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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 FIONA HARVEY

19 Plaintiff,

20 vs.

21 NETFLIX, INC., and NETFLIX
22 WORLDWIDE ENTERTAINMENT,
23 LLC,

24 Defendant.

Case No.:

COMPLAINT

DEMAND FOR JURY TRIAL

1 **“This is a true story.”**
2 - *Baby Reindeer, Episode 1.*

3 **PRELIMINARY STATEMENT**

4 1. The above quote from the first episode of the Netflix series, *Baby*
5 *Reindeer*, is the biggest lie in television history. It is a lie told by Netflix and the
6 show’s creator, Richard Gadd, out of greed and lust for fame; a lie designed to
7 attract more viewers, get more attention, to make more money, and to
8 viciously destroy the life of Plaintiff, Fiona Harvey – an innocent woman defamed
9 by Netflix and Richard Gadd at a magnitude and scale without precedent.
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11

12 2. This is an action by Plaintiff Fiona Harvey (“Harvey”) against
13 Defendants Netflix, Inc. and Netflix Worldwide Entertainment (collectively
14 “Netflix”), for defamation, intentional infliction of emotional distress, negligence,
15 gross negligence, and violations of Harvey’s right of publicity, arising out of the
16 brutal lies Defendants told about her in the television series, *Baby Reindeer*. The
17 lies that Defendants told about Harvey to over 50 million people worldwide
18 include that Harvey is a twice convicted stalker who was sentenced to five years in
19 prison, and that Harvey sexually assaulted Gadd. Defendants told these lies, and
20 never stopped, because it was a better story than the truth, and better stories made
21 money.
22
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25

26 3. And Netflix, a multi-national billion dollar entertainment streaming
27 company did literally nothing to confirm the “true story” that Gadd told. That is,
28

1 it never investigated whether Harvey was convicted, a very serious
2 misrepresentation of the facts. It did nothing to understand the relationship
3 between Gadd and Harvey, if any. It did nothing to determine whether other facts,
4 including an assault, the alleged stalking or the conviction was accurate. It did
5 nothing to understand whether Gadd's production, which ruined Harvey was
6 accurate. As a result of Defendants' lies, malfeasance and utterly reckless
7 misconduct, Harvey's life had been ruined. Simply, Netflix and Gadd destroyed
8 her reputation, her character and her life.
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12 **THE PARTIES**

13 4. Plaintiff Ms. Fiona Harvey ("Harvey") is a resident of England.
14 Harvey earned a Degree of Bachelor of Laws from the University of Aberdeen in
15 1990, a diploma in Legal Practice from the University of Strathclyde in 1993 and
16 was granted an Entrance Certificate to the Law Society of Scotland in 1997. In
17 2005, Harvey earned her Graduate Diploma in Law (CPE) from the University of
18 Westminster.
19
20

21 5. Defendant Netflix, Inc. is a Delaware corporation with a principal
22 place of business at 121 Albright Way, Los Gatos, California, 95032. Netflix is a
23 producer and distributor of content with over 260 million paid subscribers and a
24 market cap of \$283 billion. Netflix Inc. owns the Netflix streaming platform that
25 streamed *Baby Reindeer*. "[Netflix] acquires, licenses and produces content,
26
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28

1 including original programming, in order to offer our members unlimited viewing
2 of video entertainment.” Netflix, Inc. Jan. 26, 2024 10-K Report at p. 28 (“Netflix
3 10-K.
4

5 6. Netflix, Inc. is at home in Los Angeles, as it leases its “principal
6 properties” in Los Angeles. Netflix, 10-K at p. 18, Item 2. In total, Netflix, leases
7 and occupies over 1.4 million square feet of office and studio space.
8

9 7. Netflix leases and fully occupies, Epic, a 13-story, 327,913 square
10 foot high rise at 5901 Sunset Boulevard in Hollywood.
11

12 8. In addition, Netflix, Inc. leases 325,757 square feet of office space at
13 ICON and 91,953 square feet of office space at CUE, both of which are located on
14 the Sunset Bronson Studios lot at 5800 Sunset Blvd. in Hollywood. I
15

16 9. In addition, Netflix has leases about 100,000 square feet of space at
17 the historic Musicians Union at 817 Vine Street in Hollywood, and over 355,000
18 square feet at the Academy on Vine, a development that occupies an entire city
19 block bounded by Vine Street, DeLongpre Avenue, Ivar Street, and Homewood
20 Avenue in Hollywood. Upon expanding into the Academy on Vine property,
21 Netflix CFO David Wells said “Our expansion into the Academy on Vine Property
22 further deepens our connection with the Los Angeles and Hollywood
23 communities.”
24
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1 10. On May 12, 2024, Netflix marked the sixth anniversary of its flagship
2 FYSEE (a play on “FYC”) space by moving to Sunset Las Palmas in Hollywood.
3
4 Netflix’s FYSEE space in Hollywood, serves as a hub for Official For Your
5 Consideration (“FYC”) events,

