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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14 JOSEPH LONSDALE,  
15 Counterclaimant and Defendant,

16 v.

17 ELISE CLOUGHERTY,  
18 Counter-Defendant and  
19 Plaintiff.

20 ELISE CLOUGHERTY,  
21 Plaintiff and Counter-  
22 Defendant,

23 v.

24 JOSEPH LONSDALE,  
25 Defendant and Counterclaimant.

Case No. 3:15-cv-00382-WHA

**SECOND AMENDED COUNTERCLAIMS  
BY JOSEPH LONSDALE**

Courtroom: 8, 19th Floor  
Judge: Hon. William H. Alsup

JURY TRIAL DEMANDED

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22 *Joseph Lonsdale*  
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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 University, to Mr. Lonsdale’s friends and social acquaintances, to her friends and  
10 family, to Mr. Lonsdale’s business colleagues, and to The New York Times, causing serious  
11 damage to Mr. Lonsdale’s reputation. Worse yet, through her inflammatory lies, Ms. Clougherty  
12 is seeking to capitalize on the serious and highly politicized issue of sexual assault against women  
13 on college campuses, and by doing so undermines and discredits legitimate claims of sexual  
14 assault.

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

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

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

1 meeting him several times during the next year. After learning that Mr. Lonsdale regularly  
2 volunteered as an alumni resource in an entrepreneurship class at Stanford, Ms. Clougherty  
3 registered for that class for Stanford's Winter Quarter of 2012, almost a year after they'd first met.

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

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

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

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

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

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

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

28

1           12. Ms. Clougherty has made such statements to numerous people at Stanford  
2 University, to Mr. Lonsdale's friends and social acquaintances, to her friends and family, to Mr.  
3 Lonsdale's business colleagues, and to The New York Times. This smear campaign has caused  
4 significant harm to Mr. Lonsdale's reputation and has significantly disrupted his personal life and  
5 business ventures.

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

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

- 20           • She describes their first “sexual encounter” at Mr. Lonsdale's home in Los Altos as  
21 an abusive scene with Mr. Lonsdale “aggressively” attempting to touch her and her  
22 “pushing” him away and non-consensually “penetrating” her. But Ms.  
23 Clougherty's own email to Mr. Lonsdale after she returned home *that very night*  
24 tells the real story about how she felt about their first kiss that evening at his house  
25 as she wrote: “I love getting to know you! More deets about rome soon :)”
- 26           • She says that during their sexual encounter on a trip to Rome in March 2012, Mr.  
27 Lonsdale was “abruptly . . . penetrat[ing]” and grabb[ing]” her multiples times  
28 despite her “pull[ing] away,” leading to her locking herself in the bathroom and

1 crying for several hours. But Ms. Clougherty would write Mr. Lonsdale days after  
2 Rome to exchange flirtatious email regarding the trip to Rome, prompted by seeing  
3 a photo of them together at the Coliseum. And in July, she wrote another email and  
4 admitted that she “told [a mutual friend] in Rome, the love I feel for you is deep.”  
5 And months later she would fondly write another email to describe their sexual  
6 encounter in Rome as the “day we shared such a beautiful moment together! If you  
7 know what I mean . . . .”

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

#### 16 JURISDICTION AND VENUE

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

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

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

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

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

28 21. Defendant is subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1332.





1 great deal in common, particularly related to our energy/willingness/confidence (call it whatever  
2 you'd like) to initiate change . . . I realize you're very involved with all kinds of activities, but if  
3 you ever find a free lunch or dinner hour, let me know and I'll hop on my bike to meet you in a  
4 second!"<sup>1</sup> Later that month, at Ms. Clougherty's suggestion that they meet, Mr. Lonsdale and Ms.  
5 Clougherty went on what she described as their first "datish" date.

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

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

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

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

24 32. That Valentine's Day, Ms. Clougherty wrote an email to Mr. Lonsdale about  
25 wanting to spend more time with him:  
26  
27

28 <sup>1</sup> Email of June 27, 2012, attached hereto as Exhibit 1.

