

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ASHLEY TERRILL, an individual,

Plaintiff,

v.

GAWKER MEDIA, LLC, a Delaware limited liability company; SAM BIDDLE, an individual, JOHN COOK, an individual, NICHOLAS GUIDO DENTON, an individual, and DOES 1-20,

Defendants.

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CASE NO. 1:16-cv-00411 (NRB)

**FIRST AMENDED COMPLAINT**

Plaintiff Ashley Terrill, by and through her undersigned attorneys, sues defendants Gawker Media, LLC, Sam Biddle, John Cook, Nicholas Guido Denton, and DOES 1-20 (collectively, "Defendants"), and respectfully makes the following allegations.

**SUMMARY OF THE CASE**

Ashley Terrill is a journalist, researcher and writer. In 2015, she notified Defendants about a major story matter that she was researching and writing about, and obtained Defendants' agreement to (1) maintain in strict confidence the information and materials that she would disclose to Defendants, and (2) provide assistance to her regarding the matter. Unbeknownst to Terrill, Defendants concealed that they were working with the very subjects of Terrill's investigation and story and had no intention of keeping their promises to her. Defendants then published a false and highly defamatory hit-piece about Terrill, and in the process disclosed

publicly confidential information and materials that Terrill had disclosed pursuant to Defendants' agreement to maintain them in strict confidence. Terrill promptly demanded a retraction and removal of the false and defamatory statements about her, and the confidential information that she had disclosed to Defendants. Defendants refused Terrill's demands. Defendants' wrongful acts have caused substantial damages to Terrill, including to her personal and professional reputation. Defendants' refusal to do anything to remedy their wrongful acts has left Terrill with no alternative but to bring this lawsuit. Terrill seeks an award of no less than \$10 million in damages.

After filing this lawsuit, Terrill learned that in late 2015, Biddle blogged about his own drug abuse and having mental health issues as a result, and that these problems intensified in the latter part of 2015—when Biddle was engaged in the wrongful acts alleged herein. Plaintiff is informed and believes that Biddle's drug abuse and problems relating thereto were well known to both Nick Denton, the CEO of defendant Gawker Media, LLC, and to John Cook (Biddle's editor), but that Denton and Cook nevertheless retained Biddle as an employee, and were well-aware that Biddle's drug abuse was causing him to engage in wrongful conduct with respect to his reckless reporting, and the resulting harm that such reporting was causing to the subjects of his articles, including to Terrill as alleged herein. Terrill therefore brings a claim against both Denton and Cook for their negligent retention of Biddle.

### **PARTIES**

1. Plaintiff is a resident of the City of Jupiter, County of Palm Beach, State of Florida.
2. Upon information and belief, Gawker Media, LLC ("Gawker") is a Delaware

limited liability company with its principal place of business located in New York City, New York.

3. Upon information and belief, defendant Sam Biddle (“Biddle”) is an individual, domiciled in the State of New York. At all relevant times, Biddle was, and is, a Senior Writer at Gawker.

4. Upon information and belief, defendant John Cook (“Cook”) is an individual, domiciled in the State of New York. At all relevant times, Cook was, and is, Executive Editor at Gawker.

5. Upon information and belief, defendant Nicholas Guido Denton (“Denton”) is an individual, domiciled in the State of New York. At all relevant times, Denton was, and is, Founder and CEO of Gawker.

6. Upon information and belief, Defendants, and each of them, were and are the agents, licensees, employees, partners, joint-venturers, co-conspirators, owners, principals, and employers of the remaining Defendants and each of them are, and at all times mentioned herein were, acting within the course and scope of that agency, license, partnership, employment, conspiracy, ownership, or joint venture. Upon further information and belief, the acts and conduct herein alleged of each of the Defendants were known to, authorized by, and/or ratified by the other Defendants, and each of them.

### **JURISDICTION & VENUE**

7. This Court has personal jurisdiction over Defendants because they have minimum contacts with the State of New York, and are domiciliaries of the State of New York.

8. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)

because there is complete diversity of the parties to this action and the amount in controversy exceeds \$75,000.

9. Venue is proper in this district pursuant to 28 U.S.C. Section 1391(b), in that each of the defendants reside here and a substantial part of the events or omissions giving rise to the claim occurred here.

**FACTS RELEVANT TO ALL CAUSES OF ACTIONS**

10. In or about October of 2013, Terrill pitched two stories to ELLE magazine about the co-founders of the billion-dollar technology company and dating app “Tinder.” In connection with her research for those stories, Terrill interviewed with Tinder’s CEO, Sean Rad (“Rad”) and Vice President of Marketing, Whitney Wolfe (“Wolfe”), among others.

11. On or about October 21, 2013, Terrill’s interview with Wolfe was posted on Elle.com.

12. In or about April of 2014, Wolfe resigned from Tinder.

13. Two months later, on June 30, 2014, Wolfe filed a lawsuit against Tinder, Tinder’s parent company Match.com and their parent company, IAC, Inc. The lawsuit was premised on allegations of sexual harassment and sexual discrimination against Wolfe by Rad, and Tinder’s Chief Marketing Officer, Justin Mateen (“Mateen”). The lawsuit made national news, and thousands of articles were written about it.

14. That same day, Terrill received a phone message from an attorney representing Wolfe. The attorney informed Terrill of Wolfe’s lawsuit against Tinder and offered to send information, or speak to her, about the case.

15. Terrill read Wolfe’s complaint, and certain statements in it seemed inconsistent

with Terrill's recollection of the events as described to her by those with first hand knowledge. Terrill then went back to her research, including her recorded interview of Wolfe and others. Terrill found that there were potential inconsistencies between Wolfe's allegations in the lawsuit and Terrill's past research, specifically Wolfe's previous statements to Terrill.

16. In light of the inconsistencies, Terrill shifted the focus of her research, and started researching the founding of Tinder. Terrill reviewed numerous materials, reached out to more than thirty individuals and conducted on-the-record interviews with at least fourteen sources close to the subjects of this new story. Terrill sought to fully and fairly research matters which she believed had been only superficially covered by numerous news outlets who had not investigated the underlying facts.

17. Throughout the course of her research, Terrill sought only to ascertain the truth regarding Tinder's history as well as the allegations in Wolfe's lawsuit.

18. After leaving Tinder, Wolfe joined two other ex-Tinder employees, Sarah Mick ("Mick") and Christopher Gulczynski ("Gulczynski") to launch a competitor company called "Bumble." The event was major business news, and covered in thousands of news articles.

19. On or about August 18, 2015, Terrill received a voicemail message from Bumble's Vice President of Communications, Jennifer Stith ("Stith"), who stated that she wished to "confirm" with Terrill that she was working on a piece about Whitney Wolfe "before taking any next steps."

20. Hours later, Terrill received a voicemail message from the attorney representing Wolfe in her lawsuit. Wolfe's attorney demanded that Terrill make contact with him before she wrote anything "that could potentially subject [Terrill] or others to legal liability." The obvious

implication of the statement was that if Terrill proceeded to research and/or write about the underlying facts regarding Wolfe, including the potential inconsistencies between Wolfe's past statements and other events from the past, and Wolfe's allegations in her lawsuit against her fellow co-founders at Tinder, then Terrill could expect a lawsuit to follow.

21. Almost immediately following these two phone calls, Terrill's personal computer and smart phone started acting erratically and showing signs of potentially having been hacked. Terrill also observed unusual activity in her personal surroundings.

22. Terrill reached out to a friend of hers for help with this situation and the friend referred her to a producer at Gawker. Hoping the producer might have some insight or advice, Terrill explained the two phone calls to the producer and described the unusual activity with both her personal computer and smart phone. Terrill expressed concern about potentially being hacked and intimidated. The producer at Gawker told Terrill that Gawker Executive Editor John Cook and his team had the resources to research the unsettling activity that Terrill was experiencing.

23. Gawker Senior Writer Sam Biddle then contacted Terrill and told Terrill that she could trust him. Terrill expressed to Biddle that she was looking for help with her situation and unsure of what to do. She asked Biddle to maintain the confidentiality of the information that she was to share with him, and provide her with whatever advice or assistance that he could. Biddle agreed; assured Terrill that her communications to Gawker would be treated confidentially; agreed that Gawker would not misappropriate her story; asked her to furnish supporting materials; and informed Terrill that he intended to provide her with advice and assistance in her situation.

