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WHATCOM COUNTY  
WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WHATCOM

CARMEN TAGEANT,

Plaintiff,

v.

LEANDRA SMITH; JOHN DOES 1-3,

Defendants.

NO. 18-2-00131-37

**FIRST AMENDED COMPLAINT**

Plaintiff Carmen Tageant, by and through her attorneys of record, Galanda Broadman, PLLC, and upon her own personal knowledge and information and belief, alleges and claims as follows:

**I. PARTIES**

1. Plaintiff CARMEN TAGEANT is a 44-year-old female resident of the State of Washington. Ms. Tageant resides with her children in Everson, Washington.

2. Defendant LEANDRA SMITH is a 36-year-old female resident of Whatcom County. Defendant Smith's cellphone number is (360) 325-2209. That cell phone number, which is registered to Cellco Partnership DBA Verizon Wireless ("Verizon"), accessed the Keith Williams Facebook Account numerous times from various locations in Whatcom County since January 28, 2016.

1 3. Defendant JOHN DOES 1-3 (“Defendants Doe”) are fictitious names for presently  
2 unknown persons. According to the American Registry for Internet Numbers, the Comcast, Inc.  
3 (“Comcast”) internet protocol (“IP”) address 173.10.75.13—which corresponds to Keith  
4 Williams Facebook Account activity on at least twenty-seven times since October 26, 2016—is  
5 registered to the Nooksack Legal Department. Raymond Dodge, Rickie Armstrong, Charles  
6 Hurt, Jr., and Sue Gearhart each worked for the Nooksack Legal Department between January  
7 28, 2016, and January 18, 2018. Robert Solomon also worked in the office of the Nooksack  
8 Legal Department during that time span. Upon discovery of which of those or other individuals  
9 used the Nooksack Legal Department’s IP address 173.10.75.13 to access the Keith Williams  
10 Facebook Account, Ms. Tageant will substitute actual names for “John Does.”

## 11 **II. JURISDICTION AND VENUE**

12 4. Jurisdiction and venue are proper in this Court because the acts alleged herein  
13 occurred in Whatcom County. Plaintiff and Defendant Smith are also situated in Whatcom  
14 County. Defendant Smith is sued in her personal capacity.

## 15 **III. STATEMENT OF FACTS**

16 5. Ms. Tageant was elected to the Nooksack Indian Tribal Council in 2014. At that  
17 time, a faction of the Tribal Council—led by Nooksack Tribal Chairman Robert “Bob” Kelly, Jr.  
18 (“Kelly Faction”)—had undertaken to “disenroll”—to take away tribal membership from—over  
19 300 Nooksack tribal members. Ms. Tageant refused, however, to blindly follow the Kelly  
20 Faction’s commands and opposed its illegal agenda. Instead, Ms. Tageant conducted Tribal  
21 Council business in the way she knew was best for all Nooksack people. This lawsuit is about  
22 what unfolded in the subsequent four years, involving her as a Washington citizen.

23 6. On or about September 9, 2015, Defendants created a fake Facebook profile under  
24 the name “Keith Williams” (“Williams Facebook Account”).

1           7.       The Williams Facebook Account is an alter ego of Defendants, which they  
2 created and used to harass individuals averse to their agenda, most notably Ms. Tageant.

3           8.       Commencing on January 28, 2016, Defendants used the Williams Facebook  
4 Account to intimidate, harass, and spread lies and misinformation about Ms. Tageant.

5           9.       On or about January 28, 2016, Defendants posted a personal, private photo of Ms.  
6 Tageant in lingerie. Defendants added text to the photo that read, "I LOVE YOU ALL!" By  
7 posting this photo, Defendants sought to cast, and did cast, Ms. Tageant in a false light by  
8 portraying her as lacking morality. That same day, Defendant Smith used her Verizon cell phone  
9 registered to (360) 325-2209 to comment, as LeAndra Smith, on the photo: "**Spreading lies and**  
10 **legs SMH.**" (emphasis added).

11          10.      Prior to January 28, 2016, Defendants broke into Ms. Tageant's home and stole  
12 multiple photos of her in lingerie, or came into possession of those stolen photos. Ms. Tageant  
13 did not give Defendants any of those photos.

