Mr. Douglas Kruschen
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(818) 927-1040
(Plaintiff Pro Se)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

LIMITED CIVIL CASE

DOUGLAS KRUSCHEN, an individual,

Plaintiff,

v.

STEVEN RICHARD GITTLEMAN, an individual; and DOES 1-6, inclusive,

Defendants.

Case No.: 20STLC07815

FIRST AMENDED VERIFIED COMPLAINT FOR:

1. Defamation – Slander Per Se

[Assigned for all purposes to:
The Hon. James E. Blancarte, Dept. 25]

AMOUNT DEMANDED EXCEEDS $10,000

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Douglas Kruschen ("Plaintiff"), as and for his First Amended Verified Complaint in this action against Steven Richard Gittleman ("Gittleman") and Does 1-6, inclusive ("Doe Defendants") hereby alleges as follows:

1. At all relevant times, Plaintiff was an adult resident of Los Angeles County.
2. At all relevant times, Gittleman was an adult resident of Los Angeles County.
3. Plaintiff is ignorant of the true names, capacities, relationships, and extent of participation in the conduct alleged herein, of the Defendants sued as Does 1–6, inclusive, but is informed and believes, and thereon alleges, that said Defendants are

legally responsible for the wrongful conduct alleged herein and therefore sues these Defendants by such fictitious names.

4. Plaintiff will amend this Complaint to allege the true names and capacities of Doe Defendants when ascertained.
5. At all relevant times, Plaintiff and Gittleman were members of Annandale Townhouse Association, Inc. ("Annandale")
6. At all relevant times, Gittleman was Chief Financial Officer of Annandale.
7. At all relevant times, Gittleman was Treasurer of Annandale's Board of Directors.
8. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, Gittleman was not acting in his capacity as Annandale's Chief Financial Officer and Annandale Board Treasurer.

GENERAL ALLEGATIONS

9. Plaintiff was a private citizen, not a public official, public figure, or limited-purpose public figure under California law.
10. Plaintiff has never been convicted of a crime.
11. Plaintiff has never been tried for an alleged crime.
12. Plaintiff has never been charged with an alleged crime.
13. Plaintiff has never been arrested for an alleged crime.
14. Plaintiff has never been questioned by authorities in relation to any alleged crime.
15. On information and belief, until the events giving rise to this matter, Plaintiff had never been accused or implicated in any alleged criminal activity or wrongdoing.
16. Plaintiff possesses California Department of Justice fingerprint rolling certification pursuant to Penal Code section 11102.1.
17. Plaintiff possesses an Electronic Service Dealer license from the California Bureau of Household Goods and Services pursuant to Business and Professions Code sections 9830 and 9840.
18. Plaintiff alleges, on information and belief, that Gittleman and Doe Defendants intended to undermine Plaintiff's standing as a trustworthy citizen and Annandale community member, a likely 2020 candidate for Annandale's Board of Directors, an honest businessperson, and intended to defame by egregiously and maliciously speaking knowingly false, baseless, and unverified statements about Plaintiff.

FIRST CAUSE OF ACTION
Defamation – Slander Per Se

19. Plaintiff incorporates all allegations of this complaint and re-alleges them as though they were fully set forth herein.

20. On or about September 10, 2019, Gittleman attended a jam session ("Gathering") where he and his friends congregate, play musical instruments, socialize, drink alcohol, and consume marijuana and/or derivatives thereof.

21. Albert Tessitore ("Tessitore") is one such friend who attended the Gathering. Tessitore is also a member of Annandale.

22. During the Gathering, Gittleman orally communicated to Tessitore, as a statement of fact, that Plaintiff had committed fraud.

23. During the Gathering, Gittleman orally communicated to Tessitore, as a statement of fact, that Plaintiff had forged Tessitore's signature on an Annandale election proxy form ("Proxy").

24. During the Gathering, Gittleman orally communicated to Tessitore, as a statement of fact, that Plaintiff had used the abovementioned Proxy to cast a ballot in the 2019 Annandale Board election.

