

21ST JUDICIAL DISTRICT COURT FOR THE PARISH OF TANGIPAHOA

STATE OF LOUISIANA

NO. 2010-2000866

DIVISION " F "

GLOBAL WILDLIFE FOUNDATION

VERSUS

NICHOLAS BRILLEAUX

FILED: March 2, 2010

Jamie Choate
Deputy Clerk

JULIAN E. DUFRICHE
CLERK OF COURT
TANGIPAHOA PARISH, LA
2910 MAR -2 AM 8:48

**PETITION FOR INJUNCTIVE RELIEF
AND TEMPORARY RESTRAINING ORDER**

The petition of Global Wildlife Foundation, a 501(c) (3) non-profit foundation operating as Global Wildlife Center, whose principal place of business is in Tangipahoa Parish, State of Louisiana, respectfully represents that:

I.

Made defendant is Nicholas Brilleaux, a resident of and domiciled in the Parish of Tangipahoa, State of Louisiana.

II.

Petitioner, Global Wildlife Foundation, operates educational tours on its 900 acre wildlife preserve, and allows guests to the park to "learn through touch" as they feed and interact with animals from all over the world, including giraffes, a visitor favorite.

III.

Never in the history of Global Wildlife Foundation has any visitor or guide been killed by any animal at Global Wildlife.

IV.

Global Wildlife's reputation as a safe place for children to experience close "hands on" experience with animals is paramount to their continued success.

V.

On Thursday, February 25, 2010, a purported news item was published by defendant, Nicholas Brilleaux, on the website of HammondActionNews.com and on its Facebook page that a Global Wildlife giraffe had attacked and killed a wildlife guide. (See Exhibit "A").

VI.

The aforementioned "article" was viewed and perceived by many Global Wildlife visitors and potential visitors as true.

VII.

On information and belief the aforementioned article was written and posted on HammondActionNews.com and their Facebook page by defendant, Nicholas Brilleaux.

VIII.

On Friday, February 26, 2010, Saturday, February 27, 2010, and Sunday, February 28, 2010, Global Wildlife requested both by e-mail and by telephone through counsel that defendant, Nicholas Brilleaux, remove from HammondActionNews.com and its Facebook page the "news story" "*Giraffe Claims Third Victim at Global Wildlife*" from both its website and its Facebook page.

IX.

As of the filing of the instant lawsuit the "news" story of a giraffe causing the death of a tour guide at Global Wildlife Center has not been removed from its website, nor has any attempt been made by HammondActionNews.com to advise the on-line public that the story was a fabrication.

X.

As a direct result of the aforementioned article, petitioner was exposed to ridicule and deprived of the benefit of public confidence and caused present and future financial losses.

XI.

Global Wildlife Foundation avers that the reputation of their wildlife park will be permanently damaged by the false and misleading "news" article of February 25, 2010 by Nicholas Brilleaux .

XII.

Global Wildlife Foundation has suffered loss of reputation, loss of revenue (both now and in the future), and the trust and support of current, former and future visitors to their facility.

XIII.

In order to protect petitioner from the false and misleading “news” story by defendants which has and will continue to damage petitioner both financially and by reputation, it is necessary that the Court permanently restrain and enjoin the defendant, his agents, employees, and all other persons, firms, or corporations acting or claiming to act on their behalf from publishing the February 25, 2010 “news” article styled “*Giraffe Claims Third Victim at Global Wildlife*” on the HammondActionNews.com website, on his Facebook page, or in any other venue.

XIV.

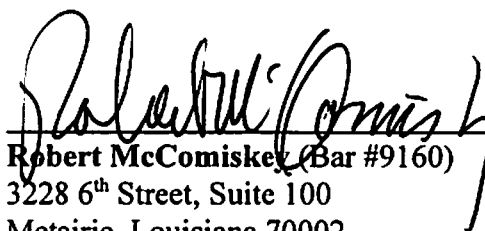
Petitioner fears that during the pendency of these proceedings, the defendant will continue to disseminate his “news” story of the death of a tour guide at Global Wildlife Center by a giraffe, despite numerous requests by petitioner and their counsel, and, therefore, it requests that this Court issue a preliminary writ of injunction in the form and substance of the permanent injunction mentioned above, in order to protect petitioner’s rights in the premises.

