

regarding her husband, leaving voice mail messages stating that when PLAINTIFF kisses her husband her husband is tasting DEFENDANT FOSTER's "big black dick," threatening PLAINTIFF and her husband, and seeking to extort money from PLAINTIFF and her husband.

4. Law enforcement agencies in both the State of New York and the State of California have taken reports on DEFENDANT FOSTER in relation to the course of conduct set forth herein. PLAINTIFF herself and through her California attorney have demanded that DEFENDANT FOSTER cease and desist from these activities and to stop contacting PLAINTIFF and her family. DEFENDANT FOSTER, however, has refused to comply and instead has continued his course of conduct, including, a recent communication alluding to murder with respect to PLAINTIFF's husband. His recent communications also include leaving voice messages threatening to "teach you a lesson," that "I am coming at you," and to "read between the lines."

GENERAL ALLEGATIONS

5. In 2015, PLAINTIFF married and moved with her two children from New York to the State California. Prior to her move, PLAINTIFF resided in the State of New York and an active Tango dancer. DEFENDANT FOSTER was present at some of the Tango events PLAINTIFF attended.

6. In or around May of 2016, while PLAINTIFF was back in New York on a visit, she was introduced to DEFENDANT FOSTER as a Tango instructor. After she returned to California, DEFENDANT FOSTER kept in contact with her. Later that year, DEFENDANT FOSTER persuaded PLAINTIFF to have him travel to California to provide dance lessons to PLAINTIFF and a group of her friends.

7. Also during 2016, DEFENDANT FOSTER began to push PLAINTIFF to open a Tango studio in California, that he would be her partner in the studio and that PLAINTIFF's husband could put up the money. DEFENDANT FOSTER continued to raise this subject with PLAINTIFF. PLAINTIFF made clear to DEFENDANT that she did not want to pursue a studio.

PLAINTIFF communicated this to DEFENDANT FOSTER both verbally and in writing, including in an email to him dated September 21, 2016.

8. DEFENDANT FOSTER came unhinged. On September 19, 2016, DEFENDANT FOSTER sent an email to PLAINTIFF and other third parties falsely stating, among other things, that he and PLAINTIFF had been “making love to each other” and “yes, having sex.” In the same email, DEFENDANT FOSTER falsely describes his relationship with PLAINTIFF as “prospective dance partner-sex and other relationship.”

9. On September 22, 2016, DEFENDANT FOSTER sent an email to PLAINTIFF’s husband falsely stating, among other things, that PLAINTIFF had “Been Unfaithful in what is your and her Marriage.”

10. On September 23, 2016, PLAINTIFF’s attorney sent via email and U.S. mail a letter to DEFENDANT FOSTER advising him not “to contact Mr. or Mrs. Gildred through any channels, including by phone, text, or social media, or through aliases.” DEFENDANT FOSTER ignored the letter and continued to contact PLAINTIFF and her husband as part of his ongoing campaign of harassment.

11. Again, on September 27, 2016, PLAINTIFF herself texted DEFENDANT FOSTER noting that he had been calling her over and over. In her text, she again asked that he stop calling her. Again, DEFENDANT FOSTER refused and continued to call and contact PLAINTIFF.

12. On October 24, 2016, DEFENDANT FOSTER sent an email to the marketing department of PLAINTIFF’s husband’s business. Among other things, his email falsely stated that:

- a. PLAINTIFF’s husband was a “Boarder-line pedophile”;
- b. That PLAINTIFF had been DEFENDANT FOSTER’s “lover”;
- c. That PLAINTIFF’s husband had been “Doping his wife at 3Am”;

- d. That PLAINTIFF had been “choked” by her husband;
- e. That PLAINTIFF had been subjected to “Psychological abuse”;
- f. That PLAINTIFF was in an “abusive marriage”;
- g. That PLAINTIFF is a “Trophy wife”; and
- h. That PLAINTIFF would be the subject of a “murder suicide” attempt.

13. On October 31, 2016, DEFENDANT FOSTER sent PLAINTIFF’s husband an email attaching a purported “Notice.” The email and accompanying notice stated that unless DEFENDANT FOSTER received ten thousand dollars (\$10,000) within three days, he would, among other things, create a “live blog” through websites created by DEFENDANT FOSTER. The websites would use the names of Plaintiff and her husband as well her husband’s business, e.g., “CarolinaGildred.com.” DEFENDANT FOSTER stated that unless his demand for ten thousand dollars was met these blogs would malign the reputation of PLAINTIFF, her husband, her husband’s business and their family.

14. PLAINTIFF and her husband refused to acquiesce to DEFENDANT FOSTER’s extortive demand and FOSTER launched websites under the names of, among other things, CarolinaGildred.com and TomGildred.info. Those websites include statements describing PLAINTIFF as follows:

- a. “A seducer of the rich.”
- b. “A despiser of the poor.”
- c. “It doesn’t matter who you are – show her favor. Family of friend will risk becoming her enemy.”
- d. “A real life emotional abuser with promiscuous intent.”
- e. “she loves ... Hard Strong Sex if given the opportunity.”
- f. “both of Carolina’s childred [sic] will suffer due to her.”

15. DEFENDANT FOSTER's conduct did not abate. He continued to contact and attempt to contact PLAINTIFF, her husband, her children and third parties.

