

1 **RM WARNER, PLC**  
2 8283 N. Hayden Road, Suite 229  
3 Scottsdale, Arizona 85258  
4 Daniel R. Warner, Esq. (AZ Bar # 026503)  
5 Email: [dan@rmwarnerlaw.com](mailto:dan@rmwarnerlaw.com)  
6 Raeesabbas Mohamed, Esq. (AZ Bar # 027418)  
7 Email: [Raees@rmwarnerlaw.com](mailto:Raees@rmwarnerlaw.com)  
8 Tel: 480-331-9397  
9 Fax: 1-866-961-4984  
10 *Attorneys for Plaintiff*

11 **IN SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 NO. CV2021-009843

14 **KATHRYN SHEARER, an individual d/b/a KG**  
15 **KENNELS AND SPORTHORSES,**

16 **Plaintiff,**

17 **v.**

18 **JILL LUNSFORD and JUSTIN LUNSFORD,**  
19 **as married individuals, JOHN DOES I-X; JANE**  
20 **DOES I-X; DOES I-X; ABC PARTNERSHIPS**  
21 **I-X; DEF LIMITED LIABILITY COMPANIES**  
22 **I-X; and XYZ CORPORATIONS I-X,**

23 **Defendants.**

24 **COMPLAINT AND**  
25 **APPLICATION FOR**  
26 **INJUNCTIVE RELIEF**

27 (Defamation, False Light Invasion  
28 of Privacy, Tortious Interference  
with Current and Prospective  
Business Relationships, Aiding  
and Abetting, Intentional  
Infliction of Emotional Distress)

For her claims for relief against Defendants, Plaintiff alleges as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff Kathryn Shearer (“Plaintiff”) resides in Maricopa County,  
Arizona.



1           12. Plaintiff is a member of a Facebook group, The Plaid Horse Thermal  
2 Classifieds (“Group”), which connects people in the equine industry and has over 17  
3 thousand members.

4           13. Plaintiff advertises and sells her horses in the Group alongside other  
5 members in Arizona, California, and other states in the Southwest.

6           14. Plaintiff has sold several horses through the Group and has generated over  
7 several hundred thousand dollars.  
8

9           15. In June of 2021, several individuals expressed an interest in a particular  
10 horse that Plaintiff listed for sale for \$18,000.  
11

12           16. On or about June 9, 2021, Bethany Unwin (“Unwin”), a member of the  
13 Group, published a post on the Group’s Facebook page about an interaction she had with  
14 Plaintiff (the “Interaction”).  
15

16           17. Due to the Interaction, Unwin used the post to solicit others to give her  
17 “more information on [Plaintiff’s] breeding operation.”  
18

19           18. In response to Unwin’s solicitation, Defendant published a series of  
20 misleading, false, and defamatory statements about Plaintiff and her horse breeding  
21 business (“False Statements”), which have since been taken down.  
22

23           19. The False Statements included false statements of fact about the integrity of  
24 Plaintiff’s business, including that Plaintiff sold horses in a dishonest manner by  
25 knowingly misleading customers about the type of horses being sold.  
26

27           20. Plaintiff was able to capture a screenshot of Defendant admitting to  
28

1 publishing the False Statements, wherein Defendant published additional False  
2 Statements:

3 A. “the post about you....was in regards to you being dishonest in your horse  
4 selling.” See Exhibit A.

5  
6 i. This statement is false. Plaintiff has never been dishonest about the  
7 horses she sells. Although Plaintiff does sell different kinds of  
8 horses, she specializes in Dutch warmbloods, and only identifies  
9 them as such when a Dutch warmblood is being advertised.  
10 Moreover, Defendant has never purchased a horse from Plaintiff.  
11

12 B. “In the 60 minutes that it was live there were 150 people who had had  
13 negative interactions with you.” *Id.*

14  
15 i. This statement is false given the context and the implication. The  
16 context surrounding this statement leads viewers to believe that 150  
17 people had interactions with Plaintiff regarding dishonesty  
18 associated with the advertisement.  
19

