

# CLAIM FOR DAMAGES TO PERSON OR PROPERTY

**INSTRUCTIONS:**

1. Read claim thoroughly.
2. Fill out claim as indicated; attach additional information if necessary.
3. Please return this original signed claim and any attachments supporting your claim. This form must be signed.

**DELIVER OR U.S. MAIL TO:**

EXECUTIVE OFFICER, BOARD OF SUPERVISORS, ATTENTION: CLAIMS  
500 WEST TEMPLE STREET, ROOM 383, KENNETH HAHN HALL OF  
ADMINISTRATION, LOS ANGELES, CA 90012

(213) 974-1440

TIME STAMP  
OFFICE USE ONLY

<input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. LAST NAME FIRST NAME Naffe Nadia		10. WHY DO YOU CLAIM COUNTY IS RESPONSIBLE? Please see attachment	
2. ADDRESS OF CLAIMANT/ ATTORNEY Jay Leiderman and James B. Devine, Leiderman Devine LLP			
Street City, State Zip Code 5740 Ralston Street, Suite 300 Ventura, CA 93003			
HOME TELEPHONE: BUSINESS TELEPHONE: ( ) decline to state (805) 654-0200			
3. CLAIMANT'S BIRTHDATE: 10/10/1978		4. CLAIMANT'S SOCIAL SECURITY NUMBER decline to state	
5. DATE AND TIME OF INCIDENT March 26, 2012 - most recent incident (please see attachment for description of all incidents with details as to date)		11. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE):	
		NAME John Patrick Frey	DEPT. District Attorney's Office
		NAME Steve M. Cooley	DEPT. District Attorney's Office
6. WHERE DID DAMAGE OR INJURY OCCUR? 415 W. Ocean Blvd.		12. WITNESSES TO DAMAGE OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION:	
Street City, State Zip Code Long Beach California 90802		NAME Claimant	PHONE contact through counsel
7. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED: Please see attachment.		ADDRESS address is listed above	
		NAME John Patrick Frey	PHONE (213) 974-3511
		ADDRESS 210 West Temple Street, 18th Floor	
		NAME Steve Cooley	PHONE (213) 974-3512
8. WERE POLICE OR PARAMEDICS CALLED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		13. LIST DAMAGES INCURRED TO DATE (and attach copies of receipts or repair estimate): Violation of privacy rights, violation of civil rights, intentional infliction of emotional distress, negligent infliction of emotional distress, defamation, negligent supervision of employees, violation of HIPAA, and violation of Penal Code section 136.1(b) and 422.6(a).	
9. IF PHYSICIAN WAS VISITED DUE TO INJURY, INCLUDE DATE OF FIRST VISIT AND PHYSICIAN'S NAME, ADDRESS AND PHONE NUMBER:		TOTAL DAMAGES TO DATE: TOTAL ESTIMATED PROSPECTIVE DAMAGES:	
DATE OF FIRST VISIT PHYSICIAN'S NAME		\$ 500,000 \$ 500,000	
PHYSICIAN'S ADDRESS PHONE ( )			

**THIS CLAIM MUST BE SIGNED****NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72)****WARNING**

- CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE OF THE WRITTEN NOTICE OF REJECTION OF YOUR CLAIM TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)
- IF WRITTEN NOTICE OF REJECTION OF YOUR CLAIM IS NOT GIVEN, YOU HAVE TWO (2) YEARS FROM ACCRUAL OF THE CAUSE OF ACTION TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.6)

14. PRINT OR TYPE NAME Jay Leiderman	DATE April 20, 2012	15. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF GIVING RELATIONSHIP TO CLAIMANT: 
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REVISED 4/06

## **ATTACHMENT TO CLAIM FOR DAMAGES TO PERSON OR PROPERTY**

### **Additional Responses to Items 5, 7, and 10**

Conservative activists James O'keefe, who is in the business of producing videos exposing what he believes to be newsworthy issues of public importance<sup>1</sup> and the late Andrew Breitbart (conservative activist, author, TV commentator and, most notably, an internet media mogul), at one time, were personal friends of the claimant Nadia Naffe.

