

1 Allen Hyman (California State Bar No. 73371)
2 LAW OFFICES OF ALLEN HYMAN
3 10737 ½ Riverside Dr.
4 N. Hollywood, CA 91602
5 lawoffah@aol.com
6 P: (818) 763-6289

7 Richard A. Roth * *Pro Hac Vice*
8 Rich@rrothlaw.com
9 Brian Levenson * *Pro Hac Vice*
10 brian@rrothlaw.com
11 THE ROTH LAW FIRM, PLLC
12 295 Madison Ave., Fl.22
13 New York, NY, 10017
14 P: (212) 542-8882

15 Attorneys for Plaintiff

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 FIONA HARVEY

19 Plaintiff,

20 vs.

21 NETFLIX, INC., and NETFLIX
22 WORLDWIDE ENTERTAINMENT,
23 LLC,

24 Defendants.

Case No.: 2:24-cv-04744-RGK-AJR
FIRST AMENDED COMPLAINT
DEMAND FOR JURY TRIAL

1 **“This is a true story.”**
2 - *Baby Reindeer, Episode 1.*

3 **PRELIMINARY STATEMENT**

4 1. The above quote from the first episode of the Netflix series, *Baby*
5 *Reindeer*, is the biggest lie in television history. It is a lie told by Netflix and the
6 show’s creator, Richard Gadd, out of greed and lust for fame; a lie designed to
7 attract more viewers, get more attention, to make more money, and to
8 viciously destroy the life of Plaintiff, Fiona Harvey – an innocent woman defamed
9 by Netflix and Richard Gadd at a magnitude and scale without precedent. The
10 Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.
11
12

13 2. This is an action by Plaintiff Fiona Harvey (“Harvey”) against
14 Defendants Netflix, Inc. and Netflix Worldwide Entertainment (collectively
15 “Netflix”), for defamation, intentional infliction of emotional distress, and
16 violations of Harvey’s right of publicity, arising out of the brutal lies Defendants
17 told about her in the television series, *Baby Reindeer* (the “Series”). The lies that
18 Defendants told about Harvey to over 50 million people worldwide include that
19 Harvey is a twice convicted stalker who was sentenced to five years in prison, and
20 that Harvey sexually assaulted Gadd. Defendants told these lies, and never
21 stopped, because it was a better story than the truth, and better stories made money.
22
23

24 3. And Netflix, a multi-national billion dollar entertainment streaming
25 company did literally nothing to confirm the “true story” that Gadd told. That is,
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1 it never investigated whether Harvey was convicted, a very serious
2 misrepresentation of the facts. It did nothing to understand the relationship
3 between Gadd and Harvey, if any. It did nothing to determine whether other facts,
4 including sexual and violent physical assaults, or criminal convictions were
5 accurate. It did nothing to understand whether the Series, which ruined Harvey,
6 was accurate.
7

8
9 4. Even worse, Netflix, in taking the source material for the Series, an 80
10 page, seventy-minute, play *Baby Reindeer* that Gadd created (the “Play”) and
11 converting it into a seven part series, manufactured numerous false statements,
12 facts, and actions by Harvey that were not only never in the Play, but that are
13 wholly inconsistent with the Play and that Netflix knew were false, solely to
14 grossly increase its revenues and viewership and win awards.
15

16
17 5. As a result of Defendants’ lies, malfeasance and utterly reckless
18 misconduct, Harvey’s life had been ruined. Simply, Netflix destroyed her
19 reputation, her character and her life.
20

21 **THE PARTIES**

22
23 6. Plaintiff Ms. Fiona Harvey (“Harvey”) is a resident of England.
24 Harvey earned a Degree of Bachelor of Laws from the University of Aberdeen in
25 1990, a diploma in Legal Practice from the University of Strathclyde in 1993 and
26 was granted an Entrance Certificate to the Law Society of Scotland in 1997. In
27

1 2005, Harvey earned her Graduate Diploma in Law (CPE) from the University of
2 Westminster.