14          11.      Defendants' act of posting one of the stolen photos on or about January 28, 2016  
15 without Ms. Tageant's consent constitutes the dissemination of nonconsensual pornography,  
16 which is the publication of a sexually explicit image of an individual without their consent.<sup>1</sup>  
17 Defendants' post of that nonconsensual pornography was intended to cause Ms. Tageant harm,  
18 including embarrassment and emotional distress.

19          12.      After Defendants posted the private photo, Ms. Tageant received numerous  
20 messages from sexual predators asking to meet her. Defendants made her a target for sexual  
21 predators by publically posting the photo of Ms. Tageant on Facebook. This endangered not  
22 only Ms. Tageant, but her seven children as well.

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24 <sup>1</sup> *Washington State Joins the Fight Against Revenge Porn with New Legal Protections*, LEGAL VOICE (July 9, 2015),  
[http://www.legalvoice.org/single-post/2015/07/09/Washington-State-Joins-the-Fight-Against-Revenge-Porn-with-New-Legal-Protections?fb\\_comment\\_id=914092965332129\\_916467231761369](http://www.legalvoice.org/single-post/2015/07/09/Washington-State-Joins-the-Fight-Against-Revenge-Porn-with-New-Legal-Protections?fb_comment_id=914092965332129_916467231761369).

1           13. After Defendants posted the private photo, other Nooksack Tribal members  
2 posted disparaging comments about Ms. Tageant's character on other public Facebook pages,  
3 including: **"lol she's shameful[,] "** **"whatever it takes[,] "** **"oh snap...she loves u[,] "** and  
4 **"Ohhh.....Carmen T....ya duct tape can't fix her stupidity[.] "** (emphasis added).

5           14. Defendants, using the Williams Facebook Account, threatened Ms. Tageant that  
6 they would post another private photo of her that they stole from her home or came to possess.

7           15. Ms. Tageant must live with the knowledge that extremely personal, private photos  
8 were stolen from her home, at least one of which was disseminated by Defendants. Furthermore,  
9 these photos are still in the Defendants' possession.

10          16. On or about February 7, 2016, Ms. Tageant reported Defendants' abusive  
11 behavior on the Williams Facebook Account to Facebook. Facebook did not respond.

12          17. On February 9, 2016, Ms. Tageant filed a report, with documentary evidence,  
13 with the Nooksack Police Department regarding the harassment she was enduring from  
14 Defendants via the Williams Facebook Account.

15          18. On or about March 24, 2016, the Nooksack Police Department purportedly  
16 referred Ms. Tageant's harassment report to the Whatcom County Sheriff's Office. On or about  
17 that same day, Ms. Tageant informed Defendants, via the Williams Facebook Account, that she  
18 had told the Whatcom County Sheriff's Office about this harassment and that Whatcom County  
19 Sheriff's Office would be investigating to uncover Defendants' true identity. At one later point,  
20 Defendants taunted Ms. Tageant and Whatcom County law enforcement, writing from the  
21 Williams Facebook Account: "Whatcom detectives come arrest me for speaking the truth!"

22          19. On April 7, 2016, Defendants, using the Williams Facebook Account, wrote a  
23 post about Ms. Tageant. A commentator wrote, **"Kick that slutbox to the curb."** (emphasis  
24 added).

1 20. Defendants, as Keith Williams, endorsed this comment by liking it.<sup>2</sup>

2 21. On April 8, 2016, Defendants, using the Williams Facebook Account, wrote:  
3 “Just because **Carmen hasn’t been honest and has absolutely no integrity** she thinks she can  
4 bash the Tribe, and the majority of Nooksack!” (emphasis added). That same day, Defendant  
5 Smith used her Verizon cell phone registered to (360) 325-2209 to comment, as LeAndra Smith,  
6 on the post: “**Her lies and twisted words** are catching up with her fast!” (emphasis added).

7 22. On April 11, 2016, Defendants, using the Williams Facebook Account, posted a  
8 photo of a letter written from Ms. Tageant. Defendants edited that photo by adding scribbled  
9 text to it that stated: “**Carmen is a liar**” (emphasis added). Defendants captioned this post:  
10 “**Nooksack Carmen is a liar and a manipulator!**” (emphasis added). That same day,  
11 Defendant Smith used her Verizon cell phone registered to (360) 325-2209 to comment, as  
12 LeAndra Smith, on the post: “I feel dumber reading anything [Carmen] says.”

