

Cause No. 2009-50671

KELLY BLAIR

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

MICHAEL O'KEEFFE, CHRISTIAN RED,
TERI THOMPSON, NATHANIEL VINTON,
ROBIN DOBBINS and KNOPF
DOUBLEDAY PUBLISHING GROUP

JUDICIAL DISTRICT

2009 AUG 10 11:09 AM
8-10-09

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff KELLY BLAIR ("Plaintiff" or "Blair") brings this lawsuit complaining of MICHAEL O'KEEFFE, CHRISTIAN RED, TERI THOMPSON, NATHANIEL VINTON, ROBIN DOBBINS and KNOPF DOUBLEDAY PUBLISHING GROUP ("Defendants") and would respectfully show the following:

**I.
DISCOVERY**

1. Plaintiff respectfully requests Discovery in this case be conducted under Level Three (3) pursuant to Rule 190.1 of the Texas Rules of Civil Procedure.

**II.
REQUEST FOR DISCLOSURE**

2. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests that Defendants disclose, within fifty (50) days of service of this request, the information and material described in Rule 194.2 of the Texas Rules of Civil Procedure. Plaintiff specifically requests the responding parties to produce responsive documents at the undersigned law offices within fifty (50) days of service of this request.

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III. PARTIES

3. Plaintiff, KELLY BLAIR, is a resident citizen of Deer Park, Harris County, Texas.

4. Defendant, MICHAEL O'KEEFFE, an individual, does not maintain a regular place of business or a designated agent for service of process in Texas. Defendant has sufficient contacts with Texas under the Texas Long-Arm Statute and may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701. Defendant's usual place of business address is: New York Daily News, 450 W. 33 Street, New York, New York, 10001.

5. Defendant, CHRISTIAN RED, an individual, does not maintain a regular place of business or a designated agent for service of process in Texas. Defendant has sufficient contacts with Texas under the Texas Long-Arm Statute and may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701. Defendant's usual place of business address is: New York Daily News, 450 W. 33 Street, New York, New York, 10001.

6. Defendant, TERI THOMPSON, an individual, does not maintain a regular place of business or a designated agent for service of process in Texas. Defendant has sufficient contacts with Texas under the Texas Long-Arm Statute and may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701. Defendant's usual place of business address is: New York Daily News, 450 W. 33 Street, New York, New York, 10001.

7. Defendant, NATHANIEL VINTON, an individual, does not maintain a regular place of business or a designated agent for service of process in Texas. Defendant has

sufficient contacts with Texas under the Texas Long-Arm Statute and may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701. Defendant's usual place of business address is: New York Daily News, 450 W. 33 Street, New York, New York, 10001.

8. Defendant, ROBIN DOBBINS, an individual, is a resident of Deer Park, Harris County, Texas and may be served with process at Defendant's home address: 1605 Washington Drive, Deer Park, Texas 77536.

9. Defendant, KNOPF DOUBLEDAY PUBLISHING GROUP, is a foreign company organized and existing under the laws of the State of New York, and does not maintain a regular place of business or a designated agent for service of process in Texas. Defendant has sufficient contacts with Texas under the Texas Long-Arm Statute, and therefore may be served with process by serving the Texas Secretary of State, 1019 Brazos Street, Austin, Texas 78701. Defendant's address is: 1745 Broadway, New York, New York, 10019.

IV. JURISDICTION

10. This Court has jurisdiction over Defendants because Defendants have done business in Texas, committed a tort in Texas and have had continuous contacts with Texas. In addition, the damages for which Plaintiffs bring suit exceed the minimum jurisdictional limits of the court.

**V.
VENUE**

11. Venue is proper in Harris County, Texas because Plaintiff Kelly Blair and Defendant Robin Dobbins are a natural persons and reside in Harris County. TEX. CIV. PRAC. & REM. CODE ANN. § 15.002(a)(2) (Vernon 2005).

**VI.
FACTS**

12. Blair has suffered irreparable personal and economic injury because Defendants published false statements of fact about Blair and his business. Specifically, Defendants falsely stated Blair was "pushing" steroids to professional athletes and using 1-on-1 Elite Personal Fitness, Blair's gym, as a front for selling drugs. As a result of Defendants' statements, Blair suffered harm to his reputation and his business.

13. Defendants authored and published "American Icon: The Fall of Roger Clemens and the Rise of Steroids in America's Pastime." The book was released on May 12, 2009 and contains false statements about Blair's involvement in the Major League Baseball steroid scandal. Specifically, *Defendants falsely claim Blair was a steroid "pusher" involved in an underground steroid network.* Defendants falsely state Blair acquired steroids and Human Growth Hormone from AIDS patients, from individuals in Mexico and Canada and from doctors who were liberal with prescriptions.

14. Defendant Robin Dobbins ("Dobbins") made false statements of fact regarding Blair and provided false information to the other Defendants. Dobbins made false statements of fact regarding Blair and his involvement in preparing "collections" of drugs to ship to Major League Baseball players, including Andy Pettitte and Roger Clemens. Dobbins also

claims that Blair bragged about his involvement in supplying steroids to professional athletes.

15. Defendants falsely stated that 1-on-1 Elite Personal Fitness was a gym for "cops," "strippers" and "guys that wanted to get injected." Defendants additionally state Blair was associated with former IFBB bodybuilder Craig Titus, a confessed murderer and convicted ecstasy dealer, who Defendants claim moved steroids through Blair's gym.

