Id.*

VII. PLAINTIFF’S APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

7.1 Unless immediately restrained, Defendant will cause Plaintiff irreparable harm for which there is no adequate remedy at law. Specifically, Defendant will knowingly communicate false statements – including the lie that Plaintiff sexually assaulted her. Injunctive relief is warranted under the law and facts and should issue to prevent this harm.

A. Injunctive relief is proper to preserve the status quo where “some evidence” supports (1) a cause of action, (2) a probable right to the relief sought, and (3) a probable, imminent, and irreparable injury in the interim.

7.2 The purpose of a temporary restraining order / injunction is to preserve the status quo of the litigation's subject matter pending a trial on the merits. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). The "status quo" to be preserved by temporary injunction is the last, actual, peaceable, non-contested status which preceded the pending controversy. *Transport Company of Texas v. Robertson Transports, Inc.*, 152 Tex. 551, 261 S.W.2d 549 (1953). To obtain a temporary injunction, an applicant must show: (1) a cause of action, (2) a probable right to the relief sought, and (3) a probable, imminent, and irreparable injury in the interim. *Butnaru*, 84 S.W.3d at 204. The temporary injunction applicant bears only the "burden of production"—i.e., it must offer some evidence of each of these elements. See *In re Tex. Natural Res. Conservation Comm'n*, 85 S.W.3d 201, 204 (Tex. 2002). Here Plaintiff satisfies the requirements for obtaining a temporary restraining order and injunction.

7.3 Ample evidence supports each element justifying injunctive relief, and the Court should preserve the status quo which existed before Defendant's defamatory and breaching conduct.

7.4 Plaintiff has a probable right to the relief sought, including for its claim for defamation per se. In addition, there is a probable, imminent, and irreparable injury which will occur if injunctive relief does not issue.

Plaintiff has a probable right to relief on his claim for defamation per se.

7.5 Accusing someone of a crime, of having a foul or loathsome disease, or of engaging in serious sexual misconduct are examples of defamation per se. *Moore v. Waldrop*, 166 S.W.3d 380, 384 (Tex.App.—Waco 2005, no pet.). Here Defendant published false and malicious statements concerning Plaintiff. See Exhibit 1, Affidavit, at par. 3. Specifically, Defendant falsely published false statements that (1) Plaintiff "sexually assaulted [her] on January 31st of this year", (2) "sexually assaulted me...on January 21;" and (3) "is not [Plaintiff's] first victim;" and (4) "here's the face of the man who sexually assaulted me; and I know I'm not the first." See Exhibit 1, at par. 3. Each statement is false. *Id.*, at par. 4-5. Defendant knew the statements were false when she made them. *Id.* Thus, Plaintiff has a probable right to relief on his defamation per se claim.

Plaintiff will suffer imminent, irreparable injury unless the Court enjoins Defendant.

7.6 Unless restrained, Plaintiffs will suffer imminent and irreparable harm. Plaintiffs' reputation and business are unique, and the harm caused by Defendant's conduct cannot be quantified or remedied by a money judgment. An inadequate remedy at law exists where damages are incapable of calculation, like here. See *SRS Prods. Co. v. LG Eng'g Co.*, 994 S.W.2d 380, 386 (Tex.App.—Houston [14th Dist.] 1999, no pet.); *Haq v. America's Favorite Chicken Co.*, 921 S.W.2d 728, 730 (Tex.App.—Corpus Christi 1996, writ dismissed w.o.j.). Similarly, irreparable harm can be demonstrated by showing that damages cannot be measured by any certain pecuniary standard. See *SRS Prods.*, 994 S.W.2d at 386; *Haq*, 921 S.W.2d at 730.

Accordingly, no money judgment Plaintiffs obtain can remedy the imminent harm which Defendant will cause and Plaintiff therefore have an inadequate remedy at law. Thus, Plaintiff seeks an injunction to preserve the status quo pending trial on the merits.

