

FILED

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2011 AUG -2 AM 9:49

JENNIFER E. PATTERSON,

RICHARD R. ROOKER, CLERK

Plaintiff,

vs.

Bell S-
D.C.
NO. 11C2977

NATALIE D. GRANT-HERMS,

JURY DEMANDED

Defendant.

COMPLAINT

Comes now the Plaintiff, Jennifer E. Patterson, by and through counsel, and hereby sues the Defendant, Natalie D. Grant-Herms, for damages to be determined by the trier of fact for libel, slander, and false light invasion of privacy under Tennessee law. In support of the foregoing, the Plaintiff would submit the following facts and law:

I. PARTIES

1. Plaintiff was at all material times a resident of Sumner County, Tennessee, and of majority age. The acts complained of in this Complaint occurred entirely in Davidson County, Tennessee.
2. Defendant Natalie D. Grant-Herms was at all times relevant to this complaint a resident of Williamson County, Tennessee.

II. FACTS

3. Ms. Patterson is an operations agent with Southwest Airlines who works in the Nashville International Airport. She has worked with Southwest since 1996.

4. On or about March 24, 2011, the Defendant was scheduled to board a flight from Nashville to Denver, CO. Defendant was in line to board where Plaintiff was preparing the passengers to board the aircraft.
5. When Defendant came to the front of the line, she demanded that Ms. Patterson violate Southwest Airlines policy and permit her and her three (3) children to board a flight to Denver, Colorado early on the basis of her having purchased a “business select” ticket for herself and her infant, but not for the remainder of her party, which included two (2) children and her husband, Mr. Bernie Herms. According to the Defendant’s own statements, Defendant had been previously admonished for this exact same issue multiple times in the past.
6. When Ms. Patterson refused to violate company policy, Defendant knowingly and intentionally made false statements regarding Ms. Patterson’s actions on the same date to Plaintiff’s colleagues, her employer and the public at large, which included greater than one million followers of herself and Southwest Airlines on Twitter and Facebook. Her statements were as follows:
 - a. Defendant knowingly and intentionally, or in the alternative, with reckless disregard for the veracity of her statements, told the flight attendant on board that she was told by Ms. Patterson to “[g]et over it and stop flying Southwest.” This statement was not true.
 - b. Defendant knowingly and intentionally, or in the alternative, with reckless disregard for the veracity of her statements, shouted to those waiting to board the flight that Ms. Patterson, “won’t let her daughter board the flight with [her].” This statement was not true.

- c. Defendant knowingly and intentionally, or in the alternative, with reckless disregard for the veracity of her statements, stated, "you are the only one who won't let us [cut in line]." This statement was not true. Defendant made other threatening comments towards the Plaintiff at this time, threatening to contact her employer.
- d. After boarding the flight, Defendant knowingly and intentionally, or in the alternative, with reckless disregard for the veracity of her statements made several defamatory statements to the flight crew, including that Plaintiff told her to "stop flying Southwest," and "[g]et over it." These statements were not true.
- e. Almost immediately thereafter, Defendant knowingly and intentionally, or in the alternative, with reckless disregard for the veracity of her statements, began publishing numerous false statements to greater than one million people on Twitter, Facebook and southwest.com. These statements, which created a false light of the truth of the sequence of events, included:
 - i. "Gracie is 4. FOUR! she wanted her to board by herself or make us wait Till A34. Even though I was business select!"
 - ii. "I fly @southwestair at least 75x/year. just had WORST experience. Me: A1, Sadie: A3 Gracie A34. Woman refused 2 let Gracie board w/ me."
 - iii. Defendant tweeted: "Nashville. Gate A25. Flight to Denver. Her name is Jennifer. She said "get over it. Follow the rules. Or don't fly."
 - iv. She has done this to me before. She has the WORST customer service. My daughter is FOUR.
 - v. She re-tweeted: "that is ridiculous! [W]hat did she expect? Her walk on herself & find her seat like a grown adult?"
 - vi. "If your [sic] sympathize with me, when you respond be sure & include @southwestair in tweet. They need to know this WRONG."
 - vii. Sadie had MAJOR blowout. I think it's in response to our southwest air

experience. She decided to leave them a gift on their plane. Teehee. Asked me what they can do. I don't want free flight. Just apology from Jennifer. It's 4th time she's done it to me. Time will tell.

viii. Well, we've caused quite a stir; tweeps. @southwestair just called me. I appreciate their concern & prompt attention 2 the problem.

ix. I've got wifi on my flight. I'm impressed with how quickly @southwestair responded to my complaint. I'll keep u posted as to what they do.