1 HAPPY VALENTINES DAY JOE LONSDALE! :)

2 . . . It's been lovely knowing you and I hope to spend more time  
3 with you in the near future! Your kindness, integrity, desire to make  
4 the world a better place, and willingness/confidence to make it  
happen is severely unique and an incredible thing to witness.<sup>2</sup>

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

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

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

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

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

25 38. When Ms. Clougherty returned to campus, she and Mr. Lonsdale emailed fondly  
26 about Rome and about finding times to meet. Mr. Lonsdale was very busy at the time, yet Ms.

27 <sup>2</sup> Email of February 14, 2012, attached hereto as Exhibit 2.

28 <sup>3</sup> Email of March 3, 2012, attached hereto as Exhibit 3.

1 Clougherty wrote: “I think you’re doing some incredible things and am in support of you 100%. I  
 2 hope you never feel extra pressure from me during weeks like this – luckily I’m like the last  
 3 person who would take issue with you having a super busy schedule.” Mr. Lonsdale responded:  
 4 “It’s never extra effort for me to see you. . . . [S]eeing you is my favorite choice whenever we can  
 5 make it happen =).” Ms. Clougherty replied to say he was “very, very sweet. It feels so good to  
 6 be on the same page.”

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

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

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

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

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

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

- 3
- 4           • On July 9, Mr. Lonsdale wrote that he was “just coming to terms with how much I  
5 like you and everything we can do together. really missing you today.” Ms.  
6 Clougherty wrote back: “I really love how much you care about me and like I told  
7 [a friend] in Rome, the love I feel for you is deep . . . . [I]t’s something I’ve never  
8 experienced before and it’s something that is stronger than any other form of love I  
9 can think of. You make me become a selfless person and that’s a quality I crave  
10 for . . . . I get really happy thinking of you and even though I miss you a lot too,  
11 my mom and I just pass the time talking about you anyways so it makes you feel  
12 close :)”<sup>4</sup>
  - 13           • On July 23, Ms. Clougherty wrote: “I really really love you and I like who we are  
14 together - sometimes I think you’re so so cute I could just hug and kiss you to death  
15 and other times I’m enamored by your strength in character, leadership, and  
16 morals.”
  - 17           • Ms. Clougherty wrote: “I love you so much and I’ve been wanting to just see you  
18 so badly today. You are so smart and kind and whole lot of something else I don’t  
19 fully understand yet but it’s definitely something awesome/‘freak of nature’ in a  
20 good way :)”

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

26           44.     Mr. Lonsdale and Ms. Clougherty developed relationships with each other’s  
27 families and Mr. Lonsdale won clear approval from the Clougherty family for his positive impact  
28 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.

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<sup>4</sup> Email of July 9, 2012, attached hereto as Exhibit 4.

- 1 • When the couple traveled to New York, Mr. Lonsdale met with Anne without Ms. Clougherty.
- 2
- 3 • Mr. Lonsdale got to know Ms. Clougherty's father and her family in June 2012. He wrote to Anne that "it was really wonderful to meet your whole family yesterday, we enjoyed it so much, they're wonderful."
- 4
- 5 • 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.
- 6
- 7 • 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."

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

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

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

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

19 I had a really good time in Asia with you.

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

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

24 . . .

25 I also am really scared by how you are super positive about me one  
26 day – too much so – and then super negative the next. This binary  
27 swinging between things is hurtful and it's also very immature. One  
28 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.

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. . .

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.<sup>5</sup> 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

<sup>5</sup> Email of August 23, 2012, attached hereto as Exhibit 5.

1 (as I call it), but it also leads to those moments when I send you  
 2 “ultimatums” because the emotional strain takes such a heavy toll, I  
 3 just want to get rid of the pain completely. Or when it took me so  
 4 long to find a healthy sexual rhythm. These behaviors are taxing,  
 5 but this isn’t how I want to act, and these actions will change for the  
 6 better as my brain heals . . . .

7 Things started happening to me that scared me. My perception of  
 8 time was warped (what?); I started seeing myriads of color on white  
 9 tile floors; that weird purple dot that you get too became almost  
 10 permanent; open spaces with people scared me, almost like they  
 11 would scare a little chipmunk; I was so cold I couldn’t leave my  
 12 apartment because I thought it would look weird going to the library  
 13 with a comforter wrapped around me; I lost my sense of hunger; I  
 14 lost my ability to smell; I stopped being able to read . . . and no one  
 15 had any idea. In a lot of ways, I was slowly dying. This was where  
 16 I was exactly two months before we first met.<sup>6</sup>

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

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

28 Nor could I call my parents. They gave me a phone card but every  
 time I tried to use it, it “wouldn’t work.” The first day there I wasn’t  
 allowed to eat or drink anything because I wasn’t “on schedule” and  
 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 . . . .

