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Joseph Lonsdale

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOSEPH LONSDALE,

Counterclaimant and Defendant,

V.

ELISE CLOUGHERTY,

Counter-Defendant and Plaintiff.

ELISE CLOUGHERTY,

Plaintiff and Counter-Defendant,

v.

JOSEPH LONSDALE; FORMATION8 GP,
LLC; and FORMATION8 PARTNERS, LLC,

Defendants and
Counterclaimant.

Case No. 4:15-cv-00382-DMR

**COUNTERCLAIMS BY JOSEPH
LONSDALE**

Courtroom: 4, 3rd Floor
Judge: Hon. Donna M. Ryu

JURY TRIAL DEMANDED

1 Defendant and Counterclaimant Joseph Lonsdale, by and through his undersigned
2 attorneys, files these Counterclaims against Plaintiff and Counter-Defendant Elise Clougherty, and
3 in support thereof, alleges as follows:

4 **NATURE OF THE ACTION**

5 1. Joseph Lonsdale (“Mr. Lonsdale”) brings this action to stop a vicious and vengeful
6 campaign by his ex-girlfriend, Plaintiff Elise Clougherty (“Ms. Clougherty”), to destroy his
7 reputation with false and outrageous accusations. Since Mr. Lonsdale ended their relationship
8 nearly two years ago, Ms. Clougherty has repeated her fabricated accusations to numerous people
9 at Stanford, to Mr. Lonsdale’s friends and social acquaintances, and to his business colleagues,
10 causing serious damage to Mr. Lonsdale’s reputation. Worse yet, through her inflammatory lies,
11 Ms. Clougherty is seeking to capitalize on the serious and highly-politicized issue of sexual assault
12 against women on college campuses, and by doing so undermines and discredits legitimate claims
13 of sexual assault.

14 2. This shameful lawsuit is just the next chapter in a long-running campaign that Ms.
15 Clougherty herself admitted is a “Joe take down scheme” in a text message that she sent to a
16 former close friend. Alarmed and shocked by Ms. Clougherty’s attacks on Mr. Lonsdale, that
17 close friend has since come forward out of conscience to share Ms. Clougherty’s admission with
18 Mr. Lonsdale and reveal the truth.

19 3. Mr. Lonsdale is an entrepreneur and businessman in the San Francisco and Silicon
20 Valley area who has founded several well-known and successful companies. Until February 2013,
21 Mr. Lonsdale was involved in a consensual romantic relationship with Ms. Clougherty that lasted
22 approximately one year.

23 4. Mr. Lonsdale and Ms. Clougherty first met in New York in a bar, approximately
24 one year before they would interact at any Stanford class. Ms. Clougherty traveled to New York
25 to meet Mr. Lonsdale after a mutual friend said he would introduce her to Mr. Lonsdale. Despite
26 the fact that Mr. Lonsdale was in a relationship with another person at that time, Ms. Clougherty
27 persistently flirted with him (and he with her) and stayed in frequent contact with him after that,
28 meeting him several times during the next year. After learning that Mr. Lonsdale regularly

1 volunteered as an alumni resource in an entrepreneurship class at Stanford, Ms. Clougherty
2 registered for that class for Stanford's Winter Quarter of 2012, almost a year after they'd first met.

3 5. By February 2012, Ms. Clougherty and Mr. Lonsdale began to date and she became
4 Mr. Lonsdale's girlfriend. They began a romantic relationship that lasted almost one year during
5 which they regularly engaged in consensual sex, and Mr. Lonsdale and Ms. Clougherty developed
6 a deep affection for one another. The two spent extensive time with one other, took multiple
7 vacations together, got to know each other's families, and generally behaved like any two people
8 in a serious personal relationship. Indeed, Ms. Clougherty's mother, Anne Clougherty, frequented
9 social events with them and got to know Mr. Lonsdale especially well, often corresponding with
10 him independently of Ms. Clougherty.

11 6. As Mr. Lonsdale grew to love Ms. Clougherty, he also began to learn about her
12 past relationships with men, including that she claimed to have suffered sexual abuse numerous
13 times before meeting him, starting when she was working as a teenage print model and including
14 several men on the Stanford campus.

15 7. A turning point in the relationship occurred around the time that the two of them
16 went on a trip to Asia in August 2012. Around that time, Ms. Clougherty started to openly display
17 signs of severe mental health issues. After Ms. Clougherty became furious with Mr. Lonsdale on
18 a trip to Asia and verbally lashed out at him, she wrote a long letter to apologize and explain her
19 extreme behavior. In that letter, Mr. Lonsdale learned that Ms. Clougherty had been involuntarily
20 committed to a mental health facility just before they met. She said, "I was taken away from my
21 parents and locked up in a nearby mental health hospital, against my will. There were lots of
22 cameras and lots of locked doors . . ." Ms. Clougherty described being abused and
23 psychologically manipulated by the medical staff there, including by isolation and deprivation of
24 food and water (much as she would later accuse Mr. Lonsdale of isolating her and depriving her of
25 food in the Complaint): "Nor could I call my parents. They gave me a phone card but every time I
26 tried to use it, it 'wouldn't work.' The first day there I wasn't allowed to eat or drink anything
27 because I wasn't 'on schedule' and the nurses were just going along with orders . . ."

28 8. In her description of her commitment to a mental health hospital, Ms. Clougherty

1 said that she had also previously suffered “an autoimmune reaction that fought so viciously, it
2 began to damage my basal ganglia which play a huge role in the perception of physical needs
3 (hunger, warmth, etc.), motor control, and cognitive / emotional processes . . .” She explained:
4 “My perception of time was warped (what?); I started seeing myriads of color on white tile floors;
5 that weird purple dot that you get too became almost permanent; open spaces with people scared
6 me, almost like they would scare a little chipmunk; I was so cold I couldn’t leave my apartment
7 because I thought it would look weird going to the library with a comforter wrapped around me...”

8 9. Ms. Clougherty also went on to specifically describe how she suffered “cognitive
9 distortions” at times that *convinced her that things were happening that did not ever happen*: “I
10 began having cognitive distortions about my body and diet to the point that I unconsciously
11 trained myself to *believe* I was eating, when in reality, I wasn’t.” She went on to explain
12 “[f]rom my mother’s perspective, she thought I was lying to her about my health, but in reality, I
13 was physically incapable of speaking the truth, because cognitively, I was blind to it. . .”

14 10. As time went by, Ms. Clougherty began acting more and more erratically. During
15 the final few months of their relationship, Ms. Clougherty frequently blew up in anger at Mr.
16 Lonsdale without warning and often sent him long, rambling emails about their relationship.
17 Increasingly disturbed by the situation, Mr. Lonsdale decided to end the romantic relationship in
18 late 2012. After that, both Ms. Clougherty and her mother Anne Clougherty persistently
19 attempted to convince him to change his mind and take back Ms. Clougherty.

20 11. Mr. Lonsdale and Ms. Clougherty briefly rekindled their relationship, but Mr.
21 Lonsdale again ended the relationship in February 2013. As it became clear that the romantic
22 relationship was completely over, Ms. Clougherty’s behavior changed dramatically and she began
23 making a string of stunningly false, and constantly changing, accusations—first saying that Mr.
24 Lonsdale had “emotionally” abused her and eventually claiming that he had sexually assaulted her
25 over the course of their relationship.

26 12. Ms. Clougherty has made such statements to numerous people at Stanford, Mr.
27 Lonsdale’s personal friends and acquaintances, business contacts, and her own acquaintances,
28 including her mother. This smear campaign has caused significant harm to Mr. Lonsdale’s

1 reputation and has significantly disrupted his personal life and business ventures.