7.7 The Defendant has threatened physical harm to the Plaintiff and/or Plaintiff's family.

VIII. INJUNCTIVE RELIEF REQUESTED

8.1 Plaintiff request that the Court set this Application for Temporary Restraining Order for hearing and, after hearing the Application, issue a Temporary Restraining Order against Defendant, and any other person in active concert or participation with Defendant, granting the following relief:

1. enjoining Defendant against publishing false statements of any nature intended to injure Plaintiff's reputation concerning Plaintiff; and
2. ordering Defendant to remove any recordings or defamatory statements from her social media platforms.
- 3, ordering the Defendant to not come within 1000 feet of the Plaintiff or his family.

IX. FIRST CAUSE OF ACTION:

DEFAMATION PER SE

9.1 Plaintiff incorporates the foregoing paragraphs as if set forth herein fully. Defendant's conduct gives rise to a claim for defamation and/or defamation per se.

9.2 As detailed above, Defendant published written statements ("Statements") concerning Plaintiff which were verifiably false. While Defendant's communications containing the Statements also included certain opinions, Plaintiff sues only concerning the assertions of fact by Defendant which were not mere expressions of her subjective opinions.

9.3 Defendant published the Statements to third parties.

9.4 Defendant made the Statements with malice and in bad faith as defined under the law. Specifically, Defendant knew the Statements were false, or she made them with reckless disregard for their truth.

X. PUNITIVE DAMAGES AND ACTUAL DAMAGES

10.1 The Plaintiff seeks actual and punitive damages in this case of \$100,000,000.00.

PRAYER

WHEREFORE, Plaintiff request that Defendant be cited and appear for trial, upon which the Court award Plaintiff his actual damages, attorneys' fees, and all equitable relief available including the injunctive relief stated above; and for such other and further relief, special or general, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

TOM A. DICKENS
6341 Stewart Road, #265
Galveston, TX 77551
Tel: (281) 924-8786

By: 
TOM DICKENS
State Bar No. 05820800
tomdickenslaw@gmail.com

AFFIDAVIT OF JEROME KARAM

STATE OF TEXAS

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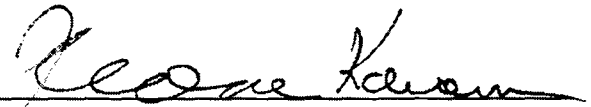
COUNTY OF GALVESTON

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BEFORE ME, the undersigned authority, on this day personally appeared Jerome Karam who under oath stated as follows:

1. My name is Jerome Karam. I am over eighteen years of age and am legally competent to make this Affidavit. The statements made herein are true and correct and are based on my personal knowledge as learned by me during my participation in the events described below.
2. Defendant Ashlyn Paige Moore is a former employee at a business I own. She recently began a campaign of malicious defamation with the stated intention of injuring my personal and business reputation. Defendant recently published false statements on social media, which she knew were false or which she made with reckless disregard for their truth, intended to damage my personal and business reputation.
3. Specifically, Defendant published false statements to social media that I:
 - a) "sexually assaulted [her] on January 31st";
 - b) that Defendant "is not [my] first victim;" and,
 - c) "here's the face of the man who sexually assaulted me; and I know I'm not the first."
4. It is false and a lie that I sexually assaulted Defendant. It is false and a lie I sexually assaulted any other person.
5. Defendant knew it was a lie, a false statement of fact, when she made the statements that I sexually assaulted her. Defendant either knew it was a lie (a false statement of fact) or made the statement with reckless disregard for its truth that I sexually assaulted anyone else. Defendant published false statements which she knew were false to damage my persona and business reputation. I file this lawsuit to protect my reputation from Defendant's malicious defamation and correct the harm resulting from these false claims. The publications through social media must stop and those posts which have already been made must be removed immediately or the harm will continue.
6. Unless prevented, Defendant's malicious defamation will continue to harm me in countless ways. I operate businesses which cannot be associated with a person who perpetrates such heinous acts. I am a family man and community member, and such lies will cause severe harm to my reputation if allowed to persist. Defendant's statements in her videos make clear she intends to continue her campaign of lies. She must be stopped or my reputation will be destroyed based on nothing but a pack of lies.
7. The Defendant has also threatened physical violence to Defendant and/or Defendant's family. This apparent threat is made by and through the Defendant's apparent boyfriend and father and involves a reference to a gun and even shows a gun in a picture that was posted.

