

**EXHIBIT B**  
**Affidavit and Summons, *Greer v.***  
***Abraham*, Case No. 168400383**

SLC Justice Court  
Rcpt# 7565454  
JC 168400383 Card  
\$100.00 5/4/2016

**FILED**

**MAY 04 2016**

Salt Lake City Justice Court

Russell Greer  
My Name

[REDACTED]  
Address

Salt Lake City, Utah 84111  
City, State, Zip

[REDACTED]  
Phone

[REDACTED]  
Email

I am the  Plaintiff  
 Attorney for the Plaintiff and my Utah Bar number is \_\_\_\_\_

In the Justice Court of Utah

3rd Judicial District Salt Lake County

Court Address 333 South 200 East, Salt Lake City, Utah 84111

<u>Russell G. Greer</u> Plaintiff	<b>Affidavit and Summons</b>  <u>168400383</u> Case Number  <u>Pro Tem</u> Judge
v.	
<u>Farrah L. Abraham</u> Defendant	
And  <u>Defendant</u>	

I swear that the following is true.

(1) Defendant owes me	\$ 7,200.00	for the claim described in paragraph (2).
plus the filing fee of	\$ 100.00	
plus an estimated service fee of	\$ 50.00	
plus estimated attorney fees of	\$	(Attach statute or contract showing you are authorized to claim attorney fees.)
for a total of:	\$ 7,350.00	

plus prejudgment interest, if qualified for prejudgment interest.

(2) The events happened on November 22, 2015 (date). My claim is based on the following facts.

\_\_\_\_\_
\_\_\_\_\_
A complete explanation of the facts and details of the case are attached.
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

- (3)  Defendant resides within the jurisdiction of the court.
- The events happened within the jurisdiction of the court.
- (4)  I am not suing a government entity. I am not suing a government employee for the employee's on-the-job conduct.
- (5)  I am not suing on a claim that has been assigned to me.
- (6)  I am filing this affidavit in the First District Court for Cache County because the defendant resides in unincorporated Cache County or in a municipality within Cache County that does not have a justice court and the cause of action arose in unincorporated Cache County or in a municipality within Cache County that does not have a justice court.

I have not included any non-public information in this document.

May 04, 2016 Sign here ► [Signature]  
Date Typed or Printed Name Russell Greer

I certify that Russell Greer, who is known to me or who presented satisfactory identification, has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

5/4/16 Sign here ► [Signature]  
Date Typed or printed name (Court Clerk or Notary Public) L. Grostean  
Notary Seal



### Summons

The State of Utah to the Defendant(s):

Farah L. Abraham, 201 Rocky Coast Dr, Austin, Texas 78738

Defendant Name and Address

Defendant Name and Address

You are summoned to appear at trial to answer the above claim. The trial will be held at the court address shown above. **If you fail to appear, judgment may be entered against you for the total amount claimed.**

Date JUN 16 2016 Time 5 : 30 [ ] a.m. [X] p.m.

Room TBD

**Notice to the Defendant.** A small claims case has been filed against you. This imposes upon you certain rights and responsibilities. You may obtain small claims information and instructions at [www.utcourts.gov/howto/](http://www.utcourts.gov/howto/)

**Disability Accommodations.** If you need accommodation of a disability, contact a judicial service assistant at least 3 days before the hearing.

Date: 5/4/16

Sign here ►

Court Clerk

*[Handwritten signature]*  
*L. Grosjean*



**OVERVIEW OF THE CLAIM:**

1. On November 22, 2015, after two months of attempting to "win a date" with reality television star Farrah Abraham ("Abraham") -- Plaintiff Russell Greer's ("Greer") celebrity crush/idol -- Greer was blocked on Twitter by her -- without any warning or explanation -- after she had accepted his well thought out, planned date in which he sought to meet her, empower her, and make a connection in the entertainment business with her. She essentially cancelled and went back on her implied acceptance of meeting Greer. This absolutely crushed Greer which led to a chain of events from him being let go from his first ever professional job to him gaining weight and battling his chronic depression. Greer now approaches the Court with Complaints of (1) *Intentional Infliction of Emotional Distress* (2) *Negligence* and (3) *Respondeat superior* for the actions of her Public Relations assistant.

2. While this claim may seem silly and frivolous at first glance, it is important to analyze the background of the case, the facts, and relevant case law/statutes that support Greer's cause of action and to take into consideration that Greer is "an eggshell skull" plaintiff, in that he suffers from depression and severe anxiety, and said mental health issues were *aggravated* by Abraham. *Vosburg v. Putney*, 80 Wis. 523, 50 N.W. 403 (1891) ("defendant who kicked plaintiff could not avoid liability because plaintiff suffered from an infection in his tibia that *aggravated* his injury -- he was an "eggshell skull plaintiff"). It should also be taken into consideration that Greer's face is paralyzed and he is made fun of daily and only wanted to meet somebody that he admired to accept him. Celebrities are held to a higher standard of protection and therefore are held to a higher standard of care. Abraham's actions as a celebrity were reckless, outrageous, and were negligent. *Utah Code 78B-5-818*. The actions of her Public

Relations assistant were negligent as well and since the assistant is under Abraham, she is held liable for her assistant's actions.

