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Clerk of the Superior Court

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By EVANGELINA PEREZ, Deputy
Date 06/11/2009 Time 09:59 AM
Description Qty Amount
----- CASE# CV2009-019284 -----
CIVIL NEW COMPLAINT 001 301.00

TOTAL AMOUNT 301.00
Receipt# 00011016058

8 *Attorneys for Plaintiff*

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 SHARRA FERBRACHE, a single
12 woman,

Case No. CV2009-019284

13 Plaintiff,

COMPLAINT

14 vs.

**DEMAND FOR INJUNCTIVE RELIEF
AND DAMAGES**

15 TONY MANDARICH and
16 CHARLAVAN MANDARICH, husband
17 and wife; MANDARICH MEDIA
18 GROUP, LLC., an Arizona corporation;
19 DOES 1 through 100,

DEMAND FOR JURY TRIAL

20 Defendants.

21 Plaintiff, by and through undersigned, hereby alleges as follows:

- 22 1. Sharra Ferbrache is an adult individual residing in the State of Indiana.
- 23 2. Defendant Tony Mandarich and Charlavan Mandarich are husband and wife and at all
24 times material hereto were residents of the State of Arizona. As alleged herein, Tony Mandarich and
25 Charlavan Mandarich were acting in furtherance of the marital community.
- 26 3. Defendant Tony Mandarich is a former standout college and professional football player.
- 27 4. Mandarich Media Group, LLC., is an Arizona corporation (hereinafter Mandarich Media)
28 which at all times material hereto was authorized to do and was doing business in the State of Arizona.
5. At all times material hereto, defendant Mandarich Media was in the business of
professional Internet website development and promotion.

1 6. Defendants Does 1 through 10 inclusive, are presently unknown to plaintiff who therefore
2 sues these defendants by fictitious names. Plaintiff alleges that each of the fictitiously named defendants
3 are responsible in some manner for the occurrence alleged herein and plaintiff's damages were proximately
4 caused by such defendant's acts and omissions. Plaintiff will amend this complaint to substitute the true
5 names and capacities of the fictitiously named defendants when such names have been ascertained.

6 7. At all times material hereto defendants caused an event to occur in the State of Arizona out
7 of which this action arises.

8 8. At all times alleged herein, defendants Tony and Charlavan Mandarich were employees
9 and/or agents of Mandarich Media. Said husband and wife were acting within the course and scope of their
10 employment with said corporate defendant. As such, the reckless, outrageous and/or intentional acts and/or
11 omissions of Tony Mandarich and/or Charlavan Mandarich are imputed by law to defendant Mandarich
12 Media.

13 9. Plaintiff and defendant Tony Mandarich were engaged to be married in 2002. In addition
14 Tony Mandarich and Plaintiff had a close personal relationship, including a romantic relationship for
15 several years that, upon information and belief, ended in 2004. During this period of the close personal
16 relationship, Defendant Tony Mandarich obtained intimate sexual pictures and videos of plaintiff that were
17 to be kept personal and completely and totally private between them. Once the relationship ended, Tony
18 Mandarich apparently kept, without consent and permission of plaintiff, the personal and private pictures
19 and video (hereinafter personal and private videos and pictures) in his possession and did not dispose of
20 said explicit material.

21 10. Thereafter, on or about September 30, 2008, defendants unlawfully registered plaintiff's
22 name as the domain name *sharraferbrache.com* (hereinafter domain name) with godaddy.com. Defendants
23 did not have permission, consent or authority from plaintiff to register her name as a domain name.
24 Defendants purchased said domain name with spite, ill will and with the intent to injure plaintiff and inflict
25 severe emotional distress. Further, defendants purchased the domain name with the sole intent of displaying
26 and posting on the Internet and World Wide Web the personal and private videos and photographs of
27 plaintiff.