25. Believing Gittleman's false, baseless, and defamatory statements, on or about September 13, 2019, Tessitore sent Plaintiff a letter via USPS Certified Mail declaring:

> *"It has been brought to my attention that you have engaged in voter fraud by forging my signature on a proxy in the Annandale election for the Board of Directors.*
>
> *I plan on suing you and taking this to the District Attorney's office for voter Fraud."*

26. On October 15, 2019, Tessitore attended an Annandale membership meeting where Gittleman and Plaintiff were also present. The membership meeting was relatively well attended by approximately 95 other persons. Believing Gittleman's false, baseless, and defamatory statements to be true, Tessitore publicly told the room of attendees (1) that he and Gittleman were friends and played music together, (2) that Gittleman told him Plaintiff committed fraud, and (3) that Gittleman told him

Plaintiff had forged his signature on an Annandale election proxy form then used it to cast a ballot in the 2019 Annandale Board election.

27. Gittleman made no attempt to refute Tessitore's recapitulation at that time or any subsequent time to-date.

28. Upon information and belief, Gittleman and Doe Defendants have made similar false, baseless, and defamatory statements at various other times and places to numerous other persons.

29. None of the slanderous statements against Plaintiff referenced above are true but were understood as assertions of fact, and not as opinion.

30. Each of these false, slanderous per se statements (as set forth above), were negligently, recklessly, and intentionally spoken in a manner equaling malice and abuse of any alleged conditional privilege (which Plaintiff denies existed), since the statements, and each of them, were made by Defendants with hatred, ill will, and an intent to vex, harass, annoy, and injure Plaintiff.

31. Each of these false, slanderous per se statements (as set forth above), were made with knowledge that no investigation supported the unsubstantiated and obviously false statements. Nevertheless, Gittleman orally communicated these statements knowing them to be false and unsubstantiated by any reasonable investigation.

32. These acts of oral communication were known by Gittleman to be negligent to such a degree as to be reckless. In fact, not only did Gittleman have no reasonable basis to believe his own statements, Gittleman also had no belief in the truth of the statements, and, in fact, knew them to be false.

33. All of the statements made by Gittleman, and repeated by Tessitore, would be highly offensive to any self-respecting individual in American society, if not a reasonable person in Plaintiff's position. No one in California would want to be known as associating or doing business with a person that commits acts of fraud and forgery. Mere allegations of fraud and forgery are enough to negatively affect professional and Carry Concealed Weapon licensure status.

34. With this in mind, Plaintiff has suffered harm to reputation, shame, mortification, and hurt feelings as a result of the tortious conduct of Gittleman and Doe Defendants.

DEMAND FOR JURY TRIAL AND PRAYER FOR DAMAGES

Wherefore, Plaintiff demands a trial by jury. Plaintiff prays for judgement as follows:

1. A declaratory judgment that the actions, conduct, and practices of Gittleman and Doe Defendants complained of herein violated the laws of the State of California;
2. An injunction and order permanently restraining Gittleman and Doe Defendants from engaging in such unlawful conduct;
3. A judgment to be entered in Plaintiff's favor against Gittleman and Doe Defendants;
4. An award of general damages according to testimony at trial;
5. An award of punitive damages in an amount sufficient to punish Gittleman and Doe Defendants for their wrongful conduct and deter future misconduct;
6. For such further and different relief as this Court may deem just and proper.

DATED: January 28, 2021

Respectfully submitted,

DOUGLAS KRUSCHEN

(Plaintiff/Pro Se)

VERIFICATION

I, Douglas Kruschen, declare as follows:

I am the named Plaintiff in the above-entitled action, and as such am authorized to make this verification for that reason.

I have read the attached Complaint, know the contents thereof, and based on information or belief, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED: January 28, 2021

IN: Los Angeles, California

DOUGLAS KRUSCHEN
(Plaintiff Pro Se)