WHEREFORE, petitioner prays:

- 1.) That upon their furnishing bond in an amount to be fixed by the Court, a temporary restraining order be issued herein according to law, directed to the defendant and restraining, enjoining, and prohibiting defendant, his agents, employees, and all other persons, firms, or corporations acting or claiming to act on their behalf from publishing the February 25, 2010 “news article” styled “*Giraffe Claims Third Victim at Global Wildlife*” on line or in any other venue.
- 2.) That the defendant be duly ordered to show cause on a day and at an hour to be fixed by the Court, why a preliminary injunction in the form and substance of the temporary restraining order prayed for above should not be issued herein, that after due proceedings had, there be judgment herein making the said rule absolute and that a preliminary injunction be issued in the form and substance of the temporary restraining order prayed for herein.
- 3.) That the defendant, Nicholas Brilleaux, be duly cited to appear and answer this petition, and that after due proceedings had, judgment be rendered herein in favor of the petitioner, Global Wildlife Foundation and against the defendant, Nicholas Brilleaux, decreeing the above described acts of the defendant to be injurious to

plaintiff, perpetuating the said preliminary writ of injunction, and making it permanent in the form and substance of the temporary restraining order mentioned hereinabove, and for all costs of these proceedings.

Respectfully submitted,



Robert McComiskey (Bar #9160)
3228 6th Street, Suite 100
Metairie, Louisiana 70002
Telephone: (504) 837-3428
Attorney for Plaintiff

PLEASE SERVE:

Nicholas Brilleaux
1002 North General Pershing
Hammond, LA 70401

21ST JUDICIAL DISTRICT COURT FOR THE PARISH OF TANGIPAHOA

STATE OF LOUISIANA

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DIVISION "F"


GLOBAL WILDLIFE FOUNDATION

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NICHOLAS BRILLEAUX

FILED:

March 2 2010


Deputy Clerk

TEMPORARY RESTRAINING ORDER

March 2, 2010

Considering the verified petition filed herein, and the Court being satisfied from the specific facts therein appearing, that immediate and irreparable injury, loss and damage will result, the plaintiff, by virtue of the defendant's actions of posting on line a news article styled "*Giraffe Claims Third Victim at Global Wildlife*" before notice can be served, and a hearing had on plaintiff's application for a preliminary injunction;

IT IS ORDERED by the Court that upon plaintiff giving bond with good and solvent surety, conditioned as the law directs, in the sum of FIVE HUNDRED and ^N/₁₀₀ Dollars (\$500⁰⁰), Nicholas Brilleaux and his agents, officers, employees and attorneys, be and they are hereby temporarily restrained, enjoined, and prohibited from publishing in any form in any venue, on line, in print, or otherwise the news story styled "*Giraffe Claims Third Victim at Global Wildlife*".

This temporary restraining order shall expire at the end of 15 days from the date hereof, unless extended by the Court prior to its expiration for good cause shown, and the reasons therefore entered of record herein.

IT IS FURTHER ORDERED by the Court that Nicholas Brilleaux show cause before this Court on the 15th day of March, 2010, at the hour of 9 o'clock, a.m., why a preliminary writ of injunction, in the form and substance of the above temporary restraining order, should not issue herein, to be effective during the pendency of these proceedings, and that on the hearing of the said rule proof may be adduced by verified pleadings, supporting affidavits, or by proof as in ordinary cases, or by any or all of these methods at the election of either of the respective parties litigant.

THIS ORDER signed in the City of Amite, Parish of Tangipahoa, this 2nd day of March, 2010, at the hour of 3:15 o'clock, 2 m.

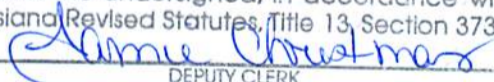


JUDGE

BRENDA BEDSOLE RICKS
AS AUTHORIZED BY
PRESIDING JUDGE Wolfe
DINISTON "F"

I certify that the plaintiff has posted bond herein in the amount of \$ _____.

CLERK OF COURT

STATE OF LOUISIANA, AMITE, LOUISIANA
PARISH OF TANGIPAHOA, _____ DATE MAR 02 2010
s / TAMIE CHRISTMAS
I, _____ do hereby certify that this document is a true and correct copy of the original thereof, consisting of 10 page(s) being a reproduction thereof from the records on file with the undersigned, in accordance with Louisiana Revised Statutes, Title 13, Section 3733.

DEPUTY CLERK

21ST JUDICIAL DISTRICT COURT FOR THE PARISH OF TANGIPAHOA

STATE OF LOUISIANA

NO. 2010-0000 866

DIVISION 'F'

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VERSUS

NICHOLAS BRILLEAUX

FILED: March 2, 2010

Jamie Choate
Deputy Clerk

VERIFICATION

STATE OF LOUISIANA

PARISH OF TANGIPAHOA

BEFORE ME, the undersigned Notary Public, personally came and appeared:

KENNETH L. MATHERNE

Who did depose and say that he is the president of the Global Wildlife Advisory Board, petitioner in the above referenced matter, and that he has read the above and foregoing petition, and that all information contained therein is true and correct to the best of his information and belief.

