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**FILED**  
Superior Court of California  
County of Los Angeles

JUN 15 2012

John A. Clarke, Executive Officer/Clerk  
by Delsy Beltran Dep't  
DELSY BELTRAN

7 ATTORNEYS FOR Plaintiffs,  
8 JOSEPH PITRUZZELLI and TYLER WILSON

9  
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES**

12 **CENTRAL DISTRICT, STANLEY MOSK COURTHOUSE**

13 **JOSEPH PITRUZZELLI, an individual;**  
14 **and TYLER WILSON, an individual,**

15 Plaintiffs,

16 - vs -

17 **DAVID L. GOLDNER, an individual, and**  
18 **DOES 1 through 10, Inclusive,**

19 **CASE NO. BC 467 840**

20 Complaint Filed: August 18, 2011

21 Assigned to: Hon. Mary H. Strobel,  
22 Judge, Dept. 32

23 **SUPPLEMENTAL DECLARATION**  
24 **OF TYLER WILSON REGARDING**  
25 **DAMAGES SUSTAINED AND**  
26 **SUFFERED**

27 *CCP § 585 (c) Hearing:*

28 **Date: June 29, 2012**  
**Time: 8:30 a.m.**  
**Dept: 32**

19 I, TYLER WILSON, hereby declare and state:

20 1. I am over the age of 18 years and one of the individual party plaintiffs in the  
21 above-captioned matter. At all times herein mentioned, I and co-plaintiff, Joseph Pitruzzelli  
22 were, and now are, entrepreneur businessmen engaged in the ownership, operation and  
23 management of a restaurant known as Wurstküche Restaurant ("Wurstküche Restaurant" or  
24 the "Restaurant").

25  
26 2. If called as a witness, I could and would competently testify to the facts set forth  
27 herein based upon my own personal knowledge.

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3. I am making this Declaration in support of the Plaintiffs' request for entry of a Judgment By Default By Court against the Defendant, **DAVID L. GOLDNER**, an individual (hereinafter, "Mr. Goldner", "GOLDNER", or "Defendant").

4. I have reviewed the concurrently-filed "*Supplemental Declaration of Joseph Pitruzzelli Regarding Summary of Case, Damages Sustained and Suffered, and Attaching Evidence*" and know its contents. The matters stated in Joseph Pitruzzelli's concurrently-filed supplemental declaration are also true of my own knowledge except as to matters which are stated on information and belief, and as to those matters I believe them to be true.

5. The Complaint alleges general and special damages as follows:  
"As a proximate result of the . . . [defamatory] . . . publication, Plaintiff(s), (and each of them), have suffered loss of his reputation, shame, mortification, and hurt feelings all to their general damage within the unlimited civil jurisdiction of this court." (Complaint ¶¶ 12, 21, 31, 41, 50 and 59)

"As a further proximate result of the . . . [defamatory] . . . publication, Plaintiff(s) have suffered special damages in and to Plaintiffs' business relationships and associations as well as loss of patronage and pecuniary loss in Plaintiffs' restaurant business. Plaintiffs do not at this time know the exact extent of pecuniary loss resulting from the foregoing, but are informed and believe, and thereon allege, that the loss is a continuing one, and within the unlimited civil jurisdiction of this court." (Complaint ¶¶ 13, 22, 32, 42, 51 and 60)

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1           6.     First, regarding special or compensatory damages: Joseph Pitruzzelli and I have  
2 suffered, and will in the future suffer, damages to our business and occupation as a result of  
3 Defendant's defamatory publications in an amount that well exceeds the minimum \$25,000  
4 threshold unlimited civil jurisdiction of the Los Angeles County Superior Court. Specifically:

5           (A)     From September 2010 to date, Wurstküche Restaurant has lost the  
6 continued patronage of over \$25,000 worth of business. A loss of just one  
7 regular customer dining (calculating conservatively) only once a week with an  
8 average meal and beverage cost of \$20 is an annual revenue loss of \$1,040.  
9 There are *several dozens* of our former customers who would otherwise have  
10 continued dining at our restaurant on a regular basis if not for the fact that they  
11 were put off or scared off as a direct and proximate result of the defamatory  
12 blogs and defamatory signs and warnings posted by defendant Goldner in and  
13 about the neighborhood.

14  
15           (B)     Defendant Goldner's defamatory blogs have also created a challenging  
16 barrier to our attempts to attract top management talent for our restaurant.  
17 Serious manager candidates have Google-searched us only to see defendant  
18 Goldner's provably false factual assertions concerning our *sexuality,*  
19 *character, business, ethical and moral practices.* As a result, our interviews  
20 with potential new hires have often started off with us having to explain and  
21 defend ourselves from these false charges. Further, no prospective employee  
22 wants this type of maliciously false factual assertions focused on him or her.  
23 The hatred-inciting vehemence of defendant Goldner's defamatory assertions,  
24 and the prospect of having these type of assertions made against Restaurant  
25 employees, has prompted and/or contributed to the decision of more than one  
26 manager-candidate to politely decline employment at our Restaurant, which has  
27 damaged our business by impairing our ability to effectively employ top talent  
28 to manage and staff it.