24. Apparently, all such statements, representations and agreements by Defendants to Terrill were knowingly false at the time they were made. Terrill was not aware of the falsity of the statements, representations and agreements, and reasonably relied upon the truth of those statements, representations and agreements to her detriment. Defendants in fact had no interest, desire or intent to assist Terrill. Nor did Defendants have any interest in seeking the truth underlying the story of the co-founders of Tinder or any discrepancies in Wolfe's allegations in her complaint against her fellow co-founders.

25. Rather, Defendants had only one interest: to write their own scathing article about Terrill in a way that was knowingly false, libelous of Terrill, and would foreseeably harm, if not destroy, her personal and professional reputation.

26. The motivation for Biddle's betrayal, in addition to economic gain, appeared to be Biddle's ongoing personal relationship with Wolfe and Gulczynski, which he actively concealed from Terrill. In fact, on information and belief, Biddle was regularly communicating with Wolfe and Gulczynski throughout the time that Terrill was confiding in Biddle. Biddle concealed his relationship with Wolfe and Gulczynski from Terrill because Biddle knew that he could not successfully induce Terrill to disclose her confidential research if she knew about the relationship with Wolfe and Gulczynski.

27. On or about November 23, 2015, Defendants' published on Gawker's flagship website Gawker.com, a lengthy story with the headline "Tinder Confidential: The Hookup App's Founders Can't Swipe Away the Past" (the "Gawker Story"), a true and correct copy of which is attached hereto as Exhibit A. The Gawker Story is replete with numerous false statements of fact, of and concerning Terrill, which Defendants knew to be false at the time the Gawker Story

was written and published.

28. The false statements in the Gawker Story include, among others:
  - a. “Ashley Terrill was in hiding the first time I heard her voice, splitting time between her Los Angeles home and a \$600-a-night room at the Beverly Wilshire Hotel. Terrill had locked her laptop and phone in a secret vault, and would only contact me on disposable phones—all because, she claimed, the estranged co-founder of Tinder was trying to destroy her.”
  - b. “At the center is Ashley Terrill, a Hollywood columnist on an obsessive, possibly unhinged pursuit of what she says is the truth about Whitney Wolfe. Depending on who’s doing the guessing, Terrill is the target of a secret harassment operation, the agent of a covert mudslinging campaign, or an outside observer caught up in a paranoid freakout.”
  - c. “It’s this audio recording that Terrill says is proof that Whitney Wolfe is not who she says she is—neither a victim nor a co-founder, but a fraud who parlayed a sex lawsuit into a career boost and fame.”
  - d. “Terrill’s claims range from dubious to absurd, but her exhaustive investigation into Wolfe’s background has pumped the submerged bile between the two camps up to the surface.”
  - e. “Terrill’s research is an anomaly in the saga of Wolfe vs Tinder, a rare attempt to discredit rather than lionize the plaintiff.”
  - f. “...Ashley Terrill was compiling evidence against her for some sort of intricate character assassination.”



- g. "...[Wolfe] should expect a 'takedown story' coming soon from Terrill."
- h. "...[I]t immediately looked like a covert attempt to smear her (and her company) without breaking their mutual non-defamation agreement."
- i. "...Terrill's takedown [story] could appear as a magazine story, a book, or possibly even a film, all aimed at portraying [Wolfe] as the villain in the Tinder breakup."
- j. "Terrill ... claimed she'd found vast inconsistencies that not only undermined the legal case, but Wolfe's entire character. It was deeply personal."
- k. "Terrill's conclusion was that Wolfe is [a businesswoman who ruthlessly exploited every opportunity for her gain (even if unethically)]."
- l. "Terrill was in a state of absolute terror and perpetual anxiety—it hung on her voice as she mentioned ... the friends she could no longer contact, and the people she could no longer trust."
- m. "[T]he only evidence she furnished of a phone hack was a generic security warning message."
- n. "The most interesting part was a denial that she'd been put up to her project by her friend at Tinder, nor been compensated for it"
- o. "...[S]he's still making a very charged claim about someone from whom she has little objective distance. Why call Wolfe a liar, a year later?"

29. The forgoing false statements of fact were made by defendants with the intention and knowledge that they were false and were likely to harm Terrill's personal and professional reputation. The false and libelous statements in the Gawker Story had the foreseeable effect of

severely harming Terrill's personal and professional reputation.

30. Gawker is a company that routinely engages in wrongful conduct, and specifically, writes and publishes false and defamatory statements about people, invades people's privacy and other rights, and publishes content that is irresponsible and that no other legitimate publication will publish.

31. Gawker has been sued multiple times for defamation, including currently in an action in New York State Court by the *Daily Mail* newspaper, and in an action in California by an individual named Charles Johnson, for writing and publishing false and unsubstantiated rumors that Mr. Johnson had been involved in misconduct and criminal activity.

32. Gawker also has been sued repeatedly for invading the privacy of others. Gawker recently lost a case filed by Terry Bollea (professionally known as "Hulk Hogan") for publishing an illegal, secret recording showing him naked and having consensual sexual relations in a private bedroom. In March 2016, a Florida jury awarded Bollea \$115 million in compensatory damages plus \$15 million, \$10 million and \$100,000, respectively, in punitive damages against Gawker, Denton and former Editor in Chief of Gawker.com, A.J. Daulerio.

33. Gawker also was sued by, and paid a substantial settlement, for publishing a stolen private video of actors Rebecca Gayheart, her husband Eric Dane, and an acquaintance, partially nude in a hot tub.

34. Gawker has also been sued for copyright infringement, including by Dr. Phil's production company, after Gawker planned to "steal," and did air, portions of an interview before it aired on Dr. Phil's television show.

35. Gawker published videotape of a clearly intoxicated young woman engaged in

sexual activity on the floor of an Indiana sports bar (the footage was taken by another patron with his cell phone). According to published reports, Gawker callously refused to remove the footage from its site for some time, despite repeated pleas from the woman to do so and despite the fact that it was not clear that the sex was consensual or whether the video was footage of a rape in progress.

36. Gawker paid a source for a photograph of what the source claimed was NFL quarterback Brett Favre's penis. Gawker published the photo, uncensored, stating that it was a photograph of Mr. Favre's penis.

37. Gawker published photos of Duchess Kate Middleton's bare breasts, captured by a paparazzi's telephone lens while she was sunbathing at a secluded, private estate in France.

38. Gawker published complete, uncensored, and unedited videos of seven innocent individuals being beheaded by ISIS soldiers. The videos were distributed by ISIS for the purpose of terrorizing the Western world. On information and belief, Gawker was the only established media company to publish these videos in full and uncensored, showing the victims being beheaded. Gawker was criticized severely by the press and terrorism experts for furthering the terror campaign of ISIS, and showing a total lack of regard for the families of these victims.

39. Gawker hacked a promotional campaign sponsored by Coca-Cola, in which the company utilized the hashtag "#MakeItHappy." The campaign was originally designed to allow people to type statements into a decoder, and the decoder converted the statements into positive, happy statements. Gawker's hack caused the campaign to publish highly offensive statements from Adolf Hitler's *Mein Kampf*. Gawker was resoundingly criticized throughout the media for its actions.

40. Gawker attempted to publicly “out” a private individual, a media executive at a rival publishing company, by publishing a story alleging that the executive had attempted to solicit a male porn star and prostitute. Gawker’s actions in publishing these allegations, including identifying the executive by name and the company for whom he worked, publishing the accusations of the gay porn star, and protecting the identity of the porn star “source,” were severely criticized throughout the media industry. As a result, Gawker removed the story within about a day. A few days later, two senior executives at Gawker promptly resigned their positions, and many other Gawker employees followed suit. It was reported that multiple major advertisers pulled their advertising from Gawker, and Gawker’s revenues sank. Following these events, several more executives and employees resigned or were terminated.

41. In the past year, seven of the nine most senior executives at Gawker and Gawker.com resigned: President of Advertising Andrew Gorenstein, COO Scott Kidder, Chief Strategy Officer Erin Pettigrew, Chief Technology Officer, Tom Plunkett, Editorial Chief Tommy Craggs, SVP of Global Sales and Partnerships, Michael Kuntz, and Editor-in-Chief of Gawker.com, Max Reid. Of the original Executive Board from one year ago, only CEO/founder Denton and head lawyer Heather Dietrick remain at the company. (Gawker had no CFO during this time.)

42. A former Gawker staff writer, Dayna Evans, published a November 2015 article entitled, “On Gawker’s Problem With Women,” (“the Evans Article”) in which the writer exposed gender inequalities within the company as well as an endemic of reporting failures and failures of journalistic ethics. The Evans Article states that the company’s reporting tactics “can lead to dismissiveness and insensitivity, harm and marginalization, often unforgettable and

unforgivable damage.” The Evans Article further states that writers and editors at the company “are in fact REWARDED and admired for their recklessness and immaturity, a recklessness and immaturity, that, as you know, has gotten the company in heaps of trouble over the past couple of years.” The Evans Article goes on to state that the above assertions are true, “especially so at a place like Gawker, where bylines are associated with traffic and traffic is associated with success.”