28 11. Immediately thereafter, defendants and each of them published to the domain name on the
Internet address *sharraferbrache.com* the personal and private videos and pictures that displayed plaintiff in
explicit sexual acts that plaintiff intended to be kept private. Defendants and each of them knew or had
reason to know that if a member of the public searched the World Wide Web on such search engines as
google.com, for information about plaintiff that people would be directed to the domain name

1 *sharraferbrache.com* thereby exposing the personal and private videos and pictures of plaintiff to
2 anyone who clicked on the website. See Exhibit 1.

3 12. Defendants and each of them have maintained this domain name and have continued to
4 display the private and personal videos and pictures since September 30, 2008 through the present. Further,
5 plaintiff made demand on defendant to cease and desist immediately from displaying the personal and
6 private videos and pictures and remove the website from the Internet. In willful disregard of such demand,
7 and beyond all bounds of common decency, upon information and belief, after the cease and desist demand
8 was made, defendants added more video material of plaintiff engaging in explicit sexual activity.

8 **FIRST CLAIM FOR RELIEF**

9 **(Injunctive Relief)**

10 13. The allegations contained paragraph 1 through 12 are reasserted and incorporated herein by
11 reference

12 14. Defendants continue to display to the public on the Internet on the domain name
13 *sharraferbrache.com* the personal and private videos and pictures depicting plaintiff. After demand to
14 remove the website from the Internet, defendants have deliberately and willfully failed to do so.

15 15. As a result of defendants' outrageous conduct, plaintiff has suffered irreparable harm and
16 injury and will continue to suffer such irreparable harm and injury until defendants are enjoined and
17 restrained temporarily and permanently from using the domain name, publishing and displaying on the
18 internet the personal and private videos and pictures and disclosing to any third parties said material.

19 16. By virtue of the foregoing, plaintiff is entitled to an immediate temporary restraining order,
20 preliminary injunction and permanent injunction enjoining defendants from using the domain name,
21 publishing and displaying on the internet the personal and private videos and pictures and disclosing to any
22 third parties said material. Plaintiff has no adequate remedy at law to prevent such harm and injury

21 **SECOND CLAIM FOR RELIEF**

22 **(Intentional Infliction of Emotional Distress)**

23 17. The allegations contained in paragraph 1 through 16 are reasserted and incorporated herein
24 by this reference.

25 18. Defendant Tony Mandarich abused his position and relationship as plaintiff's fiancée and
26 romantic partner in disclosing personal and private matters between them to the public.

27 19. Defendants knew or should have known that any reasonable member of the community
28 would regard such conduct as atrocious and beyond all possible bounds of common decency. Further,
defendants and each of them should have known that plaintiff was particularly susceptible to emotional

1 distress, embarrassment and shame should these matters be disclosed to the public. Further, defendants had
2 no privilege or legitimate purpose for said outrageous conduct.

3 20. As a direct and proximate result of defendants' grossly reckless, intentional, willful, and
4 outrageous conduct as alleged herein, plaintiff has suffered severe emotional distress, anxiety, and
5 embarrassment and will likely suffer such injuries and damages in the future. Further, as a direct and
6 proximate result plaintiff incurred expenses for care, treatment and services and is reasonably probable to be
7 incurred in the future. Further, as a direct and proximate result of defendants' outrageous conduct, plaintiff
8 has suffered a loss of enjoyment of life.

9 21. At all times material hereto, defendants' conduct was motivated by spite and ill will, and
10 acted to serve their own interests having reason to know and consciously disregarding a substantial risk that
11 their conduct might significantly injure the rights of plaintiff. Further, defendants consciously pursued a
12 course of conduct knowing they created a substantial risk of significant harm to plaintiff. As such,
13 defendants are liable for an award of exemplary and punitive damages in a just and reasonable amount to be
14 determined by a jury at the trial of this matter that would adequately punish defendants for the atrocious,
15 shocking and shameless conduct alleged herein.

16 **THIRD CLAIM FOR RELIEF**

17 **(Tortuous Interference with Prospective Business Advantage)**

18 22. The allegations contained in paragraphs 1 through 21 are incorporated herein by this
19 reference.

20 23. At all times material hereto, defendants knew that plaintiff was a broadcast professional and
21 relied on her public image in part to earn a living. Further, defendants and each of them knew or should
22 have known that the conduct alleged herein would harm the plaintiff and interfere with her ability to obtain
23 gainful employment and professional broadcasting work.

