

1 61. Defendant made these statements with actual malice as she made them with actual  
2 knowledge of or with reckless disregard for their falsity and with malice towards the Plaintiff.

3 62. As a result of Defendant's unprivileged publications of these false statements CSD has  
4 sustained damages in an amount to be determined at trial and which are in excess of \$10,000.00.

5 63. Plaintiffs have been compelled to retain attorneys to prosecute this action and are entitled to  
6 reasonable attorneys' fees, costs, and expenses incurred herein.

7 **FIFTH CLAIM FOR RELIEF**

8 **(Invasion of Privacy – Mr. Kennedy and CSD)**

9 64. Plaintiffs repeat and reallege each and every allegation contained in the preceding  
10 paragraphs of this complaint as though fully set forth herein.

11 65. A wall was erected around the property many years ago specifically to ensure the privacy of  
12 people on the property.

13 66. The property is not a public place.

14 67. The property is not visible from a public place.

15 68. Plaintiffs had an actual expectation of seclusion based on the privacy afforded by this wall.

16 69. Plaintiffs' expectation of seclusion was objectively reasonable.

17 70. Adjoining the project property is a new home subdivision.

18 71. The developers constructed a model home in the new subdivision for the sole purpose of  
19 promoting the subdivision to potential homeowners.

20 72. The model home is private, non-public property.

21 73. Defendant has intentionally retained or encouraged persons to enter the model home and,  
22 from that non-public vantage point, to take pictures of project personnel and project operations.

23 74. This unreasonable spying activity constitutes an intrusion upon Plaintiffs' seclusion.

24 75. This unreasonable spying activity would be highly offensive to a reasonable person.

25 76. As a proximate result of Defendant's intrusion upon Plaintiffs' seclusion, Plaintiffs have been  
26 damaged in an amount in excess of \$10,000.00.

27 77. Plaintiffs have been compelled to retain attorneys to prosecute this action and are entitled to  
28 reasonable attorneys' fees, costs, and expenses incurred herein.