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assigned D/S Helen I. Bendix to Judge

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES—CENTRAL DISTRICT

JOHN GROGAN, an individual,

Plaintiff,

v.

JOSEPH PAOLLELA, an individual; JOHN TRIMARCO A.K.A JACK TRIMARCO, an individual; JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC., a corporation; RALPH HILLIARD, an individual; WORDNET SOLUTIONS, INC., a corporation and DOES 1 through 20, inclusive,

Defendants.

CASE NO.: BC391778

COMPLAINT FOR:

1. **DEFAMATION;**
2. **INVASION OF PRIVACY (FALSE LIGHT); AND**
3. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

[UNLIMITED JURISDICTION]

CT/DOCS: BC391778 LEA/REFS:
RECEIPT #: CCS1598205
DATE PAID: 05/30/08 08:29:29 AM
PAYMENT: FULL PAID
RECEIVED:
CHECK: 320.00
CASH:
CHANGE:
CARD:
0310

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Plaintiff JOHN GROGAN alleges as follows:

GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION AGAINST ALL DEFENDANTS

1. Does 1 through 20 are liable to the Plaintiff, in the below transactions. When the true names and capacities of the Defendants sued herein as Does 1 through 20, inclusive, are ascertained, Plaintiff will amend this complaint to incorporate such Does as Defendants.

2. Plaintiff JOHN GROGAN ("Plaintiff"), is an individual doing business in the County of Los Angeles. Plaintiff is an experienced polygraph examiner and has administered numerous lie detection tests in the last 20 years. He received a diploma from the American Academy of Forensic Science for having "successfully completed the academic course in polygraph Instrumentation & Testing Techniques for the Polygraph Examiner program," on June 11, 2004. A copy of said Diploma is attached hereto as **Exhibit 1**.

3. Plaintiff has never been convicted of a crime.

4. Defendant JOSEPH PAOLLELA ("PAOLELLA"), is an individual doing business in Los Angeles County. PAOLLELLA was the former President of the American Academy of Forensic Science. PAOLELLA administers polygraph exams.

5. Defendant JACK TRIMARCO ("TRIMARCO"), is an individual doing business in Los Angeles County. TRIMARCO administers polygraph exams.

6. Defendant JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC., ("TRIMARCO & ASSOCIATES") is a corporation doing business in Los Angeles County. At all times mentioned herein, on information and belief, TRIMARCO was an employee or agent of JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC., and was acting within the course and scope of said employment or agency.

7. Defendant RALPH HILLIARD ("HILLIARD") created http://www.polygraphplace.com ("POLYGRAPH PLACE"), a polygraph examiner's website that provides advertising for polygraph examiners in Los Angeles County and nationwide. The website also contains general information and articles about polygraph exams. On or about May 1, 2008, HILLIARD created

another website: http://thetruthaboutgrogan.org ("TAG"). The stated purpose of TAG is to "inform so that people can make educated decisions on whether to do business with John Grogan (or anyone affiliated with him who knows the truth about him)."

8. On information and belief, Defendant WORDNET SOLUTIONS, INC. ("WORDNET"), is a corporation doing business in Canton, Georgia and nationwide. At all times mentioned herein, on information and belief, HILLIARD was an employee or agent of WORDNET and was acting within the course and scope of said employment or agency.

9. On or about February 12, 2008, PAOLLELA wrote a letter to TRIMARCO that contained the following false, malicious, and libelous statements:

a. "After approximately 6-weeks of training, I gave Mr. Grogan an 'honorary completion' certificate. I had no idea that he wanted to be an examiner and go into the business as an examiner";

b. "I had to let Mr. Grogan go because of his 'unauthorized advances' towards female students"; and

c. "Even though Mr. Grogan has lost his P.I. & P.P.O. license, he is using an associate Lisa Javoric . . . to front for him on her website to do private investigations . . ."

A copy of said letter is attached hereto as **Exhibit 2**. The above statements written by PAOLLELA are false, libelous and tremendously damage Plaintiff's reputation professionally and personally.

