

District Court , Larimer County, Colorado 201 LaPorte Avenue Fort Collins, Colorado 80521	2015 AUG 11 AM 8:02 DATE FILED: August 11, 2015 CASE NUMBER: 2015CV235
Plaintiff: Stacy Lynne v. Defendant: Joan Shaffer	↑ COURT USE ONLY ↑ Case Number: 15CV 235
Stacy Lynne 305 West Magnolia Street #282 Fort Collins, Colorado 80521	Division: Courtroom: 4A
COMPLAINT	

COMES NOW Plaintiff Stacy Lynne to honorably state the following:

INTRODUCTION

1. This complaint arises out of actions taken by Defendant Joan Shaffer during the Loveland City Council meeting on July 21, 2015.
2. Defendant Joan Shaffer publicly and falsely accused Plaintiff Stacy Lynne of slandering Loveland Police Chief Luke Hecker.
3. Defendant Joan Shaffer publicly and falsely accused Plaintiff Stacy Lynne of taking Detective Brian Koopman's words out of context.
4. In so doing, Defendant Joan Shaffer engaged in defamatory actions against Plaintiff Stacy Lynne.
5. This is an action for damages against Defendant Joan Shaffer for defamation per se.

JURISDICTION AND VENUE

6. This action arises under the jurisdiction of the Constitution and laws of the United States and Colorado.
7. Venue is proper because the violations by Defendant Joan Shaffer occurred in Larimer County, Colorado.

PARTIES

8. At all pertinent times mentioned herein, Plaintiff Stacy Lynne was a resident of Larimer County, Colorado.
9. At all pertinent times mentioned herein, Defendant Joan Shaffer was a resident of Larimer County, Colorado.
10. Defendant Joan Shaffer is an elected city councilor in the City of Loveland and although her violations against Plaintiff Stacy Lynne occurred during a Loveland City Council meeting, Defendant Joan Shaffer was acting outside the scope of her official duties at all pertinent times herein.
11. Defendant Joan Shaffer is being sued in her individual capacity.

FACTUAL BACKGROUND

12. On July 21, 2015, Plaintiff Stacy Lynne, speaking in her capacity as an investigative journalist, made statements at the podium during the public comments portion of the Loveland City Council meeting.
13. Defendant Joan Shaffer responded to Plaintiff Stacy Lynne's comments by falsely accusing her of taking Loveland Police Detective Brian Koopman's words out of context.
14. Defendant Joan Shaffer continued her verbal tirade against Plaintiff Stacy Lynne by falsely accusing her of slandering Loveland Police Chief Luke Hecker.
15. Defendant Joan Shaffer repeated her false accusation by exclaiming, "Chief Hecker was slandered tonight." "...you slandered him." "I know what slander is because it's been done to me."
16. After Defendant Joan Shaffer finished her first round of false accusations, she continued by saying, "...he (meaning Chief Luke Hecker) can respond by suing you".
17. A fellow city councilor told Defendant Joan Shaffer to "back off", and said, "You cannot make accusations to her in public." At this same time, Mayor Cecil Gutierrez made physical motions toward Defendant Joan Shaffer in an attempt to stop her emotional outburst.
18. On July 22, 2015, one day after Defendant Joan Shaffer's false accusations, Plaintiff Stacy Lynne emailed the Loveland City Council, Mayor Cecil Gutierrez, Chief Luke Hecker, City Manager Bill Cahill, City Attorney Tami Yellico and City Clerk Terry Andrews.

19. Plaintiff Stacy Lynne offered via that email a proposed remedy for Defendant Joan Shaffer's defamatory actions.
20. Defendant Joan Shaffer chose not to remedy her actions via Plaintiff Stacy Lynne's proposal as outlined in the July 22, 2015 email.
21. On August 4, 2015, Defendant Joan Shaffer intensified the wrongs she committed on July 21, 2015 by making a convoluted statement at the very end of the Loveland City Council meeting.
22. On August 4, 2015, Defendant Joan Shaffer caused more doubt and confusion about Plaintiff Stacy Lynne due to the vague and non-specific nature of Defendant Joan Shaffer's statements.
23. After the July 21, 2015 and August 4, 2015 Loveland City Council meetings, reasonable people are left wondering...what exactly is Defendant Joan Shaffer talking about regarding Plaintiff Stacy Lynne? The doubts that Defendant Joan Shaffer has created in the minds of the community are undeniable.
24. Defendant Joan Shaffer's obfuscation on August 4, 2015 was intentional as she attempted to avoid legal liability while at the same time, she admitted her guilt.
25. Defendant Joan Shaffer's choice to deny simple remedy has compounded the damages caused to Plaintiff Stacy Lynne. Each day that passes without remedy adds to the injuries that Plaintiff Stacy Lynne suffers.
26. Defendant Joan Shaffer's refusal to remedy her actions outside of the legal system has forced Plaintiff Stacy Lynne to pursue the fullest extent of legal and lawful reparations.