6 11. As noted in Netflix Inc.’s most recent 10-K filing with the SEC:
7
8 we must continually add new members to replace canceled memberships and
9 to grow our business beyond our current membership base. . . Our ability to
10 continue to attract and retain our [subscribers] will depend in part on our
11 ability to consistently provide our members in countries around the globe
12 with *compelling* content choices that keep our [subscribers] engaged with
13 our service, effectively drive conversation around our content and service, as
14 well as provide a quality experience for choosing and enjoying TV series,
15 films and games. . . If we do not grow as expected . . . operations may be
16 adversely impacted. If we are unable to successfully compete with current
and new competitors in providing *compelling* content, retaining our existing
members and attracting new members, our business will be adversely
affected.
Netflix 10-K at p. 4 (emphasis added).

17 12. Netflix, Inc. earns revenue not only through paid subscribers (called
18 “members”) but “also earns revenue from advertisements presented on its
19 streaming service, consumer products and other various sources.” Netflix 10-K at
20 p. 46

21
22 13. Defendant Netflix Worldwide Entertainment, LLC is a Delaware
23 corporation with a principal place of business at 5808 W. Sunset Blvd., Los
24 Angeles, California, 90028 (“Netflix Worldwide”). Netflix Worldwide is the
25
26
27
28

1 copyright owner of *Baby Reindeer*. Netflix, Inc. and Netflix Worldwide are
2 collectively referred to herein as “Netflix.”
3

4 14. On May 8, 2024, Netflix and Gadd hosted a For Your Consideration
5 (“FYC”) screening of *Baby Reindeer* at the Director’s Guild of America Theater
6 Complex at 7920 Sunset Blvd, Los Angeles, CA 90046 in support of Netflix’s
7 submission of “Baby Reindeer” for consideration to be nominated for over a dozen
8 Emmy Awards including, best limited series, best actor and best writing (Gadd),
9 and best supporting actress (Jessica Gunning as ‘Martha’).
10

11
12 15. On June 1, 2024, Netflix and actress, Jessica Gunning, who plays
13 ‘Martha’ in *Baby Reindeer*, hosted a special screening for *Baby Reindeer* at
14 FYSEE at Sunset Las Palmas Studios in Los Angeles.
15

16 **JURISDICTION AND VENUE**

17 16. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332
18 because the parties reside in different states and the amount in controversy exceeds
19 \$75,000.
20

21 17. There is personal jurisdiction against the Defendants as Netflix’s
22 principal place of business is in the State of California and Netflix is at home in
23 Los Angeles, California as lessee of over 1.4 million square feet. Netflix actively
24 promoted and screened *Baby Reindeer* throughout Hollywood for purposes of
25 winning numerous categories at this year’s 77th Emmy Awards to be hosted in Los
26
27
28

1 Angeles on September 15, 2024 at the Peacock Theater at L.A. Live in Los
2 Angeles.

3
4 18. Venue is proper in this judicial district because Defendant Netflix
5 Worldwide has its headquarters in Los Angeles, Netflix, Inc. has over 1.4 million
6 square feet of space in Los Angeles, Netflix has hosted promotional screenings of
7 *Baby Reindeer* in Los Angeles in support of Emmy nominations, and Gadd and
8 Netflix have promoted *Baby Reindeer* in Los Angeles. Los Angeles has a vested
9 interest in hearing this case because the claims made in this action are important to
10 the television and film business in Los Angeles.
11
12

13 **BABY REINDEER**

14 19. *Baby Reindeer* is a seven episode limited television series about the
15 “true story” of Richard Gadd, a failing comedian, set in the year 2015.
16

17 20. Gadd is the writer and creator of *Baby Reindeer* in addition to starring
18 in it as “Donny.”
19

20 21. *Baby Reindeer* is a worldwide phenomenon, premiered on Netflix on
21 April 11, 2024, and has since drawn over 56 million views through May 8, making
22 it Netflix’s most popular content this year, and on track to become the most
23 streamed show on Netflix of all time. Netflix stopped publicly releasing viewership
24 of *Baby Reindeer*.
25
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1 22. The draw for the show is the representation made by the Defendants
2 that this is a true story.