Some of the girls and I would stage fake scenes to distract the nurses  
 and get access to the telephone. I would always try to call my mom  
 but might have only gotten 5 minutes in on a good stage. Every  
 time I could reach her she would repeat: “Ellie! Don’t sign any more  
 forms! We can help you if we can get you out of there! Don’t sign  
 any more forms.” That’s all she would say. By the second day, the  
 doctors began to convince me I was incapable of surviving in the  
 outside world and that my parents were a corrupting influence. I

<sup>6</sup> *Id.*

1 started to believe them and signed at least two more forms that kept  
 2 me locked up for nearly a week. This terrified my parents the most.  
 3 Brainwashing is easy when you find someone who not only knows  
 4 something is physically wrong with them, but is uncertain about  
 5 their mental capacities and begins to doubt the very part of them that  
 6 makes them human and gives them a voice. That's how it happens.  
 7 I knew not to take any of their psychiatric medicine (that they forced  
 8 the minors to take), but I didn't trust my own thoughts about the  
 9 hospital since the "one respected doctor" told me my disorder was a  
 10 cognitive disorder as much as it was a physical one. I started to  
 11 believe her and I started to loose [sic] myself . . . .

12 But then I became aware. I also became really close to God. I never  
 13 felt closer to God actually.

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

27 50. Ms. Clougherty then turned her letter to religion and sex, termed her reaction in  
 28 Asia a "wrong step," and praised Mr. Lonsdale for his discernment and his "core ability" to  
 "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 . . . .

29 This ability of discernment is something I see so profoundly  
 30 developed in you more than anyone else I have ever met. . . . I took  
 31 a wrong step (for whatever reason . . . maybe I still have some  
 32 emotional turbulence from the past year and a half, maybe the brain  
 33 region that controls my relationship to sexuality is still raw and

<sup>7</sup> *Id.*



1 hyper-sensitive, maybe I don't have enough knowledge about who  
 2 you are and what your temperament is to stuff like this, maybe this  
 3 letter is too damn long haha). . . . I feel closer to God when I'm with  
 4 you and I'm amazed by your openness to discovering the insights of  
 5 other people and other viewpoints . . . . I've only ever mentioned  
 6 Catholicism before because the core teaching of the Church speaks  
 7 directly to this core ability you've had since birth . . . to understand  
 8 people and humanity and to discern. It's like wanting to introduce  
 9 two people who have so much in common, you'd think they already  
 10 know each other or something. Joe, meet Jesus; Jesus, I take it  
 11 you've heard of Joe and been with him every step of the way. . . .

12 Sometimes I think it would have been so much better had you met  
 13 me a year from now, when I'm fully healed and healthy enough to  
 14 be in a relationship – I'm totally just barely there and it's taken me a  
 15 while to even let myself start dating. But, on the other hand, maybe  
 16 it's a good thing you get to learn about my deepest struggles.  
 17 Maybe, we might share some actually.<sup>8</sup>

18  
 19 51. Mr. Lonsdale responded to this email by saying how much he appreciated Ms.  
 20 Clougherty's openness, and how he loved her and wanted to help her:

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

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

27 it is really kind of you to have shared this with me and makes me  
 28 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":

<sup>8</sup> *Id.*

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

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

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

8 . . . I think the challenges I may present now will pay off  
9 tremendously in the long run + I hope you can see that too. If  
10 anything, this phase will make me more receptive to obstacles we  
11 may face together in the future. I feel like we should thank God  
12 every day we have together.<sup>9</sup>

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

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

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

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

<sup>9</sup> Card from Ms. Clougherty to Mr. Lonsdale, attached hereto as Exhibit 6.

<sup>10</sup> Email of October 3, 2012, attached hereto as Exhibit 7.

1

2

I honestly really want to see you happy and inspired, and would be horrified to ever see you trapped or unhappy. I think in general you are very good at being happy in the present and I want to be more helpful to your plans and spend more time on them with you and I 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.