Kenneth L. Matherne
Kenneth L. Matherne

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
2ND DAY OF MARCH, 2010.

Robert McComiskey
Robert McComiskey, Notary Public
LSBA No. 9160

21ST JUDICIAL DISTRICT COURT FOR THE PARISH OF TANGIPAHOA

STATE OF LOUISIANA

NO. 2010-0000966

DIVISION " **F**

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FILED: March 2, 2010

Jamie Christoph
Deputy Clerk

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF TANGIPAHOA

BEFORE ME, the undersigned Notary Public, personally came and appeared:

CHRISTINA COOPER

who deposed that:

I am the official spokesperson of Global Wildlife Foundation which offers tours of its wildlife preserve and allows guests to the park to "learn through touch" as they feed and interact with animals from all over the world, including giraffes, a visitor favorite. This non-profit foundation accommodates approximately 250,000 visitors a year.

The news story that appeared on the Hammond Action News web page and on its Facebook page titled "*Giraffe Claims Third Victim at Global Wildlife*" is a complete fabrication. I was made aware of the story when a friend of the Foundation called to ask if someone was killed by a giraffe at the Center today. The friend went on to explain that she had heard this from a relative that had received a news post from a Hammond news site on her computer. The use of a copyrighted photograph from Global Wildlife Center without permission lent credibility to anyone reading this "news story". The "news story" purports that there have been three human deaths at the Global Wildlife Center as a result of a giraffe attacks.

I called the relative to investigate the story and claim and found that the news site she was referring to was Hammond Action News. I went to the Hammond Action News Facebook Page, the medium through which she received the post. Nowhere could I find anything about the Facebook "news page" to suggest that it was anything other than a news site. The mission on the page was listed as: *Hammond Action News looks to provide the greater Hammond area with reliable news while our online research and development center helps us monitor the changing media and technology landscape so that we can anticipate consumer preferences and devise innovative ways of satisfying them. This has led to the development of new digital vehicles in which we can deliver news and alerts to the reader and has accelerated our entry onto new platforms such as mobile.*


The story "*Giraffe Claims Third Victim at Global Wildlife*" purported to have talked with a spokesperson from Global Wildlife Center and was formatted as a press release. It named actual hospitals in Tangipahoa parish the alleged victim, a tour guide, was taken to. It characterized our giraffes as violent. It said the story would air on FPTV 17 later. There have never been any human deaths at Global Wildlife Center in the history of the park.

I asked for its deletion and named it to be false as the official spokesperson of Global Wildlife Center in a post on the page. The request was ignored by the editor, Nicholas Brilleaux, and it remains on the page and on the HammondActionNews.com site as of March 1, 2010.

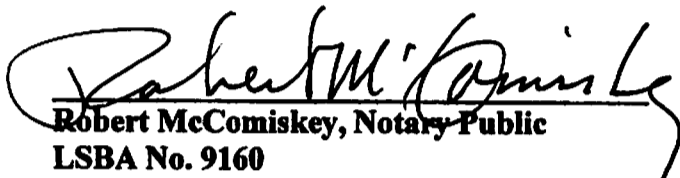
Since the posting of this internet story on February 25, 2010, I have had to address the false news story with friends of the Foundation, repeat visitors, and a teacher whose daughter thought the story was true. They have called the story "criminal" and said that they "have a lot of friends with children who were very concerned and tempted not to go there again." There is no way for Global Wildlife Foundation to directly reach the close to 500 fans of the Hammond Action News site that received the news post to dispute the story, and no way to ensure that those who just read the headline, "*Giraffe Claims Third Victim at Global Wildlife*" know that it is false. There is no way to measure how many people saw the story, will see the story, or will even just read the headline "*Giraffe Claims Third Victim at Global Wildlife*" when doing a Google search in the future. We want the fraudulent and malicious story about Global Wildlife Center to be removed from the website, the Facebook page, a public retraction. Global Wildlife Foundation can't afford for people to come across this story and think it is real.

This violent and graphic fabricated "news story" has damaged the reputation of Global

Wildlife Center, has exposed our Foundation to ridicule, and deprived us of the benefit of public confidence.


Christina Cooper

SWORN TO AND SUBSCRIBED
BEFORE ME, NOTARY, THIS
1st DAY OF MARCH, 2010.


Robert McComiskey, Notary Public
LSBA No. 9160