**BACKGROUND OF PLAINTIFF AND DEFENDANT:**

3. Defendant Abraham is a reality TV star on channels MTV and VH1 for shows such as "*Teen Mom*". She is two months younger than Plaintiff Greer who is just barely 25 years old.

4. Abraham has also had a claim to fame by starring in pornographic videos and for making outlandish comments she has made regarding other celebrities and current affairs. Abraham likes being the center of controversy.

5. Greer is a paralegal graduate from the LDS Business College. He also served an LDS mission in Phoenix, AZ. Greer is also an Eagle Scout and tries to "do a good turn daily". These accomplishments have been particularly meaningful to Greer as his face is paralyzed. He was born with a facial deformity termed, "*Moebius Syndrome*". He was also diagnosed with depression and anxiety at the age of 14 and has taken anti-depressants all of his life.

6. Greer has never had luck with dating and has never had a girlfriend.

**FACTS OF THE CASE:**

7. Greer first learned of Farrah Abraham by her trending on "Google News" in 2013. Abraham was on the news for experimenting in strip clubs in Florida. Abraham was also trending because she had asked actor Charlie Sheen to star in a porno with her, but he turned her down. Unbeknownst to Abraham and the public, Sheen was HIV positive.

8. Greer looked up Abraham's story, watched her shows, and "fell for her", but did not make any contact with her.

9. On January 6, 2015, Abraham had a failed lip injection surgery by suffering an allergic reaction to the injection. This concerned Greer and he felt sorry for Abraham that she would need to go through so much “beautification” when she is already beautiful.

10. Abraham has also had three breast augmentations, cheek fillers, a chin implant, a rhinoplasty, and several lip injections. This leaves the reasonable person with the view that Abraham doesn’t think she’s beautiful.

11. Greer decided, in the summer of 2015, that he would try getting her attention by writing a song for her to show her that she’s “naturally beautiful” and to show her that true men don’t care about plastic “beautification”.

12. Greer had seen many other celebrities accept dates and hang out requests from fans. Greer had even seen co-stars and other, as Greer refers to them, “slime balls”, request to star in pornos with Abraham. So Greer, being the gentleman that he is, decided to stand out and impress Abraham and ask her to not have a sexual rendezvous, but rather a “meet and greet” and show Abraham his screenplays and pitch ideas.

12. Greer, a skilled piano player and musician, spent many weeks at the piano working on a tune for Abraham. He also thought of catchy lyrics.

13. When Greer announced whom he was trying to impress, many of his friends disowned him as Abraham was a porn star and said that her lifestyle conflicted with their beliefs. One of his law professors, Kim Garner, told him that pursuing celebrities would hinder him being hired on with a law firm; she told Greer to decide what he wanted more: celebrity connections or to work in the legal field. Greer took the risk as he has always wanted to be in the entertainment industry. Undeterred, Greer kept working on his project.

14. Greer, with his song complete, reached out to Abraham on Twitter, October 9, 2015, and posted a picture of a giant cardboard poster “shoutout” to Abraham that said how much he admired her. The poster sat on a piano, hinting at the song.

15. Abraham was immediately drawn to this as she “liked” the shoutout, “retweeted” the shoutout and “followed” Greer back on Twitter. That was a pretty big deal to Greer. Out of the one million followers Abraham had on Twitter, she was only following 25,000 people – and Greer was amongst the people she was following. Greer’s dream of getting to meet his celebrity crush was coming true.

16. Greer then put a video together with the song that he had recorded on his phone and he put it on Twitter and asked Abraham clearly in multiple tweets to make sure she got the message: “Please say yes”. He then put hashtag “#WinADateWithFarrah”, “#SayYes”, “#1Date1Night”, “#farrahabraham”.

17. Greer did other creative things such as getting a pizza box and writing a shout out that their date wouldn’t be messy like the pizza box. He bought a rose and took a picture of it for Abraham.

18. Each of these shout outs, which clearly asked Abraham out, she favorited on Twitter. This led Greer on and he presumed that it was an implication that she had accepted the date. He figured she would issue a formal acceptance

19. Greer wanted to make sure that Farrah knew that this wasn’t a joke or just trying to be flattering so he emailed her PR representatives and MTV executives informing them of his plans to take her on a date and connect with her.

20. Abraham's fans and fellow associates followed Greer back on Twitter which implied that things were getting serious.

21. Greer made other videos which clearly showed his face and Abraham never favorited them.

22. Even though the PR reps, the MTV producers, and Abraham never issued an official acceptance, all implications proved she had accepted.