2 13. For the first time, with the filing of the Complaint in this action, Mr. Lonsdale has
 3 learned the full extent of the appalling web of lies that Ms. Clougherty has spun—including the
 4 reprehensible and unfathomable allegations that he repeatedly raped her and told her that women
 5 “enjoyed” being raped and the he suffered a “sickness.” But Ms. Clougherty’s allegation that Mr.
 6 Lonsdale committed literally “*hundreds*” of “non-consensual” acts upon her is entirely
 7 contradicted by her well-documented, eager participation in their loving relationship. Realizing
 8 that those facts expose her story for the fabrication that it is, Ms. Clougherty has concocted an
 9 elaborate and radically implausible theory that she so eagerly participated in the relationship only
 10 because Mr. Lonsdale employed “many forms of psychological manipulation and control on her,
 11 including but not limited to ‘positive intermittent reinforcement,’ ‘gaslighting,’ isolation, sleep
 12 deprivation, food deprivation, anger, embarrassment, and guilt.”

13 14. The hard evidence, including Ms. Clougherty’s own admissions in hundreds of
 14 emails to Mr. Lonsdale, exposes her “mind control” theory for the outright lie it is. As just a few
 15 telling examples of those lies:

- 16 • She describes their first “sexual encounter” at Mr. Lonsdale’s home in Los Altos as
 17 an abusive scene with Mr. Lonsdale “aggressively” attempting to touch her and her
 18 “pushing” him away and non-consensually “penetrating” her. But Ms.
 19 Clougherty’s own email to Mr. Lonsdale after she returned home *that very night*
 20 tells the real story about how she felt about their first kiss that evening at his house
 21 as she wrote: “I love getting to know you! More deets about rome soon :)”
- 22 • She says that during their sexual encounter on a trip to Rome in March 2012, Mr.
 23 Lonsdale was “abruptly . . . penetrat[ing]” and “grabb[ing]” her multiples times
 24 despite her “pull[ing] away,” leading to her locking herself in the bathroom and
 25 crying for several hours. But Ms. Clougherty would write Mr. Lonsdale days after
 26 Rome to exchange flirtatious email regarding the trip to Rome, prompted by seeing
 27 a photo of them together at the Coliseum. And in July, she wrote another email and
 28 admitted that she “told [a mutual friend] in Rome, the love I feel for you is deep.”

1 And months later she would fondly write another email to describe their sexual
 2 encounter in Rome as the “day we shared such a beautiful moment together! If you
 3 know what I mean...”

4 15. Whether her lies about Mr. Lonsdale are more of the “cognitive distortions” Ms.
 5 Clougherty has suffered in the past that leave her “incapable of speaking the truth” or are
 6 deliberate and vengeful makes no difference. Either way, they are egregious falsehoods that are
 7 aimed at destroying Mr. Lonsdale’s reputation. Based on the foregoing, and as alleged in more
 8 detail below, Mr. Lonsdale now seeks to set the record straight and end Ms. Clougherty’s
 9 outrageous attacks on him. Accordingly, he asserts the following claims against Ms. Clougherty
 10 for defamation, intentional infliction of emotional distress, negligent infliction of emotional
 11 distress, and invasion of privacy and seeks damages and injunctive relief to prohibit further harm
 12 to him.

13 **JURISDICTION AND VENUE**

14 16. Upon information and belief, Ms. Clougherty resides in Vienna, Virginia.

15 17. Upon information and belief, Ms. Clougherty is a citizen of the Commonwealth of
 16 Virginia for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

17 18. Mr. Lonsdale resides in San Mateo County, California.

18 19. Mr. Lonsdale is a citizen of the State of California for purposes of diversity
 19 jurisdiction under 28 U.S.C. § 1332 and was a California citizen at all times pertinent and relevant
 20 to the incidents described in the Counterclaims.

21 20. This Court has original subject matter jurisdiction with respect to this action
 22 pursuant to 28 U.S.C. § 1332, as there exists complete diversity of citizenship between
 23 Counterclaimant and Counter-Defendant, and the amount in controversy exceeds Seventy-Five
 24 Thousand Dollars (\$75,000.00), exclusive of interest and costs.

25 21. Defendants are subject to the jurisdiction of this Court pursuant to 28 U.S.C §
 26 1332.

27 22. Ms. Clougherty is subject to the personal jurisdiction of this Court based upon her
 28 substantial contacts with the State of California at the vast majority of times pertinent and relevant

1 to the incidents described in the Counterclaims and her purposeful availment of this Court by
2 filing the Complaint.

3 23. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because
4 Counterclaimant resides in this District and a substantial part of the events giving rise to the
5 claims occurred in this District.

6 **FACTUAL BACKGROUND**

7 **A. 2010-March 2012: The Relationship Begins**

8 24. Mr. Lonsdale is a 32 year-old entrepreneur who is involved in several successful
9 business ventures in Silicon Valley and the San Francisco Bay Area. Mr. Lonsdale also works
10 with and contributes to several charitable foundations based in the Bay Area, including
11 ONEHOPE Wine. Mr. Lonsdale first became acquainted with Ms. Clougherty in 2010, when she
12 contacted him while she was helping authors Matt Cook and Jon Zhang with their book entitled
13 “The Startup Star,” which profiled Silicon Valley businesspeople. Because of his success in the
14 business world, Mr. Lonsdale was featured in “The Startup Star.” Mr. Lonsdale and Ms.
15 Clougherty exchanged infrequent emails in 2010 and eventually met in person in 2011, when they
16 were introduced by a mutual friend in New York who had just met Ms. Clougherty and her
17 mother, Anne.

18 25. During 2011, Mr. Lonsdale and Ms. Clougherty corresponded and met a few times
19 in the Bay Area and New York, and their interactions were flirtatious from an early stage.

20 26. Given Mr. Lonsdale’s extensive travel and the fact that Ms. Clougherty and Mr.
21 Lonsdale lived apart throughout their relationship, email was one of the primary means of
22 communication between them. The vast cache of candid and unvarnished correspondence they
23 produced is a virtual running diary of their relationship—and it represents, in their own words, the
24 truth about their relationship.

25 27. In October 2011, Ms. Clougherty emailed Mr. Lonsdale, saying that she “would
26 really love to see you” because “from what little I’ve seen/heard about you, I think we share a
27 great deal in common, particularly related to our energy/willingness/confidence (call it whatever
28 you’d like) to initiate change. . . I realize you’re very involved with all kinds of activities, but if

1 you ever find a free lunch or dinner hour, let me know and I'll hop on my bike to meet you in a
2 second!"¹ Later that month, at Ms. Clougherty's suggestion that they meet, Mr. Lonsdale and Ms.
3 Clougherty went on what she described as their first "datish" date.

4 28. In January 2012, Ms. Clougherty emailed Mr. Lonsdale that she was in a class on
5 Technology Entrepreneurship, a class for which Mr. Lonsdale had previously told her that he had
6 volunteered as class mentor in previous years. Several days later, finding out that Mr. Lonsdale
7 was confirmed to be a class mentor again, Ms. Clougherty wrote to joke about the idea he would
8 be a mentor to her: "Why hello, Mentor! Haha. This is great!"

9 29. As they continued developing a romantic relationship, Mr. Lonsdale was careful to
10 ensure that he never had any authority over Ms. Clougherty's work or impact on her grade. For
11 example, in March, Mr. Lonsdale wrote her that he was coming to class "to judge something" and
12 said he wanted to ensure that it was "not you guys [her team] right?" His total involvement in the
13 class amounted to a few hours.

14 30. It quickly became clear that the two were mutually attracted after the class started.
15 In late January, Ms. Clougherty asked if Mr. Lonsdale wanted to have dinner with her mother,
16 Anne Clougherty ("Anne"), on her visit the next month. Mr. Lonsdale said he would try to make
17 it work, and invited Ms. Clougherty for a "drink" or "a late walk" the next week if Ms. Clougherty
18 would "like to catch up." She did.