3
4 23. At the 1:39 mark of the Episode 1, this image appears on screen:



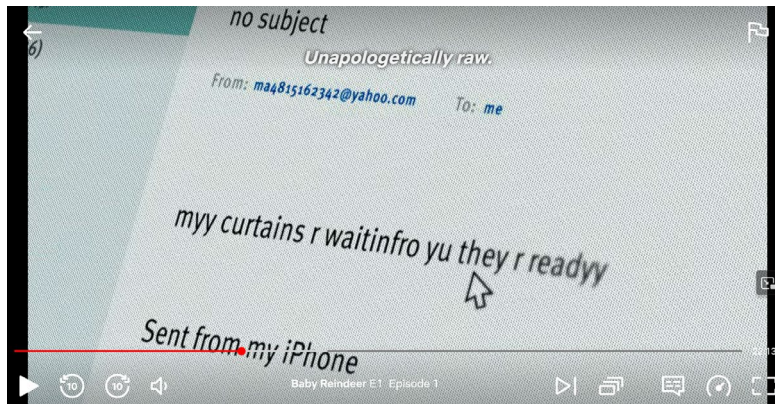
13 **Richard Gadd**

14
15 24. Richard Gadd wrote and created the “true story” *Baby Reindeer*, and
16 stars in it playing himself.

17 25. Gadd is a self-admitted crack, meth, and heroin user (Ep. 4, -19:07)
18 with a self-admitted history of masturbating to Harvey (Ep 5 – 8:01), following her
19 home and spying on her through her window, (Ep. 1 -15:00 – -13:20), and lying to
20 the police about his contacts with her. (Ep. 6, -26:58):
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11 33. Later in Episode 1, 'Martha' sends Gadd 80 emails per day including
12 this one stating: "my curtains are waiting for you they are ready" (spelling
13 corrected):
14



22 34. In an interview with GQ Magazine, Gadd claimed "we've gone to
23 such lengths to disguise [Harvey] that I doubt she would recognize herself in the
24 show."
25
26
27
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1 35. In real life, this tweet from @FionaHarvey2014 to @Mr.RichardGadd
 2 in 2014, was publicly searchable on X when *Baby Reindeer* was released in April
 3 2024, and easily found:
 4



5
 6
 7
 8 36. Within days after the release of *Baby Reindeer* on April 11, 2024,
 9 members of the public identified Fiona Harvey as “Martha.”
 10

11 37. Total strangers began to message on Harvey on Facebook and *call*
 12 her. The messages below are just some of the Facebook users with names
 13 beginning with the letter, ‘A’:
 14

15 Did you stalk Richard? X Apr 21, 2024 9:47:20pm	R you a stalker? Apr 25, 2024 1:32:16am	are you on netflix Apr 21, 2024 7:55:02pm	r u the stalker Apr 26, 2024 7:58:09am
16 Baby reindeer Apr 21, 2024 10:58:48pm	Are you Martha Scott Apr 24, 2024 8:02:58am	Ur insane May 14, 2024 4:23:18pm	
17 Can I hang your curtains May 04, 2024 5:21:07pm	Are you the real Martha from Baby Reindeer? Apr 23, 2024 12:34:09am	Hey martha x Apr 26, 2024 4:08:07pm	
18 hey martha Apr 26, 2024 12:01:39am	Are u Martha Apr 21, 2024 8:46:27pm	Hello reindeer Apr 29, 2024 4:04:14pm	Psycho stalker Apr 26, 2024 7:31:46am
19 Have you been convicted of harassment and stalking on Richard Gaad? Apr 22, 2024 1:35:45pm		You are a crazy stalker Apr 26, 2024 12:44:46pm	
20 Hi, sorry, did you sexually harassed and stalked Richard Gadd? Apr 23, 2024 11:35:53pm		Rapist Apr 26, 2024 12:05:48pm	
21 Your some nutjob should be locked up Apr 28, 2024 12:03:35pm	You are a horrible person. I hope you suffer for the rest of your shit life May 01, 2024 1:02:15am		

1 38. Popular internet forums such as Redditt and TikTok had thousands of
2 users identifying and discussing Harvey as the real “Martha.”

3
4 39. The identification of Harvey as ‘Martha’ was easy and took a matter
5 of days as Harvey’s identity was completely undisguised.

6 40. In *Baby Reindeer*, ‘Martha’ is a Scottish lawyer, living in London,
7
8 twenty years older than Gadd, and was accused of stalking a barrister in a
9 newspaper article who communicated with him on social media.

10 41. Like ‘Martha,’ Harvey is a Scottish lawyer, living in London, twenty
11 years older than Gadd, was accused of stalking a lawyer in a newspaper article, and
12 who bears an uncanny resemblance to ‘Martha’. Further, ‘Martha’s’ accent,
13 manner of speaking and cadence, is indistinguishable for Harvey’s.
14
15



24 42. After being identified, the press in London began to contact Harvey,
25 and the hatred towards Harvey on Internet forums such as Reddit and TikTok
26
27
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1 reached extreme levels including death threats, such as this one on TikTok that was
2 “liked” by 7,000 people:
3

