

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

STEVE CHABOT
c/o Brian C. Shrive, Legal Counsel
7305 Tangleridge Drive,
Cincinnati, Ohio 45243

Plaintiff,

v.

KATHERINE M. SCHRODER
23 Belsaw Place
Cincinnati, Ohio 45220,

and

KATE FOR CONGRESS
P.O. Box 413
Cincinnati, Ohio 45201,

Also serve:

Dan Petterson
Treasurer, Kate for Congress
119 1st Avenue South, Suite 320
Seattle, Washington 98104

Dan Petterson
Treasurer, Kate for Congress
2134 44th Avenue Southwest
Seattle, Washington 98116

Defendants.

: Case No. _____

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: Judge _____

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: **COMPLAINT**

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: **PRAECIPE FOR SERVICE**

: **ATTACHED HERETO**

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For his Complaint against Defendants KATHERINE M. SCHRODER and KATE FOR CONGRESS, Plaintiff STEVE CHABOT alleges as follows:

1. Plaintiff STEVE CHABOT is a citizen of the State of Ohio, residing in Hamilton County.
2. Defendants KATHERINE M. SCHRODER is a citizen of the State of Ohio, residing

in Hamilton County.

3. Defendant KATE FOR CONGRESS is the principal campaign committee organized and registered with the Federal Election Commission in support of the candidacy of KATHERINE M. SCHRODER for the forthcoming election for United States Representative from the First Congressional District of Ohio.

Defendants Publish False and Defamatory Commercials

4. At all times pertinent herein, KATHERINE SCHRODER and KATE FOR CONGRESS are and were engaged in the campaign for the general election to be held in November 2020 for United States Representative from the First Congressional District of Ohio.

5. STEVE CHABOT is the opponent of KATHERINE SCHRODER in the general election to be held in November 2020 for United States Representative from the First Congressional District of Ohio.

6. KATE FOR CONGRESS operates and is responsible for the posts on its *Twitter Account*, located at <https://twitter.com/kateforcongress>.

The False Campaign Video

7. On or about August 18, 2018, *i.e.*, during the course of the 2020 campaign, KATE FOR CONGRESS published to third parties via its *Twitter Account* a 30-second video concerning STEVE CHABOT. As of the date of filing, this *False Campaign Video* is still available for viewing by the public at the *Twitter Account* at <https://twitter.com/KateForCongress/status/1295694357706821633>.

8. The *False Campaign Video* was also posted on the YouTube account of KATE FOR CONGRESS.

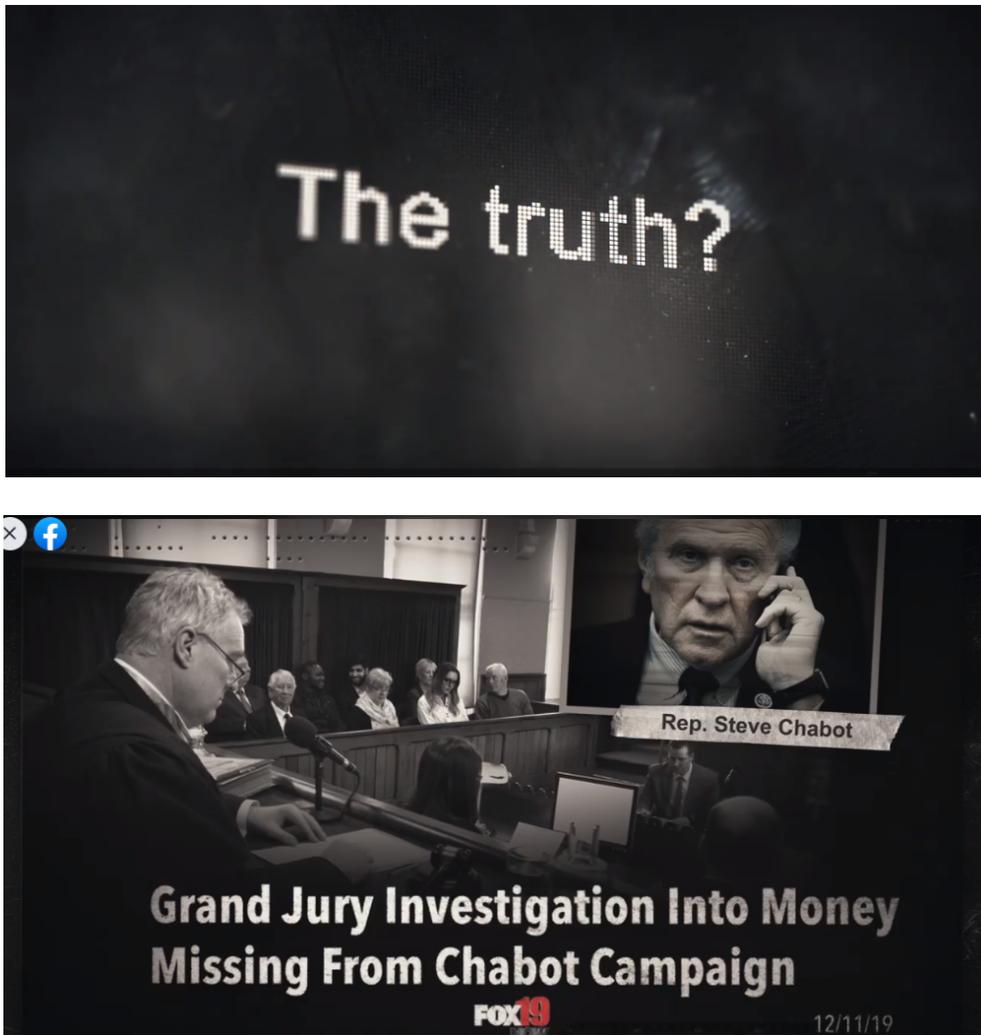
9. The *False Campaign Video* was aired on the airwaves or cable networks in and about