13 23. On April 15, 2016, Defendant Smith used her Verizon cell phone registered to  
14 (360) 325-2209 to comment, as LeAndra Smith, on the post about Ms. Tageant to the Williams  
15 Facebook Account: “she thinks people forgot about her lies, nice try Carmen.” Defendant Smith  
16 also commented: “**She is clearly delusional.**” (emphasis added).

17 24. On April 19, 2016, Defendants further harassed Ms. Tageant using the Williams  
18 Facebook Account, writing that Ms. Tageant “**isn’t competent. No integrity. No honesty.**”  
19 (emphasis added). Defendants authored this series of posts on the Williams Facebook Account  
20 in order to portray Ms. Tageant as untrustworthy and unfit for her council position.

21 25. Defendants’ relentless campaign of intimidation, harassment, and false statements  
22 about Ms. Tageant continued for months. During that time, Defendants, using the Williams  
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24 <sup>2</sup> “Clicking Like below a post on Facebook is an easy way to let people know that you enjoy it without leaving a  
25 comment.” *Liking & Reacting*, FACEBOOK HELP CENTER, <https://www.facebook.com/help/452446998120360/> (last  
visited June 11, 2018).

1 Facebook Account, made countless posts questioning Ms. Tageant's character and portraying her  
2 as unfit for her job.

3 26. On April 22 2016, Ms. Tageant was illegally recalled from office. As a result of  
4 Defendants' actions, Ms. Tageant has struggled to find employment due to the damage  
5 Defendants' false and humiliating statements have had on her reputation and character.

6 27. As a result of Defendants' actions, Ms. Tageant has suffered severe emotional  
7 trauma. Ms. Tageant has been unable to sleep. Instead of focusing on her professional career,  
8 Ms. Tageant has had to worry about her safety and the safety of her seven children. She has had  
9 to work hard to repair her professional and personal reputations.

10 28. Defendants have cowered behind the Williams Facebook Account. More  
11 generally, Defendants have exploited the fact that abuse like what they have inflicted upon Ms.  
12 Tageant, as a Native American woman, more often than not falls through the cracks.<sup>3</sup>

13 29. On March 8, 2017, almost an entire year after her first complaint about  
14 Defendants' harassment to law enforcement, Ms. Tageant spoke with Whatcom County Sheriff's  
15 Office Detective Derek Bogle about the matter.

16 30. However, to Ms. Tageant's knowledge, nothing meaningful has been done by the  
17 Nooksack Police Department or other law enforcement agencies to investigate the harassment  
18 she has endured from Defendants via the Williams Facebook Account. Furthermore, to Ms.  
19 Tageant's knowledge, neither the Nooksack Police Department nor other law enforcement  
20 agencies have taken any action to ascertain Defendants' true identities vis-à-vis the Williams  
21 Facebook Account. Ms. Tageant filed this action and took it upon herself to uncover the  
22 identities of the Defendants in hope of obtaining answers and justice.

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24 <sup>3</sup> Shefali Singh, Note, *Closing the Gap of Justice: Providing Protection for Native American Women Through the*  
*Special Domestic Violence Criminal Jurisdiction Provision of VAWA*, 28 COLUM. J. GENDER & L. 197, 210 (2014).

1 31. Throughout 2016 and 2017, Defendants Doe also posted intimidating, harassing,  
2 and false statements about Ms. Tageant on the Williams Facebook Account, via the IP address  
3 173.10.75.13. Their last several posts to the Williams Facebook Account via Comcast IP address  
4 173.10.75.13 were made on October 17, 2016, October 26, 2016, October 12, 2017, October 13,  
5 2017, October 25, 2017, November 7, 2017, and December 5, 2017.

6 32. On January 17, 2018, Ms. Tageant filed this Complaint with the Defendant listed  
7 as John Doe, a fictitious name for the then-unknown Defendants.

8 33. On January 18, 2018, Defendant Smith accessed the Williams Facebook Account  
9 on multiple occasions between 4:16 PM and 6:03 PM Pacific Time, before shutting down the  
10 Williams Facebook Account on her last visit.