4 **Fiona Harvey count your days**

5 5-9 Reply

6  7,427 

7 43. Since being identified as ‘Martha’ only days after Netflix’s release of
8 *Baby Reindeer*, Harvey has been tormented. Harvey continues to suffer emotional
9 distress, which has been manifested by objective symptomology. Harvey is
10 physically weak. She has and continues to experience anxiety, nightmares, panic
11 attacks, shame, depression, nervousness, stomach pains, loss of appetite and fear,
12 extreme stress and sickness all directly caused by the lies told about her in *Baby*
13 *Reindeer*.
14
15

16 44. Harvey is fearful of leaving her home or checking the news. As a
17 direct result of *Baby Reindeer*, Harvey has become extremely secluded and
18 isolated, in fear of the public, going days without leaving her home.
19

20 45. At the same time, Netflix and Gadd, have traveled the country
21 promoting the show and accepting awards while receiving praise and applause for
22 the series, everything Gadd and Netflix wanted, for this ‘true story.’
23

24 46. *Baby Reindeer* is not a true story. It is a lie created by Gadd and
25 distributed by Netflix.
26
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28

1 47. Gadd confesses in *Baby Reindeer* that he has a deep psychological
2 need for attention so intense that in the past he willfully prostituted himself to
3 another man to advance his career and for “a little peep at fame.” Ep. 6, -8:00.
4

5 48. In addition, Gadd confesses in *Baby Reindeer* that he is not worried
6 that people think badly of him, but instead “worried they don’t think about me at
7 all.” Ep. 1 at -7:25.
8

9 49. To get his “peep at fame” and get people to think about him, Gadd
10 and Netflix defamed a middle-aged woman, Fiona Harvey, so completely, that
11 Harvey is even afraid to go outside.
12

13 50. As stated in Netflix’s most recent 10-K filed with the SEC:

14 If we do not grow as expected . . . operations may be adversely impacted.
15 If we are unable to successfully compete with current and new
16 competitors in providing *compelling* content, retaining our existing
17 members and attracting new members, our business will be adversely
18 affected. Netflix 10-K at p. 4 (emphasis added).

19 51. To ensure that Netflix continued to meet its shareholders’ “growth
20 expectations” and to satisfy its desperate need for “compelling content”, Netflix
21 ruthlessly defamed Fiona Harvey.
22

Defamation

Harvey Has Never Been Convicted of a Crime

23
24 52. Harvey has never been convicted of any crime and has never been to
25 prison. Attached as Exhibit 1 is a Certificate confirming that Harvey has no
26 convictions, cautions, reprimands, or warnings.
27
28

1 53. Notwithstanding, the central plot, and the arc of the series, is that
2 Gadd befriended, ‘Martha’, a convicted stalker who returns to prison for stalking
3 Gadd.
4

5 54. In Episode 1 at -3:18, Defendants claim that ‘Martha’ had received a
6 “four-and-a half-year prison sentence.”
7



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17 55. Episode 1 ends with the following repeated refrain from Gadd:

18 *I had a convicted stalker stalking me*

19 *I had a convicted stalker stalking me*

20 *I had a convicted stalker stalking me*
21

22 56. Episode 7 climaxes with a two-minute-long courtroom scene in which
23 Harvey dramatically pleads guilty from behind bars and is convicted of three
24 charges of stalking Gadd and harassment of his mother and father.
25
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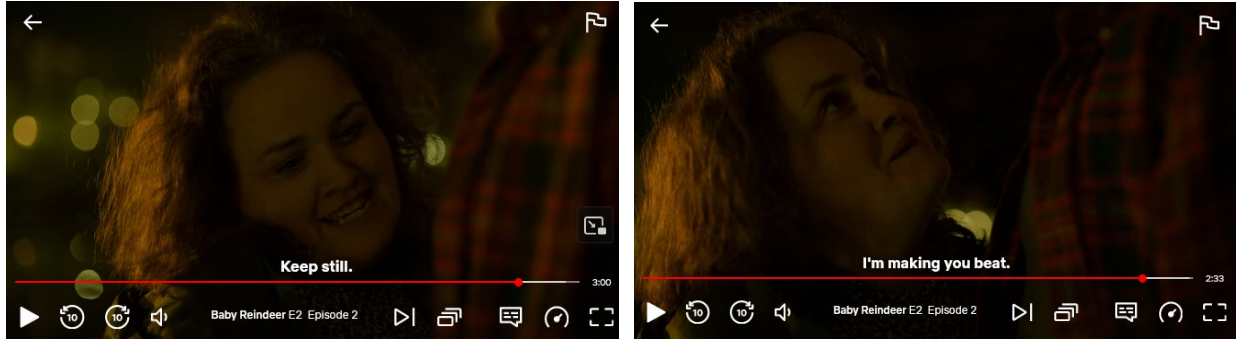
57. In Episode 7, Defendants claim that Harvey was “sentenced to nine months in prison and a five-year restraining order was issued that same day.” Ep. 7 at -15:42.