FIRST CLAIM FOR RELIEF: DEFAMATION PER SE

27. Defendant Joan Shaffer recklessly, willfully, intentionally, wantonly, knowingly and with deliberate indifference to the injuries she was inflicting, falsely accused Plaintiff Stacy Lynne of slandering Loveland Police Chief Luke Hecker.
28. Defendant Joan Shaffer repeated, as statements of fact, her false accusations against Plaintiff Stacy Lynne, and further exclaimed that she herself (Defendant) had specific knowledge of what slander is.
29. Defendant Joan Shaffer falsely accused Plaintiff Stacy Lynne of taking Loveland Detective Brian Koopman's words out of context.
30. Defendant Joan Shaffer admitted that she watched videos of Detective Brian Koopman speaking for himself during sworn testimony. Thus, Defendant Joan Shaffer had personal knowledge that her false claims against Plaintiff Stacy Lynne were just that – false.
31. Defendant Joan Shaffer's false accusations were published via the City of Loveland's livestream broadcast system that is available world-wide and in perpetuity via on-line archived copy.
32. Defendant Joan Shaffer was warned by fellow elected officials to stop making accusations against Plaintiff Stacy Lynne. And still, Defendant Joan Shaffer continued her barrage of falsities against Plaintiff Stacy Lynne.
33. Plaintiff Stacy Lynne is constantly mindful of the fact that credibility and integrity are foundational characteristics of an investigative journalist; accuracy in reporting is integral to an intact reputation. In light of those critical elements,

Plaintiff Stacy Lynne speaks and writes *only after* researching and personally possessing the evidence at issue.

34. The damages caused by Defendant Joan Shaffer's false and slanderous comments cannot be overstated.

35. Reasonable people understand that Defendant Joan Shaffer publicly accused Plaintiff Stacy Lynne of committing a crime.

36. As a result of the above-described defamation, Plaintiff Stacy Lynne has suffered outrageous harm to her personal and professional reputation.

**SECOND CLAIM FOR RELIEF: INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS**

37. Defendant Joan Shaffer maliciously, with forethought and extreme indifference, inflicted emotional distress on Plaintiff Stacy Lynne by defaming her in public and on livestream broadcast that is perpetually available for the world-wide public to view.
38. Defendant Joan Shaffer compounded her public humiliation of Plaintiff Stacy Lynne by making those false accusations in a manner that did not afford Plaintiff Stacy Lynne a method to publicly defend herself. Instead, Defendant Joan Shaffer further demeaned Plaintiff Stacy Lynne by speaking to Plaintiff as a dictator might talk down to an abhorred servant.
39. Defendant Joan Shaffer owns a business (Silver Lining Strategies, LLC) that is registered with the Colorado Secretary of State.
40. Defendant Joan Shaffer describes her business as a "public relations and communications" company. As the owner of a public relations and communications company, Defendant Joan Shaffer knows, or should have reasonably known, that publicly accusing Plaintiff Stacy Lynne of taking words out of context and committing slander was egregious and illegal.
41. For the record, and if needed in future litigation, as of August 9, 2015, the State lists Defendant's business as "Delinquent".

42. Defendant Joan Shaffer, when warned by her peers to stop launching verbal inaccuracies, did not cease. In fact, the publicly televised record shows that Defendant Joan Shaffer escalated her vitriolic verbiage.

43. Defendant Joan Shaffer's conduct is causing Plaintiff Stacy Lynne emotional distress that no reasonable person should be expected to endure.

44. Plaintiff Stacy Lynne's entire life rests on truth, accuracy, credibility and integrity.

45. Defendant Joan Shaffer's actions have placed Plaintiff Stacy Lynne's past, present and future reputation at verifiable risk.