19 31. Shortly thereafter, Mr. Lonsdale emailed Ms. Clougherty regarding a Rome
20 conference in March. She told him she would be in Europe "right around then." Mr. Lonsdale
21 suggested that it "would be really fun to meet in Europe."

22 32. That Valentine's Day, Ms. Clougherty wrote an email to Mr. Lonsdale about
23 wanting to spend more time with him:

24
25 HAPPY VALENTINES DAY JOE LONSDALE! :)

26It's been lovely knowing you and I hope to spend more time with
27 you in the near future! Your kindness, integrity, desire to make the
world a better place, and willingness/confidence to make it happen

28 ¹ Email of June 27, 2012, attached hereto as Exhibit 1.

1 is severely unique and an incredible thing to witness.²

2 33. On February 27, Mr. Lonsdale had dinner with Ms. Clougherty and Anne. The
3 next day, Ms. Clougherty wrote to Mr. Lonsdale: “Loved seeing you today; thanks so much for
4 meeting my mom :)” Mr. Lonsdale replied: “great to see you too Ellie, I really enjoyed it. Your
5 mom is very cool.”

6 34. Around this time, Mr. Lonsdale suggested to Ms. Clougherty that they disclose
7 their still-Platonic relationship to the Technology Entrepreneurship professor, but Ms. Clougherty
8 refused; she believed this professor was attracted to her and that disclosing their mutual attraction
9 would make him jealous and harm her in class. Mr. Lonsdale deferred to Ms. Clougherty.

10 35. On March 3, Ms. Clougherty and Mr. Lonsdale had a picnic and later at Mr.
11 Lonsdale’s house kissed each other for the first time. Upon returning home from their date that
12 night, Ms. Clougherty wrote Mr. Lonsdale: “I love getting to know you! More deets about rome
13 soon :)”³ This began Mr. Lonsdale and Ms. Clougherty’s relationship. Over several weeks, Mr.
14 Lonsdale, Anne, and Ms. Clougherty organized the Rome trip. Email exchanges continued. In
15 mid-March, Ms. Clougherty wrote: “I probably have told you this, but I really appreciate how kind
16 you are and I’m always thankful for being around such compassionate people like yourself.”

17 36. In late March, Mr. Lonsdale and Ms. Clougherty finally travelled in Europe
18 together, and, in Rome, they had sex for the first time.

19 37. Mr. Lonsdale and Ms. Clougherty’s sexual relationship, both in Rome and at all
20 times thereafter, was always consensual. Ms. Clougherty never expressed to Mr. Lonsdale during
21 their relationship that she believed that any sexual acts were non-consensual.

22 38. When Ms. Clougherty returned to campus, she and Mr. Lonsdale emailed fondly
23 about Rome and about finding times to meet. Mr. Lonsdale was very busy at the time, yet Ms.
24 Clougherty wrote: “I think you’re doing some incredible things and am in support of you 100%. I
25 hope you never feel extra pressure from me during weeks like this – luckily I’m like the last
26

27 ² Email of February 14, 2012, attached hereto as Exhibit 2.

28 ³ Email of March 3, 2012, attached hereto as Exhibit 3.

1 person who would take issue with you having a super busy schedule.” Mr. Lonsdale responded:
 2 “It’s never extra effort for me to see you. . . . [S]eeing you is my favorite choice whenever we can
 3 make it happen =).” Ms. Clougherty replied to say he was “very, very sweet. It feels so good to
 4 be on the same page.”

5 **B. April 2012–Mid-August 2012: The Relationship Progresses**

6 39. From then on, Mr. Lonsdale and Ms. Clougherty behaved like a normal boyfriend
 7 and girlfriend. While they were dating, Mr. Lonsdale and Ms. Clougherty had an active sexual
 8 relationship. Ms. Clougherty frequently initiated sexual contact during the course of their
 9 relationship. At times, Ms. Clougherty would insist strongly on having sex, even if Mr. Lonsdale
 10 initially was not interested.

11 40. Ms. Clougherty never suggested to Mr. Lonsdale that their sexual relationship was
 12 not consensual, or that Mr. Lonsdale had abused her in any way. To the contrary, she regularly
 13 expressed her love and affection for Mr. Lonsdale and the happiness she experienced dating him.

14 41. Mr. Lonsdale and Ms. Clougherty exchanged dozens of affectionate and joking
 15 emails. For instance:

- 16 • Mr. Lonsdale forwarded Ms. Clougherty an email from a friend who wrote: “I have
 17 heard from 3 different people that you have a new, pretty amazing girlfriend :-)”
 18 Ms. Clougherty responded: “Aw shucks >.<”
- 19 • Ms. Clougherty wrote that she would “stop emailing you now hahah but I’m really
 20 really happy to be with you, I have like, butterflies in my stomach hahah.” Mr.
 21 Lonsdale responded: “you give me butterflies too and i wish you were here to kiss.
 22 sweet dreams Ellie.”
- 23 • They emailed about hosting her family at his house, and she wrote: “You are so
 24 thoughtful, caring, and loving. ^ _ ^”
- 25 • Ms. Clougherty wrote: “You have such good morals that I love to learn from and
 26 you work so hard it’s insane but it never takes away your humility or pleasant
 27 nature. Super proud and loving you, Ellie.”

28 42. In many emails, Ms. Clougherty expressed to Mr. Lonsdale how happy she was
 that she was dating him and how much she loved him. For instance:

- On July 9, Mr. Lonsdale wrote that he was “just coming to terms with how much I
 like you and everything we can do together. really missing you today.” Ms.

Clougherty wrote back: "I really love how much you care about me and like I told [a friend] in Rome, the love I feel for you is deep.... [I]t's something I've never experienced before and it's something that is stronger than any other form of love I can think of. You make me become a selfless person and that's a quality I crave for.... I get really happy thinking of you and even though I miss you a lot too, my mom and I just pass the time talking about you anyways so it makes you feel close :)"⁴

- On July 23, Ms. Clougherty wrote: "I really really love you and I like who we are together - sometimes I think you're so so cute I could just hug and kiss you to death and other times I'm enamored by your strength in character, leadership, and morals."
- Ms. Clougherty wrote: "I love you so much and I've been wanting to just see you so badly today. You are so smart and kind and whole lot of something else I don't fully understand yet but it's definitely something awesome/'freak of nature' in a good way :))"

43. In many emails, Ms. Clougherty alluded happily to their sex life. For instance, in May, Mr. Lonsdale said he hoped Ms. Clougherty was "having a good day, miss you already. your bed is way too small but it was still nice to be next to you." She responded: "I miss you already too! Haha, I slept in an extra two hours since I'm on vacation. haha, We should push the beds together, haha it's definitely too small."

44. Mr. Lonsdale and Ms. Clougherty developed relationships with each other's families and Mr. Lonsdale won clear approval from the Clougherty family for his positive impact on Ms. Clougherty. For instance:

- In early May, Ms. Clougherty and Anne met Mr. Lonsdale's father and his Aunt Ruthy.
- Ms. Clougherty and Anne attended Mr. Lonsdale's father's wedding.
- Mr. Lonsdale and Anne occasionally spoke by phone and Mr. Lonsdale bought Anne a Mother's Day gift.
- When the couple traveled to New York, Mr. Lonsdale met with Anne without Ms. Clougherty.
- Mr. Lonsdale got to know Ms. Clougherty's father and her family in June 2013. He wrote to Anne that "it was really wonderful to meet your whole family yesterday, we enjoyed it so much, they're wonderful."
- In one email Anne told Mr. Lonsdale that her family all loved him, and that "*the girls like seeing Ellie so happy*" in the relationship.