58. In fact, Harvey has never pled guilty to any crime. Harvey is not a convicted criminal.

Harvey Never Sexually Assaulted Gadd

59. In addition to lying about Harvey being a criminal, *Baby Reindeer* makes the outrageous claim that Harvey sexually assaulted Gadd in an alley.

60. In a disturbing scene at the end of Episode 2, Defendants allege that Harvey sexually assaulted him a dark alley, by pushing Gadd against a wall and grabbing his penis without consent. Gadd claims he said, “please stop” and Harvey responded, “keep still” and continued to grab Gadd until she ‘made him beat’.



61. Harvey has never had any sexual encounter with Gadd. The claim that Harvey sexually assaulted Gadd is a lie.

Harvey Never Stalked Gadd

62. *Baby Reindeer* includes the repeated lie that Harvey stalked Gadd.

63. Episode 1 concludes with the repeated refrain:

I had a convicted stalker stalking me

I had a convicted stalker stalking me

I had a convicted stalker stalking me

64. For approximately two minutes of Episode 3, Defendants claim that Harvey stalked Gadd by sitting at a bus stop on the same street – thirty yards away – as Gadd’s residence, from morning to night:

Every day now, Martha would be outside. This ticking time bomb on my life. I would leave first thing in the morning and she would be there. Then I would come back sometimes as late as 11 or 12 at night and she would still be there. . . . It was all catcalls and snatched glimpses, as she devoted 15, 16-hour days to a fleeting encounter. But soon, as time wore on and the temperature dropped, I noticed a change in Martha as she descended into this staring.



65. Harvey never waited outside Gadd’s residence.

66. Defendants’ claim that Harvey waited outside on the same street as Gadd’s residence every day, for up to 15-16 hours a day, is a psychotic lie.

Harvey Never Stalked A Police Officer

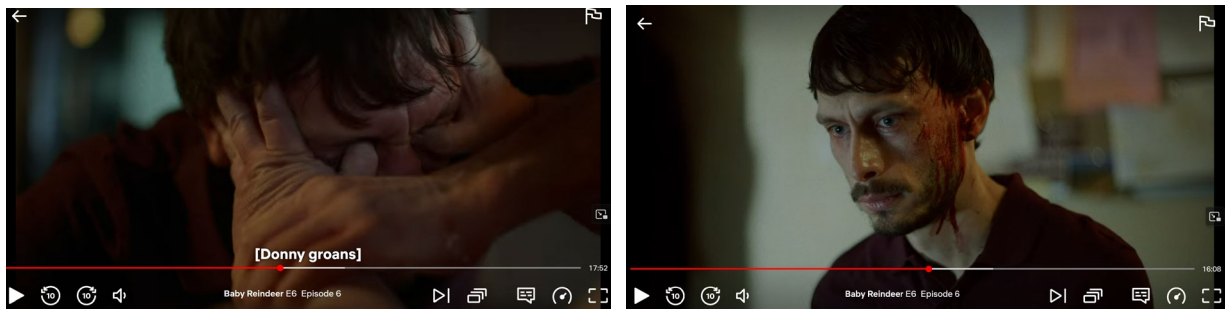
67. In Episode 5, Defendants claims that when Gadd went to the police to report Harvey for stalking, the police detective informed Gadd that Harvey was “a very serious woman. So serious that she once stalked a policeman.” Ep. 5 at - 10:15.



68. This is another lie. Harvey never stalked any police officer and no police detective ever told Gadd that Harvey stalked a policeman. This lie by Defendants is reprehensible as it gives Gadd’s defamatory story the authority of official police statements.

Harvey Never Attacked Gadd

69. In Episode 6, Defendants claim that Harvey violently smashed a glass bottle over Gadd’s head and gouged his eyes with her thumbs in a horrific physical assault that left Gadd’s head bloodied.



70. This is a lie. Harvey never smashed a glass bottle over Gadd’s head, gouged his eyes, or ever physically attacked him in any way.

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2
3 **Netflix Defames Harvey on its Website, Tudum**

4 71. Netflix owns and controls the website www.tudum.com.

5 72. On May 16, 2024, Netflix published an article on Tudum by
6 Christopher Hudspeth titled, *What is Baby Reindeer? The True Story and New*
7 *Series Explained* (the “Netflix Article”).
8

9 73. The Netflix Article states unequivocally that the “series is a true
10 story” and “it’s important to remember that this isn’t just a story — it’s true.”
11

12 74. The Netflix Article is defamatory as the story told about Harvey is a
13 lie.
14

15 **Netflix Defames Harvey in the House of Commons**

16 75. On May 8, 2024, Netflix executive, Benjamin King, appeared before
17 the House of Commons Culture, Media and Sport Committee, on behalf of Netflix
18 and in his capacity as Senior Director of Public Policy of Netflix.
19

20 76. At the Committee hearing, Mr. King and was asked by John Nicolson,
21 Member of Parliament for Ochil and South Perthshire, about the duty of care due to
22 woman now identified as ‘Martha’ from *Baby Reindeer*.
23