On several occasions, Mr. O'keefe and Ms. Naffe have traveled together to do undercover video projects. During one such project, in January 2010, Mr. O'keefe illegally recorded a member of Congress in Los Angeles County.

After approximately 2 1/2 years, the friendship between Mr. O'keefe and Ms. Naffe began to erode after he made several passive romantic overtures towards her, which led to a disturbing incident in a barn in Westwood, New Jersey on October 2, 2011.

A few weeks after the barn incident, Mr. O'keefe contacted Ms. Naffe to offer her money in exchange for agreeing not to disclose the incident in New Jersey, which Ms. Naffe rejected. Ms. Naffe contacted the board of directors of Mr. O'keefe's company (including Mr. O'keefe) and requested that Mr. O'Keefe cease harassing her. After Mr. O'keefe and his board received Ms. Naffe's letter, Mr. O'keefe threatened to sue Ms. Naffe if she contacted law enforcement to report the incident.

In November 2011, O'Keefe continued his harassment of Ms. Naffe, by posting a derogatory video which implied Ms. Naffe was a turncoat, on his website, ProjectVeritas.com and on YouTube.com. In response to the video posting, Ms. Naffe filed a criminal harassment complaint against Mr. O'Keefe. The judge dismissed the criminal harassment complaint due to an inability to determine whether the alleged conduct occurred in the State of New Jersey.

In February 2012, the late Mr. Breitbart mischaracterized the New Jersey incident between Ms. Naffe and Mr. O'keefe when discussing the matter, with a reporter. Ms. Naffe publicly challenged Mr. Breitbart's assertions in her own blog posts and tweets.

In response to Ms. Naffe's challenge to Mr. Breitbart, John Patrick Frey, while acting both individually and in the capacity as an Assistant District Attorney in the Los Angeles County District Attorney's office, with whom Ms. Naffe had no prior contact, began ruthlessly and relentlessly attacking Ms. Naffe, both on his blog (<http://patterico.com>) and by tweeting threatening, harassing and defamatory remarks to Ms. Naffe on Twitter (@patterico), all hours of the day and night.

Mr. Frey has stated that his motivation for "poking holes" in Ms. Naffe's theories, with respect to her civil matter pending against Mr. O'keefe was predicated on the

friendship between he, Breitbart and O'keefe. Mr. O'keefe has worked in the same offices as Mr. Frey, while completing an internship with the Los Angeles County District Attorney's Office. Mr. Frey has used his influence to defend Mr. O'keefe on prior occasions (see attached).

Between February 28, 2012, and March 29, 2012, Mr. Frey published eight articles on his blog concerning Ms. Naffe. During that same time period, Mr. Frey has authored several dozen "tweets" (via Twitter.com) concerning Ms. Naffe and/or referring to Ms. Naffe specifically by name. In his tweets, Mr. Frey states that Ms. Naffe is a liar, illiterate, callous, self-absorbed, despicable, a smear artist, dishonest and absurd.

Mr. Frey has repeatedly questioned how someone, with inferior intelligence and could not spell, such as Ms. Naffe, could be attending Harvard. Mr. Frey tweeted "The state bar will laugh at your complaint. As I am laughing now. You seriously go to Harvard?"

The first article Mr. Frey published concerning Ms. Naffe was on February 28, 2012, which included a court transcript from the probable cause hearing Ms. Naffe filed against Mr. O'keefe, stemming from a criminal harassment complaint. Mr. Frey posted screen shots of the transcript and took the statements out of context.

In his other articles, Mr. Frey criticizes a journalist for not "vetting" Ms. Naffe more extensively before writing a story concerning Ms. Naffe and Mr. O'keefe. Mr. Frey made a list of 29 questions the journalist "should have" asked Ms. Naffe regarding her encounters with Mr. O'keefe. Mr. Frey's questions sounded strikingly more similar to the types of questions a lawyer would raise in a legal defense.