⁴ Email of July 9, 2012, attached hereto as Exhibit 4.

- Anne became very involved in Mr. Lonsdale's search for a house to buy. At one point she flew out to California "to scope out some houses for Joe."

C. Mid-August 2012-December 2012: Tensions Develop as Ms. Clougherty's Psychological Instability Begins to Surface

45. In August, Mr. Lonsdale and Ms. Clougherty traveled to Hong Kong, Beijing, and Seoul. Although the trip mostly went well, Ms. Clougherty got upset at Mr. Lonsdale towards the end, after a series of meetings throughout the trip left him unable to spend much time with her and she lashed out at him verbally. After returning from Asia, Mr. Lonsdale began to express concern about Ms. Clougherty's stability and their fundamental compatibility. Ms. Clougherty consistently tried to assuage Mr. Lonsdale's doubts about the relationship.

46. Despite several open email exchanges dealing with sensitive relationship issues, Ms. Clougherty never stated or even suggested that she felt abused by Mr. Lonsdale in any way, or that their sexual relationship was in any way non-consensual.

47. Shortly after returning from Asia, Mr. Lonsdale wrote:

I had a really good time in Asia with you.

I think there are a lot of ways that we are very compatible and I have a huge amount of respect for you. You are an amazing person.

Since we are dealing with some volatility right now I thought I would write you a note.

...

I also am really scared by how you are super positive about me one day-- too much so -- and then super negative the next. This binary swinging between things is hurtful and it's also very immature. One day everything I do is right. The next . . . I am busy all the time and have many other things wrong with me. You get angry at me and suddenly all my flaws are discussed as if I am a broken person in your anger who is not meeting your needs in multiple ways. I am not okay being treated like that or having that kind of interaction.

...

I care about you a lot and think you are amazing. But we are not at a healthy spot right now. And it's rough because I just got back and am slammed by interviews and photoshoots and team meetings and etc the next few days and am way behind catching up as I always am after a nice trip like what we took. So it's really hard for me to deal with this appropriately. I feel under siege by you and I don't quite know how to deal with it at the moment.

48. Two days later, Ms. Clougherty wrote back a ten-page letter sent via email.⁵ Ms. Clougherty's letter first described her eating disorder, her ability to "consciously manipulate my emotions to make it easier for me to act a certain way," suffering "cognitive distortions" that would cause her to believe things happened that really did not, and being at times "physically incapable of speaking the truth." She said that she was suffering from these severe psychological problems "two months before we first met":

In high school and in my modeling career, being a perfectionist was rewarded and it was a skill I nearly "perfectly perfected" in my late teens. Unfortunately, that same perfectionism that I received accolades for led to the demise of my health and became so extreme that I started seeing imperfections that honestly didn't exist. I began having cognitive distortions about my body and diet to the point that I unconsciously trained myself to *believe* I was eating, when in reality, I wasn't. From my mother's perspective, she thought I was lying to her about my health, but in reality, I was physically incapable of speaking the truth, because cognitively, I was blind to it. . .

When it comes to moral issues, relationships, and coming to terms with my own humanity, however, perfectionism is disastrous and sinful. Because I spent so many years abusing my emotions to feel "disgust" whenever I didn't want to do something (eat candy, sleep with boys, etc.), any small trigger to my system would set off a huge chain reaction of emotion that is acceptable to a certain degree, but beyond that threshold, begins to topple reason and temporarily distort cognition....

...I tangentially discovered I had PANDAS (Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal infections) The strep bacteria that was harbored in my tonsils created an autoimmune reaction that fought so viciously, it began to damage my basal ganglia which play a huge role in the perception of physical needs (hunger, warmth, etc.), motor control, and cognitive / emotional processes which apparently includes the emotions of love and attraction (fantastic!). Not only does this lead to perfectionism (as I call it), but it also leads to those moments when I send you "ultimatums" because the emotional strain takes such a heavy toll, I just want to get rid of the pain completely. Or when it took me so long to find a healthy sexual rhythm. These behaviors are taxing, but this isn't how I want to act, and these actions will change for the better as my brain heals. . . .

Things started happening to me that scared me. My perception of time was warped (what?); I started seeing myriads of color on white tile floors; that weird purple dot that you get too became almost

⁵ Email of August 23, 2012, attached hereto as Exhibit 5.

1 permanent; open spaces with people scared me, almost like they
 2 would scare a little chipmunk; I was so cold I couldn't leave my
 3 apartment because I thought it would look weird going to the library
 4 with a comforter wrapped around me; I lost my sense of hunger; I
 lost my ability to smell; I stopped being able to read.. and no one
 had any idea. In a lot of ways, I was slowly dying. This was where
 I was exactly two months before we first met.

5 49. Ms. Clougherty then described being forcibly restrained in a psychiatric institution
 6 just before the Winter Quarter of 2012, apparently on orders of eating-disorder specialists. During
 7 that time, she claimed to be "brainwashed" and isolated by the manipulative medical staff, as well
 8 as deprived of food and water:

9
 10 I was taken away from my parents and locked up in a nearby mental
 11 health hospital, against my will. There were lots of cameras and lots
 12 of locked doors.... I didn't know what was happening to me, but I
 13 was immediately asked to remove my clothes for a strip search. My
 dad was angry, but there were two people already escorting him out
 of the room before he was able to take me with him. I wasn't
 allowed to keep my belongings.

14 Nor could I call my parents. They gave me a phone card but every
 15 time I tried to use it, it "wouldn't work." The first day there I wasn't
 16 allowed to eat or drink anything because I wasn't "on schedule" and
 17 the nurses were just going along with orders. I tried to tell them I
 just arrived and hadn't eaten or drunk anything all day, but they
 were uncomfortable "breaking the rules" and the one doctor who
 was in charge of treating us only came on Tuesdays, three days from
 now....

18 Some of the girls and I would stage fake scenes to distract the nurses
 19 and get access to the telephone. I would always try to call my mom
 20 but might have only gotten 5 minutes in on a good stage. Every
 21 time I could reach her she would repeat: "Ellie! Don't sign any more
 22 forms! We can help you if we can get you out of there! Don't sign
 23 any more forms." That's all she would say. By the second day, the
 24 doctors began to convince me I was incapable of surviving in the
 25 outside world and that my parents were a corrupting influence. I
 26 started to believe them and signed at least two more forms that kept
 27 me locked up for nearly a week. This terrified my parents the most.
 28 Brainwashing is easy when you find someone who not only knows
 something is physically wrong with them, but is uncertain about
 their mental capacities and begins to doubt the very part of them that
 makes them human and gives them a voice. That's how it happens.
 I knew not to take any of their psychiatric medicine (that they forced
 the minors to take), but I didn't trust my own thoughts about the
 hospital since the "one respected doctor" told me my disorder was a
 cognitive disorder as much as it was a physical one. I started to
 believe her and I started to loose myself...

1 But then I became aware. I also became really close to God. I never
2 felt closer to God actually.

3 ...I answered all their questions exactly as they wanted them to hear.
4 I was complacent and thankful, praising them for their wisdom of
5 the disorder and for wanting to help me. Some of the other girls
6 started to see what I was doing. It was a quiet revolution and some
7 of them were so shocked by it they literally began to cry knowing
8 they didn't have the same strength to play the system as I did. It
9 was like I had an invisible power force that just shocked their
10 systems. Outside the front door of the complex, my mom packed
11 bricks in the car in case she needed to rescue me with force. My
12 father had the head of the psychiatry department at his hospital
13 personally call my "doctor" to ask me to be released. The hospital
14 said they would comply as long as my blood test came back clear. I
15 waited....⁶

16 50. Ms. Clougherty then turned her letter to religion and sex, termed her reaction in
17 Asia a "wrong step," and praised Mr. Lonsdale for his discernment and his "core ability" to
18 "understand people and humanity and to discern," similar to Jesus Christ:

19 This is why I don't expose myself to certain kinds of music, art, and
20 television that eventually conditions me to accept a certain behavior
21 is "good." It's my responsibility to protect myself from harmful
22 influences and "cut off whatever leads me to sin." Obviously it
23 seems extreme to cut off all potential influences of this sort, but
24 people who do that are really only afraid. It's important to never
25 respond to fear, but to only love: I love myself (and my future
26 family) enough to not expose myself to certain kinds of media (or
27 heck, even people) that lead me to sin, but fear would only to take
28 me to extreme lengths that don't seem effective....