3
4 7. Defendant Netflix, Inc. is a Delaware corporation with a principal
5 place of business at 121 Albright Way, Los Gatos, California, 95032. Netflix is a
6 producer and distributor of content with over 260 million paid subscribers and a
7 market cap of \$283 billion.
8

9 8. Netflix Inc. owns the Netflix streaming platform that streamed *Baby*
10 *Reindeer*. “[Netflix] acquires, licenses and produces content, including original
11 programming, in order to offer our members unlimited viewing of video
12 entertainment.” Netflix, Inc. Jan. 26, 2024 10-K Report at p. 28 (“Netflix 10-K.
13

14 9. Netflix, Inc. is at home in Los Angeles, as it leases its “principal
15 properties” in Los Angeles. Netflix, 10-K at p. 18, Item 2. In total, Netflix, leases
16 and occupies over 1.4 million square feet of office and studio space.
17

18 10. Netflix leases and fully occupies, Epic, a 13-story, 327,913 square
19 foot high rise at 5901 Sunset Boulevard in Hollywood.
20

21 11. In addition, Netflix, Inc. leases 325,757 square feet of office space at
22 ICON and 91,953 square feet of office space at CUE, both of which are located on
23 the Sunset Bronson Studios lot at 5800 Sunset Blvd. in Hollywood. I
24

25 12. In addition, Netflix has leases about 100,000 square feet of space at
26 the historic Musicians Union at 817 Vine Street in Hollywood, and over 355,000
27
28

1 square feet at the Academy on Vine, a development that occupies an entire city
2 block bounded by Vine Street, DeLongpre Avenue, Ivar Street, and Homewood
3 Avenue in Hollywood. Upon expanding into the Academy on Vine property,
4 Netflix CFO David Wells said “Our expansion into the Academy on Vine Property
5 further deepens our connection with the Los Angeles and Hollywood
6 communities.”
7
8

9 13. On May 12, 2024, Netflix marked the sixth anniversary of its flagship
10 FYSEE (a play on “FYC”) space by moving to Sunset Las Palmas in Hollywood.
11 Netflix’s FYSEE space in Hollywood, serves as a hub for Official For Your
12 Consideration (“FYC”) events,
13

14 14. As noted in Netflix Inc.’s most recent 10-K filing with the SEC:
15 we must continually add new members to replace canceled
16 memberships and to grow our business beyond our current membership
17 base. . . Our ability to continue to attract and retain our [subscribers]
18 will depend in part on our ability to consistently provide our members
19 in countries around the globe with *compelling* content choices that keep
20 our [subscribers] engaged with our service, effectively drive
21 conversation around our content and service, as well as provide a
22 quality experience for choosing and enjoying TV series, films and
23 games. . . If we do not grow as expected . . . operations may be
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1 adversely impacted. If we are unable to successfully compete with
2 current and new competitors in providing *compelling* content, retaining
3 our existing members and attracting new members, our business will be
4 adversely affected.
5

6
7 Netflix 10-K at p. 4 (emphasis added).

8 15. Netflix, Inc. earns revenue not only through paid subscribers (called
9 “members”) but “also earns revenue from advertisements presented on its
10 streaming service, consumer products and other various sources.” Netflix 10-K at
11 p. 46.
12

13
14 16. Netflix reports average revenue per member.

15 17. Defendant Netflix Worldwide Entertainment, LLC is a Delaware
16 corporation with a principal place of business at 5808 W. Sunset Blvd., Los
17 Angeles, California, 90028 (“Netflix Worldwide”). Netflix Worldwide is the
18 copyright owner of *Baby Reindeer*. Netflix, Inc. and Netflix Worldwide are
19 collectively referred to herein as “Netflix.”
20

21
22 18. On May 8, 2024, Netflix and Gadd hosted a For Your Consideration
23 (“FYC”) screening of *Baby Reindeer* at the Director’s Guild of America Theater
24 Complex at 7920 Sunset Blvd, Los Angeles, CA 90046 in support of Netflix’s
25 submission of “Baby Reindeer” for consideration to be nominated for over a dozen
26
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1 Emmy Awards including, best limited series, best actor and best writing (Gadd),
2 and best supporting actress (Jessica Gunning as ‘Martha’).
3