23. Greer was the happiest ever. He wrote on his social media that she had accepted. He told people at work that he was going to go on a date with her as she had accepted the offer and that he was waiting for an official response. His depression and anxiety had briefly subsided.

24. On November 22, he reached out to her on Twitter, on a direct message, and wanted to see how things were and when she wanted to do the date. Without warning, any explanation, or indication, Abraham went abruptly went against the acceptance she had implied and blocked Greer on Twitter. It hurt Russell so bad.

25. Greer had an anxiety attack and began to hyperventilate.

26. Greer went to work on November 24, at his law firm TraskBritt, and on his lunch break, the office manager pulled him into her office and said that they were letting him go. She informed him that they had heard rumors about his online activity and that they didn't want that reflecting on their firm.

27. Greer felt dejected. He thought about throwing himself under a bus and even thought about stepping in front of one on State St.

28. As it was right during the holidays, no law firms or offices were hiring. Greer was forced to work a low level janitor job at a gym and there he was made fun of, bullied, harassed, and underestimated. Nobody knew about his law firm – they just saw him as a disabled janitor.

29. The depression and pain caused Greer to gain weight and to eat more than he ever had. He gained 40 pounds – going from 160 to 200 pounds.

30. Greer was able to find an office job as a part time HR Assistant along with being a janitor at a high end grocery store in downtown Salt Lake City, but the effects of Farrah’s actions were evident: her actions made Greer go through an emotional spiral with job loss and weight gain.

### **NEGLIGENCE**

31. Negligence consists of (1) a reasonable duty of care owed by defendant to plaintiff (2) the duty is breached (3) causation of injuries sustained from that breach (4) damages suffered by plaintiff. *William v. Melby* 699 P. 2d 723 (Utah 1985). To find if defendant is negligent, it “depends upon the circumstances of that case and on the extent of foreseeable danger involved.” *DCR v. Peak Alarm Co.*, Utah, 663 P. 2d 433, 435 (1983). It must be kept in mind that defendant is not your average person. Defendant is a celebrity who has starred on major television channels, adult content, and has written autobiographies and books. She is therefore defined as a “public figure” by having a clear showing “of general fame or notoriety in the community, and pervasive involvement in the affairs of society ....” *Gertz v. Robert Welch, Inc* (1975). “The public recognizes [her] and follows [her] words and deeds, either because it regards [her] ideas, conduct, or judgment as worthy of its attention or because [she] actively pursues that consideration.” *Waldbaum v. Fairchild Publications, Inc.* 627 F. 2d 1287 (Court of Appeals, Dist. of Columbia Circuit 1980).

32. While there are no written rules for how a celebrity should conduct himself or herself, it is determined that celebrities do have “influence” over others. *Id.* Another celebrity, actor Kirk Cameron, has said that those in the spotlight should be held to a higher standard. “And we should be held to a higher standard because we’re *influencing* more people than others might be. With privilege of a platform comes great responsibility. We’ve got *to be careful* with *what we say* and *how we say it* and everything should be seasoned with grace.” *Kirk Cameron: Celebrities Should Be Held To A Higher Standard*. Fox News. Anugrah Kumar (August 23, 2014).

33. In accordance with the elements of Negligence, (1) Abraham had a duty that she owed to her fans and admirers. She had a duty to not imply acceptance to requests that she was unsure about accepting or had no intentions of going through with. She had a duty to not use her influence to imply things that would not happen or to give false hope. (2) Abraham breached her duty as a reasonable celebrity by implying that Greer would be able to meet his celebrity crush of two years by making a representation not just once, but six different times by “favoriting” tweets and implying acceptance to messages that clearly asked Abraham to meet and go on a date. It is not that she accepted it, that is the issue of negligence, it is how she abruptly declined upon seeing Greer’s facial deformity and not giving notice. It is her callousness that breached her duty of care. Greer’s reliance on her representations were reasonable under the rule of presumption. *Utah Code 70A-1a-206; 76-1-503*. As Kirk Cameron said, celebrities should be careful in how and what they say. As with other fields of professionals, the typical standard of care that professionals are held to is examined by how others in the field would act. *Holland v. Florida* (2010). Cameron and numerous celebrities have acted differently than Abraham acted towards Greer. Seeing the effort he put into it, a reasonable celebrity would have accepted his offer (e.g. Taylor Swift accepting prom date with high school student in 2014; Katy Perry taking Down

Syndrome Cheerleader to the Oscars with her in 2014) or a reasonable celebrity would have politely declined the offer as to not ruin their fan base and to be amicable, and not cut off and ignore Greer with no formal notice (Scarlett Johansen politely declines Marine to the Marine Ball in 2014). Greer had approached Abraham because he had seen how other celebrities had granted the requests of their fans. Given their status, “celebrities have *moral expectations*” of how they “should and ought” to treat their fans. *Ethics for Nurses: Theory and Practice*. Open University Press. Cranmer & Nhemachena (2013). (3) With it proven that Abraham had a duty to her fans such as Greer, Abraham’s actions were the cause of plaintiff’s injuries (4) Greer has suffered injuries, that he will expound upon later, including emotional distress, weight gain, heart murmurs, restlessness, thoughts of suicide, and job loss.