On March 14, 2012, Ms. Naffe began a series on her blog to dispel misconceptions about what happened between herself and Mr. O'keefe in New Jersey, why her movement was impaired during the barn incident, and how Messrs. O'keefe and Breitbart coordinated illegal recordings and attempted to wiretap a member of Congress in Los Angeles County.

On March 23, 2012, Mr. Frey posted on his website documents pertaining to a civil lawsuit that Mr. O'keefe filed against Ms. Naffe. Also on the same date, Mr. Frey tweeted that a judge had granted an injunction against Ms. Naffe and he included a link to the documents.

Ms. Naffe tweeted back, that she intended to report Mr. Frey to the internal affairs department of the District Attorney's office and the California State Bar for misusing government time and resources, so that he could post documents concerning Ms. Naffe on his blog, during business hours and for unethically inserting himself and his wife Christi L. Frey, who is also an assistant district attorney, into a civil legal matter. That resulted in Mr. Frey stating on his blog the following comments: "You may have noticed that Naffe is now threatening to report me to the State Bar for this

post, which is, she claims, 'legal advice.' Because I point out holes in her story, she says, that constitutes 'legal advice' to James O'Keefe in a civil matter. She also falsely accuses me of updating the post during work hours."

On March 24, 2012, Mr. Frey further retaliated by publishing and distributing Ms. Naffe's medical information online, including her social security number, by posting on patterico.com a deposition transcript from a civil matter taken in 2005, in which Ms. Naffe sued her former employer. The deposition transcript contained all Ms. Naffe's personal information including her social security number, date of birth, maiden name, her mother's maiden name, her family's address, information regarding Ms. Naffe's medical condition and medications she was taking, and other information regarding Ms. Naffe's private and personal affairs.

In addition to publishing and distributing Ms. Naffe's confidential information online, Mr. Frey went on to dissect several aspects of the deposition. In his blog post, Mr. Frey again noted that Ms. Naffe threatened to report him to the California State Bar. Mr. Frey posted over 200 pages of documents from the deposition transcript concerning Ms. Naffe, which Mr. Frey first claimed he obtained from PACER.

On March 25, 2012, after it became publicly known that Ms. Naffe's social security number was in the first few pages of the deposition, Mr. Frey posted a comment to his blog stating: "I think I may lay off Nadia and give her a chance to realize she has made a mistake in threatening to report me for totally bogus reasons. I don't really have much else to say about it right now anyway. Comment by Patterico — 3/25/2012 @ 3:42 pm."

Mr. Frey posted a comment to his blog, suggesting his continued harassment had intimidated Ms. Naffe into silence by posting: "She may just be starting to realize that she has made a series of mistakes that could land her in trouble. Maybe she's reconsidering and that's why the Twitter and Facebook are gone. Let's see. Comment by Patterico — 3/25/2012 @ 3:43 pm."

On March 26th, 2012, Ms. Naffe began receiving email alerts from Experian, notifying her that there had been changes to her credit report. Ms. Naffe continues to receive reports that individuals are using her social security number. Mr. Frey posted to his blog, every piece of personal information about Ms. Naffe that a criminal would need to steal her identity. This information has been indexed on Google in HTML and is still available online for the world to see. Mr. Frey was aware that publishing and distributing Ms. Naffe's social security number, medical information and financial information would cause Ms. Naffe and her family tremendous harm.

Furthermore, Mr. Frey's posting such sensitive documents was an attempt to intimidate Ms. Naffe from coming forward with evidence that implicates his friend, Mr. O'keefe in a crime, committed in Mr. Frey's jurisdiction in violation of Penal Code section 136.1, subdivision (b), and section 422.6, subdivision (a). Mr. Frey is

well aware that Mr. O'keefe is currently on federal probation and any criminal charges would result in a violation of his probation.