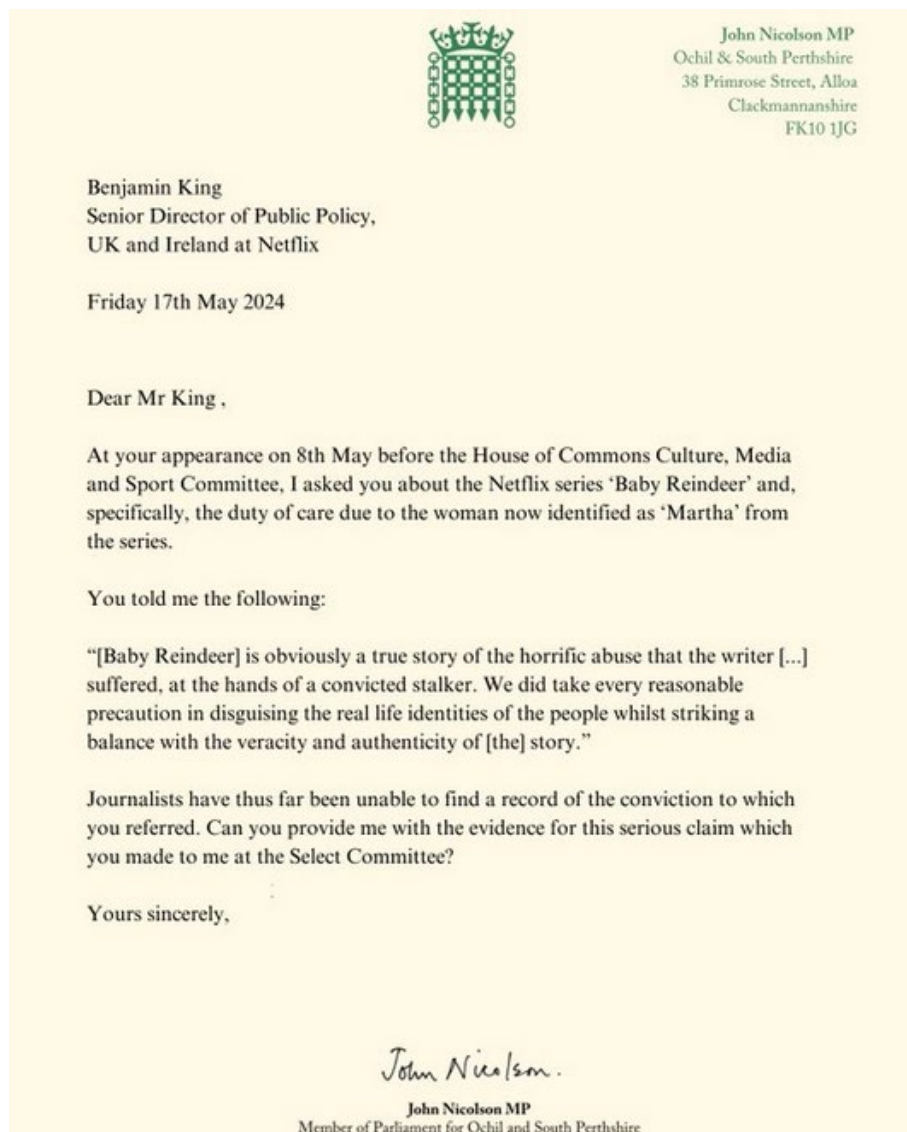
24 77. Mr. King responded to John Nicolson and stated the following in
25 response:
26

27 *Baby Reindeer* is obviously a true story of the horrific abuse that [Richard
28 Gadd] suffered at the hands of a convicted stalker. We did take every

1 reasonable precaution in disguising the real life identities of the people
2 whilst striking a balance with the veracity and authenticity of the story.

3 78. Harvey is not a convicted stalker and King's and Netflix's statement
4 is a defamatory lie.

5
6 79. MP John Nicolson went Mr. King a follow up written inquiry
7 requesting "evidence for this serious claim which [Mr. King] to Nicolson at the
8 Select Committee:"
9



1 80. Netflix has not provided any evidence.

2 **Netflix Failed to Do Any Due Diligence**

3
4 81. Netflix told the lies in *Baby Reindeer* that Harvey is a twice convicted
5 criminal who sexually assaulted him.

6 82. Netflix and Gadd have never, to this day, contacted Harvey directly or
7 indirectly to confirm Gadd's story.

8
9 83. Defendants never obtained any confirmation from any governmental
10 authority confirming that Harvey had been convicted of any crime.

11
12 84. Defendants did not investigate Gadd's claim that Harvey sexually
13 assaulted him, and recklessly and/or intentionally disregarded the truth of these
14 defamatory statements.

