



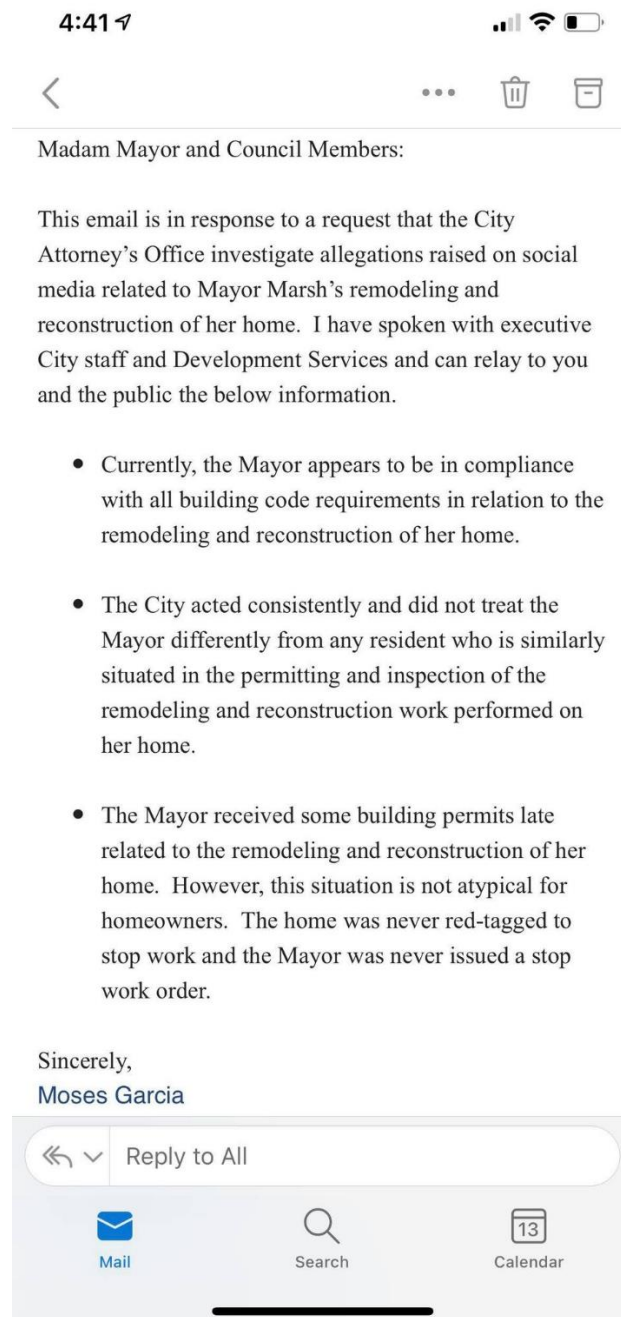
7. Defendant Fogle is a natural person who resides in Larimer County, Colorado.
8. Defendant Adams is a natural person who resides in Larimer County, Colorado.

### **FACTUAL ALLEGATIONS**

9. The Plaintiff is currently the Mayor for the City of Loveland and has held that seat for approximately four years, having been elected twice to that office by the voters of the City of Loveland, Colorado.
10. Defendant Fogle is a member of the Loveland City Council and sits on the current City Council.
11. Defendant Fogle holds a personal grudge against Mayor Marsh because she beat him in the race for Mayor in 2017.
12. Defendant Fogle is a crass, untruthful, and manipulative individual who has allowed his personal grudge against the mayor to morph into an obsession.
13. During the past six months, Fogle has made statements publicly concerning the private life of Mayor Jacki Marsh, including statements made to the media, on social media and directly into the record from his chair at public and recorded city council meetings alleging that the mayor is a criminal and has violated numerous laws related to a home remodel project.
14. Defendant Fogle has stated publicly that he has in his possession photographs taken from the inside of the mayor's home which prove she is a criminal.
15. Defendant Fogle has never been an invited guest nor been given permission to enter the mayor's home.