the greater Cincinnati area.

10. During the course of the *False Campaign Video*, the narrator on behalf of KATE FOR CONGRESS states as a factual matter:

“The truth? Chabot is facing a grand jury investigation for \$123,000 in missing campaign money. After getting caught, Chabot blamed others....”

11. At the time the foregoing statements are made in the *False Campaign Video*, the follow video appears on-screen:



12. KATHERINE SCHRODER personally adopted and ratified the *False Campaign Video*, including its content, in personally declaring at the conclusion of the campaign commercial: “I’m Kate Schroder, and I approve this message.”

13. The adoption and ratification of the campaign commercial by KATHERINE SCHRODER, including its content, is reinforced further by the *False Campaign Video* including the following text at its conclusion at the bottom of the screen: “Paid for by Kate for Congress. Approved by Kate Schroder.”:



14. The *False Campaign Video* includes certain false factual assertions against or concerning STEVE CHABOT.

15. Such false factual assertions in the *False Campaign Video* against or concerning STEVE CHABOT include the false factual assertion that “Chabot is facing a grand jury investigation”.

16. At no time has STEVE CHABOT been facing or the target of a grand jury investigation.

17. Information available to the public and in existence prior to the publication of the *False Campaign Video* includes a complaint filed on or about December 16, 2019, with the Federal Election Commission by Steve Chabot for Congress, the principal campaign committee in support of the candidacy of STEVE CHABOT, in which the target of an investigation by federal law enforcement concerning campaign finance issues was identified as the former campaign manager, not STEVE CHABOT.

18. Additionally, news reports available to the public and in existence prior to the publication of the *False Campaign Video* clearly provided the indication that the target of any investigation regarding campaign finance issues was the former campaign manager, not STEVE CHABOT. Such reports include:

- September 4, 2019: “Chabot advisor under investigation for misappropriation of campaign funds” as published by WKRC Channel 12 in Cincinnati (<https://local12.com/news/local/chabot-advisor-under-investigation-for-misappropriation-of-campaign-funds>)
- September 17, 2019: “Rep. Chabot gets new campaign treasurer amid probe into missing money” as published in *Roll Call* (<https://www.rollcall.com/2019/09/17/rep-chabot-gets-new-campaign-treasurer-amid-probe-into-missing-money/>)

19. None of the publicly available information would have led a reasonable person to suspect or believe that the statement that “Steve Chabot is facing a grand jury investigation” was true.

20. At a minimum, the foregoing publicly available information would have put anybody on notice to make inquiry and investigation concerning the veracity of the statement “Steve Chabot is facing a grand jury investigation”.

21. When it is declared in the *False Campaign Video* that “Steve Chabot is facing a grand jury investigation”, the video itself appears to make reference to a news report by Fox News 19 on December 11, 2019. It appears that such reference is to a news report published at

<https://www.fox19.com/2019/12/11/grand-jury-convened-amid-federal-investigation-into-chabot-campaign-finances/>. Yet, nothing in that news reports supports, directly or inferentially, that “Steve

Chabot is facing a grand jury investigation” is a true statement, but KATE FOR CONGRESS deliberately and intentionally included the reference to present a false sense of validity to the false statement it was publishing in the *False Campaign Video*.