4 19. On June 1, 2024, Netflix and actress, Jessica Gunning, who plays
5 ‘Martha’ in *Baby Reindeer*, hosted a special screening for *Baby Reindeer* at
6 FYSEE at Sunset Las Palmas Studios in Los Angeles.
7

8 **JURISDICTION AND VENUE**

9 20. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332
10 because the parties reside in different states and the amount in controversy exceeds
11 \$75,000.
12

13 21. There is personal jurisdiction against the Defendants as Netflix’s
14 principal place of business is in the State of California and Netflix is at home in
15 Los Angeles, California as lessee of over 1.4 million square feet. Netflix actively
16 promoted and screened *Baby Reindeer* throughout Hollywood for purposes of
17 winning numerous categories at this year’s 77th Emmy Awards to be hosted in Los
18 Angeles on September 15, 2024 at the Peacock Theater at L.A. Live in Los
19 Angeles.
20
21

22 22. Venue is proper in this judicial district because Defendant Netflix
23 Worldwide has its headquarters in Los Angeles, Netflix, Inc. has over 1.4 million
24 square feet of space in Los Angeles, Netflix has hosted promotional screenings of
25 *Baby Reindeer* in Los Angeles in support of Emmy nominations, and Gadd and
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1 Netflix have promoted *Baby Reindeer* in Los Angeles. Los Angeles has a vested
2 interest in hearing this case because the claims made in this action are important to
3 the television and film business in Los Angeles.
4

5 **BABY REINDEER**

6 23. *Baby Reindeer* was originally an 80-page, 70-minute, one person Play,
7 written and acted by Gadd.
8

9 24. The Series is a limited television series about the “true story” of
10 Richard Gadd, a failing comedian, set in the year 2015.
11

12 25. Gadd is the writer and creator of the Series *Baby Reindeer* in addition
13 to starring in it as “Donny.”
14

15 26. *Baby Reindeer* is a worldwide phenomenon, premiered on Netflix on
16 April 11, 2024, and has since drawn over 56 million views through May 8, making
17 it Netflix’s most popular content this year, and on track to become the most
18 streamed show on Netflix of all time. Netflix stopped publicly releasing viewership
19 of *Baby Reindeer*.
20

21 27. Upon information and belief, more than 80 million Netflix accounts
22 have watched the Series in whole or in part.
23

24 28. Upon information and belief, more than 200 million people have
25 watched the Series in whole or in part.
26
27
28

1 29. The draw for the show is the representation made by the Defendants
2 that this is a true story.

3
4 30. At the 1:39 mark of the Episode 1, this image appears on screen:



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13 **Richard Gadd**

14
15 31. Richard Gadd wrote and created the Play *Baby Reindeer*, and stars in
16 it playing himself.

17 32. Gadd is a self-admitted crack, meth, and heroin user (Ep. 4, -19:07)
18 with a self-admitted history of masturbating to Harvey (Ep 5 – 8:01), following her
19 home and spying on her through her window, (Ep. 1 -15:00 – -13:20), and lying to
20 the police about his contacts with her. (Ep. 6, -26:58):
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33. Baby Reindeer tracks Gadd’s progress in a comedy competition while he works as a bartender at the pub, The Heart, in Camden, London.

“Martha”

34. To overcome the uninteresting “true story” of Gadd’s inability to advance professionally in the London comedy circuit, Defendants fabricated a “true story” of a woman, ‘Martha’, that Gadd meets at the pub, to make *Baby Reindeer* more captivating.