16. Defendant Fogle's stalking and/or trespassing conduct (assuming he is being truthful about having photos from inside of the mayor's home) is alarming and has caused great concern to the mayor and others.
17. Defendant Fogle has either created a false social media account under the name of Steve Austin or is directly involved with whoever is acting on social media as Steve Austin.
18. Defendant Fogle, as Steve Austin, has publicly made inflammatory, slanderous, and damaging false statements against the Mayor and others in an effort to ridicule the Mayor and to exert pressure on her to not seek re-election in 2021 (this November).
19. The acts of Fogle and his make-believe persona are nothing short of civil extortion.
20. Defendant Fogle has been very public and unambiguous that if Plaintiff Jacki Marsh seeks another term as Loveland Mayor he will "release more damaging" materiel related to his false statements concerning the remodel project that Fogle believes somehow rises to the level of criminal conduct.
21. Defendant Fogle is so obsessed with his lie, that even after being told directly by the Loveland City Attorney that the "remodel" accusations were not true and without any merit whatsoever, Fogle doubles down and continues to publicly call the Plaintiff a criminal.
22. The conduct of Fogle has gone beyond the bounds of public discourse and the bounds of public decency and has caused a great deal of concern to the Plaintiff, her family, associates and those who have witnessed this boorish conduct by Fogle.
23. The Plaintiff believes, based on the outlandish statements of Fogle, indicating he has photographs from inside of her home, that Fogle has possibly broken into her house or otherwise entered illegally to obtain the photographs.

24. The Plaintiff, a single woman, who lives alone, is now concerned about her own safety due to the statements and conduct of Defendant Fogle.
25. On August 13, 2021, Moses Garcia, the Loveland City Attorney published an official position statement concerning the ongoing false allegations of John Fogle against the Plaintiff:



26. The entire City Council, including Defendant Fogle were made aware of the City Attorney's official position statement exonerating the Plaintiff from the slanderous and libelous lies of Fogle.
27. But Defendant Fogle was unmoved and continued to disregard the absolute evidence he had been provided and went on with his slanderous and illegal behavior by publicly stating the Mayor was a criminal.
28. Notwithstanding the admonishment of the City Attorney, Defendant Fogle continued down his slanderous path, posting on August 17, 2021, his intentions to keep the lie alive at the Loveland City Council meeting later on August 17, 2021:

**John Fogle**  
I would encourage anyone interested in the truth regarding the building permit/contractor abuse issue to tune in tonight. I put the City Attorney's office in direct contact with the contractor so there will be no further confusion. I never knew that trying to help a citizen get his 'words' listened to would get so messy. Please keep in mind that this issue arose beginning on Jan 3, 2021 when I was contacted by a citizen complaining about the lack of building permits on a job he was working, and the abuse of privilege he felt was occurring. From what I understand -- the job began in Nov 2020 and parts of it were not permitted until February 2021.

29. As previously discussed, and upon information and belief, Defendant Fogle has created a fake Facebook profile using the moniker Steve Austin.
30. Upon information and belief, the fake Steve Austin profile is actually several people who make defamatory, salacious, false, and illegal statements on various social media platforms bashing and defaming Jacki Marsh, *et al.*
31. Upon information and belief, Defendant Shaun Adams is one of the individuals who post defaming, slanderous and illegal information on Facebook and other social media platforms using the fake profile, Steve Austin.
32. At a public meeting of the Loveland City Council, Defendant Adams read a prepared statement during the public comment portion of the Loveland City Council. This prepared statement was taken nearly word-for-word from a previously posted Facebook statement from the make-believe Steve Austin.
33. Defendant Adams also accused the Mayor of being a criminal and using her position as Mayor to obtain special favors from the City of Loveland. None of what Adams said was true, it was all a lie and nearly identical to the lie perpetuated by Defendant Fogle through his alter ego Steve Austin.
34. Defendant Adams, after making his rather ridiculous but slanderous and libelous speech nonetheless, then handed a copy of his prepared statement to Max Levy, a reporter with the Loveland Reporter Herald.
35. Thus, in addition to speaking and verbalizing his lies (slander), Defendant Adams then published them to another third person (libel).

36. Defendant Fogle has verbally made his false and damaging statement and has also published them to third parties. Defendant Fogle has committed both slander and libel in his tortious actions.
37. Defendants Fogle and Adams, *inter alia*, have conspired to damage the image, reputation, character and standing of the Plaintiff both in her standing as a private individual and in her role as the elected Mayor for the City of Loveland.
38. Defendants Fogle, Adams and others using a fake profile have wrongfully presumed that by hiding beyond an anonymous and fake Facebook account that they are beyond the reach of legal proceedings.
39. The others who have engaged in this conspiracy will likely be added to this action as their identities become known.
40. As a result of the intentional and planned tortious acts, including the conspiracy, by the two known Defendants and others, the Plaintiff has suffered emotional distress, anxiety, depression, loss of sleep, sadness, fear, and depression as well as economic and non-economic damages.
41. The Plaintiff seeks no less than \$50,000.00 in compensation for the damages caused by the Defendants, jointly and severely.