3

4

5

6

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 . . . .<sup>11</sup>

7

8

9

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)."<sup>12</sup>

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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 . . . .

21

22

23

24

25

. . . [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.

26

27

<sup>11</sup> Email of September 26, 2012, attached hereto as Exhibit 8.

28

<sup>12</sup> *Id.*

1 Also this week I almost cancelled a couple things and flew home for  
 2 a day then flew back again just to spend time with you but I realized  
 3 it wouldn't be healthy or right with the pressure I am under to keep  
 4 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.

5 It's really nice to know there is somebody who loves you and who  
 6 will be eager to see you. And it was a real shock and honestly was  
 7 painful to me to hear you throw back that you didn't want to see me  
 8 at night and didn't feel you were being treated as enough of a  
 9 priority and to hear you go at me today about putting you behind  
 other things, while also delivering the news about your Catholic  
 group, almost as if you cancelling my one big upcoming open time  
 made you even angrier at me for some reason.

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

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

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

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

- 19 • On October 1, she wrote that "I love you so much and always think about how  
 20 lucky I am to be able to pour my love into both Stanford and you." He responded:  
 21 "That is great beauty. Really glad youre so happy. You make me happy. Excited  
 22 to chat with you soon and learn and explore together."
- 23 • She wrote: "You are such a lovely man. I am so lucky to be with someone who  
 cares about me so much. Thank you, Joe :)"
- 24 • On October 9, Ms. Clougherty wrote Mr. Lonsdale a good-luck email for an out-of-  
 25 town meeting and wrote: "I love you so much and when I miss you now it's  
 actually almost painful (never felt that way before). I think this is a sign I've gone  
 26 from really liking / respecting you, to really loving you."<sup>13</sup>
- 27 • On October 23, she wrote Mr. Lonsdale a long document about everything she and  
 Mr. Lonsdale had in common.

28 <sup>13</sup> Email of October 9, 2012, attached hereto as Exhibit 9.

1  
2           61.     Ms. Clougherty also continued to refer jokingly and positively to their sex life. For  
3 instance:

- 4           • 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  
5           naughty girl.”<sup>14</sup>
- 6           • In a long email about her religious views, Ms. Clougherty expressly referenced the  
loss of her virginity in Rome, saying that she had prayed that she’d understand how  
7           to love better “the same day we shared such a beautiful moment together! If you  
know what I mean.”<sup>15</sup>
- 8           • In December, she wrote that she loved “how not only intelligent but also  
fundamentally good a person you are.”<sup>16</sup>

9  
10 **D. December 2012–February 2013: The Relationship Ends**

11           62.     In December, Mr. Lonsdale and Ms. Clougherty planned for Mr. Lonsdale to spend  
12 Christmas with Ms. Clougherty’s family. In corresponding about the trip, Mr. Lonsdale and Ms.  
13 Clougherty exchanged flirtatious emails about having sex after he arrived. After Mr. Lonsdale  
14 told Ms. Clougherty he had moved his flight earlier, she said that they could “go shopping or take  
15 a nap” after he arrived. Mr. Lonsdale responded “how about a ‘nap’ together then shopping,” to  
16 which Ms. Clougherty replied “Excellent idea ;)”<sup>17</sup>

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

23           64.     After Mr. Lonsdale broke up with Ms. Clougherty, Anne wrote him a two-page  
24 letter urging Mr. Lonsdale to continue dating Ms. Clougherty. “I hope you can read this letter  
25

26 <sup>14</sup> Email of November 2, 2012, attached hereto as Exhibit 10.

27 <sup>15</sup> Email of November 26, 2012, attached hereto as Exhibit 11.

28 <sup>16</sup> Email of December 12, 2012, attached hereto as Exhibit 12.

<sup>17</sup> Email of December 21, 2012, attached hereto as Exhibit 13.

