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6  
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 **TASER INTERNATIONAL, INC.,**  
10  
11 **Plaintiff,**

No. **CV2005-010723**  
**COMPLAINT**

12 v.

13 **GANNETT CO., INC.; GANNETT**  
14 **PACIFIC PUBLICATIONS, INC.;**  
15 **JOHN DOES AND JANE DOES I-X;**  
16 **ABC CORPORATIONS I-X; and XYZ**  
17 **PARTNERSHIPS I-X,**  
18  
19 **Defendants.**

20 Plaintiff TASER International, Inc. ("TASER") alleges as follows:

21 **GENERAL ALLEGATIONS**

- 22 1. TASER is a Delaware corporation with its principal executive office in  
23 Scottsdale, Arizona.  
24 2. Defendant Gannett Co., Inc. ("Gannett") is an international news and  
25 information company with headquarters in McLean, Virginia, and operations in 43 states  
26 including Arizona, as well as the District of Columbia, Guam, the United Kingdom,  
Canada, Belgium, Germany, Hong Kong and Singapore.

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1           3.       Gannett is the largest newspaper group, in terms of circulation, in the United  
2 States. The company's 101 daily newspapers include USA Today and the Arizona  
3 Republic.

4           4.       USA Today is headquartered in McLean, Virginia and is the nation's  
5 largest-selling daily newspaper, with a circulation of approximately 2.3 million. USA  
6 Today is available in all 50 states, and 60 countries worldwide.

7           5.       The Arizona Republic, a large metropolitan newspaper, is headquartered in  
8 Phoenix, Arizona. The Republic ranks eleventh among U.S. dailies with a daily  
9 circulation of 486,131 and a Sunday circulation of 596,993. It is Arizona's largest  
10 newspaper, reaching 1.5 million readers per week.

11          6.       Defendant Gannett Pacific Publications, Inc. ("GPPI"), is an Arizona  
12 corporation with its principal place of business in Phoenix, Arizona.

13          7.       GPPI is affiliated with Gannett. On information and belief, GPPI publishes,  
14 controls and maintains Gannett's numerous web sites in the United States, including  
15 *usatoday.com* and *azcentral.com*, two of the top newspaper sites on the Internet.

16          8.       Defendants John Does and Jane Does I-X, ABC Corporations I-X, and XYZ  
17 Partnerships I-X are fictitious names representing defendants, whether singular or plural,  
18 masculine or feminine, corporate or individual, married or unmarried, whose true names  
19 and relationships to this cause are unknown to TASER at this time, and will be substituted  
20 later by amendment. Each of these defendants, in conjunction with Gannett and GPPI,  
21 caused acts or omissions giving rise to TASER's claims and injuries.

22          9.       TASER provides advanced non-lethal devices for use in law enforcement,  
23 military, private security and personal defense markets.

24          10.       TASER devices incapacitate dangerous, combative or high-risk subjects,  
25 who pose a risk to law enforcement officers, innocent citizens or themselves, in a manner  
26 that is generally recognized as a safer alternative to other uses of force.

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1 11. TASER technology saves lives every day, and the use of TASER devices  
2 dramatically reduces injury rates for police officers and suspects.

3 12. TASER primarily markets and sells its devices to law enforcement and  
4 government agencies throughout the United States and worldwide.

5 13. On or about January 26, 2005, TASER met with various members of the  
6 Arizona Republic editorial board, acting their capacity as agents and representatives of  
7 Gannett. A similar meeting took place on or about May 9, 2005, with various members of  
8 the USA Today editorial board, acting in their capacity as agents and representatives of  
9 Gannett.

10 14. During these meetings, TASER presented vast and detailed factual  
11 information regarding its devices, including operational characteristics, safety statistics,  
12 scientific and medical related studies, and statistical data, in an effort to clarify  
13 inaccuracies and unfairly biased stories previously published in Gannett's newspapers  
14 (including USA Today and the Arizona Republic) and on its websites (including  
15 *usatoday.com* and *azcentral.com*) which, on information and belief, were controlled and  
16 administered by GPPI.

17 15. For several months prior to these meetings, Defendants had published  
18 numerous articles in their respective newspapers, including the Arizona Republic, and  
19 websites inaccurately and unfairly impugning the safety aspects of the TASER devices  
20 and groundlessly "linking" more than one hundred deaths to the use of TASER devices.

21 16. Subsequently, on or about June 3, 2005, Defendants ignored or disregarded  
22 the factually accurate information presented by TASER and maliciously published  
23 knowingly false, unfounded, and injurious assertions and allegations, in USA Today and  
24 on *usatoday.com*, depicting the TASER device as an instrument of death generating more  
25 electrical current than that used by the executioner's electric chair, and associating it with  
26 graphic images of unrelated lethal electrical devices and phenomena. Defendants'

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1 misstatements included overstating the amperage generated by the TASER device by a  
2 factor of one million and falsely suggesting that TASER devices use the same kind of  
3 electric current (alternating rather than direct) as the electric chair.

4 17. On or about June 3, 2005, TASER contacted Gannett and requested that  
5 Gannett and USA Today correct and rescind the factually inaccurate and injurious  
6 publications concerning TASER devices and requested a correction that accurately  
7 describes the safety of TASER devices.