#### 11 **IV. FIRST CAUSE OF ACTION – DISTRIBUTION OF INTIMATE IMAGES**

12 34. RCW 4.24.795 provides a private cause of action against a Defendant that (1)  
13 distributes an “intimate image” of another person, (2) that they acquired that image under  
14 circumstances that a reasonable person would know it was supposed to remain private, and (3)  
15 distributes the image knowing that the distribution would cause that person harm.

16 35. RCW 4.24.795(5) defines an “intimate image” as “any photograph, motion  
17 picture film, videotape, digital image, or any other recording or transmission of another person . .  
18 . that was taken in a private setting.”

19 36. Defendants posted an intimate image of Ms. Tageant that had been stolen from  
20 her home on a Facebook profile intending to cause Ms. Tageant harm, including emotional  
21 distress and embarrassment.

22 37. The intimate photo was stolen from Ms. Tageant’s home, she did not give it to the  
23 Defendants; therefore, a reasonable person would know that it was supposed to remain private.

1 38. As a direct and proximate result of Defendants' actions, Ms. Tageant has suffered  
2 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
3 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant's  
4 earning capacity has been diminished and she is entitled to be compensated therefore.

5 39. This harm includes objectively verifiable monetary losses, such as medical  
6 expenses and loss of earnings and earning capacity.

7 40. This harm also includes subjective, nonmonetary losses, including, but not limited  
8 to, pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
9 distress.

10 **V. SECOND CAUSE OF ACTION – INVASION OF PRIVACY BY PUBLIC**  
11 **DISCLOSURE OF PRIVATE FACTS**

12 41. Defendants' actions, which include posting a stolen, private photo of Ms. Tageant  
13 in lingerie, were intentional, deliberate, willful, and conducted in reckless disregard of, and gross  
14 indifference to, Ms. Tageant's privacy rights.

15 42. Defendants gave publicity to matters concerning Ms. Tageant's private life. The  
16 matter publicized would be highly offensive to a reasonable person and were not of legitimate  
17 concern to the public. Defendants acted in a manner that would be deemed outrageous and  
18 highly offensive to an ordinary, reasonable person of average sensibilities.

19 43. As a direct and proximate result of Defendants' actions, Ms. Tageant has suffered  
20 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
21 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant's  
22 earning capacity has been diminished and she is entitled to be compensated therefore.

23 44. This harm includes objectively verifiable monetary losses, such as medical  
24 expenses and loss of earnings and earning capacity.



1 45. This harm also includes subjective, nonmonetary losses, including, but not limited  
2 to, pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
3 distress.

4 **VI. THIRD CAUSE OF ACTION – INVASION OF PRIVACY BY INTRUSION INTO**  
5 **SECLUSION**

6 46. Defendants' actions, which include posting a stolen, private photo of Ms. Tageant  
7 in lingerie, were intentional, deliberate, willful, and conducted in reckless disregard of, and gross  
8 indifference to, Ms. Tageant's privacy rights.

9 47. Defendants' actions physically intruded upon Ms. Tageant's solitude, seclusion,  
10 and private affairs by breaking into her home, stealing inmate photos of her, and posting at least  
11 one of those photos on the Williams Facebook Account. Such intrusion was made deliberately  
12 and with the certain knowledge that damages would result, including embarrassment, fear,  
13 anxiety, and stress on the part of Ms. Tageant.

14 48. Defendants acted in a manner that would be deemed outrageous and highly  
15 offensive to an ordinary, reasonable person of average sensibilities.

16 49. As a direct and proximate result of Defendants' actions, Ms. Tageant has suffered  
17 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
18 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant's  
19 earning capacity has been diminished and she is entitled to be compensated therefore.

20 50. This harm includes objectively verifiable monetary losses, such as medical  
21 expenses and loss of earnings and earning capacity.

22 51. This harm also includes subjective, nonmonetary losses, including, but not limited  
23 to, pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
24 distress.

1 **VII. FOURTH CAUSE OF ACTION – INVASION OF PRIVACY BY FALSE LIGHT**

2 52. Defendants’ actions, which include posting a stolen, private photo of Ms. Tageant  
3 in lingerie, were intentional, deliberate, willful, and conducted in reckless disregard of, and gross  
4 indifference to, Ms. Tageant’s privacy rights.