43. In 2010, Gawker and Denton hired Biddle as a writer for Gawker’s technology focused website, Gizmodo.com. Biddle was subsequently promoted to Editor of Valleywag, a sub-site of Gawker.com that focused on Silicon Valley. At the end of 2014, Gawker and Denton announced that they were closing the Valleywag site and transferred Biddle to Gawker.com.

44. Biddle’s professed goal is to destroy people’s reputations and lives on the Internet, under the banner of journalism. In 2010, before joining Gawker, Biddle wrote: “Is it petty to not share in the happiness of someone else’s success? Is it petty to wish—to beg, even, knuckles blistering, eyes bloodshot, beseeching each god—for their horrific downfall.” Biddle reinforced this philosophy in April 2014 when he stated that he would “like to have a 20-to-1 ratio of ruining people’s days versus making them” and that he writes the types of articles he does because “I like attention.”

45. In 2013, Biddle shared on Valleywag a tweet sent out by a private media executive that contained a joke made in bad taste. Biddle’s sharing of the tweet caused the executive to be subject to widespread scorn and lose her job. Biddle later admitted that his sharing of the tweet caused “an incredibly disproportionate personal disaster” for the executive.

46. Later in 2013, Biddle wrote a post on Valleywag that took the comments of a

Silicon Valley venture capitalist out of context and made implicit accusations of racism.

47. In March 2014, Biddle sanctioned an article by a junior writer comparing a dating website to WWII Comfort Women. Following the wide-ranging fall out from the article, Biddle's response was: "It was a joke."

48. In October 2014, during National Bullying Prevention Month, Biddle tweeted distasteful messages supporting bullies, stating: "Nerds should be constantly shamed and degraded into submission" and that society should "Bring Back Bullying." The tweets and fall out that ensued caused several companies to withdraw advertising from Gawker. Gawker executives admitted that Biddle's tweets, and the lost advertisers that followed, cost Gawker at least \$1 million in advertising revenue.

49. On information and belief, during the times described above, and based on Biddle's own public statements about his use and abuse of narcotics, Biddle was consuming substantial amounts of narcotics including benzodiazepines, anti-depressants and SSRIs (selective serotonin reuptake inhibitors). This abuse was known at Gawker, including by Denton and Cook, and they continued to employ Biddle, reward him, and assign him to write various articles.

50. Defendants have no interest in reporting the truth to the public, or investigating the facts underlying a story, or for that matter even telling the truth to their readers. Rather, Defendants make up lies about the subjects of their stories—Terrill being one—without any regard to the substantial consequences that their false statements will have on the subjects of their stories: destroying their personal and professional reputations.

51. Defendants also have no regard for maintaining the confidentiality of their

sources (here, Terrill), or honoring their assurances, representations, and agreements to their sources to maintain confidentiality and not write stories (particularly false and completely fictionalized stories) about their subjects. Rather, Gawker's only interest is to publish false scandal, for the purpose of profit, knowing that the false stories will severely harm if not destroy the careers of innocent people who are the subject of their stories.

52. This is precisely the situation in this case: Defendants' actions have had the effect of so severely discrediting Terrill—based on Defendants' knowingly false statements about her—that Terrill's career has been severely harmed, if not destroyed. On information and belief, as a direct result of Defendants' publication of the false and defamatory statements about Terrill, Conde Nast Entertainment decided not to publish or produce Terrill's work and BuzzFeed declined to hire her as a writer at its website. Terrill is further informed and believes that Defendants interfered with other opportunities of hers, including with *New York Magazine* and BuzzFeed.

53. According to Gawker.com, more than 157,000 people have read the story that Defendants wrote and published, and presumably those readers have spoken to others about the story. Moreover, anyone who might search Terrill through a search engine will see Gawker's false and libelous story about her. As a result, anyone who might otherwise have been inclined to hire or partner with Terrill will likely decline, and have declined, to do so, believing Defendants' false and libelous statements about her to be true.

54. Defendants actively and knowingly participated in the conduct described herein.

55. Defendants are guilty of intentional misconduct. Defendants had actual knowledge of the wrongfulness of the conduct described herein and the high probability that

injury or damage to Plaintiff would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

56. Defendants' conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the rights of persons exposed to such conduct.

57. Defendants' actions described herein also have had the foreseeable effect of causing severe emotional distress to Terrill.

58. On December 24, 2015, Terrill's counsel sent a letter to Defendants requesting that they remove each of the false statements in the November 23, 2015 story and publish a correction, apology and retraction of those statements. Defendants failed to comply with Terrill's request, in whole or in part.

59. As a result, Terrill had no other alternative but to file this lawsuit.

60. Terrill requests herein all available legal and equitable remedies, to the maximum extent permissible by law, including without limitation compensatory damages and punitive damages in an amount not less than Ten Million Dollars (\$10,000,000).

**FIRST CAUSE OF ACTION**  
**(Libel)**

61. Plaintiff hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 60 of this First Amended Complaint as if fully set forth herein.

62. As described herein, on or about November 23, 2015, Defendants authored and published false statements about Plaintiff in a lengthy story on the website Gawker.com entitled "Tinder Confidential: The Hookup App's Founders Can't Swipe Away the Past." These false statements include:

a. "Ashley Terrill was in hiding the first time I heard her voice, splitting time



between her Los Angeles home and a \$600-a-night room at the Beverly Wilshire Hotel. Terrill had locked her laptop and phone in a secret vault, and would only contact me on disposable phones—all because, she claimed, the estranged co-founder of Tinder was trying to destroy her.”

- b. “At the center is Ashley Terrill, a Hollywood columnist on an obsessive, possibly unhinged pursuit of what she says is the truth about Whitney Wolfe. Depending on who’s doing the guessing, Terrill is the target of a secret harassment operation, the agent of a covert mudslinging campaign, or an outside observer caught up in a paranoid freakout.”
- c. “It’s this audio recording that Terrill says is proof that Whitney Wolfe is not who she says she is—neither a victim nor a co-founder, but a fraud who parlayed a sex lawsuit into a career boost and fame.”
- d. “Terrill’s claims range from dubious to absurd, but her exhaustive investigation into Wolfe’s background has pumped the submerged bile between the two camps up to the surface.”
- e. “Terrill’s research is an anomaly in the saga of Wolfe vs Tinder, a rare attempt to discredit rather than lionize the plaintiff.”
- f. “...Ashley Terrill was compiling evidence against her for some sort of intricate character assassination.”
- g. “...[Wolfe] should expect a ‘takedown story’ coming soon from Terrill.”
- h. “...[I]t immediately looked like a covert attempt to smear her (and her company) without breaking their mutual non-defamation agreement.”

- i. "...Terrill's takedown [story] could appear as a magazine story, a book, or possibly even a film, all aimed at portraying [Wolfe] as the villain in the Tinder breakup."
- j. "Terrill ... claimed she'd found vast inconsistencies that not only undermined the legal case, but Wolfe's entire character. It was deeply personal."
- k. "Terrill's conclusion was that Wolfe is [a businesswoman who ruthlessly exploited every opportunity for her gain (even if unethically)]."
- l. "Terrill was in a state of absolute terror and perpetual anxiety—it hung on her voice as she mentioned ... the friends she could no longer contact, and the people she could no longer trust."
- m. "[T]he only evidence she furnished of a phone hack was a generic security warning message."
- n. "The most interesting part was a denial that she'd been put up to her project by her friend at Tinder, nor been compensated for it"
- o. "...[S]he's still making a very charged claim about someone from whom she has little objective distance. Why call Wolfe a liar, a year later?"

63. These false statements wrongly accuse Plaintiff of having made statements and acted in a manner that would subject her to hatred, distrust, contempt, aversion, ridicule and disgrace in the minds of a substantial number in the community, and were calculated to harm her social and business relationships, and did harm her social and business relationships.

64. The statements made by Defendants were false and no applicable privilege or authorization protecting the statements can attach to them.

65. Defendants made the above false statements after Biddle: (a) fraudulently represented to Plaintiff that her communications to Gawker would be treated confidentially and that Gawker would not misappropriate her story, and (b) concealed the fact that he was in regular contact with Wolfe and Gulczynski during the time that he was inducing, and did induce, Plaintiff to disclose confidential and highly sensitive information to him.

