

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

RANDALL GOLDMAN

Plaintiff

vs.

JOHN DOE

Defendant

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2018-CP-10-873

(Please Print)

Submitted By: Steven M. Abrams

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Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

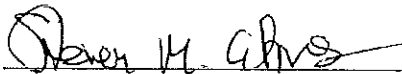
**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|--|
| Contracts | Torts - Professional Malpractice | Torts - Personal Injury | Real Property |
| ☐ Constructions (100) | ☐ Dental Malpractice (200) | ☒ Assault/Slander/Libel (300) | ☐ Claim & Delivery (400) |
| ☐ Debt Collection (110) | ☐ Legal Malpractice (210) | ☐ Conversion (310) | ☐ Condemnation (410) |
| ☐ Employment (120) | ☐ Medical Malpractice (220) | ☐ Motor Vehicle Accident (320) | ☐ Foreclosure (420) |
| ☐ General (130) | ☐ Notice/ File Med Mal (230) | ☐ Premises Liability (330) | ☐ Mechanic's Lien (430) |
| ☐ Breach of Contract (140) | ☐ Other (299) | ☐ Products Liability (340) | ☐ Partition (440) |
| ☐ Other (199) | | ☐ Personal Injury (350) | ☐ Possession (450) |
| | | ☐ Wrongful Death (360) | ☐ Building Code Violation (460) |
| | | ☐ Other (399) | ☐ Other (499) |
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- | | | | |
|--|--|---|--|
| Inmate Petitions | Judgments/Settlements | Administrative Law/Relief | Appeals |
| ☐ PCR (500) | ☐ Death Settlement (700) | ☐ Reinstate Driver's License (800) | ☐ Arbitration (900) |
| ☐ Sexual Predator (510) | ☐ Foreign Judgment (710) | ☐ Judicial Review (810) | ☐ Magistrate-Civil (910) |
| ☐ Mandamus (520) | ☐ Magistrate's Judgment (720) | ☐ Relief (820) | ☐ Magistrate-Criminal (920) |
| ☐ Habeas Corpus (530) | ☐ Minor Settlement (730) | ☐ Permanent Injunction (830) | ☐ Municipal (930) |
| ☐ Other (599) | ☐ Transcript Judgment (740) | ☐ Forfeiture (840) | ☐ Probate Court (940) |
| | ☐ Lis Pendens (750) | ☐ Other (899) | ☐ SCDOT (950) |
| | ☐ Other (799) | | ☐ Worker's Comp (960) |
| | | | ☐ Zoning Board (970) |
| | | | ☐ Administrative Law Judge (980) |
| | | | ☐ Public Service Commission (990) |
| | | | ☐ Employment Security Comm (991) |
| | | | ☐ Other (999) |
-
- | | |
|--|---|
| Special/Complex /Other | |
| ☐ Environmental (600) | ☐ Pharmaceuticals (630) |
| ☐ Automobile Arb. (610) | ☐ Unfair Trade Practices (640) |
| ☐ Medical (620) | ☐ Out-of State Depositions (650) |
| ☐ Other (699) | |

Submitting Party Signature:



Date: February 20, 2018

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY
Florence, Horry, Lexington, Richland, Greenville and Anderson

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR.**
 Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

RANDALL GOLDMAN)

Plaintiff,)

v.)

JOHN DOE,)

Defendant.)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.: 18-CP-10- 873

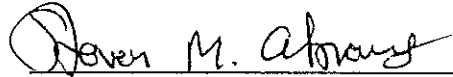
SUMMONS

FILED
CLERK OF COURT
2018 FEB 20 AM 11:00

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Mt. Pleasant, South Carolina



Steven M. Abrams

SC Bar No.: 76230

1154 Holly Bend Drive

Mt. Pleasant, SC 29466

(843) 216-1100

February 20, 2018

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

RANDALL GOLDMAN)

Plaintiff,)

v.)

JOHN DOE,)

Defendant.)

IN THE COURT OF COMMON PLEAS

NINTH JUDICIAL CIRCUIT

CASE NO.:2018-CP-10-873

COMPLAINT

FILED
2018 FEB 20 AM 11:00
JULIE J. ARMSTRONG
CLERK OF COURT

COMPLAINT FOR LEGAL, INJUNCTIVE AND OTHER EQUITABLE RELIEF

Plaintiff, Randall Goldman for his Complaint alleges as follows:

1. Plaintiff brings this Defamation by Libel cause of action to secure temporary, preliminary, and permanent injunctive relief, monetary damages, and other equitable relief for Defendant's defamatory acts or practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter because the Plaintiff resides and is employed in Charleston County, South Carolina and the actions which gave rise to this lawsuit also occurred in Charleston County, South Carolina. Defendant likely resides and/or works in Charleston County, and has made use of Comcast Internet services from an unknown location in Charleston County, South Carolina.

3. Venue in the Court of Common Pleas in Charleston County is proper.

PARTIES

4. Randall Goldman is the Chief Executive Officer of Patrick Properties Hospitality Group in Charleston, South Carolina. His office is located at 446 King St, Charleston, SC 29403. Patrick Properties Hospitality Group owns and operates restaurants and catering venues which host more than 500 events with a total of nearly 60,000 guests annually. Mr. Goldman is responsible for the direction of nearly 120 employees.