### **RESPONDEAT SUPERIOR**

33. Contributing to the negligence of not informing Greer about the date request was Abraham’s Public Relations assistant; the person who runs Abraham’s PR email. Greer reached out multiple times through the PR email in hopes of gaining a more formal response than favorites implied as he figured Farrah was going to issue a more formal response of acceptance, but thought that maybe she got busy or forgot. It is the responsibility of a professional, under the *moral expectations* theory and standard of care theory, to check their email and to respond in a timely manner to requests. Greer’s date request was a matter of public relations. Under the *Birkner Test*, an employer is held liable for the actions of the employee if: (1) “an employee’s conduct must be of the general kind the employee is employed to perform”; (2) “the employee’s conduct must occur within the hours of the employee’s work and the ordinary spatial boundaries of the employment”; and (3) “the employee’s conduct must be motivated, at least in part, by the purpose of serving the employer’s interest.” *Birkner v. Salt Lake County* (Utah

1989). Whoever was running Abraham's PR email negligently failed to get back to Greer or even converse with or pass onto Abraham emails if Abraham had not seen them. If the employee had done his/her job then the outcome would have been different. The employee's negligence in doing his/her job resulted in damages to Greer, and Abraham is held liable for them.

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

34. Arguing whose responsibility it was to follow standards of care and professionalism is futile. The point is: reckless infliction of emotional distress was inflicted on Greer. IIED has four elements that must be proven in Utah courts: (i) the [defendant's] conduct [complained of] was outrageous and intolerable in that it offended . . . generally accepted standards of decency and morality; (ii) [the defendant] intended to cause, or acted in reckless disregard of the likelihood of causing, emotional distress; (iii) [the plaintiff] suffered severe emotional distress; and (iv) [the defendant's] conduct proximately caused [the] emotional distress. *Prince v. Bear River Mut. Ins. Co.* (Utah 2002). Farrah intentionally led Greer on, not thinking much about the date yet implying it would happen, and then cut off communication. Reasonable celebrities, such as Kirk Cameron and Taylor Swift, have seen the harm such conduct can cause and have tried acting professional to requests. *Cabaness v. Thomas* (Utah 2010).

35. Farrah recklessly and negligently implied that she had accepted a date through multiple messages and used her influence to sway and excite Greer, only for Greer to be disappointed once she saw his deformity and immediately cut off connection to him, was outrageous in that it offended accepted standards of morality. As established, as a celebrity, Abraham has moral expectations and a duty she owes to fans; to not use her influence to cause false excitement and false hope.

36. What is the most disturbing about this case is that Greer gave his all, sacrificed and risked friends and jobs to meet his celebrity crush and Greer, in the end, after being led on, received nothing in return except an implication that because he is disabled he can't meet people he admires.

37. Since Abraham's recklessness and negligence, Greer has suffered severe anxiety, depression, weight gain, restlessness, insomnia, self-esteem issues, feelings of ugliness, feelings of hopelessness, feelings of ending his life. He has anxiety attacks every time Farrah appears on the news or her name trends on social media. He has flashbacks of giving his all to his person of interest when he sees other people in the news who are able to meet their celebrity idols and he feels hopeless because he knows he gave his all to Farrah including losing a job and friends.

Greer also has a disability and is made fun of daily. He wanted somebody he admired to accept him, but she ended up acting like those who harass him. He is distressed that Abraham implied that she only accepts beautiful people like porn actor James Deen.

### **EGGSHELL SKULL PLAINTIFF**

38. While this distress may seem minor to some, Greer is an “eggshell skull plaintiff” and therefore any injuries inflicted upon him are aggravated by pre-existing ailments e.g. depression, anxiety, and a disability. *Lancaster v. Norfolk and Western Railway Company* (1985). Abraham’s defenses are futile as she is required to take the plaintiff as she finds him. *Id.* The “eggshell skull rule always prevails” in tort cases. *Avita v. Metropolitan Club of Chicago Inc.* (7<sup>th</sup> Circuit of United States Court of App. 1995).

### **PRAAYER FOR RELIEF**

39. With all of the facts stated with supporting case law, it is hoped that Plaintiff can recover the amount asked for in damages to set an example to celebrities and public figures like Abraham to be diligent in how they communicate with fans and to not imply and infer things that they do not mean and to be cautious in how they respond to such requests.