Ms. Naffe is informed and believes and based thereon alleges that Mr. Frey has received complaints in the past regarding the use of his blog posts to harass, bully and intimidate private individuals. Additionally, many of the updated "comments" to the blog posts are time-stamped during traditional business hours, while Mr. Frey was simultaneously performing his official duties (or should have been) serving as an assistant district attorney.

Ms. Naffe is informed and believes and based thereon alleges that the District Attorney's Office has subjectively been aware of Mr. Frey's controversial blog for several months, based on the complaints the office has received about Mr. Frey. The District Attorney's Office has shown deliberate indifference to asserting the proper supervisory authority and control over Mr. Frey.

As a direct and proximate result of the conduct described above, Ms. Naffe has suffered emotional distress, financial loss, as well as the loss of her identity, which is permanent and irrecoverable damage. When someone searches for Ms. Naffe's name on Google, they can find no mention of her professional credentials, only Mr. Frey's defamatory blog posts, which have no journalistic accuracy or merit. Mr. Frey's statements and comments on his blog have slandered Ms. Naffe's honesty, integrity, virtue, reputation and professionalism.

Mr. Frey's behavior is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency or professional conduct. Mr. Frey's publishing of Ms. Naffe's social security number, in violation of California Civil Code Section 1798.85 and PACER's terms of use, illustrates that he is motivated by hatred, ill will or spite or by a reckless disregard for Ms. Naffe's rights, with the intention of causing her personal, professional and financial harm.

The State Bar of California    October 20, 2010  
Office of Chief Trial Counsel  
1149 S. Hill St.  
Los Angeles, CA 90015

Attn: James E. Towery, Chief Trial Counsel Disciplinary Committee

Re: COMPLAINT Against John Patrick Frey, Deputy Los Angeles District Attorney

Dear Mr. Towery:

I am writing to complain about LA Deputy District Attorney John Patrick Frey for various ethical and professional violations and request that you take appropriate action against him. In short, Mr. Frey has been engaging in reprehensible conduct that undermines confidence and respect for the legal profession.

Mr. Frey runs a blog called *Patterico's Pontifications* located at [www.patterico.com](http://www.patterico.com). This blog has a hard right conservative slant and has been used to attack Democrats, liberals, gays, and anyone supporting them.

I am associated with another blogger who runs The Brad Blog, [www.bradblog.com](http://www.bradblog.com), who wrote several blog articles about Mr. Frey's decision to support several hard right conservatives avoid prosecution for illegal wiretapping employees of the Los Angeles ACORN office in the summer of 2009. It appears that Mr. Frey's decision to support the conservatives was based not on the facts but rather on his desire to protect those fellow conservatives, and this was the gist of The Brad Blog's postings. See attached Media Matters article.

Mr. Frey did not take kindly to being exposed in this way so he began investigating the owner of The Brad Blog, Brad Friedman. During that investigation, which appears to have been done at least in part during his work hours for the DA's office, Mr. Frey learned that Brad Friedman was associated with me and that I had been convicted of a felony more than 30 years ago.

So, Mr. Frey chose to take an issue that dealt with his job performance and make it an issue on his personal blog, and do so by attacking me mercilessly with malicious and defamatory postings all as part of a revenge campaign to get back at Mr. Friedman. In over a year's blog posts, Mr. Frey on more than a dozen occasions called Mr. Friedman a liar and a "fucking liar." Commenters to those posts piled on with vile invectives such as "Grade A liar." [When one types the words fucking, goddamned, bullshit, asshole, motherfucker and other abusive swear words in the Frey's blog SEARCH box, scores of examples come up).

On October 11, 2010, Mr. Frey wrote a blog post defaming me and tying it back to Mr. Friedman. Here is part of his post.