7. Defendant never mentioned the fact that her husband was travelling with her, who was also the father of her children. Her aforementioned comments created a false impression that Plaintiff intended to endanger her children. Defendant's followers on the internet clearly believed these children were in danger based on their responses. Defendant never made any effort to correct this false impression.
8. Defendant's comments were intentionally aimed at Plaintiff's employer in an effort to ruin her reputation and directly affected the Plaintiff's ability to work. Defendant's followers contacted Plaintiff's employer, which is the means by which Plaintiff learned of the false statements made by Defendant.
9. Defendants statements in paragraph 6(e) were published and republished to greater than one million people who either followed Defendant on Facebook or Twitter, or learned of the same through following @southwestair on Twitter. These statements as of the drafting of this Complaint continue to remain posted on Twitter, despite requests from Plaintiff that they be taken down. These statements continue to defame the Plaintiff and constitute an ongoing tort. The foregoing statements further constituted a false light invasion of privacy of the Plaintiff under Tennessee law.
10. Plaintiff's employer learned of the comments and statements made by Defendant, affecting her reputation with her employer and colleagues in a negative way.

11. Plaintiff's co-workers discovered the information posted by Defendant and passed the information regarding Defendant's statements on to other Southwest employees, damaging Ms. Patterson's reputation with her co-workers.
12. Defendant's followers on Facebook and Twitter have responded to Defendant's posts by publicly calling Ms. Patterson names, like "disgusting," "lacking in common decency," "ridiculous," "crazy," "rude," and "someone on a power trip." Defendant's followers believed (and posted comments to that effect) the events Defendant described transpired in that fashion because Defendant intentionally and/or recklessly or negligently posted her rant without explaining the truth of the situation. Defendant could have easily included the facts that she had not purchased adequate tickets for her party to board as "business select," that she could easily have boarded with the entirety of her party, and that she chose not to board with her entire party, and that Ms. Patterson merely did her job in upholding Southwest Airlines company policy with regard to the same.
13. Defendant knew or should have known that Plaintiff would suffer damages associated with her false and malicious statements.
14. It could reasonably be foreseen that Plaintiff would be embarrassed, humiliated and that her reputation would be adversely impacted in the community by her false and defamatory statements.

III. CAUSES OF ACTION

15. The foregoing actions constitute torts of slander, defamation, libel and false light invasion of privacy under Tennessee law.

16. The foregoing actions constitute the torts of intentional and/or negligent infliction of emotional distress under Tennessee law.

IV. DAMAGES

17. Plaintiff sues Defendant for all damages available under Tennessee law, including compensatory damages, lost wages, loss to reputation in the community, the harm to her interest in privacy resulting from the invasion, emotional distress, embarrassment, humiliation, injury to her standing in the community and any and all other such damages available under Tennessee law, including, but not limited to attorney fees and the costs associated with this cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays for the following relief:

- a. An award of compensatory damages to plaintiff against the Defendant;
- b. An award of the costs of this action to the plaintiff;
- c. An award of reasonable attorney fees and costs of this action;
- d. Any and all other such relief as the Court may find appropriate.
- e. A jury trial is hereby demanded by the plaintiff.

Respectfully submitted,

BURKHALTER & MOSER, P.C.



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following via U.S. mail, postage prepaid:

Mr. Ben Goldammer
Attorney for Defendant
Kay, Griffin, Enkema & Colbert, PLLC
222 Second Avenue North, Suite 340-M
Nashville, TN 37201

This the 1 day of August, 2011


Paul W. Moser