15
16 **Netflix's Algorithm**

17 85. *Baby Reindeer* is on track to become one of Netflix's most popular
18 series of all time.

19
20 86. When asked about the success of *Baby Reindeer*, Netflix's CEO Ted
21 Sarandos said the series owed its popularity to Netflix's algorithm, stating "[*Baby*
22 *Reindeer*] g[ot] picked up in the algorithm and start[ed] getting more and more
23 presented."
24

25 **FIRST CAUSE OF ACTION**
26 **(DEFAMATION)**

1 87. Harvey realleges each of the aforementioned allegations as if fully
2 alleged herein.

3
4 88. Defendants each made the statements herein that (1) Harvey was
5 convicted stalker who served a four-and-a-half-year sentence in Scotland; (2)
6 Harvey was a convicted stalker and harasser who pled guilty and was sentenced to
7 a nine-month sentence and a five year restraining order; (3) Harvey sexually
8 assaulted Gadd as depicted in Episode 2; (4) Harvey violently attacked Gadd by
9 smashing a glass over his head and gouged his eyes; (5) Harvey stalked a
10 policeman; (6) a police detective told Gadd that Harvey stalked a policeman; and
11 (7) Harvey waited outside Gadd's residence every day up to 16 hours a day.
12
13

14 89. Each of these statements was viewed more than 50 million times.

15
16 90. In addition, Netflix made the statement that Harvey was a convicted
17 stalker in a committee meeting in the House of Commons and stated that *Baby*
18 *Reindeer* was true in Parliament on Netflix's website, Tudum.
19

20 91. Netflix viewers, and members of the public, reasonably understood
21 that the statements were about Harvey and that Harvey was a twice convicted
22 stalker who separately served prison sentences of four-and-a-half years, and nine
23 months, and that Harvey sexually assaulted Gadd, violently attacked Gadd, and
24 that Gadd had been warned by the police that Harvey stalked a policeman.
25
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1 99. Defendants’ conduct was “extreme and outrageous” defined under
2 California law as "so extreme as to exceed all bounds of that usually tolerated in a
3 civilized community.”
4

5 100. Harvey suffered severe and extreme emotional distress directly and
6 proximately caused by Defendants’ outrageous conduct.
7

8 101. Defendants’ conduct was intended to inflict injury on Harvey and was
9 engaged in with the realization that injury would result to Harvey.
10

11 102. Accordingly, Harvey has been seriously damaged mentally and
12 emotionally. Said damages, which shall be determined at trial, are believed to
13 exceed \$50 million, exclusive of legal fees, costs and statutory interest.
14

15 103. In addition, because Defendants’ conduct was so outrageous, Harvey
16 seeks punitive damages in an amount that will punish Defendants from ever
17 engaging in said conduct and deprive them of all benefit, financial or otherwise, of
18 their outrageous conduct, in an amount believed to be in excess of an additional
19 \$20 million.
20

21 **THIRD CAUSE OF ACTION**
22 **(NEGLIGENCE)**

23 104. Harvey realleges each of the aforementioned allegations as if fully
24 alleged herein.

25 105. Defendants owed Harvey a duty of care to accurately represent her in
26 *Baby Reindeer* which they billed as “true”, to confirm the details of allegations
27
28

1 made about her in *Baby Reindeer* as true, including without limitation, her criminal
2 convictions, sexual and physical assaults on Gadd, and/or to sufficiently ensure
3 Harvey could not be identified based on information in *Baby Reindeer*.
4

5 106. Defendants breached their duty of care by lying repeatedly about
6 Harvey in *Baby Reindeer*, including Harvey's criminal record, that she stalked a
7 policeman, that Gadd was told by the police that Harvey stalked a policeman, that
8 Harvey physically and sexually assaulted Gadd, and that she waited outside his
9 resident for 16 hours a day, every day.
10

11 107. Defendants further breached their duty of care insufficiently
12 disguising Harvey as the real 'Martha.' Defendants breached their duty of care by
13 making 'Martha,' like Harvey, a female Scottish lawyer twenty years older than
14 Gadd, living in Camden who patroned the pub where Gadd worked in the year
15 2014. Defendants' further breached their duty by giving 'Martha' an uncanny
16 resemblance to Harvey. Defendants' breached their duty by ensuring that Harvey
17 could not be identified within a matter of days after the *Baby Reindeer* launched
18 based on Harvey's public social media posts.
19
20
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22 108. As a result of Defendants' breaches, Harvey has been damaged
23 severely. Since being identified as the real 'Martha' in *Baby Reindeer*, Harvey has
24 experienced among other things intense panic, fear, anxiety, sleeplessness, and
25
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1 despair. Harvey is reluctant to go outside, watch the news, and has become
2 inhumanly isolated.

3
4 109. It is foreseeable that depicting a vulnerable woman as an actual real-
5 life violent convicted monster to 50 million people will cause these damages. This
6 is a case of unprecedented mental and emotional distress.