1 with what is my only intention,” she said, “to offer you advice as I would my own son.” Anne  
 2 wrote about how she and Ms. Clougherty frequently “talked about [Joe’s] wonderful qualities”  
 3 and how Ms. Clougherty “has the same endless energy you do” and “lov[ed] every minute of the  
 4 world you included her in.” Trying to explain why she thought Ms. Clougherty and Mr. Lonsdale  
 5 were having troubles, she said although Mr. Lonsdale was “smart,” he was “a little out of balance  
 6 on living a healthy life” and that “Ellie helped provide this centering force.” Anne continued:  
 7 “Every time she thought she would be together with you . . . the dinner at 6pm became the stop by  
 8 the dorm at 10pm. Every time she thought that lazy Saturday morning would be the day . . . she’d  
 9 notice you already on email and your day planned without consideration of her needs. She then  
 10 thought . . . maybe I need to get ‘on his calendar.’ I found this ridiculous and didn’t hesitate to say  
 11 so. This was never about you being too busy with your fund and other businesses. This was about  
 12 your inability to see her simple needs.” “Ellie poured herself in to this relationship,” she  
 13 continued, and the tension between them was because “Ellie felt lonely, even when in the same  
 14 room with you.” Anne concluded by imploring Mr. Lonsdale to “really take stock in what  
 15 direction you want to go in life” and remember the importance of “shar[ing] [his] life with  
 16 someone [he] love[s].”<sup>18</sup>

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

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

- 22 • Mr. Lonsdale wrote that it “makes me happy that we’re in a good place.” She  
 23 responded: “It’s exciting to me to be in a relationship where we both have so much  
 24 love to give . . . we’ll keep finding ways to share this love the best way we can, but  
 we’re on a great track :)”
- 25 • Ms. Clougherty wrote that “It makes me so happy to think there’s someone like you  
 26 in the world I can love and think about.”<sup>19</sup>

27 <sup>18</sup> Email of December 31, 2012, attached hereto as Exhibit 14.

28 <sup>19</sup> Email of January 17, 2013, attached hereto as Exhibit 15.

- That same day, Ms. Clougherty wrote that she wished she “could kiss you everywhere,” and Mr. Lonsdale replied “haha that’s naughty.”<sup>20</sup>

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 graded him with “points” that he could earn by spending time with her, but if he wanted to spend time with his male friends and not her, then “men men men gay gay gay.”<sup>21</sup>

68. By the end of February, the relationship had begun to deteriorate terminally. In response to an email from Mr. Lonsdale saying that “it was good to see you today,” Ms. Clougherty wrote a long email about how he was “capable of treating me better than any man in the world,” and that “[y]our influence on me was positive and brought me closer to my true self, which is God.” But she felt his “image of who I am now is a false one” and attributed this largely to stress from Mr. Lonsdale’s work and his unwillingness to spend enough time with her. She ended by saying that she and God are “just sitting in that green pasture waiting for you. I think, I’m going to sit next to him too. We both love you so much and I crave for you to come closer.”<sup>22</sup> Mr. Lonsdale wrote back that her email was “really sweet and loving” and that “i appreciate what you are doing and how you care about me and are fighting for me.” She replied by asking “How are you fighting for me?” He said he was “trying to figure out the right way to fight for you.” She suggested that he was good “at being optimistic/hopeful/visionary” for companies, but did not dedicate such energy to relationships.

69. On February 19, 2013, Mr. Lonsdale emailed Ms. Clougherty asking her to meet him that night to talk. He said that if “i can’t give you what you need, we may need to stop this soon. Love, Joe.” On February 23, Mr. Lonsdale ended the relationship with Ms. Clougherty for

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<sup>20</sup> Email of January 31, 2013, attached hereto as Exhibit 16.

<sup>21</sup> Email of January 9, 2013, attached hereto as Exhibit 17.

<sup>22</sup> Email of February 18, 2013, attached hereto as Exhibit 18.

1 good. Through April, Mr. Lonsdale continued to reach out to Ms. Clougherty to see how she was  
2 doing, but she never responded.

3 **E. Ms. Clougherty Defames Mr. Lonsdale by Falsely Telling The New York Times and Mr.  
4 Lonsdale's Colleagues and Acquaintances that Mr. Lonsdale Sexually Abused Her**

5 70. 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 had sexually  
7 assaulted her.

8 71. 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 72. 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 had  
14 sexually assaulted her.