8 18. On or about June 6, 2005, USA Today published an inconspicuous and  
9 inadequate three-sentence paragraph in its Corrections and Clarifications section, stating  
10 that a mathematical error had been made in its Friday article, and acknowledging that the  
11 TASER devices indeed use a minuscule fraction of the electricity used by the electric  
12 chair.

13 19. Although the ineffective "correction" was published on the *usatoday.com*  
14 website, controlled by GPPI, defendants continued to publish the original false,  
15 misleading, and malicious story of June 3, 2005 on the *usatoday.com* website until at least  
16 June 29, 2005.

17 20. On or about June 22, 2005, TASER reiterated its demand to Gannett and  
18 USA Today, pursuant to A.R.S. § 12-653.03, for an immediate and full retraction of all  
19 false and inaccurate descriptions of the safety and efficacy of TASER devices, in both  
20 their print and electronic publications, presented in the same conspicuous manner as the  
21 prior defamatory publications.

22 21. To date, Defendants have not fully corrected or retracted their inaccurate  
23 and damaging depictions of TASER products.

24 22. Defendants' refusal to publish a complete and accurate retraction is the  
25 latest wrongful, malicious act in a calculated smear campaign against TASER that  
26

1 includes articles full of groundless, biased, and knowingly false representations regarding  
2 TASER devices, falsely and recklessly depicting them as instruments of death.

3 23. As a direct and proximate result of Defendants' groundless, inaccurate and  
4 injurious statements, TASER has sustained and continues to sustain economic injury and  
5 damages.

6 **COUNT I**

7 **(False Light Invasion of Privacy)**

8 24. TASER incorporates by this reference the allegations contained in the  
9 preceding paragraphs of this Complaint.

10 25. Defendants published information concerning TASER and its products that  
11 placed and continues to place TASER in a materially false and damaging light in the  
12 public eye.

13 26. The false light in which defendants placed TASER would be highly  
14 offensive to similar business entities, and Defendants knew or acted with reckless  
15 disregard in publishing the same.

16 27. TASER has suffered and continues to suffer massive economic injury as a  
17 direct result of Defendants' tortious publications.

18 **COUNT II**

19 **(Libel)**

20 28. TASER incorporates by this reference the allegations contained in the  
21 preceding paragraphs of this Complaint.

22 29. Defendants published statements about TASER and its products that were  
23 materially false and that materially impugned TASER's business integrity and reputation.

24 30. Defendants' false statements were published with actual malice.

25 31. Defendants failed to retract the false statements within the statutory time  
26 period prescribed in A.R.S. § 12-653.03.

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1 32. As a result of Defendants' publication of false statements, TASER has been  
2 damaged within the meaning of A.R.S. § 12-653, including damage to its stock price,  
3 current and future business relationships, and lost time, effort and expense incurred in  
4 investigating and responding to inquiries about Defendants' statements.

5 33. Defendants' statements have caused TASER to suffer both general and  
6 exemplary damages. Defendants' statements were published with actual malice.

7 **COUNT III**

8 **(Injurious Falsehood)**

9 34. TASER incorporates by this reference the allegations contained in the  
10 preceding paragraphs of this Complaint.

11 35. Defendants published statements that were reasonably understood by those  
12 who read or heard them to cast doubt on the quality of TASER's products.

13 36. The statements were false.

14 37. The statements were maliciously made by Defendants.

15 38. The statements were a substantial factor in causing monetary loss to  
16 TASER.

17 **COUNT IV**

18 **(Tortious Interference with Business Relations)**

19 39. TASER incorporates by this reference the allegations contained in the  
20 preceding paragraphs of this Complaint.

21 40. Defendants knew that TASER primarily markets and sells its products to  
22 law enforcement and government agencies throughout the United States and worldwide.

23 41. Defendants knew, or should have known, that Defendants' false and  
24 malicious statements regarding TASER and its products would negatively impact existing  
25 and potential business relationships between TASER and such agencies.  
26

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1 42. Defendants engaged in the publication of knowingly false depictions of  
2 TASER products, knowing and intending that current and prospective customers would  
3 rely on Defendants' mischaracterizations in considering or undertaking contractual  
4 understandings with TASER.

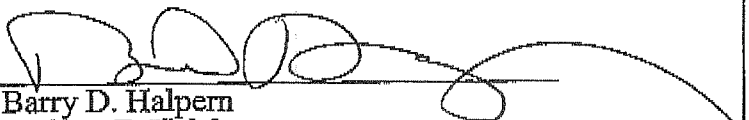
5 43. TASER has suffered and continues to suffer economic injury as a direct  
6 result of Defendants' false and malicious statements.

7 WHEREFORE, TASER prays for judgment against Defendants as follows:

- 8 A. An award of damages in an amount to be proven at trial;
- 9 B. An award of exemplary damages pursuant to A.R.S. § 12-653.03 and  
10 punitive damages;
- 11 C. An award of reasonable attorneys' fees and costs; and
- 12 D. For such other and further relief as the Court may deem just and appropriate,  
13 including, but not limited to, post-judgment attorneys' fees and costs.

14 DATED this 30<sup>th</sup> day of June, 2005.

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16  
17 By   
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