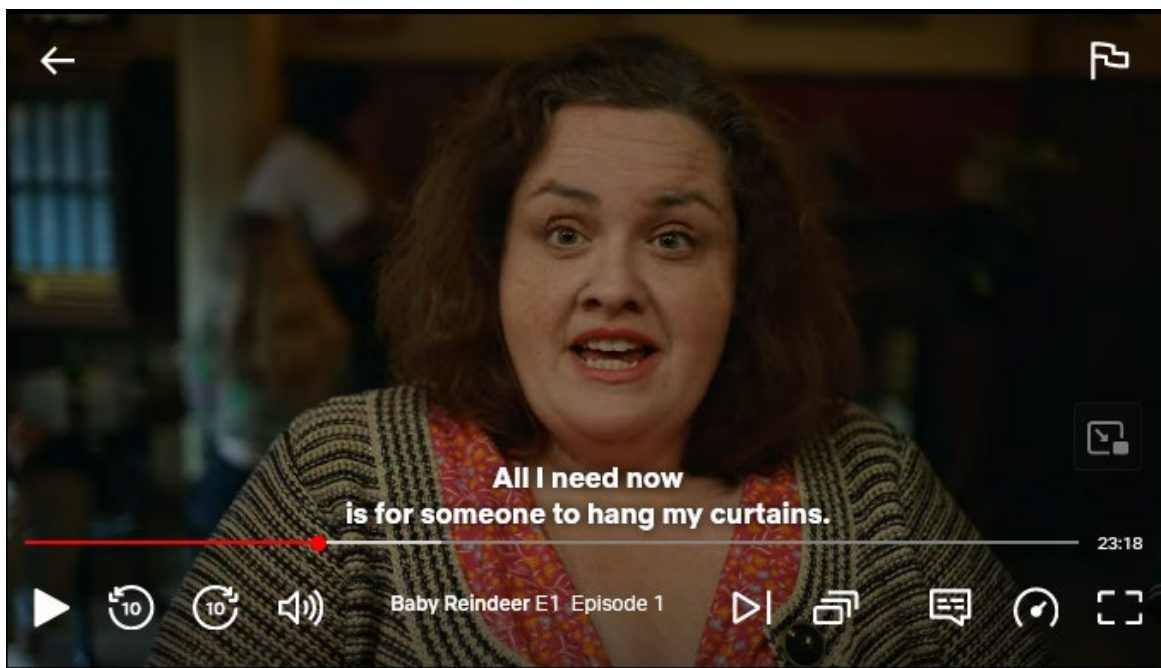
35. According to Defendants, the real ‘Martha’ is a twice convicted criminal. She spent a total of five years in prison for stalking Gadd and a barrister that she worked with at a law firm. In addition, Martha stalked a policeman, sexually assaulted Gadd in a dark alley; violently attacked him in a pub and waited outside his home every day for up to 16 hours a day, including at 3:00am.

36. The real Martha is reasonably understood by all viewers to have done all of these monstrous things because Netflix stated this was true.

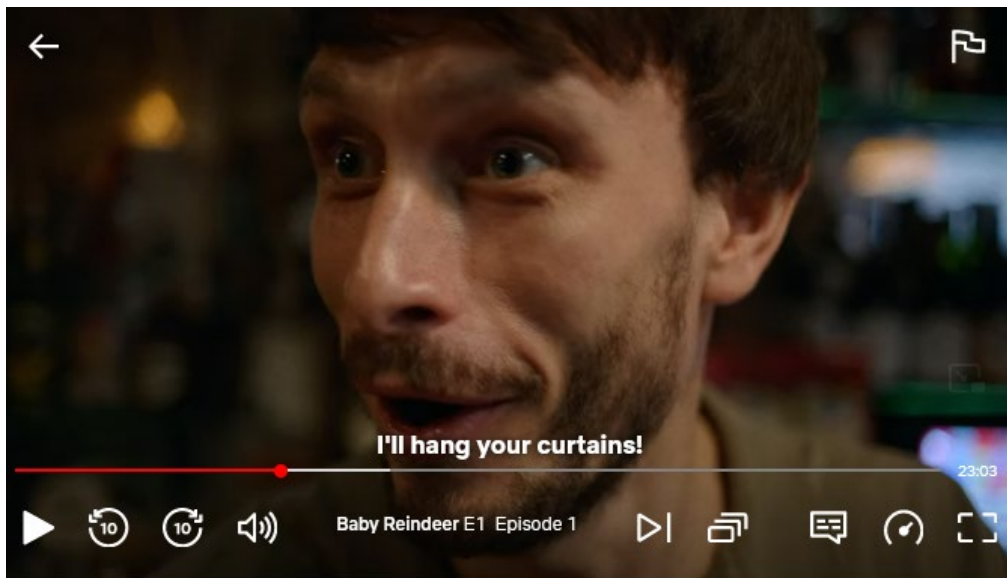
1 **“Hang My Curtains” – Harvey is Identified**