66. Plaintiff has been seriously damaged as a direct and proximate cause of the falsity of the statements made by Defendants in an amount to be determined at trial. The false statements attribute conduct, characteristics and conditions incompatible with the proper exercise of Plaintiff's business and duties as a journalist. Because the statements were widely disseminated on the Internet, they were also likely and intended to hold the Plaintiff up to ridicule and to damage her social and business relationships.

67. The above-quoted published statements constitute egregious conduct constituting moral turpitude. As such, in addition to compensatory damages and/or presumed damages, Plaintiff demands punitive damages relating to defendants' making of the above-quoted defamatory statements, in an amount to be determined at trial.

68. Plaintiff has complied with all notice requirements prior to filing this action by informing Defendants of their defamatory statements, and requesting a retraction, in a letter dated December 24, 2015.

**SECOND CAUSE OF ACTION**  
**(Breach of Confidence)**

69. Plaintiff hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 68 of this First Amended Complaint as if fully set forth herein.

70. Plaintiff requested, and Biddle agreed, that Plaintiff's communications to

Defendants would be treated confidentially; that Defendants would not misappropriate her story; and that Defendants would provide advice and assistance in her situation.

71. As a result of the agreement between the parties to maintain the confidentiality of Plaintiff's communications and story, Plaintiff disclosed, and Defendants encouraged Plaintiff to disclose, confidential and proprietary information, including much of the confidential and highly sensitive information Plaintiff obtained through interviews and research. Terrill made clear to Defendants that she did not provide the information and materials to Defendants for publication or quoting. To the extent that Defendants wished to convey Terrill's work in a story, Terrill was willing to agree that Defendants may publish her work only as expressed in her emails to three specific news outlets (Texas Tribune, Vice/Broadly, and BuzzFeed), in its full written expression, and not as selected or block quotes (which would be a mischaracterization of her work).

72. Plaintiff reposed trust and confidence in Defendants and Defendants encouraged and accepted such trust.

73. Defendants have improperly breached their promise of confidentiality to Plaintiff and have improperly used the confidential information they obtained as a result of such confidential relationship by:

- (a) Repudiating any obligation of confidence to Plaintiff;
- (b) Widely disseminating Plaintiff's confidential research in the Gawker Story published at Gawker.com;
- (c) Using and disclosing to others, in competition with Plaintiff, Plaintiff's confidential information or exploiting such confidential information for Defendants' profit.

74. Defendants have acted knowingly, willfully, and unlawfully, and with the intent to use and profit from Plaintiff's confidences.

75. Defendants acted in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties.

76. Plaintiff has suffered and will continue to suffer irreparable injury by reason of the aforementioned conduct.

77. Plaintiff has additionally suffered and will continue to suffer monetary loss as a result of the breach of confidence in which Defendants have engaged.

78. The above-described conduct is egregious and constitutes moral turpitude. As such, in addition to compensatory damages and/or presumed damages, Plaintiff demands punitive damages in an amount to be determined at trial.

**THIRD CAUSE OF ACTION**  
**(Intentional Interference with Prospective Economic Advantage)**

79. Plaintiff hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 78 of this First Amended Complaint as if fully set forth herein.

80. Defendants knew that Plaintiff, being a journalist, had business relationships with publishers as well as a reasonable expectation of entering into valid business relationships with additional publishers, including Conde Nast Entertainment, BuzzFeed and *New York Magazine*, which would have been completed had it not been for Defendants' unlawful acts.

81. Defendants acted solely out of malice, and/or used dishonest, unfair, or improper means to interfere with Plaintiff's actual and prospective business relationships, when Defendants defamed Terrill, disclosed confidential sources and information to the public despite

promises to maintain confidentiality, and misappropriated Terrill's story.

82. Defendants, through the misconduct alleged herein, intended to harm Plaintiff by intentionally and unjustifiably interfering with her actual and prospective business relationships.

83. Defendants have seriously damaged Plaintiff's actual and prospective business relationships as a direct and proximate cause of these acts.

84. The above-described conduct is egregious and constitutes moral turpitude. As such, in addition to compensatory damages and/or presumed damages, Plaintiff demands punitive damages in an amount to be determined at trial.

**FOURTH CAUSE OF ACTION**  
**(Fraudulent Misrepresentation)**

85. Plaintiff hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 84 of this First Amended Complaint as if fully set forth herein.

86. Defendants intentionally and fraudulently misrepresented to Plaintiff that her communications to Gawker would be treated confidentially and that Gawker would not misappropriate her story.

87. Defendant Sam Biddle also concealed his ongoing close, personal relationship with Wolfe and Gulczynski, who are among the subjects of Plaintiff's story, from Plaintiff. Biddle was regularly communicating with Wolfe and Gulczynski throughout the time that Plaintiff was confiding in Biddle and providing him with confidential information at his request and inducement, and under an obligation to Terrill to maintain such information in confidence.

88. Defendants knew that the representations described herein were false at the time they were made. Defendants, while knowing that Plaintiff had reposed her trust and confidence in them, were under a duty to disclose the truth to Plaintiff.

89. Plaintiff relied on Defendants' misrepresentations to her detriment. Defendants' misrepresentations and omissions were intended to induce, and did induce, Plaintiff to disclose her confidential and proprietary research.

90. Plaintiff has been seriously damaged as a direct and proximate result of these misrepresentations by Defendants.

91. The above-described conduct is egregious and constitutes moral turpitude. As such, in addition to compensatory damages and/or presumed damages, Plaintiff demands punitive damages in an amount to be determined at trial.

**FIFTH CAUSE OF ACTION**  
**(Negligent Hiring and Retention)**

92. Plaintiff hereby repeats and realleges each and every allegation set forth in paragraphs 1 through 91 of this First Amended Complaint as if fully set forth herein.

93. At all times relevant to the allegations herein, Biddle was engaged in the abuse of multiple drugs including benzodiazepines, anti-depressants and SSRIs (Selective Serotonin Reuptake Inhibitors), while employed at Gawker and particularly during the time that he engaged in conversations with Plaintiff and subsequently researched and wrote the Gawker Story.

94. At all relevant times, Gawker, Denton and Cook knew or should have known of Biddle's open and continuing abuse of such drugs, and the impact that it was having on his mental health, and the caustic and reckless articles that Biddle was writing about people as a result.

95. At all relevant times, Gawker, Denton and Cook also knew or should have known that Biddle sought to libel and destroy the lives of the subjects of his reporting. In connection with Biddle's reporting, Gawker and its executives, including Denton and Cook, received outcry

and criticism about Biddle while Biddle was employed with them.

96. Gawker, Denton and Cook failed to take reasonable care in the hiring and/or retention of Biddle.

97. Gawker, Denton and Cook placed Biddle in a position to cause foreseeable harm to others (including Terrill) by placing and retaining Biddle in the position of Senior Writer.

98. The above-described conduct is egregious and constitutes moral turpitude. As such, in addition to compensatory damages and/or presumed damages, Plaintiff demands punitive damages in an amount to be determined at trial.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Ashley Terrill respectfully requests:

- (a) An award of damages to Plaintiff in an amount to be determined at trial, but in all events not less than Ten Million Dollars (\$10,000,000);
- (b) An award of punitive damages to Plaintiff in an amount to be determined at trial;
- (c) An order requiring Defendants to make a public retraction of the false statements;
- (d) An order granting preliminary and permanent injunctive relief to prevent defendants from making further defamatory statements about Plaintiff; and



(e) An award of such other and further relief as the Court may deem just and proper.

Dated: April 5, 2016

Respectfully submitted,

**HARDER MIRELL & ABRAMS LLP**

By: /s/ Charles J. Harder

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*Counsel for Plaintiff*

**EXHIBIT A**  
**(Part 1 of 3)**



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54 minutes ago

# Tinder Confidential: The Hookup App's Founders Can't Swipe Away the Past



Sam Biddle

11/23/15 11:32am · Filed to: TINDER



163.6K

171

20



Ashley Terrill was in hiding the first time I heard her voice, splitting time between her Los Angeles home and a \$600-a-night room at the Beverly Wilshire Hotel. Terrill had locked her laptop and phone in a secret vault, and would only contact me on disposable phones—all because, she claimed, the estranged co-founder of Tinder was trying to destroy her. And that fear was mutual.



**Ex-VP Sues Tinder Alleging Coworker Called Her a "Whore" (And Worse)**

This is definitely worse than your worst Tinder horror story: Whitney Wolfe, Tinder's former...