FURTHER AFFIANT SAYETH NOT.

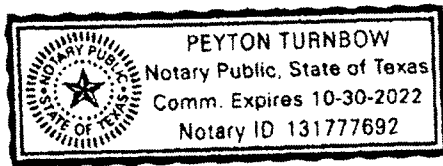

JEROME KARAM

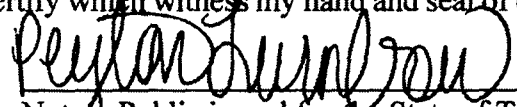
STATE OF TEXAS

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COUNTY OF GALVESTON

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on February 8, 2022 day of February, 2022 by Jerome Karam, to certify which witness my hand and seal of office.




Notary Public in and for the State of Texas

CAUSE NO. 22-CV-0220

JEROME KARAM

VS.

ASHLYN PAIGE MOORE

§ IN THE DISTRICT COURT
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 § 405th JUDICIAL DISTRICT
 §
 § OF GALVESTON COUNTY, TEXAS
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**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR
TEMPORARY INJUNCTION**

The Court upon considering JEROME KARAM, Plaintiff's, application for temporary restraining order, the pleadings, the affidavits, and the arguments of counsel, finds there is evidence of harm that is imminent to Plaintiff and if the issuance of the temporary restraining order is not granted Plaintiff will be irreparably injured because the personal and business reputation of the Plaintiff will be irreparably harmed by the false and malicious allegations of sexual assault. These publications of the lies and false allegations that have been made must cease and the posts that are currently on social medial will continue to cause harm into the future.

The Court further finds an ex parte order, without notice to ASHLYN PAIGE MOORE, Defendant, is necessary because time is insufficient to give notice, hold a hearing, and issue a restraining order before the harm of irreparable injury, damage, or losses would occur in that these posts have already been made and the damages are ongoing.

The Court further finds that these prior posts will continue to be viewed and continue to damage the reputation and good name of the Plaintiff. Every minute the Court delays in ordering that future posts be stopped and that existing posts be removed from their social media platform is a minute that the Plaintiff continue to be damaged.

THEREFORE IT IS ORDERED by this Court as follows:

1. ASHLYN PAIGE MOORE, Defendant, and all of ASHLYN PAIGE MOORE's agents, attorneys, relatives, friends, employees, officers, and successors *and assigns* are restrained and **ORDERED** to immediately cease and desist from posting or allowing any social media posts as defined herein to remain active and viewable to the public from the entry of this order until further order of this Court. The posts that are defined and identified by this Court to be restricted from posting and ordered to

22-CV-0220
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be removed from any current social media post include and all social media posts or communications which include but are not limited to any and all posts which refer directly or indirectly to the Plaintiff JEROME KARAM, any of his business, or family.

2. Defendant ASHLYN PAIGE MOORE is further restricted and prohibited from making and defamatory allegations of assault of any nature by JEROME KARAM against ASHLYN PAIGE MOORE or any other individual.

3. The Clerk is **ORDERED** to issue notice to ASHLYN PAIGE MOORE, Defendant, that hearing is set for _____, at _____ on Plaintiff's application for temporary injunction.

4. ASHLYN PAIGE MOORE, Defendant, is **ORDERED** to appear at that time and show cause, if any cause exists, why this temporary restraining order should not be made a temporary injunction pending a full trial on the merits.

5. **IT IS ORDERED** that bond is set at \$ _____ and this order shall not be effective until JEROME KARAM deposits the full bond amount with the Clerk.

SIGNED ON _____.

JUDGE PRESIDING