2 37. A recurring joke throughout *Baby Reindeer* is the phrase “hang my
3 curtains” as a euphemism for Gadd having sex with ‘Martha.’
4

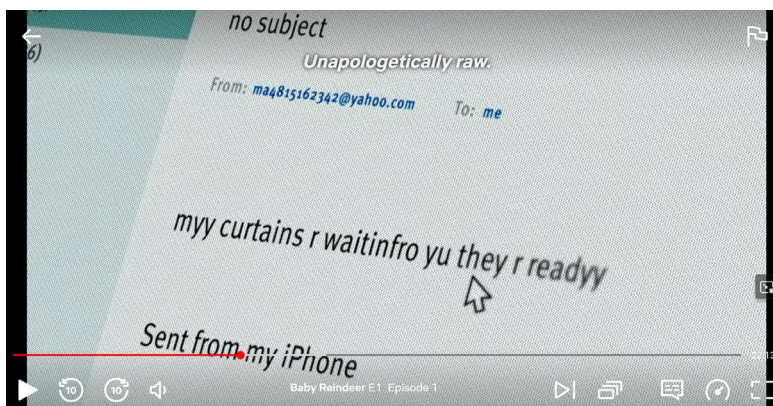
5 38. For example, in Episode 1 at -23:18, Gadd’s fellow bartenders ask
6 Gadd when he and “Martha” are “going to shag.” Gadd responds that he does not
7 believe in sex before marriage to which “Martha” replies that she is marriage
8 material and that all she needs is someone to hang her curtains:
9



21 39. Gadd narrates that “hang her curtains” sounded “vaguely sexual” and
22 he responds to “Martha” by joking, “I’ll hang your curtains!” to which the bar
23 erupts in laughter.
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11 40. Later in Episode 1, ‘Martha’ sends Gadd 80 emails per day including
12 this one stating: “my curtains are waiting for you they are ready” (spelling
13 corrected):



22 41. In an interview with GQ Magazine, Gadd claimed “we’ve gone to
23 such lengths to disguise [Harvey] that I doubt she would recognize herself in the
24 show.”

1 42. In real life, this tweet from @FionaHarvey2014 to @Mr.RichardGadd
2 in 2014, was publicly searchable on X when *Baby Reindeer* was released in April
3 2024, and easily found:
4



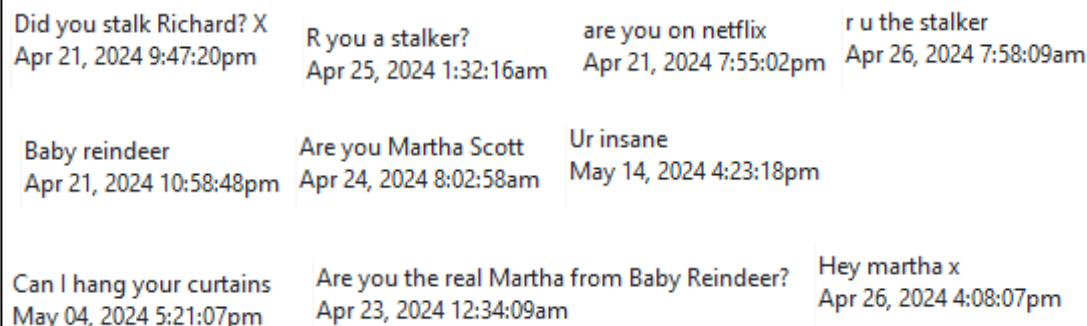
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8 43. Within days after the release of *Baby Reindeer* on April 11, 2024,
9 members of the public identified Fiona Harvey as “Martha.”
10

11 44. Total strangers began to message on Harvey on Facebook and *call*
12 her.
13

14 45. The messages received by Harvey, among other things, identified her
15 as ‘Martha,’ accused Harvey of being a rapist, threatened to harm Harvey, and
16 encouraged Harvey to kill herself.
17