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Whitney Wolfe and Tinder have been legally forbidden to speak ill of one another since September of 2014, when they settled a highly public and toxic lawsuit out of court. But the foes have never reconciled, and remain deeply suspicious of one another—though both say repeatedly and consistently that they've moved on, and that they are too concerned with their respective dating apps to worry about each other.

In the year since the settlement, the lingering feud has expanded to include a constellation of friends, executives, and gossips. With Tinder now part of a publicly traded e-dating conglomerate and its CEO admitting freely to **opposition research against Nancy Jo Sales**, the app's inside history of spite and contentiousness remains relevant.

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The accusations and speculations in this instance touch on parties ranging from Tinder's communications desk to a Russian billionaire backer of Bumble who is also in the spyware business. At the center is Ashley Terrill, a Hollywood columnist on an obsessive, possibly unhinged pursuit of what she says is the truth about Whitney Wolfe. Depending on who's doing the guessing, Terrill is the target of a secret harassment operation, the agent of a covert mudslinging campaign, or an outside observer caught up in a paranoid freakout. Whatever the case may be, in the miasma of mistrust surrounding Tinder, a lot of people with a lot of money at stake are staring into the shadows right along with her.

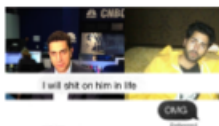
\* \* \*

In June of last year, Whitney Wolfe, a co-founder and former vice president of marketing at Tinder, sued her former employers at Tinder, parent company IAC, and the two men who commanded the dating startup, CEO Sean Rad and former chief of marketing Justin Mateen. Wolfe alleged that after a breakup with Mateen she'd been subjected to a horrendous spell of sexual harassment and emotional bludgeoning by the company's executives, then stripped of her status as co-founder of the wildly successful app and canned.



*Whitney Wolfe*

Her lawsuit described a litany of male awfulness, from being called a “whore” at a company party to repeated toxic text messages from Mateen (in one, he writes “you prefer to social climb middle aged Muslim pigs”). With Wolfe’s reputation and her multi-million dollar stake in Tinder both on the line, reporters in and out of the business world pounced. Wolfe was almost universally depicted as the victim and heroine of the episode (including in articles I wrote for Valleywag), with Rad and Mateen easily cast as the creeps and aggressors. The parties quickly settled out of court. It was thrilling, but ultimately tidy.



### Every Fucked Up Text from the Tinder Sexual Harassment Lawsuit

A new legal offensive against Tinder, everyone's favorite iPhone promiscuity simulator,...

[Read more valleywag.gawker.com](http://valleywag.gawker.com)

The major stakeholders were eager to act as if the deeply lurid scandal had just disappeared, and to the press, it had. We moved on. But to those who were actually part of it, the story has continued—so long as they’re both trying to help people have sex through a touchscreen, it probably always will. Both Whitney Wolfe and her former legal opponents appear deeply anxious about each other today, in a state of existential dread about their business and personal lives. They’ll always resent each other (or worse), but with a judge forbidding them from talking about it, what can they do but stew?

Caught in the middle of this standoff is Ashley Terrill, a Los Angeles-based freelance reporter, screenwriter, and producer who’s spent the bulk of her career on film junkets and celebrity interviews. She’s also in possession of an unedited, hour-long sit-down interview with Whitney Wolfe and Sean Rad, conducted before Wolfe’s lawsuit as part of a profile she **delivered to Elle magazine in October of 2013**. In it, claims Terrill, Wolfe spoke candidly about her office romance and early role in the company.

It’s this audio recording that Terrill says is proof that Whitney Wolfe is not who she says she is—neither a victim nor a co-founder, but a fraud who parlayed a sex lawsuit into a career boost and fame. Terrill’s claims range from dubious to absurd, but her exhaustive investigation into Wolfe’s background has pumped the submerged bile between the two camps up to the surface. Though not a business reporter, Terrill is at home among the connected and app-savvy souls who make up the Los Angeles startup vanguard in “Silicon Beach.” She’s also willing to dig for dirt about Whitney Wolfe as far back as high school.

Terrill’s research is an anomaly in the saga of Wolfe vs Tinder, a rare attempt to discredit rather than lionize the plaintiff. Only once did the Whitney versus

Goliath narrative turn backwards: In July of 2014, one month after news of the lawsuit broke, TechCrunch published an article titled, simply, “Burned: The Story of Whitney Wolfe.” In it, Wolfe was cast alternately as a liar, slut, seductress, drunk, and generally unreliable (if not unsympathetic) character by anonymous sources inside Tinder. It was a textbook return salvo by Tinder’s communications desk, a c-suite counterattack that laundered personal attacks against a former coworker through a news outlet. An hour after “Burned” went up, TechCrunch announced that Sean Rad would appear as a headline speaker at the site’s upcoming Disrupt conference.

Soon after, Wolfe and the men of Tinder abruptly buried the hatchet for an undisclosed (rumored to be seven-figure) sum and a mutual non-disclosure pact. Wolfe (and a fellow Tinder co-founder Chris Gulczynski) went on to found Bumble, a Tinder clone with a twist: Men can’t message women unless the woman has made first contact. Between this novel feature, the company’s employment of women at top levels, and Wolfe’s very public departure from Tinder, her new startup has enjoyed uniformly positive press as an underdog and feminist inspiration.

Media treatment of the mothership, meanwhile, hasn’t been so kind—after looking toxic for many months due to the lawsuit, Tinder has become synonymous with smartphone sleaze, and its *psychotic response* to a *boring Vanity Fair article* on its role in “hookup culture” earned it few new fans. But it’s also still the gold standard in app-dating, and remains one of the most popular smartphone downloads of all time, freshly spun off by IAC into a publicly traded company, Match Group. David and Goliath both won. Yet neither side is sure that things are really over.

\* \* \*

Before Ashley Terrill ever told me her fears about being targeted by Whitney Wolfe, Wolfe told me her fears about being targeted by Terrill. After covering the lawsuit, I’d maintained a friendly SMS-based connection with Wolfe about her industry and her startup. Our text conversations rarely returned to the turmoil she’d faced at her previous company, and I’d had every reason to believe Wolfe no longer suffered over what’d happened to her at Tinder. When the subject of Tinder did come up, she’d say—just shy of performatively—that she wished Tinder only the best, in spite of it all. Wolfe’s hands were newly full with Bumble.

Then, one week this past August, Wolfe began texting me—at first seeming bemused, then nervous, then frantic—saying she’d heard from friends in L.A. (she now resides in Austin, Texas) that a writer by the name of Ashley Terrill was compiling evidence against her for some sort of of intricate character

assassination. Even more frightening was the possibility that Terrill was building her case against Wolfe with cooperation from Tinder.

Wolfe received word a writer was “going to try to make me tech’s ‘Gone Girl’ or something,” she told me over the phone. The news had reached Wolfe through a social sphere she’s maintained that keeps Rad and Mateen in its orbit, a circle of children born into affluence and seeking more through venture capital.

A source close to Wolfe told me “[Whitney] was in New York City for a business meeting, and received an urgent phone message saying ‘call me immediately’” —from none other than Alexa Dell, Sean Rad’s ex-girlfriend and heiress to the Dell computer fortune. When she reached Dell, Wolfe learned “a book was being shopped around” about her legal battle with Tinder and personal life, and that she should expect a “takedown story” coming soon from Terrill. She didn’t know when it was happening, or where it would be published—only that she was once again a target.

By this source’s account, Dell had learned all of this straight from Tinder CEO Sean Rad, which would suggest he was at the very least aware of Terrill’s investigation. Dell warned Wolfe that Terrill’s article was drawing on unprecedented access to the very men who she’d said tormented her at Tinder —it immediately looked like a covert attempt to smear her (and her company) without breaking their mutual non-defamation agreement.

Text messages from Dell, obtained and reviewed by Gawker, show Tinder had put Terrill in touch with her. In one exchange, Dell wrote to Tinder’s head of communications, Rosette Pambakian: “What’s going on with Ashley... I think Sean [Rad] had her call me,” to which Pambakian replied “All Good things” and “She has evidence to nail WW [Whitney Wolfe].” When Dell asked why Ashley would want to talk to her, Pambakian responded “I think Sean just told her to call you.”



*Rosette Pambakian and Sean Rad*

In a later text exchange, Dell warned Wolfe: “they want me to give quote [sic]” to Ashley. Although Dell had ostensibly reached out to warn Wolfe, an on-again-off-again friend, she appeared deeply worried for herself as well: “Physically Sean is scarier but Rosette I feel like fucks up people’s lives,” she said in one text. “It’s scaring me so much,” as was the possibility that her attachment to any controversy would reach her “dad or something omg.”