20 21. After Unwin’s post was removed, Defendant continued to post disparaging  
21 statements on Defendant’s personal Facebook page in an attempt to have others do the  
22 same.  
23

24 22. The post on Defendant’s personal Facebook page has resulted in over 300  
25 comments being published, a portion of which contain false and defamatory statements.  
26

27 23. As a direct and proximate result of Defendant’s tortious conduct, Plaintiff’s  
28

1 listing was removed from Group by the Group's administrator, and Plaintiff is unable to  
2 contact the many interested purchasers who made inquiries about the horse.

3 24. Also as a direct and proximate result of Defendant's tortious conduct,  
4 Plaintiff's reputation has been damaged and will continue to be damaged.

6 25. Plaintiff, by and through counsel, sent Defendant a cease-and-desist letter  
7 demanding that Defendant delete the post on Defendant's Facebook page, and Defendant  
8 has failed and refused to do so, even after being put on notice about the continuing harm  
9 being caused by the false and defamatory statements that were published.

11 26. As a direct and proximate result of Defendant's tortious conduct, Plaintiff  
12 has sustained, and will continue to sustain, general and special damages.

14 **COUNT I—DEFAMATION AND DEFAMATION PER SE**

15 27. All of the allegations contained within the paragraphs above and below are  
16 hereby incorporated by reference as if fully set out herein.

18 28. The False Statements made by Defendant are about and concerning  
19 Plaintiff.

20 29. Without privilege, Defendant communicated the False Statements to  
21 various third parties via the Internet and/or intentionally made such statements on the  
22 Internet, which were accessible to third parties without password protection.

24 30. Various third parties have viewed and commented on the False Statements  
25 published on the Internet.

27 31. Given the manner in which the False Statements were published, it is  
28

1 evident that the False Statements have been published to third parties with malice, spite,  
2 or ill will and with the intent of causing harm to the reputation and economic interests of  
3 Plaintiff.

4  
5 32. The False Statements published by Defendant impeach the honesty,  
6 integrity, or reputation of Plaintiff.

7 33. The False Statements bring Plaintiff into disrepute, contempt, or ridicule.

8  
9 34. The False Statements made by Defendant constitute defamation per se and  
10 general damages are presumed as a matter of law.

11 35. In making and publishing the False Statements, Defendant had knowledge  
12 of or acted in reckless disregard as to the falsity of the False Statements.

13  
14 36. Defendant published the False Statements knowing that they would be  
15 widely disseminated and result in pecuniary loss, as well as irreparable harm.

16  
17 37. As a direct and proximate result of Defendant posting the False Statements,  
18 Plaintiff has sustained, and will continue to sustain, immediate and irreparable harm and  
19 injury including, but not limited to, damage to reputation, losses in revenues, loss of  
20 profits, loss of goodwill, loss of business relations with existing and future business  
21 prospects, and loss of competitive business advantage, opportunity, and/or expectancy.

22  
23 38. As a direct and proximate cause of the conduct by Defendant, Plaintiff has  
24 suffered, and will continue to suffer, humiliation, extreme emotional distress, anxiety,  
25 depression, stomach aches, headaches, lack of sleep, lack of a desire to eat, emotional  
26 pain and suffering, anguish, and loss of self-esteem.

27  
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1           39. Plaintiff has suffered a direct pecuniary loss as the result of the publication  
2 of the False Statements.

3           40. Plaintiff has suffered general and special damages in an amount to be  
4 proven at trial.  
5

6           41. In making and publishing the False Statements, Defendant acted  
7 maliciously, willfully, wantonly, and unlawfully.  
8

9           42. For such willful and malicious acts, Plaintiff hereby seeks punitive  
10 damages in addition to actual damages.