This ability of discernment is something I see so profoundly
developed in you more than anyone else I have ever met. . . I took a
wrong step (for whatever reason... maybe I still have some
emotional turbulence from the past year and a half, maybe the brain
region that controls my relationship to sexuality is still raw and
hyper-sensitive, maybe I don't have enough knowledge about who
you are and what your temperament is to stuff like this, maybe this
letter is too damn long haha).... I feel closer to God when I'm with
you and I'm amazed by your openness to discovering the insights of
other people and other viewpoints.... I've only ever mentioned
Catholicism before because the core teaching of the Church speaks
directly to this core ability you've had since birth... to understand
people and humanity and to discern. It's like wanting to introduce
two people who have so much in common, you'd think they already
know each other or something. Joe, meet Jesus; Jesus, I take it
you've heard of Joe and been with him every step of the way....

⁶ *Id.*

Sometimes I think it would have been so much better had you met me a year from now, when I'm fully healed and healthy enough to be in a relationship – I'm totally just barely there and it's taken me a while to even let myself start dating. But, on the other hand, maybe it's a good thing you get to learn about my deepest struggles. Maybe, we might share some actually....

51. Mr. Lonsdale responded to this email by saying how much he appreciated Ms. Clougherty's openness, and how he loved her and wanted to help her:

i love you. you are wonderful to put this down.

thank you for sending this. that was very well written and explains a lot of things i didn't understand. when you are open and explaining and loving it is very easy to see more and to get it. i want to take care of you and help you and grow with you. i think you will be all healed soon and i hope i can help. you are an amazing woman....

it is really kind of you to have shared this with me and makes me want to help you more....

i see where it is coming from. there was a lot i did not understand but i am learning a lot more now.

52. Ms. Clougherty responded that she "loved" Mr. Lonsdale's "comments," and explained how she thought Mr. Lonsdale was a "very loving and respectable man when it comes to [his] sexuality."

53. At around the same time, Ms. Clougherty sent Mr. Lonsdale a hand-written card on stationary she had bought in Seoul expressing her appreciation for the trip, complimenting him on passing "whatever these tests are with flying colors" and telling him that his continued commitment to her "will pay off...in the long run":

I can't believe you brought me to Asia!!!

...I love you so much and I feel like every time we go somewhere overseas, you learn about a new side/dimension of me

...you always pass whatever these tests are w/ flying colors tho + I always respond by saying I want to learn more about you too to love you deeper in return for the way you love me. You are a really special man.

⁷ *Id.*

1 ...I think the challenges I may present now will pay off
 2 tremendously in the long run + I hope you can see that too. If
 3 anything, this phase will make me more receptive to obstacles we
 4 may face together in the future. I feel like we should thank God
 5 every day we have together.⁸

6 54. At this point in the relationship and through these conversation, Ms. Clougherty
 7 disclosed to Mr. Lonsdale that she felt she had been abused by men in the past, including as a
 8 teenage print model and by men at Stanford before she met Mr. Lonsdale. She also described at
 9 least one past boyfriend of three years who she claimed emotionally abused her and “mastered
 10 how to manipulate [her] feelings.”⁹ She sometimes said those past experiences could make her
 11 uncomfortable with sexuality, but always contrasted her positive sex life with Mr. Lonsdale with
 12 those bad experiences.

13 55. After these exchanges Mr. Lonsdale and Ms. Clougherty returned to organizing
 14 their lives together and treating each other as any affectionate and loving couple would. For
 15 instance:

- 16 • Ms. Clougherty commented that her mom was “amazed” when Mr. Lonsdale
 17 bought her a necklace. “She really loves you. Me too :)”
- 18 • Later, Ms. Clougherty wrote: “You’re like the boyfriend every girl dreams about
 19 but doesn’t think actually exists. Better than any love interest in Taylor Swift’s
 20 music videos . . . Eek.”

21 56. Towards the end of September, Mr. Lonsdale entered a very busy period with
 22 regard to work. Despite this, Mr. Lonsdale emphasized that he wanted to make time to spend with
 23 Ms. Clougherty whenever possible. He wrote:

24 I honestly really want to see you happy and inspired, and would be
 25 horrified to ever see you trapped or unhappy. I think in general you
 26 are very good at being happy in the present and I want to be more
 27 helpful to your plans and spend more time on them with you and I
 28 am sorry I have been a bit selfish in how much I am wrapped up in
 my own mission this year and not more giving and helping to you as
 I could be.

⁸ Card from Ms. Clougherty to Mr. Lonsdale, attached hereto as Exhibit 6.

⁹ Email of October 3, 2012, attached hereto as Exhibit 8.

Also I will try to slow down a little bit and make sure you know the plans and are okay with them. It is very hard for me to be more flexible during a time like this but every once in awhile I should be able to cancel things or more things around for you too, especially if it's for something that means a lot to you....¹⁰

57. Ms. Clougherty responded: "Letting me know that you desire to respect me, my fears, whatever, even if you can't whatsoever, would make me the happiest person in the world. You've done that recently and it makes me feel really happy and want to love you more (if that's possible :P)."¹¹

58. The next day, however, Ms. Clougherty and Mr. Lonsdale had a conversation in which Ms. Clougherty harshly criticized Mr. Lonsdale for not spending enough time with her. In response, Mr. Lonsdale expressed his love for her, the efforts he made to spend time with her:

I don't like the implication we have in our dynamic that if I am hurt by something it means there is something wrong with me. Hurt always reflects internal challenges too, sure. But I think sometimes you make mistakes too and it's dangerous and pretty cruel to turn it around and say that if something is bothering me, it's a reflection of my own inner issues and nothing you need or want to worry about. When you get stubborn or angry you always project this attitude.....

....[L]ast week I spent a few hours and moved lots of important things around to ensure to see you nearly every week and sometimes 2 or 3 times a week...because I really want to and because I thought that was important to you too. Lots of those are at night b/c that was what was possible, but some like the Saturday and Sunday brunch we had to cancel for your Catholic trip were during the day. And this amount of time for you is not enough long-term -- or enough for me long-term -- but it was an effort.

Also this week I almost cancelled a couple things and flew home for a day then flew back again just to spend time with you but I realized it wouldn't be healthy or right with the pressure I am under to keep up during this sprint and wouldn't be the healthy choice to fly home and back from NY. But I was sitting here missing you and am in a position thinking I would go a long way and do whatever it took to see you and support you and do what you needed.

It's really nice to know there is somebody who loves you and who will be eager to see you. And it was a real shock and honestly was painful to me to hear you throw back that you didn't want to see me at night and didn't feel you were being treated as enough of a

¹⁰ Email of September 26, 2012, attached hereto as Exhibit 7.

¹¹ *Id.*

1 priority and to hear you go at me today about putting you behind
 2 other things, while also delivering the news about your Catholic
 3 group, almost as if you cancelling my one big upcoming open time
 4 made you even angrier at me for some reason.

5 If you tell me what else I can do in a positive way I am willing to
 6 work on being a good boyfriend to you and try to do better during
 7 this very challenging period for me....