She seemed to be frightened for both her reputation and her safety. When Wolfe asked Dell “why and what” she was afraid might happen, she said “Them saying abusive things to me. Sean grabbing me and like physically forcing information out of me. Them talking bad about me to ruin my image and life like they’re trying to do to you” When I contacted Dell, to ask about her involvement in Terrill’s story, she replied “What Story? Hm Im [sic] not familiar.” A request to speak with Sean Rad for this story was not answered; there is no evidence that Dell’s fears were realized.

Wolfe’s panic was compounded by the fact that her role as a CEO required near-constant travel between New York, Los Angeles, and her home in Austin. She’d been told that Terrill’s takedown could appear as a magazine article, a book, or possibly even a film, all aimed at portraying her as the villain in the Tinder breakup. Wolfe was unsure of what could be used against her, but scoured a year’s worth of texts and emails for any time she might’ve self-incriminated.

All the while, she was emphatic that she was not intending to defame or disparage Tinder, its employees, or parent company IAC. It was a refrain she told to me over the phone so many times, it could’ve only been out of a lawyer-mandated abundance of caution. On multiple occasions I had to assure Wolfe that I wasn’t recording our phone calls, and to provide some reassurance for her, we soon switched (at my suggestion) to a variety of encrypted IM apps that would auto-delete our correspondence.

Jen Stith, Whitney Wolfe’s head of communications at Bumble, suggested one ulterior motive: Ashley Terrill is good friends with Tinder’s current PR chief, Rosette Pambakian, a connection Stith insinuated could explain the entire renewed interest in the truthfulness of Whitney Wolfe. “Given the information I’m aware of, it would be strange if there was no influence,” Stith told me cryptically in one phone conversation. “We don’t want to speculate, but the relationship between Tinder executives and Ashley Terrill is chronicled on social media, and not private information, and does suggest that they are more than business associates.”

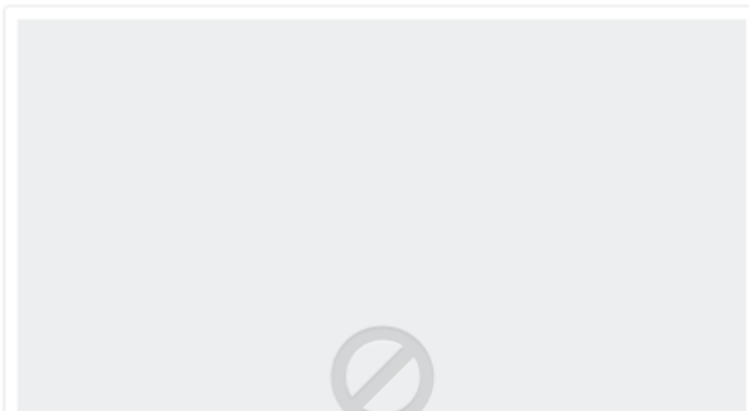


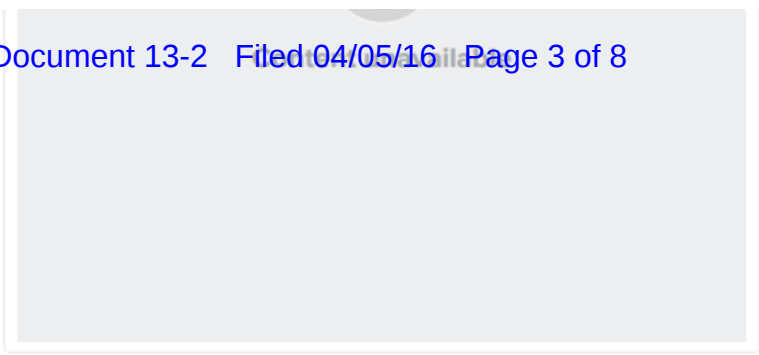
**EXHIBIT A**  
**(Part 2 of 3)**



*Rosette Pambakian (center) and Ashley Terrill (right)*

Terrill can be seen socializing with Pambakian on multiple occasions in several different Instagram postings, including one that includes a “#BFF” hashtag. When asked about her relationship with Rosette, Terrill told me via phone “we’re almost like sisters.” Pambakian agreed: “She’s a friend of mine,” but denied doing her any any favors as a reporter. Still, Wolfe believes their relationship was a factor—if not the sole reason—that Terrill decided to start writing about a lawsuit that ended over a year ago. “Ashley was [originally] covering a lot of fashion and lifestyle stuff, she started covering Tinder because of her close relationships with Rosette.” It was an insinuation heavy enough to no longer be a mere insinuation.





*Rosette Pambakian (center) and Ashley Terrill (right)*

\* \* \*

Less than a month after Wolfe reached out to me about Terrill's investigation, an acquaintance of mine contacted me with a strange story: This acquaintance had a friend in Los Angeles, a writer, who was being stalked and hacked while reporting. The writer was desperate for someone with whom to share the story—an ally, or at least an ear. The subject of her reporting, she said, and presumably the person behind this anti-journalistic intimidation, was Whitney Wolfe.

Over email, this acquaintance explained the situation—that her friend, Ashley Terrill, was researching a book about Wolfe, and that she had previously interviewed Wolfe and Rad:

There was never any mention of sexual harassment in the interview. The audio from the interview also states that [Whitney Wolfe] was transferred to Tinder and into the marketing department where she started dating her boss Justin and her position elevated. Ashley said she felt bad for [Whitney Wolfe] because she seemed so hung up on this guy who clearly didn't want to be with her.

[...]

Ashley is scared and believes [Whitney Wolfe] to have a wealth of resources at her disposal between a billionaire business partner and a wealthy Russian boyfriend. She is not sure what they are capable of, but she is hoping that they are just trying to intimidate her. She is seeing people following her at all hours of the day and night and wants to go public to protect herself.

In short, Terrill had decided to dig into the legitimacy of Wolfe's harassment suit against Tinder, and claimed she'd found vast inconsistencies that not only undermined the legal case, but Wolfe's entire character. It was deeply

personal:

Ashley saw [Whitney Wolfe] at an event where WW told her that she was so over Justin then heard from another source...that [Whitney] propositioned Justin later that evening and told me she was going to “fuck him tonight,” then showed up at his door naked underneath a coat. These sorts of stories led Ashley to follow WW and her Tinder lawsuit a bit more closely. She followed the case and obtained the court transcripts...It also contradicts her co-founder position and could potentially tarnish her feminist public image

Terrill had been writing pitches to editors and film agents seeking a book or movie deal. In them, she described the project:

[Wolfe’s] statements—captured in my never released audio—directly contradict key claims and timelines within her legal complaint. In discovering this discrepancy, I launched into a year of research to unearth the truth. To do so, I’ve been tracking down and interviewing key figures, uncovering documents, and diving into each claim wherever it takes me. I am now preparing to disclose my findings and discuss whether Wolfe is a heroine, femme fatale mastermind, or businesswoman who ruthlessly exploited every opportunity for her gain (even if unethically).

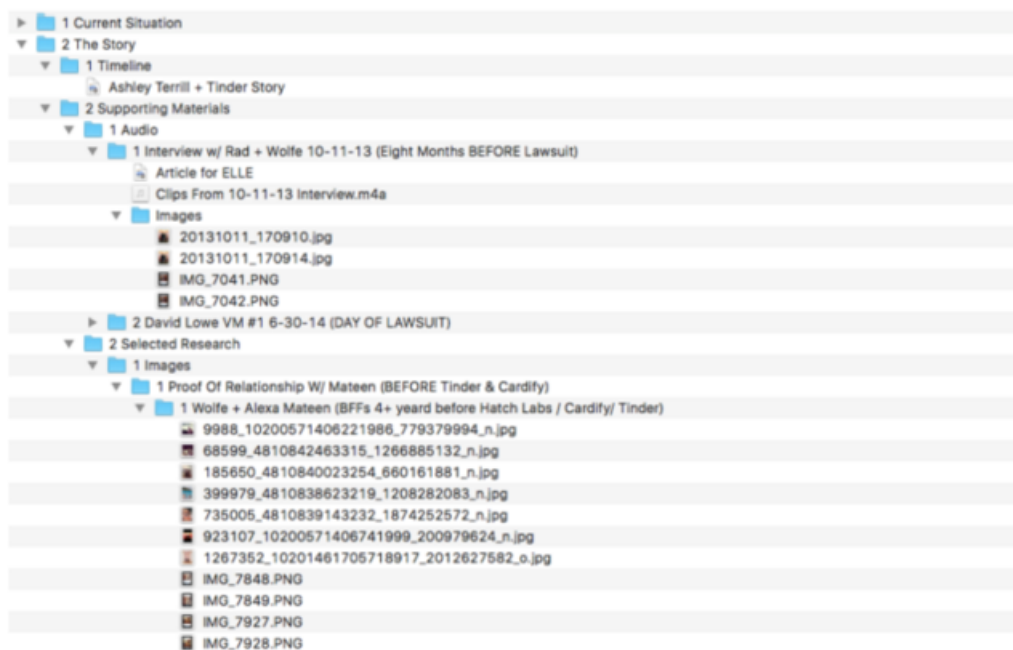
Terrill’s conclusion was that Wolfe is the last of those. It would be a feat of reporting, as she put it in one summary:

Wolfe’s Tinder co-founder claim seems nonexistent. Further, in promoting herself as the ‘sole female on the team,’ Wolfe eclipsed the recognition of other founding female team members.