16. As a result of Defendants' affirmative statements of fact, Blair has incurred substantial loss of his reputation and severe emotional distress. Blair's business shut down as a result of the statements and the loss of his reputation.

VII. DEFAMATION

17. Defendants' negligently or maliciously published false, defamatory statements of fact about Plaintiff, a private individual. The false statements include, but are not limited to:

- a. Blair was a steroid "pusher" involved in an underground steroid network;
- b. Blair acquired steroids and Human Growth Hormone from AIDS patients, from individuals in Mexico and Canada and from doctors who were liberal with prescriptions;
- c. Blair sold steroids to professional athletes, including Andy Pettitte and Roger Clemens;
- d. Blair referred people to doctors who would prescribe Human Growth Hormones and steroids;
- e. Tom Pettitte, Andy Pettitte's father, acquired drugs from Blair;
- f. Blair was associated with Craig Titus; and
- g. Blair prepared collections of drugs which were shipped to professional athletes.

18. Plaintiff has suffered substantial injury as a result of Defendants' defamatory statements, including but not limited to injury to character and reputation, mental anguish, loss of past and future income and loss of earning capacity.

**VIII.
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

19. Plaintiff continues to suffer severe emotional distress because of Defendants' extreme and outrageous conduct. Defendants intentionally or recklessly made statements that created a high degree of risk of harm, yet deliberately proceeded to act with conscious disregard or indifference to the risk. Specifically, Defendants made false statements of fact in an internationally circulated book. Examples of Defendants' outrageous statements include, but are not limited to:

- a. Falsely accusing Blair of being a drug "pusher" in an underground steroid network;
- b. Stating Blair smuggled drugs from Mexico and Canada;
- c. Stating Blair was involved with and assisted in facilitating the Major League Baseball steroid scandal; and
- d. Portraying Blair and his business as being a front for illegal drug sales.

20. Defendants' conduct proximately caused Plaintiff's emotional distress.

**IX.
DAMAGES**

21. Plaintiff respectfully requests the following damages to be considered separately and individually for the purpose of determining the sum of money that will fairly and reasonably compensate him:

- a. The loss of reputation and character Plaintiff has suffered in the past and will continue to suffer in the future;

- b. The mental anguish Plaintiff has suffered in the past and will continue to suffer in the future; and
- c. The loss of any earnings sustained by Plaintiff in the past, and the loss or reduction of Plaintiff's earning capacity in the future.

22. The maximum amount of damages sought by Plaintiff, at this time, will be \$25,000,000.00.

**X.
EXEMPLARY DAMAGES**

23. Defendants' conduct, when viewed from the standpoint of the actors at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Furthermore, Defendants' conduct illustrates not only an attitude of conscious indifference for the rights, safety and welfare of others, but also shows Defendants' actual and subjective awareness of the dangers of such conduct.

24. Nevertheless, Defendants proceeded with a conscious indifference to the rights, safety or welfare of others, including Plaintiff. Therefore, Defendants are liable for exemplary/punitive damages.

**XI.
JURY DEMAND**

25. Plaintiff DEMANDS A TRIAL BY JURY and submits the appropriate fee.

**XII.
CONDITIONS PRECEDENT**

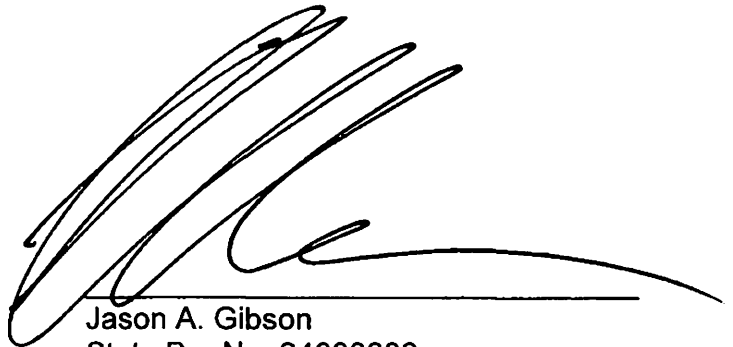
26. All conditions precedent have been performed or have occurred as required by TEXAS RULE OF CIVIL PROCEDURE 54.

**XIII.
PRAYER**

27. For the above reasons, Plaintiff prays he has judgment against Defendants, with interest on the judgment at the legal rate, pre-judgment interest, costs of court and for such other further relief, both in law and equity, to which Plaintiff may show himself justly entitled.

Respectfully Submitted,

THE GIBSON LAW FIRM

A large, stylized handwritten signature in black ink, appearing to read 'J. Gibson', is written over a horizontal line.

Jason A. Gibson
State Bar No. 24000606
The Lyric Centre
440 Louisiana, Suite 2050
Houston, Texas 77002
Ph: (713) 650-1010
Fax: (713) 650-1011

ATTORNEY FOR PLAINTIFF

MATÍAS J. ADROGUÉ
PROFESSIONAL LIMITED LIABILITY COMPANY

/s/ Matías J. Adrogué

Matías J. Adrogué
State Bar No. 24012192
The Lyric Centre
440 Louisiana, Suite 715
Houston, Texas 77002
Ph: (713) 425-7270
Fax: (713) 425-7271

ATTORNEY FOR PLAINTIFF