15 73. In or around December 2014 and January 2015, Mr. Lonsdale learned that Ms.  
16 Clougherty made statements regarding sexual misconduct by Mr. Lonsdale to a Stanford professor  
17 whom she enlisted to help tell her story to various media outlets in an effort to generate damaging  
18 press reports about Mr. Lonsdale.

19 74. At numerous times starting in or around mid-2014 and continuing until around  
20 February 2015, Ms. Clougherty had multiple conversations with Emily Bazelon, a reporter for The  
21 New York Times Magazine, in which Ms. Clougherty told Ms. Bazelon that Mr. Lonsdale had  
22 raped her numerous times. Ms. Clougherty made numerous statements providing graphic details  
23 of the alleged rapes.

24 75. At some point during the time she was talking to Ms. Bazelon, Ms. Clougherty also  
25 gave Ms. Bazelon tapes of Ms. Clougherty's conversations with her therapist. In those tapes, Ms.  
26 Clougherty stated that Mr. Lonsdale had "held [her] captive"; "brainwashed" her for a year; raped  
27 her "in a sadomasochist way nine times a day"; raped her every time they had sex; deprived her of  
28 personal agency and personal choice; and "psychologically kidnapped" her.





**DEFAMATION AND INVASION OF PRIVACY BY FALSE LIGHT**

1  
2 85. Ms. Clougherty made a series of statements concerning Mr. Lonsdale to persons  
3 other than Mr. Lonsdale. These statements are described below in Counts VI through X and XIII.

4 86. Each of the statements alleged in Counts VI through X and XIII regarding sexual  
5 misconduct by Mr. Lonsdale was false.

6 87. The hearers of each of these statements reasonably understood that each statement  
7 was about Mr. Lonsdale.

8 88. Because of facts and circumstances known to each of the persons to whom each of  
9 these statements was made, each of these statements tended to injure Mr. Lonsdale in his  
10 profession and/or to expose him to hatred, contempt, ridicule, or shame and/or to discourage  
11 others from associating or dealing with him.

12 89. Mr. Lonsdale suffered harm to his profession and occupation, expenses to respond  
13 to each of the statements, and harm to his reputation.

14 90. Each of Ms. Clougherty's statements was a substantial factor in causing Mr.  
15 Lonsdale to suffer harm to his profession and occupation, expenses to respond to the statements,  
16 and harm to his reputation.

17 91. Ms. Clougherty knew that each of the statements about Mr. Lonsdale was false  
18 and/or had serious doubts about the truth of each of the statements when she made them. Ms.  
19 Clougherty made each statement with actual malice and with the intent to cause harm to Mr.  
20 Lonsdale.

21 92. In making each of these statements, Ms. Clougherty was engaged in conduct  
22 involving fraud, oppression and malice, in conscious disregard of the rights of others, including,  
23 but not limited to, Mr. Lonsdale, so as to warrant the imposition of punitive damages pursuant to  
24 California Civil Code Section 3294.

25 **COUNT I**

26 **(Defamation *Per Se* – Utterance to The New York Times Magazine)**

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





1 112. Ms. Clougherty said “horrible things” about Mr. Lonsdale to the current boyfriend  
2 of Mr. Lonsdale’s former girlfriend. Upon information and belief, Ms. Clougherty stated to that  
3 boyfriend that Mr. Lonsdale had sexually assaulted her, and made other statements similar to those  
4 Ms. Clougherty made to Ms. Bazelon.

5 113. Mr. Lonsdale first learned of Ms. Clougherty’s statement after February 1, 2014.

6 114. Mr. Lonsdale incorporates paragraphs 78 through 84 by reference.

7 **COUNT VI**

8 **(Defamation – Utterance to The New York Times Magazine)**

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

11 116. At numerous times starting in or around mid-2014 and continuing until around  
12 February 2015, Ms. Clougherty had multiple conversations with Emily Bazelon, a reporter for The  
13 New York Times Magazine, in which Ms. Clougherty told Ms. Bazelon that Mr. Lonsdale had  
14 raped her numerous times. Ms. Clougherty made numerous statements providing graphic details  
15 of the alleged rapes.