11           43. Defendant's acts, omissions, conduct and transactions alleged herein were  
12 aggravated, outrageous, and guided by evil motives wherein Defendant intended to harm  
13 Plaintiff and/or consciously pursued a course of conduct knowing that it created a  
14 substantial risk of significant harm to Plaintiff.  
15

16           44. To dissuade Defendant from pursuing a similar course of conduct in the  
17 future and to discourage other persons from similar conduct in the future, an award of  
18 punitive damages should be awarded against Defendants in the sum of sufficient  
19 magnitude to punish Defendant and to deter similar conduct by others.  
20  
21

22                           **COUNT II—FALSE LIGHT INVASION OF PRIVACY**

23           45. All of the allegations contained within the paragraphs above and below are  
24 hereby incorporated by reference as if fully set out herein.  
25

26           46. In making and publishing the False Statements, Defendant caused Plaintiff  
27 to be portrayed out of context and in false light.  
28

1           47.    The False Statements are about and concerning Plaintiff.

2           48.    Defendant communicated the False Statements to third parties via the  
3 Internet and/or intentionally made such statements on the Internet accessible to third  
4 parties without password protection.

5  
6           49.    Defendant's False Statements are and would be highly offensive to a  
7 reasonable person and have been published to third parties with the apparent intent of  
8 causing harm to Plaintiff.

9  
10          50.    In making and publishing the False Statements, Defendant knew the False  
11 Statements were false or acted in reckless disregard as to the falsity of the False  
12 Statements.

13  
14          51.    As a direct and proximate cause of the conduct by Defendant, Plaintiff has  
15 suffered, and will continue to suffer, humiliation, extreme emotional distress, anxiety,  
16 depression, stomach aches, headaches, lack of sleep, lack of a desire to eat, emotional  
17 pain and suffering, anguish, and loss of self-esteem.

18  
19          52.    In making and publishing the False Statements, Defendant acted  
20 maliciously, willfully, wantonly, and unlawfully.

21  
22          53.    For such willful and malicious acts, Plaintiff hereby seeks punitive  
23 damages in addition to actual damages.

24  
25          54.    Defendant's acts, omissions, conduct and transactions alleged herein were  
26 aggravated, outrageous, and guided by evil motives wherein Defendant intended to harm  
27 Plaintiff and/or consciously pursued a course of conduct knowing that it created a  
28



1 substantial risk of significant harm to Plaintiff.

2 55. To dissuade Defendant from pursuing a similar course of conduct in the  
3 future and to discourage other persons from similar conduct in the future, an award of  
4 punitive damages should be awarded against Defendants in the sum of sufficient  
5 magnitude to punish Defendant and to deter similar conduct by others.  
6

7 **COUNT III—TORTIOUS INTERFERENCE WITH CURRENT AND**  
8 **PROSPECTIVE BUSINESS RELATIONSHIPS**

9  
10 56. All of the allegations contained within the paragraphs above and below are  
11 hereby incorporated by reference as if fully set out herein.

12 57. Plaintiff has existing business relationships with individuals, entities and  
13 organizations relating to her business.  
14

15 58. Plaintiff has a reasonable expectation of future business relationships with  
16 existing colleagues, prospective buyers, and others with whom Plaintiff does business or  
17 with whom Plaintiff may reasonably expect to do business. This expectancy is based, in  
18 part, on the considerable time, energy, and resources it takes to develop the goodwill and  
19 reputation associated with Plaintiff's reputation.  
20

21 59. At all material times hereto, Defendant was aware of Plaintiff's existing  
22 and/or prospective business relationships.  
23

24 60. Upon information and belief, Defendant intentionally and/or purposefully  
25 interfered with Plaintiff's existing and prospective relationships by unlawfully making  
26 the False Statements.  
27  
28

1           61. Defendant communicated the False Statements to third parties via the  
2 Internet and/or intentionally made such statements on the Internet accessible to third  
3 parties without password protection.