When I eventually reached Terrill by phone, she sounded audibly alarmed—but though her claims look deeply paranoid on paper, she sounded more or less lucid, with the telephone manner of a celebrity interview veteran. She promised to relay to me a collection of her findings up to that point, backing up both accusations against Wolfe’s story and accusations of Wolfe’s intimidation tactics.

She didn’t disappoint. The next week, I was delivered three folders: One, labeled “#1 CURRENT SITUATION” provided a detailed timeline of vehicles and people Terrill believed had been following her, along with supposed evidence her computer and phone had been hacked. The other, labeled “#2 THE STORY” contained a bullet-point version of what Terrill says are inaccuracies in

Wolfe's case against Tinder, making the case that her lawsuit was a lie. The third folder, "DRIVE—FEMBOT 6," contained a jewelry box containing a cassette tape case containing a USB stick. On the USB was a maze of folders, containing timelines of both Wolfe's alleged stalking of Terrill and of the alleged fabrication of Wolfe's claim to have been a co-founder at Tinder. There were audio recordings, screenshots, reproduced email threads, and, for some reason, dozens of photos of Whitney Wolfe at various lunches and parties. One photo shows her in bed with an old boyfriend.



*Screenshot of file library on USB drive sent to me by Ashley Terrill*

All of this came packaged inside a large plastic purse, which I'd been told was a means of ensuring that it wouldn't be tampered with or swapped out in transit. The whole package led me to believe that Ashley Terrill is either completely out of her mind or caught in the middle of a plot ripped from a techno-thriller flick.

#### **6W10690**

Note: White Ford pickup truck. Two hispanic (driver + passenger). Afternoon in Santa Monica. I noticed the driver in this vehicle (first behind me) was holding up their smartphone device above their dashboard. I noticed this while in traffic, heading west on Olympic. The vehicle followed me after turning right onto a street. I pulled over to allow the vehicle to go ahead of me (and so I could get the plate number). I took a picture of the vehicle and plate. The vehicle then turned into a parking lot.

#### **7JXH773 \*\*not sure of the "H"\*\*\***

Note: Blue-ish/ Grey Sedan, outside house at approx. 7:45pm on Thursday night, September 3rd. I went out to walk dogs. Spotted vehicle in the fire hydrant spot. Vehicle drove away, once I approached vehicle.

#### **7KBW312**

Note: Black Toyota Avalon. Outside my apartment complex at approx. 9:30AM on Friday, September 4th. Within fifteen minutes of spotting the vehicle (coming back from walking my dogs), it moved to three different parking spots around my apartment complex. First, the fire hydrant spot. Then, a legit parking spot (however, upon my approaching, moved). My sister went out to survey and take a picture. When my sister took a picture, the vehicle left.

Terrill says that only days after Wolfe learned of her investigation, she became the target of patterned surveillance. For example, on August 27th at 5:45 PM (emphasis is hers):

While on the phone, a black Rav4 [sic] with a Calvin and Hobbes “piss” sticker in his back window (located in the lower right hand corner) noticeable passed me on either Dorrington or Ashcroft a total of 6 times...I called the police...West Hollywood Police Department responded...The Male officer expressed that he had seen the car do a portion of the loop before arriving.

A day later, Terrill describes being followed into a gas station and watched by a man in a Jetta:

I was at the gas station for approximately 10 minutes, before this individual arrived. As I had already re-fueled my car, I moved my car closer to the pay phone area. The individual pulled up next to my car.

His window was down and his hair covered the side of his face the entire time he was in close proximity to me. He did not get out of his car, nor attempt to pump gas, nor go into the station store. After my phone call, I got into my vehicle and drove in a loop. Upon my return back, the grey Jetta was leaving the gas station.

After this, she says he stayed near her at CVS parking lot for an entire hour, never entering the store. Other instances include multiple instances of cars parked outside Terrill’s apartment building that departed as she exited.

Terrill’s dossier cited over ten vehicles’ plates she said were involved in her stalking. Also included was a complaint filed with the FBI’s Internet Crime Complaint Center after Terrill thought her laptop was illegally breached—in it, she values her research files at \$1,000,000. The complaint fingers Wolfe, her attorney David Lowe, and Andrey Andreev, Wolfe’s Russian billionaire business partner in Bumble: “I believe [they] have either directly hacked or hired a third party to hack the two computers in my office...the repeated attempts have continued up to the present day.” The five pages of allegations say Bumble or Wolfe specifically tried to derail Terrill’s story by remotely infiltrating her home WiFi network to tamper with files on her MacBook:

“I believe the party that victimized me wanted to illegally obtain the data and files on my computer to potentially use them, or release them without my permission...to potentially use them as a means of retaliation for the

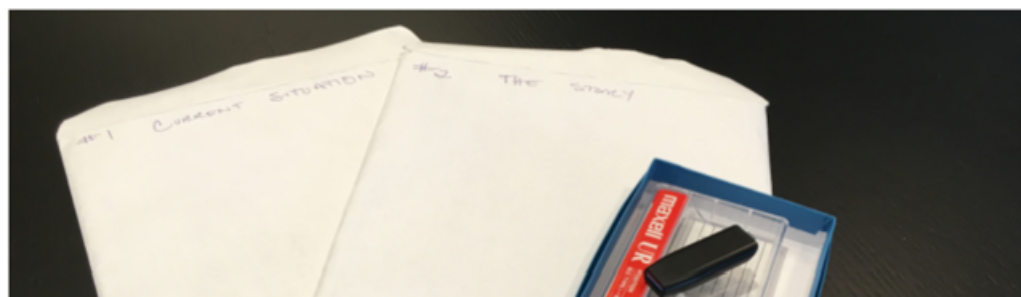
story I have been researching and plan to publish about Whitney Wolfe.”  
Terrill also speculates that by obtaining her files, Wolfe might have ammunition for a new lawsuit against Tinder.

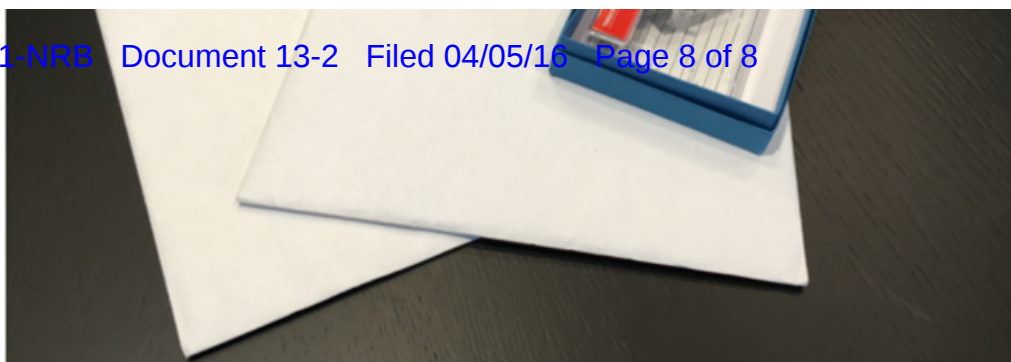
If Whitney Wolfe, or Bumble, or *someone* in the world wanted to push Ashley Terrill away from publicly calling Whitney Wolfe a liar and manipulator, it had at least worked for the time being. Terrill was in a state of absolute terror and perpetual anxiety—it hung on her voice as she mentioned each electronic device she’d locked in a vault, each email address she’d abandoned, the friends she could no longer contact, and the people she could no longer trust. I decided to buy her a burner phone so that she could talk to me for purposes of this story, but even that had to be relayed to her by a trusted concierge at the Beverly Wilshire. At the time we started speaking, a friend told me Ashley “was carrying a basket (seriously, an actual basket) full of documents related to her research that she does not want to leave out of her sight for fear someone might break into her car to steal it.” If this was all an act, it was a devoted performance.