THE FIRST AMENDMENT, FREE SPEECH, AND THE CHILLING EFFECT DOCTRINE

At the micro level, Defendant Joan Shaffer has exploded one woman's reputation by obliterating the law and violating standards of human decency. At the universal level, Defendant Joan Shaffer has soiled sacred ground. The First Amendment to the United States Constitution says, "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Defendant Joan Shaffer's actions have far-reaching adverse impacts on the entire community. Here's how: Defendant Joan Shaffer's actions on July 21, 2015 and August 4, 2015 scare people away from speaking to their elected representatives. Nobody wants to be treated the way Defendant treated Plaintiff, especially not in public and on display for the whole world to see.

Plaintiff Stacy Lynne, as an individual and as an investigative journalist, holds the First Amendment close. A lawful companion to the First Amendment is the legal doctrine of chilling. As additional litigation against Defendant Joan Shaffer may be required, the legal doctrine of chilling is briefly explained here for the record:

The legal doctrine of chilling, as applied to the First Amendment right to free speech is aimed directly at government agents and actors. The First Amendment right to free speech is wholly designed to protect the people's right to speak and it is not intended in any way to protect government agents or actors from hearing anything that may be offensive.

In 1952, the Supreme Court of the United States first used the term "chilling". New York University School of Law Constitutional Fellow Monica Youn explains the issue simply in the *Vanderbilt Law Review*:

State and federal governments felt increasing urgency to quash ideas and groups they deemed subversive, especially those deemed sympathetic to... the civil rights movement.

Thus, government officials sought recourse in more subtle methods of suppression, including ... the "spotlight of pitiless publicity" employed in governmental blacklists and investigations. Such indirect methods were thought to suppress subversive ideas and activity while evading the strictures of the First Amendment. Much of early chilling effect doctrine developed as courts attempted to protect the ... civil rights activists from such oppressive tactics.

Defendant Joan Shaffer has dirtied the First Amendment via the Chilling Effect when she publicly unloaded a slew of fraudulent claims against a member of the community. The people who speak to elected governing bodies during public meetings are not at all guilty of any such chilling effect. In fact, the Supreme Court of the United States says that *government agents and actors* are chilling the people's First Amendment right to free speech by the way you impose miniscule time limits on the speakers, the way you respond to or ignore what the people have to say, *but then prohibit any rebuttal by those people*.

However, the most serious chilling effect you force on your community is the way you instill fear in the people who elected you make the most dangerous decision to stand up in public and tell you the truth.

Elected governing bodies hold positions of power and the community's trust rests with you. When you abuse that trust and your power runs rampantly unchecked, lawsuits against you are destined to occur.

Telling the truth is a lawful act.

Feeling uncomfortable or offended when you hear the truth is not protected by any law, statute, charter, procedure or rule.

When a woman holds a seat of power and spreads lies about a woman who does not have equal access to speak, rebut, or defend herself, the injury caused by those lies and that imbalance of power is multiplied exponentially.

SUMMARY

Defendant Joan Shaffer's unconscionable public attack on Plaintiff Stacy Lynne was broadcast to the world via livestream by the City of Loveland. Defendant knew, as did her peers who were sitting on the same stage, that her actions crossed moral, ethical, professional, and most critically, legal boundaries. Defendant's peers tried to stop her, but she viciously spewed on.

Plaintiff Stacy Lynne is an investigative journalist who delves into deeper aspects of corruption than is typically reported. Precisely because of that depth, Plaintiff's untarnished reputation is paramount to her life's work.

On July 21, 2015, and again on August 4, 2015, Defendant Joan Shaffer assassinated Plaintiff Stacy Lynne's positive character and solid reputation that required decades of investment to build and maintain.

RELIEF

WHEREFORE, Plaintiff Stacy Lynne prays for relief as follows, on all claims and in amounts to be determined at trial and as allowed by law, understanding that with each day that this claim remains unresolved, damages accrue:

1. For compensatory and consequential damages, including and not limited to loss of income, past and future pecuniary and non-pecuniary losses, emotional distress, suffering, loss of reputation, humiliation, public ridicule, inconvenience, mental anguish, loss of economic opportunity, and loss of enjoyment in life;
2. For economic losses;
3. For exemplary damages;
4. For costs of suit incurred herein;
5. For such other and further relief as the Court may deem just and proper.

Solemnly filed this 11th day of August, 2015.

Stacy Lynne

Stacy Lynne
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Fort Collins, Colorado 80521