10. On or about March 7, 2008, TRIMARCO telephoned the Tom Leykis Radio Talk Show which airs on 97.1 FM (the "SHOW"). When TRIMARCO telephoned the show as a listener, the appearing guest of Mr. Leykis was Plaintiff. Plaintiff was invited to appear on the radio and perform a polygraph examination on a television producer. During this telephone call on a national broadcast to potentially millions of listeners TRIMARCO made several false, malicious, and slanderous statements about Plaintiff including but not limited to:

a. "John Grogan is a fake";

b. "He is not a polygraph examiner";

c. "He's been convicted of 26 counts of fraud;

d. "He's never graduated from a polygraph school";

e. "You're nothing more than a fraud and you're about to get burned";

f. "I'm going to get you convicted";

g. "I'll bring in my proof to the DA in Ventura County"; and

h. "You perjured yourself."

11. Shortly after the SHOW aired, HILLIARD posted an article on POLYGRAPH PLACE entitled: "Issue #142 – 4/18/2008, John Grogan – Part II – Imposter? YES – Swindler? Definitely – Polygraph Examiner? Not by any Stretch of the Imagination." In that article, HILLIARD republished each of the defamatory statements made by TRIMARCO during the SHOW. In addition, HILLIARD wrote that Plaintiff is a "swindler," "imposter," and has "a history of threats, harassment and violence." Then on TAG, HILLIARD posted the following false, malicious, and libelous statements regarding Plaintiff:

a. "John snares the unsuspecting public into his web of deceipt"; and

b. "[f]raud being perpetrated on the public by John in California and now across the nation."

Furthermore, HILLIARD provides two hyperlinks to the false and defamatory articles on POLYGRAPH PLACE. The above articles and statements on both websites are tremendously damaging to Plaintiff's reputation professionally and personally.

12. Each of the statements posted on POLYGRAPH PLACE and TAG by HILLIARD is false, libelous, and tremendously damaging to Plaintiff, both professionally and personally.

13. Defendants and each of them, intentionally and wrongfully made the false statements above in order to injure Plaintiff both personally and professionally.

14. The statements made above would be highly offensive to the reasonable person.

15. Plaintiff is a private citizen and his reputation is not a matter of public concern.

16. Defendants and each of them, knew the statements were false or had serious doubts about the truth of the statements. Alternatively, Defendants and each of them again, failed to use reasonable care to determine the truth or falsity of the each statement set forth above.

17. As a result, Plaintiff has received a number of anonymous death threats.

18. As a result of the conduct of the Defendants and each of them, Plaintiff has suffered a loss of reputation in the community and his profession, personal humiliation, loss of business, and deep mental anguish and suffering. The defamatory statements described above were made with the reckless disregard and indifference to causing injury and damage to Plaintiff. The conduct of the Defendants and each of them, was despicable and subjected Plaintiff to cruel and unjust hardship all in conscious disregard of Plaintiff's rights, therefore justifying an award of exemplary and punitive damages against the Defendants and each of them.

FIRST CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

PAOLELLA FOR DEFAMATION

(LIBEL)

19. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

20. The false statements of PAOLLELA written in his letter to TRIMARCO were libelous. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

SECOND CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

PAOLLELA FOR INVASION OF PRIVACY

(FALSE LIGHT)

21. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

22. The statements made above placed Plaintiff in a false light. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

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THIRD CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

PAOLELLA FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

23. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

24. PAOLLELA's conduct was outrageous and intended to cause Plaintiff emotional distress. As a result, Plaintiff has suffered severe emotional distress and has been damaged as set forth in paragraph 18 above.

FOURTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

TRIMARCO AND TRIMARCO & ASSOCIATES FOR DEFAMATION

(SLANDER)

25. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

26. The false statements of TRIMARCO made on the *Tom Leykis Radio Show* were slanderous. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

FIFTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

TRIMARCO AND TRIMARCO & ASSOCIATES FOR INVASION OF PRIVACY

(FALSE LIGHT)

27. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

28. The statements made above placed Plaintiff in a false light. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

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SIXTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

TRIMARCO AND TRIMARCO & ASSOCIATES

FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

29. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

30. TRIMARCO's conduct was outrageous and intended to cause Plaintiff emotional distress. As a result, Plaintiff has suffered severe emotional distress and has been damaged as set forth in paragraph 18 above.

SEVENTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

HILLIARD AND WORDNET FOR DEFAMATION

(LIBEL)

31. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

32. The false statements posted on POLYGRAPH PLACE and TAG by HILLIARD are libelous. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

EIGHTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

HILLIARD AND WORDNET FOR INVASION OF PRIVACY

(FALSE LIGHT)

33. Plaintiff incorporates the General Allegations Common to All Causes of Action Against All Defendants.

34. The statements made above placed Plaintiff in a false light. As a result, Plaintiff has been damaged as set forth in paragraph 18 above.