*"Many questions remain about the investigations Kimberlin has supposedly done with Brad Friedman. The guy appears to be a career criminal along the lines of Tookie Williams. The similarities are great: an intelligent violent criminal involved in multiple acts of deadly violence, who hatches a plot to escape from incarceration by means of murder. When that fails, he starts a massive publicity campaign, mobilizing the politically strident but fundamentally naive segment among the left who love to stand up for prisoners. As part of his campaign, he uses lame "art" to convince people he is a serious person.*

*The main difference is that Tookie got caught, convicted, and was never let go. Kimberlin? He walked in 1994, and is now a progressive hero walking the streets. For more, read Liberty Chick's post, and poke around the blog of a Socrates, who has been writing about the connection between Kimberlin and Friedman for months."*

In another post shortly thereafter, Mr. Frey called me a "terrorist," and his commenters called me a killer, scam artist, liar, and a host of other vile words. I asked Mr. Frey to remove the offending posts but instead of doing so, he posted my private email requests to him on his blog. He later made another post about me, which falsely stated that I engaged in "murderous plots." He also posted all the financial IRS 990 forms from two non-profits I am associated with and asked people to dig into them to look for anything illegal.

The party Socrates referred to above by Mr. Frey and relied on by him in his blog is a serial stalker who is under investigation by state and federal law enforcement for cyberstalking and online bullying. I sued Socrates last week for defamation, cyber stalking, harassment and interference with business. I am attaching a copy of that suit.

Mr. Frey's blog solicits money from readers and fans through PayPal, and it promotes and endorses online offshore gambling and betting, which is illegal in many states, including California. It appears that this gambling company is paying Mr. Frey. Here is the gambling promotion on his blog.

*"SportsBettingWorld.com is one of the best resources for serious sports bettors. All the picks and online sports betting analysis are done professional handicappers. Check them out today for all your MMA & UFC betting needs."*

Many such offshore gambling operations are illegal, and California specifically prohibits its citizens from betting beyond its borders and engaging in sports bets. <http://www.buzzle.com/articles/the-law-and-online-sports-betting.html>.

Mr. Frey has been censoring information posted by commenter's on his blog asking questions about his unexplained wealth. Last week, a poster asked Mr. Frey on his blog to explain how he has been able to amass \$2 million in property on the salary of a Deputy DA. Instead of answering, Mr. Frey deleted the comment.

## **Mr. Frey's Conduct Violates The California Bar Rules As Well As California Employee Conduct Rules**

**The California Rules of Professional Conduct for Attorneys, PROFESSIONAL INTEGRITY IN GENERAL ,Rule 1-100 Rules of Professional Conduct, in General** states that attorneys must “**protect the public and ... promote respect and confidence in the legal profession” through their conduct....**” Mr. Frey, however, has engaged in conduct, as outlined above, that does not protect the public, of which I am included, in that he has incited death threats, harassment, cyber bullying and harm to my business by his defamatory and hateful blog. He has not promoted respect and confidence in the legal profession but instead has done quite the opposite by causing people to look at attorney Frey as an extremist loose cannon who uses his blog to gin up crazies to make threats against me and others. Moreover, he has used his blog to generate waves of donations from unsuspecting people who believe that they are supporting a like-minded government official who advocates their hateful, bigoted, racist, and anti-Semitic positions. Attorney Frey has also joined forces with a serial cyber stalker named Socrates who has been banned by many national blogs for stalking and defamation and who is under criminal investigation by state and federal law enforcement and who has been sued by me for such stalking. Finally, attorney Frey has undermined the legal profession by promoting and getting paid by an online/offshore sports betting/gambling operation when such activities are illegal under both California and federal law.

**The State of California Supervisory Handbook, “A Guide To Employee Conduct And Discipline” Section IV(B)** sets out very specific rules of conduct for state employees, including Deputy District Attorneys. Mr. Frey has violated numerous code of conduct provisions, as laid out below.

**Section (m) prohibits “discourteous treatment of the public...including rudeness, swearing, yelling, belligerence ... while off-duty... and insulting, offensive, abusive or inappropriate language not rising to the level of discrimination or harassment...or other inconsiderate conduct that adversely affects others.”** In Mr. Frey's case, his personal blog is based these very factors. He regularly swears (Brad Friedman is a “fucking liar”) and post blogs in a manner that are rude and belligerent. He writes his blog off-duty and is abusive, insulting and offensive as he has been to me. He is using his blog to harass me and discriminate against me for being felon. His blog is adversely affecting my business and me by defaming me, bullying me, posting IRS 990s and asking people to investigate me.