4           62. As a direct and proximate result of the Defendant's conduct, Plaintiff has  
5 sustained, and will continue to sustain, immediate and irreparable harm and injury  
6 including, but not limited to, damage to reputation, losses in revenues, loss of profits, loss  
7 of goodwill, loss of business relations with existing and future business prospects, and  
8 loss of competitive business advantage, opportunity, and/or expectancy.  
9

10           63. Upon information and belief, Plaintiff has suffered a direct pecuniary loss  
11 as the result of the publication of the False Statements.  
12

13           64. Plaintiff has suffered general and special damages in an amount to be  
14 proven at trial.  
15

16           65. In making and publishing the False Statements, Defendant acted  
17 maliciously, willfully, wantonly, and unlawfully.  
18

19           66. For such willful and malicious acts, Plaintiff hereby seeks punitive  
20 damages in addition to actual damages.  
21

22           67. Defendant's acts, omissions, conduct, and transactions alleged herein were  
23 aggravated, outrageous, and guided by evil motives wherein Defendant intended to harm  
24 Plaintiff and/or consciously pursued a course of conduct knowing that it created a  
25 substantial risk of significant harm to Plaintiff.  
26

27           68. To dissuade Defendant from pursuing a similar course of conduct in the  
28

1 future and to discourage other persons from similar conduct in the future, an award of  
2 punitive damages should be awarded against Defendants in the sum of sufficient  
3 magnitude to punish Defendant and to deter similar conduct by others.

4  
5 **COUNT IV—AIDING AND ABETTING**

6 69. All of the allegations contained within the paragraphs above and below are  
7 hereby incorporated by reference as if fully set out herein.

8  
9 70. Upon information and belief, Defendant posted the False Statements, as  
10 well as the disparaging statement on her Facebook page, with the intention to encourage  
11 and/or substantially assist others to defame Plaintiff and her business.

12  
13 71. Upon information and belief, Defendant has knowingly enabled others to  
14 defame and harass Plaintiff and interfere with Plaintiff's existing and prospective  
15 business relationships.

16  
17 72. As a direct and proximate result of the Defendant's conduct, Plaintiff has  
18 sustained, and will continue to sustain, immediate and irreparable harm and injury  
19 including, but not limited to, damage to reputation, losses in revenues, loss of profits, loss  
20 of goodwill, loss of business relations with existing and future business prospects, and  
21 loss of competitive business advantage, opportunity, and/or expectancy.

22  
23 73. Defendant's conduct was intentional, malicious and done for the purpose of  
24 causing injury to Plaintiff.

25  
26 74. For such willful and malicious acts, Plaintiff hereby seeks punitive  
27 damages in addition to actual damages.

28

1           75. Defendant’s acts, omissions, conduct, and transactions alleged herein were  
2 aggravated, outrageous, and guided by evil motives wherein Defendant intended to harm  
3 Plaintiff and/or consciously pursued a course of conduct knowing that they created a  
4 substantial risk of significant harm to Plaintiff.  
5

6           76. To dissuade Defendant from pursuing a similar course of conduct in the  
7 future and to discourage other persons from similar conduct in the future, an award of  
8 punitive damages should be awarded against Defendants in the sum of sufficient  
9 magnitude to punish Defendant and to deter similar conduct by others.  
10

11           **COUNT V —INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12           77. All of the allegations contained within the paragraphs above and below are  
13 hereby incorporated by reference as if fully set out herein.  
14

15           78. By posting the False Statements, inciting and encouraging others to harass  
16 Plaintiff, republishing the False Statements in later posts, calling Plaintiff “evil” and  
17 “vile,” and continuously degrading the Plaintiff’s reputation in the equine community to  
18 which she has dedicated her entire life, Defendant has engaged in extreme and outrageous  
19 conduct.  
20

21           79. Due to Defendant’s tortious conduct, Plaintiff has had to read over 300  
22 comments made and/or incited by Defendant and has had to continuously combat the  
23 False Statements to salvage what is left of her and her business’s reputation and goodwill.  
24

25           80. Defendant engaged in the extreme and outrageous conduct with the  
26 intention to cause Plaintiff to suffer severe emotional distress.  
27  
28

1           81. Defendant knew and/or recklessly disregarded the near certainty that such  
2 emotional distress would result from her conduct.