8 I hope there was some mistake or something else bothering you here
 9 that I can fix vs this being a normal occurrence. I love you.

10 59. Ms. Clougherty wrote back: "Joe, you misread my intentions so hard that I am
 11 shocked. I want to cry so intensely because that is not how I feel at all but I'm honestly too
 12 shocked to let them come. I don't understand how you let these thoughts take over your mind so
 13 quickly, like a wildfire."

14 60. Mr. Lonsdale and Ms. Clougherty then returned to exchanging warm, light-hearted
 15 emails. For instance:

- 16 • On October 1, she wrote that "I love you so much and always think about how
 17 lucky I am to be able to pour my love into both Stanford and you." He responded:
 18 "That is great beauty. Really glad youre so happy. You make me happy. Excited
 19 to chat with you soon and learn and explore together."
- 20 • She wrote: "You are such a lovely man. I am so lucky to be with someone who
 21 cares about me so much. Thank you, Joe :)"
- 22 • On October 9, Ms. Clougherty wrote Mr. Lonsdale a good-luck email for an out-of-
 23 town meeting and wrote: "I love you so much and when I miss you now it's
 24 actually almost painful (never felt that way before). I think this is a sign I've gone
 25 from really liking / respecting you, to really loving you."¹²
- 26 • On October 23 she wrote Mr. Lonsdale a long document about everything she and
 27 Mr. Lonsdale had in common.

28 61. Ms. Clougherty also continued to refer jokingly and positively to their sex life. For
 instance:

- Ms. Clougherty wrote to Mr. Lonsdale: "Love the roses. Thanks for watering
 mine! You know. Heh. Sweet dreams love!" He wrote back "haha you are a
 naughty girl."¹³
- In a long email about her religious views, Ms. Clougherty expressly referenced the

¹² Email of October 9, 2012, attached hereto as Exhibit 9.

¹³ Email of November 2, 2012, attached hereto as Exhibit 10.

1 loss of her virginity in Rome, saying that she had prayed that she'd understand how
2 to love better "the same day we shared such a beautiful moment together! If you
3 know what I mean."¹⁴

- 4 • In December, she wrote that she loved "how not only intelligent but also
5 fundamentally good a person you are."¹⁵

6 **D. December 2012–February 2013: The Relationship Ends**

7 62. In December, Mr. Lonsdale and Ms. Clougherty planned for Mr. Lonsdale to spend
8 Christmas with Ms. Clougherty's family. In corresponding about the trip, Mr. Lonsdale and Ms.
9 Clougherty exchanged flirtatious emails about having sex after he arrived. After Mr. Lonsdale
10 told Ms. Clougherty he had moved his flight earlier, she said that they could "go shopping or take
11 a nap" after he arrived. Mr. Lonsdale responded "how about a 'nap' together then shopping," to
12 which Ms. Clougherty replied "Excellent idea ;)"¹⁶

13 63. During the holiday, however, the tension between Mr. Lonsdale and Ms.
14 Clougherty grew worse. Part of the reason for this is that it became increasingly clear to Mr.
15 Lonsdale that Ms. Clougherty's psychiatric problems were significantly worse than he had
16 realized and her moods would swing dramatically back and forth. On December 28, after Mr.
17 Lonsdale left the Clougherty's, he decided to end the relationship and broke up with Ms.
18 Clougherty.

19 64. After Mr. Lonsdale broke up with Ms. Clougherty, Anne wrote him a two-page
20 letter urging Mr. Lonsdale to continue dating Ms. Clougherty. "I hope you can read this letter
21 with what is my only intention," she said, "to offer you advice as I would my own son." Anne
22 wrote about how she and Ms. Clougherty frequently "talked about [Joe's] wonderful qualities"
23 and how Ms. Clougherty "has the same endless energy you do" and "lov[ed] every minute of the
24 world you included her in." Trying explain why she thought Ms. Clougherty and Mr. Lonsdale
25 were having troubles, she said although Mr. Lonsdale was "smart," he was "a little out of balance
26 on living a healthy life" and that "Ellie helped provide this centering force." Anne continued:

27 ¹⁴ Email of November 26, 2012, attached hereto as Exhibit 11.

28 ¹⁵ Email of December 12, 2012, attached hereto as Exhibit 12.

¹⁶ Email of December 21, 2012, attached hereto as Exhibit 13.

“Every time she thought she would be together with you....the dinner at 6pm became the stop by the dorm at 10pm. Every time she thought that lazy Saturday morning would be the day....she’d notice you already on email and your day planned without consideration of her needs. She then thought...maybe I need to get ‘on his calendar’. I found this ridiculous and didn’t hesitate to say so. This was never about you being too busy with your fund and other businesses. This was about your inability to see her simple needs.” “Ellie poured herself in to this relationship,” she continued, and the tension between them was because “Ellie felt lonely, even when in the same room with you.” Anne concluded by imploring Mr. Lonsdale to “really take stock in what direction you want to go in life” and remember the importance of “shar[ing] [his] life with someone [he] love[s].”¹⁷

65. In early January, Ms. Clougherty and Mr. Lonsdale began cautiously talking and, after an in-person chat, they agreed to begin a trial run of dating again.

66. At times over the following month things went well. For instance, Mr. Lonsdale and Ms. Clougherty exchanged numerous warm and flirtatious emails, including about their sex life. For instance:

- Mr. Lonsdale wrote that it “makes me happy that we’re in a good place.” She responded: “It’s exciting to me to be in a relationship where we both have so much love to give... we’ll keep finding ways to share this love the best way we can, but we’re on a great track :)”
- Ms. Clougherty wrote that “It makes me so happy to think there’s someone like you in the world I can love and think about.”¹⁸
- That same day, Ms. Clougherty wrote that she wished she “could kiss you everywhere,” and Mr. Lonsdale replied “haha that’s naughty.”¹⁹

67. Eventually, however, Ms. Clougherty’s belief that Mr. Lonsdale did not spend enough time with her re-arose. At one point they exchanged a series of emails about their schedule for coming days. Ms. Clougherty explained when she wanted to see Mr. Lonsdale and

¹⁷ Email of December 31, 2012, attached hereto as Exhibit 14.

¹⁸ Email of January 17, 2013, attached hereto as Exhibit 16.

¹⁹ Email of January 31, 2013, attached hereto as Exhibit 17.

1 graded him with “points” that he could earn by spending time with her, but if he wanted to spend
2 time with his male friends and not her, then “men men men gay gay gay.”²⁰

3 68. By the end of February, the relationship had begun to deteriorate terminally. In
4 response to an email from Mr. Lonsdale saying that “it was good to see you today,” Ms.
5 Clougherty wrote a long email about how he was “capable of treating me better than any man in
6 the world,” and that “[y]our influence on me was positive and brought me closer to my true self,
7 which is God.” But she felt his “image of who I am now is a false one” and attributed this largely
8 to stress from Mr. Lonsdale’s work and his unwillingness to spend enough time with her. She
9 ended by saying that she and God are “just sitting in that green pasture waiting for you. I think,
10 I’m going to sit next to him too. We both love you so much and I crave for you to come closer.”²¹
11 Mr. Lonsdale wrote back that her email was “really sweet and loving” and that “i appreciate what
12 you are doing and how you care about me and are fighting for me.” She replied by asking “How
13 are you fighting for me?” He said he was “trying to figure out the right way to fight for you.” She
14 suggested that he was good “at being optimistic/hopeful/visionary” for companies, but did not
15 dedicate such energy to relationships.