But the actual evidence for all this alleged hacking and stalking is on the thin side: Terrill described slowness and “buffering” on her laptop, and recounted times when “files and documents that had been moved to the trash bin and cleared from the trash bin, reappeared.” This wasn’t evidence that she *hadn’t* been hacked, but it wasn’t really evidence of anything at all. After being told by a “Samsung specialist,” by her account, that a smartphone provided to her by PR firm PMK BNC had been compromised as well, she put all of her digital devices in a “security locker,” though the only evidence she furnished of a phone hack was a generic security warning message.

Nonetheless, Ashley Terrill was off the grid—on the day we first spoke, she was trying to gather enough cash to buy a new “burner laptop” without a paper trail. As for the shadowy cars, I had little to go on besides Terrill’s word, police complaints, plate numbers, and some blurry photographs of an SUV that are all supposed to fit into a pattern.

It’s exactly the kind of pattern that’s easy to map onto the world when you feel nervous and threatened—we usually call it paranoia.





Terrill made it clear that she'd come to Gawker not because she wanted to me to cover what was happening to her (although she certainly put that on the table), but because she wanted me to know what was happening to her in case something worse happened. Terrill never explicitly told me she feared for her life, but when you go into hiding and trash your phone because you think you're being tailed through Los Angeles by a team of strange men, that fear isn't hard to surmise. She eventually asked me to not contact her from my cell phone, in case I too was being surveilled.

Wolfe and Stith vehemently denied all accusations of stalking, hacking, and all other intimidation techniques "This is so false and so far-fetched, I couldn't even think up a scenario like it," Wolfe said, alternating between laughter and gasps on the phone. Wolfe denied that she'd ever had Terrill tailed or contracted a private investigator at any point: "Absolutely not. One hundred percent. We would never do that." This was repeated multiple times. No. Definitely not. Absolutely not. Never. Ditto on the computer hacking allegations ("Would never do that, have never done that") and remote phone tampering, which prompted laughter: "Absolutely not, no. [Terrill] has a brilliant future in creative writing."

I asked Wolfe if Andreev could've been involved in some digital foul play—part of his software stable includes SpyLog, a service that tracks a web browser's behavior across the internet. Though it's possible he'd have the knowhow (and resources) to break into Terrill's MacBook on the other side of the world, Wolfe dismissed this as preposterous: "Absolutely not. I don't even think he's aware of this." Although Wolfe wouldn't disclose exactly what Andreev's role in Bumble is, she noted they're in "daily contact," and "he would never do anything like that to anyone."

Then again, everyone else denies virtually everything else, too. Reached by phone, Rosette Pambakian told that although she does have a personal relationship with Ashley Terrill ("She's a friend of mine") she was only "vaguely aware" of her investigation—but made it clear to me that she believed her friend was in actual danger. And, despite being just barely aware of Terrill's work in progress, Pambakian told me she'd lose her job if "linked"



**EXHIBIT A**  
**(Part 3 of 3)**

Pambakian was eager to believe all of Terrill’s convoluted accusations, or at least to make me think she believed them. It didn’t really matter. “I felt really bad for her, it sounded like a very scary thing for her, she said she was concerned that she was being followed, that people are hacking her devices, everywhere she goes... it sounded pretty scary.” Aside from the risk of violating the terms of Tinder’s settlement, Pambakian said that “another reason why I wanted everyone to stay out of it [is that it] sounds like a very dangerous position.” When I asked her if she’d contacted anyone about providing a quote for Terrill, or facilitated Terrill’s sourcing in any way (as Alexa Dell’s text conversations and Ashley herself suggests), Pambakian categorically stated she had not: “I have not put anyone in touch or suggested anyone provide a quote.” She added of Tinder: “as a company, we know not to speak to journalists.”

The last time I spoke to Ashley Terrill she had fled Los Angeles, scrambling through her back door and up a steep hill behind her house with her two dogs to a spot where a getaway car was waiting for her—she was afraid to leave by the front door. At first she wouldn’t tell me where she was, or if she even had a final destination—only that she’d left L.A. out of an ongoing fear for her safety. She later disclosed her new redoubt to me via email on the condition that I never publish it. The email also contained some statements for the record in oddly alternating fonts, as if she’d been copying and pasting from different sources.

The most interesting part was a denial that she’d been put up to her project by her friend at Tinder, nor been compensated for it:

You asked if I have received any help from Tinder during this time. I have not received any help — neither monetary aid nor any other form of contribution, good or service from anyone at Tinder. During this time, I have received support (financial and otherwise) from my family and friends. On several occasions since August 18 2015, I have told my friend, Rosette Pambakian, of my situation and she has repeatedly expressed concern for my safety. However, I have not received any support or aid from her (other than her concern).

I want to be clear: my pursuit of this story has been of my own volition. I pursued it because I did not feel all of the details were reported and I felt it was worth reporting.

She also said she’d only spoken to a single source within Tinder, post-settlement—even though when we first spoke, she’d told me there were more,

In our last phone conversation, I asked Terrill about this discrepancy. She admitted she's conducted "several off the record interviews" (she later said it was 40) with people inside the company, including "women who were on the floor when Tinder first started." Terrill denied that any of these interviews were with Sean Rad, but said "I talk to Sean all the time."

In this last conversation, I pressed Terrill on her motivations—even with no evidence that she's been paid or persuaded in the slightest to retell the Whitney Wolfe story, she's still making a very charged claim about someone from whom she has little objective distance. Why call Wolfe a liar, a year later? But Terrill was adamant that she was doing no such thing: "All I'm pointing out is there are discrepancies," she said.

But isn't "pointing out discrepancies" in someone's claim as a victim of sexual harassment and co-founder of a company more than a simple act of pointing? Terrill wouldn't cop to any larger judgment of Wolfe, or even say that she thinks Wolfe deliberately misrepresented herself in court and the media: "I think everybody does that...you [subconsciously] select the facts that work for you and deselect the facts that don't." In other words, *Hey, I'm just asking the questions*—but the questions just happen to center around the business nemesis of her friends.

Ashley Terrill is right about at least two things: "I don't think I'll ever get to the truth." No one will. Neither Tinder nor Whitney Wolfe are legally permitted to speak about what happened, and since the suit never went to trial, most of the evidence will remain hidden. She's also right that odd occurrences, "discrepancies," strange patterns—whatever—look stranger and stranger the longer you stare at them. If you spend enough time propping up one thought with what looks like data, there's no limit to what you can convince yourself is true.

The other thing she's right about was something she told me during our last chat: "I think," she said, "everybody has their own perception of what happened and what the truth is."

**Update, 11/26:** A spokesperson for Andrey Andreev sent the following statement: "On behalf of Mr. Andreev I wish to refute all of the allegations made to you by Ms. Terrill relating to Mr. Andreev. Such allegations are untrue and without foundation."

*Photos of Sean Rad, Rosette Pambakian, and Whitney Wolfe via Getty*

Illustration by Jim Cooke

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**gawkernomore** > Sam Biddle

11/23/15 11:44am



119

They all deserve each other.

↳ Reply | 1 replies



**MarksMaker** > Sam Biddle

11/23/15 11:51am



102

How shocking, that the co-founders of what amounts to a dollar store in terms of human interaction are treating each other so cheaply...

↳ Reply | 1 replies



**Jerry-Netherland** > Sam Biddle

11/23/15 11:57am



68

Tinder has to be footing the bill for Terrill - and liberally. Based on all descriptions above (and her **minimal public job history**), it would be highly unlikely to be "hiding out" in the Beverly Wilshire (!) unless one were being funded by *very deep pockets* - like Tinder's got. She's clear to say that she isn't being financed by her friend Pambakian or any other person at Tinder - but doesn't exclude being paid by the corporation itself. After all the stories of behavioral malfeasance at Tinder, why would this be any different?

Anyway, Sam, a very interesting tale - practically begging to be made into a film. I was sad to hear they're closing out ValleyWag, because your running chronicle of this largest growing industry, all its shenanigans and growing pains was a must read. I assume you'll be continuing to follow these stories on the main page.

↳ Reply | 7 replies



**Don't drone me bro** > Sam Biddle

11/23/15 12:05pm



27

↳ Reply | 1 replies



**Ginga Ninja** > Sam Biddle  
11/23/15 12:08pm



There is not a single likeable character in this entire story.

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