**Section (n) prohibits “improper political activity ... conducted in such a way that it appears to be under the authority of the department [and i]ncludes an employee's private political activity conducted on State time or with State resources.”** Mr. Frey uses his stature as a Deputy District Attorney to enhance the credibility of his blog, which



ruthlessly attacks Democrats, liberals and anyone who supports them. Mr. Frey fully supports hateful, far-right Republican positions. The people who visit his blog well believe that he is acting under the authority of the District Attorney's office and post the most vile, violent, and extreme attacks possible. It appears that Mr. Frey is using information gained while he is on state time to provide content for his blog and is using state computers with Internet access during work hours to find that content. Mr. Frey has investigated my criminal record and may have used the state law enforcement NCIC data to do so.

**Section (p) prohibits “misuse of state property... [including] use or theft of State property or time for other than its intended purpose, often for the employee’s personal gain.”** As noted above, Mr. Frey has been using his position as Deputy District Attorney to enhance the credibility of his blog and to access official information on state time. He is doing this for personal gain by using his blog to and his position to attract readers and asking them to donate to him via PayPal. He is also using his blog to promote an online betting/gambling operation that provides him with income, even though online and sports betting is illegal in California.

**Section (t) prohibits “[o]ther failure of good behavior either during or outside of duty hours that is of such a nature that it causes discredit to the appointing authority or the person’s employment. Any conduct by an employee, either on- or off-duty, that could easily disrupt or impair the public service or has the potential for causing discredit to the department if it were known by members of the public. The focus is on the potential for destructive consequences, not on whether the conduct is intentional....”** Mr. Frey’s blog is a hateful screed, filled with bigoted, racist, anti-Semitic, defamatory, bullying, distasteful and disparaging blog posts and comments. He is using his blog to incite violence and attacks on people such as me. In fact, since Mr. Frey posted his defamatory posts against me, I have received threats by email, phone and in blog posts. Mr. Frey has teamed up with a serial cyber stalked named Socrates who is under criminal investigation by both state and federal law enforcement. I sued Socrates last week and that suit has a strong potential of implicating Mr. Frey either as a witness or conspirator. Also because of Mr. Frey’s blog posts, he too faces a cyber stalking/defamation lawsuit from others and me, which could easily expand into a scandal that discredits the office in which he works. If the general public knew that Mr. Frey’s hateful blog was run by a state Deputy District Attorney, the entire Department could be scandalized. This is a real possibility as evidenced by the recent case in Michigan where an assistant DA used his personal blog to attack gays. This caused a major scandal for the Attorney General’s Office, with protests, and calls for accountability. Finally, the AG suspended the DA blogger, forced him to remove his blog, initiated a full-scale investigation, and suggested that criminal charges may be forthcoming. See attached article.

**Section (w) prohibits “[u]nlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, sex, or age, against the public or other employees while acting in the capacity of a State employee. Covers all acts of unlawful discrimination and harassment by an**

**employee against a member of a protected group, under the auspices of State employment. Acts could be against employees or members of the public.”** I am considered as having a disability because of my status as a felon. I have not committed any crime for more than 31 years and have worked hard to be an outstanding member of society since my release from prison many years ago. Yet Mr. Frey is using his hate blog to harass, bully, defame, investigate and stalk me, with the intent to cause violence against me and ruin my ability to earn a living. He is taking advantage of my disability to target me, and using his official position as a Deputy District Attorney to give credibility to his savage attacks against me.

For all the above reasons, Attorney John Patrick Frey should be disciplined by suspending him from the practice of law, requiring him to shut down his hateful blog, and prohibiting him from engaging in any conduct such as that alleged in this complaint.

Sincerely,

Brett Kimberlin  
POB 228  
Cabin John, MD 20816  
(301) 320 5921