22. Instead, and notwithstanding the readily available public information (as well as the source to which it cited to for support) demonstrating the falsity of the statement “Steve Chabot is facing a grand jury investigation”, KATE FOR CONGRESS and KATHERINE SCHRODER published to third parties the false statement that “Steve Chabot is facing a grand jury investigation” and did so with actual malice, *i.e.*, with knowledge of its falsity or with reckless disregard of its falsity.

23. An additional false factual assertion in the *Campaign Video* against or concerning STEVE CHABOT include the false factual assertion that STEVE CHABOT “[got] caught” relating to missing campaign funds.

24. None of the publicly available information would have led a reasonable person to suspect or believe that the statement that “Steve Chabot [got] caught” was true.

25. At a minimum, the foregoing publicly available information would have put anybody on notice to make inquiry and investigation concerning the veracity of the statement ““Steve Chabot [got] caught”.

26. When it is declared in the *False Campaign Video* that with respect to “\$123,000 in missing campaign money,” “Steve Chabot [got] caught”, the video itself appears to make reference to a news report by Fox News 19 on December 11, 2019. It appears that such reference is to a news report published at <https://www.fox19.com/2019/12/11/grand-jury-convened-amid-federal-investigation-into-chabot-campaign-finances/>. Yet, nothing in that news reports supports, directly or

inferentially, that “Steve Chabot [got] caught” is a true statement, but KATE FOR CONGRESS deliberately and intentionally included the reference to present a false sense of validity to the false statement it was publishing in the *False Campaign Video*.

27. Instead, and notwithstanding the readily available public information (as well as the source to which it cited to for support) demonstrating the falsity of the statement “Steve Chabot [got] caught”, KATE FOR CONGRESS and KATHERINE SCHRODER published to third parties the false statement that “Steve Chabot [got] caught” and did so with actual malice, *i.e.*, with knowledge of its falsity or with reckless disregard of its falsity.

COUNT I: DEFAMATION

28. Plaintiff re-avers the allegations in the preceding paragraphs as if fully re-written herein.

29. The publication by Defendants of the false factual statements in the *Campaign Video* was done without privilege, with knowledge that such statements false or with a reckless disregard of the falsity of such statements, or by failing to exercise a reasonable level of care as to the falsity of the statements.

30. The publication by Defendants of the false factual statements in the *Campaign Video* concerning STEVE CHABOT constitute defamation *per se*.

31. Alternatively, the publication by Defendants of the false factual statements in the the *Campaign Video* concerning STEVE CHABOT constitute defamation *per quod*.

32. As a direct and proximate result of the publication by Defendants of the false factual statements in the *Campaign Video* concerning STEVE CHABOT, STEVE CHABOT has suffered damages to his reputation and standing in the community, and damages including, but not limited

to, reputational damage, humiliation, mental anguish and suffering, damage to standing in the community, lost income, expenses to refute the false and defamatory statements, and other general and special damages.

COUNT II: FALSE LIGHT

33. Plaintiff re-avers the allegations in the preceding paragraphs as if fully re-written herein.

34. By publishing or causing the publication of the false factual statements in the *Campaign Video*, Defendants have placed STEVE CHABOT before the public in a false light, including, without limitation, causing the public to believe that either that STEVE CHABOT was personally involved in campaign finance irregularities or that STEVE CHABOT was the target of a grand jury investigation into criminal conduct.

35. The false light cast upon STEVE CHABOT by Defendants would be highly offensive to any reasonable person.

36. Defendants aired the *Campaign Video* with knowing or reckless disregard as to the falsity of the accusations it contained concerning STEVE CHABOT and the false light in which Defendants placed STEVE CHABOT.

37. As a result of Defendants casting STEVE CHABOT in a false light, STEVE CHABOT has suffered damages to his reputation and standing in the community, and damages including, but not limited to, reputational damage, humiliation, mental anguish and suffering, damage to standing in the community, lost income, expenses to refute the false and defamatory statements, and other general and special damages.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For an award of compensatory damages, including general and special damages, in an amount in excess of \$25,000.00;
2. For an award of punitive damages and litigation expenses, including reasonable attorneys' fees;
3. For pre-judgment and post-judgment interest and court costs; and
4. For such further relief as the Court deems equitable and just.

Respectfully submitted,



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Cincinnati, Ohio 45243
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Counsel for Plaintiff

PRAECIPE TO CLERK

Please serve the named Defendants by certified mail, return receipt requested, at the above listed addresses. If service of process by certified mail is returned by the postal authorities with an endorsement of "refused" or "unclaimed" and if the certificate of mailing can be deemed complete not less than five (5) days before any scheduled hearing, the undersigned waives notice of the failure of service by the clerk and requests ordinary mail service in accordance with Civil Rule 4.6(C) or (D) and Civil Rule 4.6(E).



Brian C. Shrive (0088980)