7/25/12

1 7. Regarding the general damages we have sustained which are intended to  
2 compensate a plaintiff for the loss of reputation, shame, mortification, and hurt feelings that  
3 we have experienced as a result of Defendant's false statements and provably false assertions  
4 of fact:

5 (A) The extent to which Defendant has published and circulated the false  
6 statements is both wide and extreme. I, my business partner Joseph Pitruzzelli,  
7 and our restaurant business have a high reputation and position in the business  
8 community and neighborhood in which our restaurant is situated. Defendant  
9 Goldner has engaged in a wide circulation of the defamatory statements on  
10 Internet sites and has, moreover, created Internet sites specifically calculated  
11 to destroy that reputation.  
12

13 (B) As to the shame, mortification, and hurt feelings that I have suffered as  
14 a result of the publication of Defendant's false statements, Joseph Pitruzzelli  
15 and I carry around with us each and every day this fictitious contrived social  
16 stigma, and *live with a sense of dread and foreboding* knowing that Defendant  
17 Goldner intends to keep publishing knowingly false and defamatory statements  
18 concerning my *sexuality, honesty, business, ethical and moral practices* -  
19 without any act of further contact or provocation – with the express purpose of  
20 causing me to suffer as much humiliation, mental anguish, and emotional and  
21 physical distress as possible.  
22

23 (C) I have indeed suffered and continue to suffer *humiliation, mental*  
24 *anguish, and emotional and physical distress* as a result of Defendant  
25 Goldner's false and defamatory publications.  
26

27 I am a married man, with two children, one of which is a newborn. My family  
28 and I have been shocked, humiliated and publicly abused by Defendant's anti-

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gay slur statements and other hateful epithets for a homosexual man, calling me  
"a sleazy mother fucking little liar!", a "PITEOUS TAWDRY LITTLE  
BITCH!", "a pathetic lying sack of shit, Tyler Wilson!", a "Pansy ass little  
bitch!", "a prissy little prima donna", "Tyler, you are a lying sleazy pathetic  
sack of pure self centered bull shit!", a "dripping wet quivering little ass..." an  
"arrogant pansy ass partner", "sexually frustrated . . . pansy ass scum bag  
cousin, Tyler 'The Liar' Wilson", etc.

The exposure to hatred, contempt, ridicule, and disgrace brought about by  
Defendant Goldner's *public abuse of my honesty, business practices, character*  
and *false characterizations of my sexuality* have greatly distressed me, my wife  
and my family. While many of these offensive characterizations of my  
honesty, business practices, character and my sexuality have been framed in  
hyperbolic terms, the underlying meaning of these characterizations is intended  
to be reasonably understood and interpreted in a defamatory sense, as stating  
actual facts concerning my honesty, business practices, character and  
sexuality, and in each case, states or implies a provably false factual assertion.

My wife and I are both extremely private people who now have to deal with  
false published statements which are highly offensive to my person and dignity  
- and would be highly offensive to anyone's dignity and sense of well being. I  
have to defend myself against Defendant's published lies concerning my  
sexuality, honesty, business, ethical and moral practices in almost every  
conceivable social context where it is known that I am an owner of Wurstküche  
Restaurant and someone has looked us up on the web — even someone who  
has just Googled our restaurant for directions.

1 To think about the vicious false attacks on my sex life and being called every  
2 four letter word and twisted nasty sick anti-gay slur word under the sun by  
3 David Goldner, knowing that these perverted sick-minded false statements are  
4 being intentionally disseminated by Defendant only to hurt and injure me, my  
5 reputation, and to cause me and my family to suffer humiliation, mental  
6 anguish, and emotional and physical distress indeed makes me physically sick  
7 to think about. But I am forced to confront these false statements with  
8 associates, friends and family, every time I am asked about it. It is tiring and  
9 it is humiliating, and we have lived and suffered with this freakish nightmare  
10 hanging over us for almost two years.

11  
12 (D) Both Joseph Pitruzzelli and I enjoyed an excellent reputation and a  
13 good name in the Los Angeles Arts District before publications of Defendant's  
14 defamatory statements. The effect of the defamatory publications on our  
15 reputation, prominence, and good name requires us to defend ourselves against  
16 Defendant's published lies concerning our business, ethical and moral practices  
17 to our customers, business relations and to others in our community.

18  
19 (E) I have therefore sustained general damages for loss of reputation, shame,  
20 mortification, and hurt feelings that I have experienced as a result of  
21 Defendant's false statements well in excess of the minimum \$25,000 threshold  
22 unlimited civil jurisdiction of the Los Angeles County Superior Court.

23  
24 8. The defamatory publications are admittedly published by defendant Goldner  
25 with a deliberate intent to harm Joseph Pitruzzelli and me, and with actual malice, oppression  
26 and fraud. Because the statements constituted *libel per se* and were motivated by Defendant's  
27 deliberate intent to injure us, the Complaint also clearly sought an award of punitive damages.

1 9. Plaintiffs filed this action on August 18, 2011, setting forth six (6) causes of  
2 action concerning six separate publications, each cause of action alleging pecuniary loss and  
3 monetary damages for Defamation (Libel and Libel Per Se) in an amount within the unlimited  
4 civil jurisdiction of the Los Angeles County Superior Court, and one cause of action for  
5 permanent injunctive relief requiring the defendant to forthwith remove his blog postings  
6 dated September 6, 2010, October 19, 2010, November 20, 2010, January 21, 2011, March  
7 21, 2011, and July 31, 2011 from the Internet, and any similar postings that refer to the  
8 Plaintiffs personally, directly or indirectly.

9  
10 10. Because defendant Goldner has been served, refused to defend, has had his  
11 default entered, refused to move or stipulate to set his default aside and because defendant has  
12 further promised to ignore the Court's judgment in this action, Plaintiffs seek the entry of a  
13 Judgment By Default By Court, (damages and permanent injunction) in this matter based  
14 upon this Supplemental Declaration, the Supplemental Declaration of Joseph Pitruzzelli  
15 Regarding Summary of Case, Damages Sustained and Suffered, and Attaching Evidence, and  
16 the accompanying documents.

17  
18 I declare under penalty of perjury, under the laws of the State of California, that the  
19 foregoing is true and correct.

20  
21 Executed this 15 day of June, 2012, at Los Angeles, California.

22  
23   
24 TYLER WILSON