

# **Exhibit 1**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
In re:

Chapter 7

Jessica Cutler,

Case No. 07-31459-5 (MCR)

Debtor.

-----X  
Robert Steinbuch,

Adv. Pro. 07-50064-5

Plaintiff,

-against-

AMENDED COMPLAINT

Jessica Cutler,

Defendant.

----- X

**COMPLAINT FOR DETERMINATION OF NON-DISCHARGEABILITY**

**JURISDICTION AND THE PARTIES**

1. This adversary proceeding is a core proceeding over which this Court has jurisdiction under 28 U.S.C. §§157 and 1334.
2. Venue is proper in this District and in this Court pursuant to 28 U.S.C. §1409(a).
3. This adversary proceeding is brought pursuant to 11 U.S.C. §523(a)(6) to determine the dischargeability of a debt.
4. Defendant commenced this Chapter 7 case by the filing of a voluntary petition under chapter 7 of Title 11 of the United States Code, 11 U.S.C. 101 et seq (the "Bankruptcy Code") on May 30, 2007 (the "Filing Date"). Defendant is the debtor in this chapter 7 case. Plaintiff is a creditor of defendant.

**BACKGROUND**

5. In May 2004, Defendant intentionally published a “blog,” a publicly-available Internet site, on which she added and modified periodic entries from her Senate computer. She entitled the blog “Washingtonienne.” Defendant’s blog described in graphic detail her ongoing sexual relationships with six men, including Plaintiff.

6. With this blog, Defendant willfully and maliciously caused widespread publication and publicity of private intimate facts concerning Plaintiff in a manner that would be deemed outrageous and highly offensive to an ordinary reasonable person of average sensibilities, subjecting Plaintiff to severe harm. These disclosures of private facts were willful and malicious exposures of the most intimate details of Plaintiff’s life to the public, causing him harm. With this blog, Defendant also willfully and maliciously putting him in false light, causing him harm.

7. Cutler’s actions were willful and malicious and caused Plaintiff significant injury.

8. On or about June 1, 2005, Defendants Cutler, Hyperion and Disney published a book with the same title as the blog, “Washingtonienne,” explicitly based upon Plaintiff’s private real life events.

9. Defendant’s contract with the book’s publisher *required* the book to be based on her real-life blog.

10. According to Defendant Hyperion, the publisher of the book, the book is an “utterly unrepentant roman a clef exposing the scandalous truth. . . . [Defendant] uses her ‘real life experience. . . for a sexy, semi-autographical novel that is sure to initiate a . . . game of Who’s Who.’” Hyperion specifically advertised the book as being in “a witty, unapologetic voice, the novel’s narrator . . . tells the story of . . . the staff counsel [i.e., Plaintiff] whose [sexual] taste[s] . . . she ‘accidentally’ leaks to the office.”

11. This “accidental” leak—done when Defendant started to write about Plaintiff in her blog—was, as the quotes denote, intentional. This demonstrates willful and malicious intention.

12. Cutler willfully and maliciously transformed her blog into a book for her own profit at the intentional expense of Plaintiff.

13. Defendant willfully and maliciously harmed Plaintiff by publishing her book, constituting Invasion of Privacy (Public Disclosure of Private Facts, Misappropriation, False Light, and Intrusion Upon Seclusion) and Intentional Infliction of Emotional Distress. That is, Defendant willfully and maliciously caused widespread publication and publicity of private intimate facts concerning Plaintiff in a manner that would be deemed outrageous and highly offensive to an ordinary reasonable person of average sensibilities, subjecting Plaintiff to severe harm; Defendant willfully and maliciously misappropriated Plaintiff’s likeness and identity; Defendant willfully and maliciously portrayed Plaintiff falsely; Defendant willfully and maliciously intruded upon Plaintiff’s seclusion.

14. Defendant admits in the book: “My attitude up until this point was, ‘Why *not* feed into it?’ I didn’t care if people knew my shit anymore, but I realized that it wasn’t just *my* shit that people were interested in. Degrading myself was one thing—if a woman did it to herself, she was in control. But I was humiliating a bunch of other people along with me, in effect, *victimizing* them.” This demonstrates willful and malicious intention.

15. Defendant says in her book about Plaintiff: “He was probably reading my blog right now, feeling as if he’d been duped. Surely, everyone I knew felt that way about me, because I really was a liar and a whore, and now I was exposed.” This demonstrates willful and malicious intention.

16. The book says Plaintiff said to Defendant ““The latest rumor is that you and your

friends planned this whole thing. Is it true?” The book says Defendant said “‘It was beyond my control,’ was all I could say, like that John Malkovich character from *Dangerous Liaisons*.” This admission demonstrates willful and malicious intention.

17. The book says plaintiff requested Defendant not to continue to be “pursuing any book or movie deals,” as that would further harm Plaintiff. And Defendant says in the book that she responded “Why shouldn’t I make money?” This admission demonstrates willful and malicious intention.

18. The Counsel for the U.S. Senate stated that Defendant had on her Senate Computer a document with the same title as the blog and the book, the *Washingtonienne*, again detailing sexual matters, that was dated a year *before* the blog was created and two years before the book was released. This demonstrates willful and malicious intention in the apparently long-time plan to create the *Washingtonienne* blog then book.

19. Cutler told *Playboy* “None of these people [identified in the blog] were elected officials, so they don’t deserve the scrutiny. . . . [Otherwise,] I would have tried to cash in on that earlier.” This demonstrates willful and malicious intention.

20. The District Court in the D.C. Action ruled that there is no legitimate public interest in the information about plaintiff’s sex life and the information is not “newsworthy.” Transcript of Motions Hearing Before the Honorable Paul L. Friedman United States District Judge, Wednesday, April 5, 2006, Page 52 line 22 to Page 54 line 14 (“The argument that the defendant makes that there is a public interest in this kind of information I just reject. . . . The argument that the blog was newsworthy . . . I just don’t think carries the day here. . . . Mr. Steinbuch’s not a public figure. So, I just reject the notion that the relationship between the two of them was a matter of public concern or interest, particularly the details the sex act they performed is just --

just doesn't carry the day at all. That's not a basis to dismiss.").

21. Cutler's actions were willful and malicious and caused Plaintiff injury.

**CONCLUSION**

22. Accordingly, Plaintiff's claims against Debtor should be deemed non-dischargeable pursuant to §523(a)(6) of the Bankruptcy Code due to the willful and malicious injury by the Debtor to the Plaintiff.

**WHEREFORE**, Plaintiff requests judgment against the Debtor:

- a. Declaring the debt owed by the Debtor to Plaintiff to be non-dischargeable, pursuant to §523(a)(6) of the Bankruptcy Code;
- b. fees, costs and expenses; and
- c. such other and further relief this Court deems just and proper.

Dated: June 17, 2009

/s/Robert Steinbuch/x/  
Robert Steinbuch  
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