16 117. At some point during the time she was talking to Ms. Bazelon, Ms. Clougherty also  
17 gave Ms. Bazelon tapes of Ms. Clougherty’s conversations with her therapist. In those tapes, Ms.  
18 Clougherty stated that Mr. Lonsdale had “held [her] captive”; “brainwashed” her for a year; raped  
19 her “in a sadomasochist way nine times a day”; raped her every time they had sex; deprived her of  
20 personal agency and personal choice; and “psychologically kidnapped” her.

21 118. Mr. Lonsdale incorporates paragraphs 85 through 92 by reference.

22 **COUNT VII**

23 **(Defamation – Publication in The New York Times Magazine)**

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

26 120. At numerous times starting in or around mid-2014 and continuing until around  
27 February 2015, Ms. Clougherty had multiple conversations with Emily Bazelon, a reporter for The  
28 New York Times Magazine, in which Ms. Clougherty told Ms. Bazelon that Mr. Lonsdale had

1 raped her numerous times. Ms. Clougherty made numerous statements providing graphic details  
2 of the alleged rapes.

3 121. At some point during the time she was talking to Ms. Bazelon, Ms. Clougherty also  
4 gave Ms. Bazelon tapes of Ms. Clougherty's conversations with her therapist. In those tapes, Ms.  
5 Clougherty stated that Mr. Lonsdale had "held [her] captive"; "brainwashed" her for a year; raped  
6 her "in a sadomasochist way nine times a day"; raped her every time they had sex; deprived her of  
7 personal agency and personal choice; and "psychologically kidnapped" her.

8 122. Ms. Clougherty intended, or could have reasonably foreseen, that Ms. Bazelon  
9 would publish these statements in The New York Times Magazine.

10 123. Ms. Bazelon and The New York Times published these statements on The New  
11 York Times website on February 11, 2015, and in the print edition of The New York Times  
12 Magazine on February 15, 2015.

13 124. Mr. Lonsdale incorporates paragraphs 85 through 92 by reference.

14 **COUNT VIII**

15 **(Defamation – Utterance to Stanford Professor)**

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

18 126. In mid-2014, Ms. Clougherty told a professor at Stanford University that Mr.  
19 Lonsdale had sexually assaulted her. Ms. Clougherty enlisted the professor to help spread this  
20 statement to various media outlets in an effort to generate damaging press reports about Mr.  
21 Lonsdale.

22 127. Mr. Lonsdale learned of Ms. Clougherty's statements to the Stanford professor in  
23 or around December 2014 and January 2015.

24 128. Mr. Lonsdale incorporates paragraphs 85 through 92 by reference.

25 **COUNT IX**

26 **(Defamation – Utterance to Mr. Lonsdale's Ex-Girlfriend)**

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



1 142. Mr. Lonsdale was harmed.

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

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

5 145. Mr. Lonsdale incorporates paragraphs 85 through 92 by reference.

6 **COUNT XII**

7 **(Invasion of Privacy – Publication of Private Facts)**

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

10 147. Ms. Clougherty publicized private information concerning her sexual relations with  
11 Mr. Lonsdale, as alleged above.

12 148. A reasonable person in Mr. Lonsdale's position would consider the publicity highly  
13 offensive.

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

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

18 151. Mr. Lonsdale was harmed.

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

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

22 **REQUEST FOR RELIEF**

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

- 25 1. An order prohibiting Counter-Defendant from making statements that Mr. Lonsdale  
26 committed any sexual misconduct with her;
- 27 2. For general damages in amount to be determined, but in no event less than \$75,000;
- 28 3. For special damages in amount to be determined, but in no event less than \$75,000;



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- 4. For punitive damages;
- 5. For costs of suit and attorneys’ fees incurred herein; and
- 6. For such other and further relief as the Court may deem proper.

Dated: June 5, 2015

Respectfully submitted,

By: /s/ Orin Snyder

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*Attorneys for Defendant and  
 Counterclaimant Joseph Lonsdale*

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CERTIFICATE OF SERVICE

I, Orin Snyder, 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 June 5, 2015.

Dated: June 5, 2015

/s/ Orin Snyder  
Orin Snyder

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I, Emily C. Aldridge, the ECF User whose ID and Password are being used to file these  
SECOND AMENDED COUNTERCLAIMS, hereby attest that Orin Snyder concurred in this  
filing.

Dated: June 5, 2015

Respectfully submitted,

/s/ Emily C. Aldridge  
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