16 69. On February 19, 2013, Mr. Lonsdale emailed Ms. Clougherty asking her to meet
17 him that night to talk. He said that if “i can’t give you what you need, we may need to stop this
18 soon. Love, Joe.” On February 23, Mr. Lonsdale ended the relationship with Ms. Clougherty for
19 good. Through April, Mr. Lonsdale continued to reach out to Ms. Clougherty to see how she was
20 doing, but she never responded.

21 **E. Ms. Clougherty Defames Mr. Lonsdale By Falsely Telling Stanford and Mr. Lonsdale’s**
22 **Colleagues and Acquaintances that Mr. Lonsdale Sexually Abused Her**

23 70. At some point after Mr. Lonsdale and Ms. Clougherty’s relationship ended, Ms.
24 Clougherty complained to Stanford that Mr. Lonsdale had committed some form of sexual
25 misconduct.

26 71. Stanford eventually began a Title IX investigation of these claims, conducted by an

27 ²⁰ Email of January 9, 2013, attached hereto as Exhibit 15.

28 ²¹ Email of February 18, 2013, attached hereto as Exhibit 18.

1 outside investigator. Stanford did not inform Mr. Lonsdale of any details of Ms. Clougherty's
2 allegations that formed the basis of its investigation. Mr. Lonsdale did not know how many times
3 the misconduct allegedly occurred, or when, where, or how it took place. As such, Mr. Lonsdale
4 did not have a meaningful opportunity to introduce evidence to defend himself during the
5 investigation.

6 72. Stanford did not have access to most of the email correspondence between Mr.
7 Lonsdale and Ms. Clougherty discussed above and never identified the witnesses or evidence
8 against Mr. Lonsdale or gave him a chance to respond to it.

9 73. Unbeknownst to Stanford, Ms. Clougherty also actively attempted to manipulate
10 and corrupt Stanford's investigation. Ms. Clougherty made her intentions clear through text
11 messages to a friend, one of which read: "Totally joe take down scheme!"

12 74. Ms. Clougherty and Anne also encouraged the same friend to lie to Stanford. They
13 urged Ms. Clougherty's friend to tell the investigators that she noticed a "marked change" in Ms.
14 Clougherty when she was dating Mr. Lonsdale and that Ms. Clougherty had become "sad." The
15 friend did not talk to the outside investigator because she felt that this was contrived. Although
16 the friend asked Anne not to give her name to Ms. Clougherty's legal team, Anne did anyway.

17 75. In April 2014, Stanford's investigator contacted the friend, who replied that she did
18 not want to speak. After that, one of Ms. Clougherty's ex-boyfriends approached the friend and
19 told her that the Cloughertys were upset with the friend for not "supporting" Ms. Clougherty. She
20 thought it was "clear" that the Cloughertys had convinced Ms. Clougherty's ex-boyfriend to
21 pressure her into talking with the investigator. When Ms. Clougherty found out that this friend
22 refused to talk to the investigator, she was furious, accused her of not supporting her, and refused
23 to speak to her again.

24 76. Stanford eventually concluded, without review of the email correspondence
25 between Mr. Lonsdale and Ms. Clougherty and without knowledge of Ms. Clougherty's attempts
26 to manipulate its process, that it "was more likely than not" that Mr. Lonsdale did engage in sexual
27 harassment or sexual misconduct.

28 77. Mr. Lonsdale is in the process of appealing Stanford's decision. Mr. Lonsdale has

1 presented new evidence, including the email correspondence described herein and evidence
2 concerning Ms. Clougherty's manipulation of Stanford's process. Mr. Lonsdale also challenged
3 various procedural aspects of Stanford's investigation. Stanford is currently considering Mr.
4 Lonsdale's submission and the new evidence.

5 78. Sometime after February 1, 2014, Mr. Lonsdale began to hear that Ms. Clougherty
6 was telling numerous business contacts and personal connections that Mr. Lonsdale sexually
7 assaulted her.

8 79. Sometime after February 1, 2014, Mr. Lonsdale also learned that Ms. Clougherty
9 had called several of his friends (including one of his former girlfriends) and stated that Mr.
10 Lonsdale had sexually assaulted her.

11 80. Sometime after February 1, 2014, Mr. Lonsdale learned that Ms. Clougherty had
12 said "horrible things" about Mr. Lonsdale to the current boyfriend of that same former girlfriend.
13 Upon information and belief, Ms. Clougherty stated to the boyfriend that Mr. Lonsdale sexually
14 assaulted her.

15 81. Upon information and belief, sometime after February 1, 2014, Ms. Clougherty
16 made statements that Mr. Lonsdale sexually assaulted her to the Chief Investment Officer of a
17 possible investor in one of his business ventures. After talking to Ms. Clougherty, the investor
18 declined to participate in the venture. Upon information and belief, the investor declined to
19 participate in the venture because of the statements made by Ms. Clougherty.

20 82. In or around February 2014, Mr. Lonsdale learned that Ms. Clougherty had told an
21 official at a prominent non-profit organization information about an "ongoing scandal" involving
22 Mr. Lonsdale. The official stated that Mr. Lonsdale should not attend a dinner with college
23 students because of his involvement with that "scandal." Upon information and belief, Ms.
24 Clougherty told the official that Mr. Lonsdale sexually assaulted her.

25 83. In or around December 2014 and January 2015, Mr. Lonsdale learned that Ms.
26 Clougherty made statements regarding sexual misconduct by Mr. Lonsdale to a Stanford professor
27 who she enlisted to help tell her story to various media outlets in an effort to generate damaging
28 press reports about Mr. Lonsdale.

COUNT I**(Defamation *Per Se*)**

84. Counterclaimant incorporates the above paragraphs by reference as if they were re-pleaded specifically for this cause of action.

85. Ms. Clougherty made the following statements concerning Mr. Lonsdale to persons other than Mr. Lonsdale:

- a. Sometime after February 1, 2014, Mr. Lonsdale learned that Ms. Clougherty had made false statements to her mother Anne Clougherty that he had sexually assaulted her.
- b. Sometime after February 1, 2014, Mr. Lonsdale also learned that Ms. Clougherty had called several of his friends (including one of his former girlfriends) and stated that Mr. Lonsdale had sexually assaulted her.
- c. Sometime after February 1, 2014, Mr. Lonsdale learned that Ms. Clougherty had said “horrible things” about Mr. Lonsdale to the current boyfriend of that same former girlfriend. Upon information and belief, Ms. Clougherty stated to the boyfriend that Mr. Lonsdale sexually assaulted her.
- d. Upon information and belief, sometime after February 1, 2014, Ms. Clougherty made statements that Mr. Lonsdale sexually assaulted her to the Chief Investment Officer of a possible investor in one of his business ventures. After talking to Ms. Clougherty, the investor declined to participate in the venture. Upon information and belief, the investor declined to participate in the venture because of the statements made by Ms. Clougherty.
- e. In or around February 2014, Mr. Lonsdale learned that Ms. Clougherty had told an official at a prominent non-profit organization information about an “ongoing scandal” involving Mr. Lonsdale. The official stated that Mr. Lonsdale should not attend a dinner with college students because of his involvement with that “scandal.” Upon information and belief, Ms. Clougherty told the official that Mr. Lonsdale sexually assaulted her.
- f. In or around December 2014 and January 2015, Mr. Lonsdale learned that Ms.

1 Clougherty made statements regarding sexual misconduct by Mr. Lonsdale to a
 2 Stanford professor who she enlisted to help tell her story to various media outlets in an
 3 effort to generate damaging press reports about Mr. Lonsdale.

4 86. Each of Ms. Clougherty's statements regarding sexual misconduct by Mr. Lonsdale
 5 was false.

6 87. The hearers of these statements reasonably understood that these statements were
 7 about Mr. Lonsdale.

8 88. These statements were defamatory on their face because Ms. Clougherty
 9 reasonably understood that they accused Mr. Lonsdale of serious sexual misconduct, committing a
 10 crime, and/or by their natural consequences tend to cause actual damage to Mr. Lonsdale's
 11 reputation.