7
8 110. Harvey has suffered severe emotional distress as a result of
9 Defendants' negligence.

10
11 **FOURTH CAUSE OF ACTION**
12 **(GROSS NEGLIGENCE)**

13
14 111. Harvey realleges each of the aforementioned allegations as if fully
15 alleged herein.

16
17 112. Defendants' acts, when viewed objectively from Defendants'
18 standpoint, involved an extreme risk considering the probability and magnitude of
19 potential harm to Harvey.

20
21 113. Each of the Defendants had actual subjective awareness of the risk
22 involved, but nevertheless proceeded in conscious indifference to the rights, safety,
23 and/or welfare of Harvey.

24
25 114. As such, each of the Defendants' actions constitute gross negligence.

26
27 115. Therefore, Harvey prays that punitive damages be awarded against
28 each of the Defendants.

1 116. Accordingly, Harvey has been seriously damaged mentally and
2 emotionally. Said damages, which shall be determined at trial, are believed to
3 exceed \$20 million, exclusive of legal fees, costs and statutory interest.
4

5 117. In addition, because Defendants' conduct was so outrageous, Harvey
6 seeks punitive damages in an amount that will punish Defendants from ever
7 engaging in said conduct and deprive them of all benefit, financial or otherwise, of
8 their outrageous conduct, an amount believed to be in excess of an additional \$50
9 million.
10

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12
13 **FIFTH CAUSE OF ACTION**
14 **VIOLATIONS OF RIGHT OF PUBLICITY UNDER**
15 **CALIFORNIA COMMON LAW**

16 118. Harvey realleges each of the aforementioned allegations as if fully
17 alleged herein.

18 119. Defendants used Harvey's identity and likeness for commercial
19 advantage without her consent, resulting in injury to Harvey.
20

21 120. At all times Defendants knew that they did not have permission to use
22 Harvey's identity or likeness for commercial purposes.
23

24 121. There is a direct connection between the use of Harvey's identity and
25 likeness, and Defendants' commercial purposes.
26
27
28

1 122. Harvey has suffered mental anguish caused by the unauthorized use of
2 her identity and likeness without her permission in *Baby Reindeer*.

3
4 123. Harvey is entitled to recover, and Defendants are each liable for, any
5 damages suffered by Harvey, including without limitation, profits from the
6 unauthorized use of Harvey's identity and likeness in *Baby Reindeer*.

7
8 **SIXTH CAUSE OF ACTION**
9 **VIOLATIONS OF RIGHT OF PUBLICITY UNDER**
10 **CALIFORNIA CIV. CODE § 3344**

11 124. Harvey realleges each of the aforementioned allegations as if fully
12 alleged herein.

13 125. Defendants used Harvey's identity and likeness for commercial
14 advantage without her consent, resulting in injury to Harvey.

15
16 126. At all times Defendants knew that they did not have permission to use
17 Harvey's identity or likeness for commercial purposes.

18 127. There is a direct connection between the use of Harvey's identity and
19 likeness, and Defendants' commercial purposes.

20
21 128. Harvey has suffered mental anguish caused by the unauthorized use of
22 her identity and likeness without her permission in *Baby Reindeer*.

23
24 129. Harvey is entitled to recover, and Defendants are each liable for, any
25 profits from the unauthorized use of Harvey's identity and likeness.

1 and that at the final trial of this matter, Harvey have judgment against Defendants,
2 as follows:

- 3
- 4 A. Judgment against Defendants for actual damages, the sum to be
5 determined at trial, but is believed to exceed \$50 million, exclusive of
6 legal fees, costs and statutory interest;
7
- 8 B. Judgment against Defendants for compensatory damages in the
9 maximum amount allowed by law, in an amount to exceed \$50 million,
10 exclusive of legal fees and costs, including mental anguish, loss of
11 enjoyment of life and loss of business;
12
- 13 C. Judgment against Defendants for all profits from *Baby Reindeer*, in the
14 maximum amount allowed by law, in an amount to exceed \$50 million,
15 exclusive of legal fees and costs;
16
- 17 D. Judgment against Defendants for punitive damages in the maximum
18 amount allowed under law, and believed to exceed \$20 million;
19
- 20 E. Pre-judgment interest at the legally prescribed rate from the date of the
21 violations until judgment as well as post-judgment interest as applicable;
22
- 23 F. An award of attorneys' fees.
- 24 G. Such other general relief to Harvey is just entitled.

25 Dated: June 6, 2024

26 Respectfully submitted,
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By: /s/ Allen Hyman
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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Fed. R. Civ. P. 38(b), Local Rule 38-1, and otherwise, Plaintiff
3 respectfully demands a trial by jury on all issues so triable.
4

5 Dated: June 6, 2024

6
7 Respectfully submitted,

8
9 By: /s/ Allen Hyman
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