6. At all times material to this Complaint, acting alone or in concert with others, Defendant John Doe ("Defendant") has formulated, directed, controlled or participated in the acts and practices set forth in this Complaint. John Doe is known to have used a Comcast Internet IP address from Charleston, South Carolina, to send two spoofed emails to recipients also located in Charleston, South Carolina.

DEFINITIONS

7. "Spoofing" means the practice of disguising an e-mail to make the e-mail appear to come from an address or individual from which it actually did not originate. There are three common means of spoofing email. One means of spoofing involves placing in the "From" or "Reply-to" lines in e-mails an e-mail address other than the actual sender's address without the consent or authorization of the user of the e-mail address whose address is spoofed. Spoofing can also be accomplished by setting up unauthorized email accounts under the name of an individual that will fraudulently be seen as the originator of the emails, and/or choosing email addresses that are so similar to the actual email address used by the apparent originator of the email so as to create the impression that the emails came from that individual. A third means of spoofing an

email, and the one apparently employed by John Doe in the instant case, is to use a service such as Guerrilla Mail that allows a sender to anonymously use a temporary email address and bogus IP address to disguise his identity and the origin of the email. There is no personally identifying information required from the anonymous user to obtain the temporary email address. However, unbeknownst to most users of Guerrilla Mail, the service does capture the originating IP address from the anonymous user, and this is included in the email header information on every email sent through this service. This originating IP can also be spoofed using a VPN or other means, and that would allow a user to send a nearly completely untraceable email using this method.

DEFENDANT'S SPOOFING AND DEFAMITORY ACTIVITIES

8. On January 29, 2018, Defendant sent no fewer than two emails, one to a person at the Charleston Restaurant Association and another to a person at the Charleston Area Convention & Visitors Bureau, stating that a news article was soon forthcoming and insinuating that Plaintiff was “facing allegations of sexual harassment and creation of a hostile work environment” from a large number of complainants. Upon information and belief, none of these allegations is true.

9. The anonymous email was purportedly sent by “9vsn6b+e698w26iohcfw@guerrillamail.com”, a random temporary email address created and administered by Guerrilla Mail. Embedded in the header of these emails was the originating IP address, 173.10.249.218, which according to whois.arin.net is contained within a block of IP addresses that are part of a Charleston subnetwork registered to Comcast Cable Communications, LLC. This use of a fictitious temporary email address from Guerrilla Mail is an example of email spoofing and was employed

here to protect the tortfeasor's identity.

10. Plaintiff is a member of the Charleston Restaurant Association Board of Trustees, and in the version of the email sent to the person at that association he is identified as "a member of your board". The email implicitly challenges Plaintiff's character and integrity to remain a member of the board. Plaintiff's participation on the Charleston Restaurant Association board confers benefits to his employer, Patrick Properties, who owns and operates restaurants in Charleston, South Carolina. The false allegations in the Guerilla Mail emails are therefore damaging not only to Plaintiff personally, but also disparage him in his business or profession.

FIRST CAUSE OF ACTION FOR DEFAMATION

11. Each allegation in paragraphs 8 to 10 is repeated herein as if first stated.

12. Defendant intentionally published, to two recipients calculated to cause the most damage to Plaintiff and his employer, emails clearly constructed with statements that unequivocally contain defamatory meaning.

13. Defendant's statements about Plaintiff meets the test of defamatory meaning set forth in South Carolina in that they were crafted specifically to impeach the honesty, integrity, virtue or reputation of one who is alive, and thereby expose him to public hatred, contempt, ridicule, or obloquy, or to cause him to be shunned or avoided, or to injure him in his office, business, or occupation.

14. Defendant's emailed statements were published with actual or implied malice.

15. Defendant's emailed statements about Plaintiff were false.

16. Defendant's emailed statements were clearly about Plaintiff, as he is the only person whose circumstances ("CEO of a local hospitality company who's also a member of your board") meet the description identified in the defamatory statements.

17. Defendant's emailed statements caused presumed and/or special damages to Plaintiff. Defendant's statements caused Plaintiff embarrassment, humiliation and mental suffering as a result of injury to reputation and disparaged him in his occupation or profession.

THIS COURT'S POWER TO GRANT RELIEF

18. This court has the equitable powers to grant injunctive relief from the continuing publication of defamatory materials by Defendant.

19. The court has the legal powers to award Plaintiffs' special, presumed and punitive damages for Defendant's intentional and reckless publication of defamatory material.

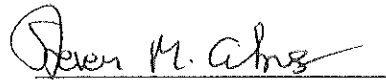
PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court pursuant to its own equitable and legal powers:

1. Enter an order enjoining Defendant preliminarily and permanently from engaging in the use of spoofed electronic communications to disseminate defamatory materials.
2. Award Plaintiff special, presumed and punitive damages for Defendant's intentional and reckless publication of defamatory material regarding Plaintiff.
3. Award Plaintiff the costs of bringing this action, as well as such other and

additional relief as the Court may determine to be just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Abrams", is written over a horizontal line.

Steven M. Abrams
SC Bar No. 76230
1154 Holly Bend Drive
Mt. Pleasant, SC 29466
(843) 216-1100
Attorney for the Plaintiff

Dated: *February 20, 2018*