16. For example, on November 6, 2016, DEFENDANT FOSTER again contacted PLAINTIFF. In that communication, he stated that PLAINTIFF's husband "prefers you DEAD" and "desires to euthanize his partners." He also stated "you fell in LoVe with me" and "you will never fall out of LOVE with me."

17. On February 2, 2017, DEFENDANT FOSTER left a voice mail on the general message line of the company for which PLAINTIFF's husband serves as the chief executive officer. In his voice mail, DEFENDANT FOSTER states that when PLAINTIFF's husband "kisses the lips of a Mrs. Gildred he'll pretty much be sucking my big black dick."

18. In another example, in February of 2017, DEFENDANT FOSTER, impersonating PLAINTIFF's husband, attempted to hijack control of her husband's Facebook account.

19. On March 14, 2017, DEFENDANT FOSTER again contacted PLAINTIFF stating among other things that he was planning "a visit to Del Mar" (where PLAINTIFF resides with her husband and children). He further states that he has spent the past months "without eating, sleeping or even turning off my lights." He concluded his message by stating: "this is when you and family choose reverberations & echo modest love and affections and do it through whatever time future timeline it will most needly demand... You too will have some real explaining to [PLAINTIFF's children]."

20. On March 17, 2017, DEFENDANT FOSTER emailed one of the top executives and owners of the company for which PLAINTIFF's husband serves as chief executive officer. In that communication, DEFENDANT FOSTER, again accuses PLAINTIFF of infidelity. DEFENDANT FOSTER falsely stated that PLAINTIFF's husband "would inherently need to lie about the faith of his wife" and that there is an alleged "extra marital affair between Misses Gildred and Michael Foster."

21. On March 20, 2017, DEFENDANT FOSTER again contacted PLAINTIFF and her family. In this communication, DEFENDANT FOSTER again falsely stated that PLAINTIFF's husband had engaged in criminal conduct and refers to "life threatening circumstances such as suicide/murder."

22. Thereafter, DEFENDANT FOSTER sent a letter to PLAINTIFF and her husband purported to have been dated on March 16, 2017. In the letter, DEFENDANT FOSTER admits that his prior statements asserting that PLAINTIFF had been unfaithful to her husband and had a sexual relationship with DEFENDANT FOSTER were false

23. In the first weeks in April 2017, DEFENDANT FOSTER left a series of voice messages directed to PLAINTIFF's husband. In these messages, PLAINTIFF FOSTER states that he is going to "teach [PLAINTIFF's husband] a lesson," that her husband is a "scumbag," that PLAINTIFF is "coming at you," and that he has a recording of PLAINTIFF "groaning out of good sex."

FIRST CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

24. PLAINTIFF hereby incorporates by reference herein the allegations of paragraphs 1-23 above.

25. As described above, DEFENDANT FOSTER has engaged in a course of extreme and outrageous conduct targeted at PLAINTIFF and her family.

26. DEFENDANT FOSTER intended this course of conduct to cause PLAINTIFF serious and substantial emotional distress or engaged in this course of conduct with disregard that such conduct would cause such distress.

27. The conduct of DEFENDANT FOSTER as alleged above, has caused PLAINTIFF severe emotional distress and humiliation. The course of conduct has been sustained for months

on end. PLAINTIFF has suffered difficulty sleeping, extreme anxiousness, nausea, anxiety, fear for her safety and that of her family.

28. The conduct of DEFENDANT FOSTER has been engaged in with intent to cause harm and with malice. Accordingly, punitive damages are warranted.

SECOND CAUSE OF ACTION

DEFAMATION

29. PLAINTIFF hereby incorporates by reference herein the allegations of paragraphs 1-28 above.

30. DEFENDANT FOSTER has made numerous defamatory statements in the form of and on the dates as alleged above. Specifically, as alleged above, DEFENDANT FOSTER has repeatedly stated that PLAINTIFF had a sexual relationship with PLAINTIFF and that PLAINTIFF had an extra-marital affair with him.

31. These statements are false. Indeed, PLAINTIFF has admitted they are false.

32. These false statements have caused damage to PLAINTIFF in an amount to be proven at trial.

33. The false statements made by DEFENDANT FOSTER as alleged above were made with intent to cause harm and with malice. Accordingly, punitive damages are warranted.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF hereby prays for judgment against DEFENDANT on all causes of action and for recovery as follows:

1. Pursuant to the First Cause of Action:
 - a. Damages for emotional distress and humiliation in an amount to be proven at trial but no less than \$250,000;
 - b. Punitive damages in an amount to be proven at trial;

- c. For a permanent injunction directing DEFENDANT to cease contact with: (i) PLAINTIFF; (ii) members of PLAINTIFF's family; and (iii) any person or entity where the purpose of the communication is reasonably likely to cause additional distress to PLAINTIFF; and
 - d. For such other relief as the Court may deem just and proper.
2. Pursuant to the Second Cause of Action:
- a. Presumed and nominal damages in amount to be proven at trial;
 - b. Compensatory damages in an amount to be proven at trial but no less than \$250,000;
 - c. Punitive damages in an amount to be proven at trial;
 - d. For a permanent injunction directing DEFENDANT to cease making the false statements as alleged herein and proven at trial to any person or entity in any medium; and
 - e. For such other relief as the Court may deem just and proper.

Executed at Randolph, New Jersey

Dated: April __, 2017

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