5 53. Defendants’ actions placed Ms. Tageant before the public in a false light by  
6 portraying her as lacking morality and that she was unfit for her Tribal Council position.  
7 Defendants acted in a manner that would be deemed outrageous and highly offensive to an  
8 ordinary, reasonable person of average sensibilities.

9 54. Defendants posted, via the Williams Facebook Account, numerous posts  
10 portraying Ms. Tageant before the public in a false light with reckless disregard for the posts’  
11 truth or falsity.

12 55. As a direct and proximate result of Defendants’ actions, Ms. Tageant has suffered  
13 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
14 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant’s  
15 earning capacity has been diminished and she is entitled to be compensated therefore.

16 56. This harm includes objectively verifiable monetary losses, such as medical  
17 expenses and loss of earnings and earning capacity.

18 57. This harm also includes subjective, nonmonetary losses, including, but not limited  
19 to, pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
20 distress.

21 **VIII. FIFTH CAUSE OF ACTION – INTENTIONAL INFLICTION OF EMOTIONAL**  
22 **DISTRESS**

23 58. Defendant’s conduct was extreme and outrageous. Defendants intentionally  
24 caused Ms. Tageant emotional distress by (1) distributing an intimate image of Ms. Tageant

1 without her consent and (2) harassing her on Facebook. As a result of Defendants' conduct, Ms.  
2 Tageant has suffered legally compensable emotional distress damages.

3 59. As a direct and proximate result of Defendants' actions, Ms. Tageant has suffered  
4 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
5 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant's  
6 earning capacity has been diminished and she is entitled to be compensated therefore.

7 60. This harm includes objectively verifiable monetary losses, such as medical  
8 expenses and loss of earnings and earning capacity.

9 61. This harm also includes subjective, nonmonetary losses, including, but not limited  
10 to pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
11 distress.

#### 12 **IX. SIXTH CAUSE OF ACTION – CONVERSION**

13 62. The Defendants possess intimate photos of Ms. Tageant, at least one of which was  
14 posted on the Williams Facebook Account. These photos were stolen from Ms. Tageant's home;  
15 she did not provide these photos to any of the Defendants.

16 63. Defendants have willfully, and without lawful justification, used Ms. Tageant's  
17 property as Defendants' property without the consent of Ms. Tageant.

18 64. As a direct and proximate result of Defendants' actions, Ms. Tageant has suffered  
19 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
20 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant's  
21 earning capacity has been diminished and she is entitled to be compensated therefore.

22 65. This harm includes objectively verifiable monetary losses, such as medical  
23 expenses and loss of earnings and earning capacity.

1           66.     This harm also includes subjective, nonmonetary losses, including, but not limited  
2 to pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
3 distress.

4                           **X.     SEVENTH CAUSE OF ACTION – TRESPASS**

5           67.     Defendants intentionally, and without Ms. Tageant’s permission, entered Ms.  
6 Tageant’s home on or before January 28, 2016.

7           68.     During the trespass, Defendants stole intimate photos of Ms. Tageant. Defendants  
8 knew or should have known that their trespass would disturb Ms. Tageant’s possessory interest  
9 in those photos.

10          69.     As a direct and proximate result of Defendants’ actions, Ms. Tageant has suffered  
11 and will continue to suffer mental anguish, emotional distress, embarrassment, and other  
12 substantial damages that will be set forth with specificity at the time of trial. Ms. Tageant’s  
13 earning capacity has been diminished and she is entitled to be compensated therefore.

14          70.     This harm includes objectively verifiable monetary losses, such as medical  
15 expenses and loss of earnings and earning capacity.

16          71.     This harm also includes subjective, nonmonetary losses, including, but not limited  
17 to pain, suffering, loss of enjoyment of life, embarrassment, mental anguish, and emotional  
18 distress.

19                           **XI.    JURY DEMAND**

20           Ms. Tageant hereby demands a jury.

21                           **XII.   PRAYER FOR RELIEF**

22           WHEREFORE, Ms. Tageant prays as follows against Defendants:

23           1.     For judgment against Defendants for general, special, and punitive damages,  
24 including damages for pain, suffering, and terror, in an amount to be proven at trial;