12 89. Ms. Clougherty knew that the statements about Mr. Lonsdale were false and/or
 13 recklessly disregarded the falsity of these statements when she made them. Ms. Clougherty made
 14 these statements with actual malice and with the intent to cause harm to Mr. Lonsdale.

15 90. Ms. Clougherty's statements were a substantial factor in causing Mr. Lonsdale to
 16 suffer harm to his profession and occupation, expenses from responding to the statements, harm to
 17 his reputation, and shame, mortification, and hurt feelings.

18 91. Ms. Clougherty was engaged in conduct involving fraud, oppression and malice, in
 19 conscious disregard of the rights of others, including, but not limited to, Mr. Lonsdale, so as to
 20 warrant the imposition of punitive damages pursuant to California Civil Code Section 3294.

21 **COUNT II**

22 **(Defamation)**

23 92. Counterclaimant incorporates the above paragraphs by reference as if they were re-
 24 pleaded specifically for this cause of action.

25 93. Ms. Clougherty made the following statements concerning Mr. Lonsdale to persons
 26 other than Mr. Lonsdale:

- 27 a. Sometime after February 1, 2014, Mr. Lonsdale learned that Ms. Clougherty had made
 28 false statements to her mother Anne Clougherty that he had sexually assaulted her.

- 1 b. Sometime after February 1, 2014, Mr. Lonsdale also learned that Ms. Clougherty had
2 called several of his friends (including one of his former girlfriends) and stated that Mr.
3 Lonsdale had sexually assaulted her.
- 4 c. Sometime after February 1, 2014, Mr. Lonsdale learned that Ms. Clougherty had said
5 “horrible things” about Mr. Lonsdale to the current boyfriend of that same former
6 girlfriend. Upon information and belief, Ms. Clougherty stated to the boyfriend that
7 Mr. Lonsdale sexually assaulted her.
- 8 d. Upon information and belief, sometime after February 1, 2014, Ms. Clougherty made
9 statements that Mr. Lonsdale sexually assaulted her to the Chief Investment Officer of
10 a possible investor in one of his business ventures. After talking to Ms. Clougherty,
11 the investor declined to participate in the venture. Upon information and belief, the
12 investor declined to participate in the venture because of the statements made by Ms.
13 Clougherty.
- 14 e. In or around February 2014, Mr. Lonsdale learned that Ms. Clougherty had told an
15 official at a prominent non-profit organization information about an “ongoing scandal”
16 involving Mr. Lonsdale. The official stated that Mr. Lonsdale should not attend a
17 dinner with college students because of his involvement with that “scandal.” Upon
18 information and belief, Ms. Clougherty told the official that Mr. Lonsdale sexually
19 assaulted her.
- 20 f. In or around December 2014 and January 2015, Mr. Lonsdale learned that Ms.
21 Clougherty made statements regarding sexual misconduct by Mr. Lonsdale to a
22 Stanford professor who she enlisted to help tell her story to various media outlets in an
23 effort to generate damaging press reports about Mr. Lonsdale.

24 94. Each of Ms. Clougherty’s statements regarding sexual misconduct by Mr. Lonsdale
25 was false.

26 95. The hearers of these statements reasonably understood that these statements were
27 about Mr. Lonsdale.

28 96. Because of facts and circumstances known to each of the persons to whom these

1 statements were made, these statements tended to injure Mr. Lonsdale in his profession and/or to
 2 expose him to hatred, contempt, ridicule, or shame and/or to discourage others from associating or
 3 dealing with him.

4 97. Mr. Lonsdale suffered harm to his profession and occupation, expenses to respond
 5 to the statements, harm to his reputation, and shame, mortification, and hurt feelings.

6 98. Ms. Clougherty's statements were a substantial factor in causing Mr. Lonsdale to
 7 suffer harm to his profession and occupation, expenses to respond to the statements, harm to his
 8 reputation, and shame, mortification, and hurt feelings.

9 99. Ms. Clougherty knew that the statements about Mr. Lonsdale were false and/or had
 10 serious doubts about the truth of these statements when she made them. Ms. Clougherty made
 11 these statements with actual malice and with the intent to cause harm to Mr. Lonsdale.

12 100. Ms. Clougherty was engaged in conduct involving fraud, oppression and malice, in
 13 conscious disregard of the rights of others, including, but not limited to, Mr. Lonsdale, so as to
 14 warrant the imposition of punitive damages pursuant to California Civil Code Section 3294.

15 **COUNT III**

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

17 101. Counterclaimant incorporates the above paragraphs by reference as if they were re-
 18 pleaded specifically for this cause of action.

19 102. Ms. Clougherty's conduct in making statements regarding sexual misconduct by
 20 Mr. Lonsdale, as alleged above, was extreme and outrageous.

21 103. Ms. Clougherty intended to cause Mr. Lonsdale emotion distress when she made
 22 those statements or acted with reckless disregard of the probability that Mr. Lonsdale would suffer
 23 emotional distress.

24 104. Mr. Lonsdale did in fact suffer severe emotional distress.

25 105. Ms. Clougherty's extreme and outrageous conduct was a substantial factor in
 26 causing Mr. Lonsdale's emotional distress.

27 106. Ms. Clougherty's extreme and outrageous conduct was knowing, malicious, willful,
 28 and wanton, thus entitling Mr. Lonsdale to an award of punitive damages.

COUNT IV

(Negligent Infliction of Emotional Distress)

107. Counterclaimant incorporates the above paragraphs by reference as if they were re-pleaded specifically for this cause of action.

108. Ms. Clougherty was negligent in making statements regarding sexual misconduct by Mr. Lonsdale, as alleged above.

109. Mr. Lonsdale suffered severe emotional distress.

110. Ms. Clougherty's conduct was a substantial factor in causing Mr. Lonsdale's emotional distress.

COUNT V

(Invasion of Privacy – Publication of Private Facts)

111. Counterclaimant incorporates the above paragraphs by reference as if they were re-pleaded specifically for this cause of action.

112. Ms. Clougherty publicized private information concerning alleged sexual misconduct by Mr. Lonsdale, as alleged above.

113. A reasonable person in Mr. Lonsdale's position would consider the publicity highly offense.

114. Ms. Clougherty knew, or acted with reckless disregard of the fact, that a reasonable person in Mr. Lonsdale's position would consider the publicity highly offensive.

115. The private information did not have a substantial connection to a matter of legitimate public concern.

116. Mr. Lonsdale was harmed.

117. Ms. Clougherty's conduct was a substantial factor in causing Mr. Lonsdale's harm.

118. Ms. Clougherty's highly offensive conduct was knowing, malicious, willful, and wanton, thus entitling Mr. Lonsdale to an award of punitive damages.

REQUEST FOR RELIEF

WHEREFORE, Counterclaimant prays for judgment against Counter-Defendant as follows:

1. An order prohibiting Counter-Defendant from making statements that Mr. Lonsdale committed any sexual misconduct with her;
2. For general damages in amount to be determined, but in no event less than \$75,000;
3. For special damages in amount to be determined, but in no event less than \$75,000;
4. For punitive damages;
5. For costs of suit incurred herein;
6. For such other and further relief as the Court may deem proper.

Dated: January 30, 2014

Respectfully submitted,

By: /s/ Kristen Dumont

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*Attorneys for Defendant and Counterclaimant
Joseph Lonsdale*

CERTIFICATE OF SERVICE

I, Kristen Dumont, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies shall be served by first class mail postage prepaid on all counsel who are not served through the CM/ECF system on January 30, 2015.

Dated: January 30, 2015

/s/ Kristen Dumont

Kristen Dumont