3           82. As a direct and proximate result of Defendant's extreme and outrageous  
4 conduct, Plaintiff has suffered, and will continue to suffer, severe emotional distress.  
5

6           83. As a direct and proximate result of Defendant's extreme and outrageous  
7 conduct, Plaintiff has suffered, and will continue to suffer, humiliation, anxiety,  
8 depression, stomach aches, headaches, lack of sleep, lack of a desire to eat, emotional  
9 pain and suffering, anguish, and loss of self-esteem.  
10

11           84. By purposefully engaging in the conduct and refusing to cease and desist  
12 the conduct, Defendant acted maliciously, willfully, wantonly, and unlawfully.  
13

14           85. For such willful and malicious acts, Plaintiff hereby seeks punitive  
15 damages in addition to actual damages.  
16

17           86. Defendant's acts, omissions, conduct and transactions alleged herein were  
18 aggravated, outrageous, and guided by evil motives wherein Defendant intended to harm  
19 Plaintiff and/or consciously pursued a course of conduct knowing that it created a  
20 substantial risk of significant harm to Plaintiff.  
21

22           87. To dissuade Defendant from pursuing a similar course of conduct in the  
23 future and to discourage other persons from similar conduct in the future, an award of  
24 punitive damages should be awarded against Defendants in the sum of sufficient  
25 magnitude to punish Defendant and to deter similar conduct by others.  
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- B. For a permanent injunction compelling Defendant to remove from the Internet all False Statements pertaining to Plaintiff;
- C. For a permanent injunction enjoining Defendant from publishing the False Statements and/or any other defamatory material to any third party;
- D. For general, special, and punitive damages in an amount to be proven at trial;
- E. For Plaintiff's costs herein incurred;
- F. For prejudgment and post-judgment interest on all damages at the highest rate allowed by law from the date of injury until paid in full; and
- G. For such other and further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of June, 2021.

**RM WARNER, PLC**

By: /s/ Daniel R. Warner, Esq  
Daniel R. Warner, Esq.  
8283 N. Hayden Road Suite 229  
Scottsdale, Arizona 85258  
*Attorneys for Plaintiff*


DECLARATION OF KATHRYN SHEARER

I, Kathryn Shearer, declare as follows:

1. I am named as a Plaintiff in the matter to be filed in the Maricopa County Superior Court entitled *SHEARER v. LUNSFORD, et al.* (the “Lawsuit”), and I am authorized to make this declaration/verification.
2. I am over the age of 18 years, and if called to testify in court, I could and would truthfully testify to the following information based upon my own personal knowledge.
3. I am writing this Declaration to verify the accuracy of the Complaint to be filed in this matter.
4. I have read and know the contents of the Complaint, and the matters and things therein stated are true and correct, except those matters that have been alleged upon information belief.

Pursuant to Ariz.R.Civ.P. 80(c), I declare under penalty of perjury that the foregoing is true and correct.

Dated: 06 / 17 / 2021



Kathryn Shearer



# **EXHIBIT A**



**Jill Lunsford**

3d · 🌐



worry to me. But you have now threatened multiple AZ trainers and it is unacceptable.

3d Like



**Jill Lunsford**

KG Sporthorses to the contrary, the post about you, that I decided to make a very politically correct response on. It was in regards to you being dishonest in your horse selling. In the 60 minutes that it was live there were 150 people who had had negative interactions with you. In hindsight I should've kept quiet so I did not I have your wrath focused on me again. But, people need to know the truth about you. I have threatened no one. I've had a million people reach out to me who just knew it was you because this is the kind of chaos and pain you create. The only person that I reached out to in hopes they could help was Sue Herrick since she has your lovely Horses boarded at her facility.

2d Like



**Kirra Lemke Denten**