### **CAUSES OF ACTION**

#### **COUNT 1. TRESPASS (Defendant Fogle)**

42. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.
43. Defendant Fogle physically intruded upon the property of the Plaintiff.

- 44. Defendant Fogle did not have authority to intrude upon the Plaintiff's property.
- 45. Defendant Fogle's intrusion on the Plaintiff's property is the causation of economic and non-economic damages to the Plaintiff.
- 46. The Plaintiff has legal entitlement to the property that the Defendant trespassed upon.

**COUNT 2.**  
**UNREASONABLE INTRUSION UPON**  
**THE SECLUSION OF ANOTHER**  
**(Defendant Fogle)**

- 47. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.
- 48. Defendant Fogle has physically intruded upon the seclusion and solitude of the Plaintiff.
- 49. Defendant Fogle's physical intrusion is offensive to the Plaintiff and would be offensive to reasonable people in similar circumstances of the Plaintiff.

**COUNT 3.**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**(Both Defendants)**

- 50. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.
- 51. The Defendants engaged in extreme and outrageous conduct.
- 52. The Defendant engaged in such conduct with the intent of causing the Plaintiff severe emotional distress.
- 53. The Defendant's conduct caused the Plaintiff to suffer severe emotional distress.

**COUNT 4.**  
**DEFAMATION-SLANDER PER SE**  
**(Both Defendants)**

- 54. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.



55. Defendants Fogle and Adams made verbal statements to members of the public as well as members of the Loveland City Council in official proceedings that were false, concerning what the Defendants characterize the Plaintiff as a criminal.
56. The Defendants assertions were materially false and imputed the commission of a criminal offense.
57. Because of the nature of the Defendants' false assertions against the Plaintiff, imputing criminal action, the Defendants are liable to the Plaintiff per se for their defamatory statements to various members of the public in a publicly recorded meeting.

**COUNT 5.**  
**DEFAMATION-SLANDER PER QUOD**  
**(Both Defendants)**

58. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.
59. The Defendants made false statements to various members of the public, the Loveland City Council, numerous members of the Loveland City Staff and countless others through social media and the public televised meetings of the Loveland City Council concerning the false criminal activity of the Plaintiff.
60. The Defendants' statements about the Plaintiff implied verifiable facts.
61. The Defendants' statements about the Plaintiff were reasonably susceptible to being understood as assertions of actual fact.
62. The Defendants' statements were defamatory in that their misrepresentations lowered the Mayor's (Plaintiff's) reputation in the estimation of a respectable minority of the Loveland community.

63. The Defendants' statements about the Plaintiff held the Plaintiff to contempt or ridicule, thereby harming her.
- 13 The harm to the Plaintiff is such that it will be extremely difficult to restore.
14. The Defendants' conduct has resulted in special damages to the Plaintiff.

**COUNT 6.**  
**OUTRAGIOUS CONDUCT**  
**(Both Defendants)**

64. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.
65. The Defendants' statements to public, the members of the Loveland City Council, the members of the City of Loveland staff and untold others who have seen this outrageous conduct on Facebook, television and other various public outlets constitute extreme and outrageous conduct.
66. The Defendants' made such statements recklessly and with the intent to cause the Plaintiff severe emotional distress.
67. The Defendants' actions in fact have caused the Plaintiff severe emotional distress.
68. The manner in which the Defendants' have misrepresented the facts surrounding the Plaintiff's remodel of her home and the contention that she broke numerous laws in doing so is intend to dimmish the reputation, character and standing of the Plaintiff.
69. Members of the pertinent community of Loveland would truly characterize the actions of the Defendants as "outrageous."
70. The Defendants' outrageous conduct has caused the Plaintiff both economic and non-economic damage in the form of stress, anxiety, depression, fear and fear of retribution.

**TRIAL BY JURY**

71. Defendant is entitled to and hereby respectfully demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendants:

1. For economic and non-economic damages that will be proven at trial;
2. For pre-judgment interest to the extent permitted by law;
3. For post-judgment interest to the extent permitted by law;
4. For an award of attorneys' fees, costs and expenses incurred in the investigation, filing and prosecution of this action as allowed pursuant to statute on the claim of civil theft; and
5. For such other and further relief as the Court may deem just and proper.

**Respectfully submitted,**

**/s/Troy D. Krenning**

Troy D. Krenning, Esq.

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