24 24. Defendants knew or should have known that their conduct would induce others or cause
25 third persons not to enter into or continue a business relationship with plaintiff.

26 25. As a direct and proximate result of defendants' wrongful conduct, plaintiff is entitled to
27 damages for the benefits she would have received from such business relationships, for injury to her
28 reputation and for any and all emotional suffering and distress resulting from said conduct.

29 26. Further, plaintiff is entitled to an award of exemplary and punitive damages as a result of
30 defendants' outrageous and reckless conduct.

FOURTH CLAIM FOR RELIEF

(Invasion of Privacy)

1
2 27. The allegations contained in paragraphs 1 through 26 are incorporated herein by this
3 reference.

4 28. At all times material hereto defendants:

5 a) Intentionally and/or recklessly intruded on the private affairs of plaintiff and
6 engaged in conduct that would be highly offensive to a reasonable person;

7 b) Appropriated for their own use and benefit, plaintiff's name and likeness and as such
8 invaded her privacy;

9 c) Publicly disclosed plaintiff's private matters in a highly offensive way to any
10 reasonable person and is not of legitimate public concern; and

11 d) Publicly disclosed private matters about plaintiff that placed her in a false light that
12 is highly offensive to any reasonable person and beyond the bounds of common decency.

13 29. Defendants knew and acted with reckless disregard that their conduct would place plaintiff
14 in a false light.

15 30. As a direct and proximate result of defendants' outrageous, reckless, willful and intentional
16 conduct, plaintiff suffered compensatory damages more fully described above.

17 31. Further, Defendants' reckless and outrageous conduct entitles plaintiff to an award of
18 punitive and exemplary damages in an amount to be determined by a jury in the trial of this matter in a
19 sufficient amount to adequately punish defendants.

FIFTH CLAIM FOR RELIEF

(Aiding and Abetting)

20 32. The allegations contained in paragraphs 1 through 31 are incorporated herein by this
21 reference.

22 33 In the alternative, upon information and belief, defendants Charlavan Mandarich and
23 Mandarich Media were aware that Tony Mandarich was engaged in the outrageous conduct in displaying to
24 the public the personal and private videos and pictures of plaintiff and provided substantial assistance and
25 encouragement to defendant Tony Mandarich with the intent of promoting his wrongful and outrageous
26 conduct.

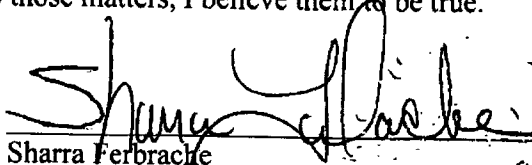
27 34. At all times material hereto defendants Charlavan Mandarich and Mandarich Media aided
28 and abetted defendant Tony Mandarich and are therefore liable for the consequences of defendant Tony
Mandarich's wrongful conduct committed as alleged herein.

VERIFICATION

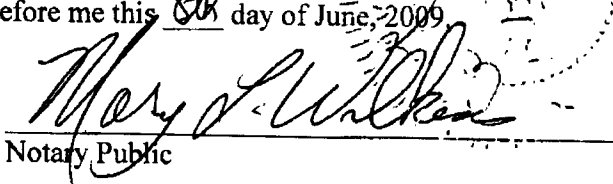
I, Sharra Ferbrache, state as follows:

1. I am the plaintiff in the above-captioned and foregoing matter.

2. I have read the foregoing Complaint; Demand For Injunctive Relief And Damages; Demand For Jury Trial and know the contents thereof, and I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge except those matters therein, stated upon information and belief, and as to those matters, I believe them to be true.


Sharra Ferbrache

SUBSCRIBED AND SWORN TO before me this 8th day of June, 2009


Notary Public

My Commission Expires:

March 25, 2017

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EXHIBIT 1

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Dec 31, 2007 ... With a wealth of motorsports experience, pit reporter **Sharra Ferbrache** is new to the Monster Jam television team on SPEED. ...
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