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NINTH CAUSE OF ACTION

ON BEHALF OF PLAINTIFF AGAINST

HILLIARD AND WORDNET

FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. Plaintiff incorporates the General Allegations Common to All Allegations Against All Defendants.

36. HILLIARD's conduct was outrageous and intended to cause Plaintiff emotional distress. As a result, Plaintiff has suffered severe emotional distress and has been damaged as set forth in paragraph 18.

WHEREFORE, Plaintiff prays for relief as follows:

1. For judgment against the Defendants and each of them in excess of **$1,000,000.00** each, plus interest at the legal rate as well as punitive damages according to proof;
2. Costs of suit herein incurred; and
3. For such further relief as the Court may deem just and proper.

Dated: May 29, 2008

LAW OFFICES OF GEORGE BALTAXE

LAW OFFICE OF ADRIANOS FACCHETTI

George Baltaxe

GEORGE BALTAXE, ESQ.
Attorney for Plaintiff

This Certifies that

John Grogan

Has successfully completed the academic course in polygraph Instrumentation & Testing Techniques for the

Polygraph Examiner

program and is by the authority of the president, hereby granted this

Diploma

with all the honors, rights and privileges thereunto belonging,
Given at 431 Wilshire Blvd. Ste 314, Los Angeles, California 90010, this
Eleventh day of June, in the year two thousand Four

Joseph Paolella, President

Pamela Jones, Director

Joseph Paolella & Associates
4311 Wilshire Blvd., Ste 314
Los Angeles, CA 90010
(323) 965-7508 * Fax: (323) 965-7508

A professional security service directed by former U.S. Secret Service Agents

Jack Trimarco
Attn: **Ethics Committee**
9454 Wilshire Blvd., 6th Fl.
Beverly Hills, CA 90212

Tuesday, February 12, 2008

Re: John Grogan

Dear Mr. Trimarco,

The purpose of my school; American College of Forensic Studies, which started in January of 2003, was to train people interested in being a private investigator with a minor in polygraph training. The training consisted of 216-hours devoted to private investigations and 124-hours to basic polygraph training. That after 12-weeks of schooling, the student had the basic training to be a private investigator and the basic knowledge of the theory and application of polygraph principles to help the student become thoroughly trained investigator. The course was not meant to train a person to be a polygraph examiner and we did not offer polygraph training alone.

John Grogan offered to instruct students to serve subpoenas as part of the overall training in the P.I. field. Mr. Grogan expressed an interest in knowing about the fundamentals of the polygraph instrument and application. In lieu of paying him to instruct he asked to sit in on some of the polygraph courses; approximately two days per week. After approximately 6-weeks of training, I gave Mr. Grogan an "honorary" completion certificate. I had no idea that he wanted to be an examiner and go into business as an examiner. Shortly after that, I had to let Mr. Grogan go because of his "unauthorized advances" towards female students. Mr. Grogan's response to his dismissal was to send "anonymous" information to the anti-polygraph Internet site expressing how bad the polygraph training was at, American College of Forensic Studies. Mr. Grogan also indicated that the training was inadequate, especially regarding an instructor by the name of Richard

Salinas who is a member of the National Polygraph Association and an associate member of American Polygraph Association.

John Grogan is a master marketer and has used the Internet (Polygraph Place, etc.) to advertise his $99 dollar polygraph examinations. Mr. Grogan is also selling a book purported to be able to train a person to be a trained polygraph examiner and offers to sell them a Limestone computer and show them how to use it, claiming that's all they really need to know to become a polygraph examiner and join his polygraph association. Even though Mr. Grogan has lost his P.I. & P.P.O. license, he is using an associate Lisa Javoric, who recently received a P.I. license and is a member of CALI, to front for him on her website to do private investigations and polygraph examinations.

It should also be noted that he has used 10-20 different locations throughout the country purported to be his office. A personal check on several of his supposedly offices in Los Angeles, turned out in one instance to be a Chinese restaurant on Wilshire Blvd. and another was a hotel in Beverly Hills with no indication that John Grogan either resided there or had an office in the hotel. It should also be noted that no matter where the alleged offices were located, they all had the same (818) telephone number.

Jan Tucker, Governor of CALI and others, are also investigating John Grogan who has attempted on several occasions to "sell" P.I. licenses for $3,500.00.

If you need any more information regarding John Grogan, please let me know.

Respectfully,

Joseph Paolella