18 46. Many of the messages specifically referenced Harvey’s ‘hang my
19 curtains’ tweet.
20

21 47. The messages below are from just some of the Facebook users with
22 names beginning with the letter, ‘A’:
23



1	hey martha Apr 26, 2024 12:01:39am	Are u Martha Apr 21, 2024 8:46:27pm	Hello reindeer Apr 29, 2024 4:04:14pm	Psycho stalker Apr 26, 2024 7:31:46am
---	---------------------------------------	--	--	--

3	Have you been convicted of harassment and stalking on Richard Gaad? Apr 22, 2024 1:35:45pm	You are a crazy stalker Apr 26, 2024 12:44:46pm
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5	Hi, sorry, did you sexually harassed and stalked Richard Gadd? Apr 23, 2024 11:35:53pm	Rapist Apr 26, 2024 12:05:48pm
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6	Your some nutjob should be locked up Apr 28, 2024 12:03:35pm	You are a horrible person. I hope you suffer for the rest of your shit life May 01, 2024 1:02:15am
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8 48. Popular internet forums such as Redditt and TikTok had thousands of
9 users identifying and discussing Harvey as the real “Martha.”

11 49. The identification of Harvey as ‘Martha’ was easy and took a matter
12 of days as Harvey’s identity was completely undisguised.

14 50. In *Baby Reindeer*, ‘Martha’ is a Scottish lawyer, living in London,
15 twenty years older than Gadd, and was accused of stalking a barrister in a
16 newspaper article who communicated with him on social media in the years 2014-
17 2015.

19 51. Like ‘Martha,’ Harvey is a Scottish lawyer, living in London, twenty
20 years older than Gadd, was accused of stalking a barrister in a newspaper article,
21 who communicated with Gadd on social media in the years 2014-2015, and who
22 bears an uncanny resemblance to ‘Martha’ including ‘rotund’ body, hair, loose
23 fitting/baggy clothing/dress. Further, ‘Martha’s’ accent, manner of speaking and
24 cadence, is indistinguishable for Harvey’s.
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10 52. It is implausible that there is any female Scottish lawyer, living in
11 London, twenty years older than Gadd who was accused of stalking a lawyer in a
12 newspaper article, who communicated with Gadd on social media in 2014-2015
13 (particularly, about a repeated joke in the series – hang my curtains), and who
14 bears an uncanny resemblance to ‘Martha,’ other than Harvey.
15

16 53. Gadd wanted to cast actress Jessica Gunning as ‘Martha’ because of
17 her uncanny resemblance to Harvey admitting that he wanted to cast her as
18 ‘Martha’ before he had even written the script for the Series. See *Richard Gadd on*
19 *Baby Reindeer’s harrowing ending: “It’s the most truthful scene of the entire*
20 *show,”* GQ, Apr. 14, 2024 by Miles Ellingham available at [https://www.gq-](https://www.gq-magazine.co.uk/article/baby-reindeer-netflix-richard-gadd-interview)
21 [magazine.co.uk/article/baby-reindeer-netflix-richard-gadd-interview](https://www.gq-magazine.co.uk/article/baby-reindeer-netflix-richard-gadd-interview) (“GQ
22 Interview”).
23
24

25 54. Gadd’s and Netflix’s statement that Baby Reindeer was a true story
26 was reasonably viewed as invitation to identify the real Martha.
27
28

1 55. In an interview with the Hollywood Reporter, in response to a
2 question about the public reaching out to Harvey as the real-life Martha, Gadd
3 himself acknowledged and anticipated that the public would use, or collaborate on,
4 the internet to identify the real Martha, stating “the internet just does this thing and
5 I just have to let it do its thing. And that’s that.” *Richard Gadd on ‘Baby Reindeer’*
6 *Phenomenon, Losing Anonymity and What He Won’t Ever Comment on Again,*
7
8 The Hollywood Reporter, May 13, 2024 (last visited October 7, 2024).

9
10 56. After being identified, the press in London began to contact Harvey,
11 and the hatred towards Harvey on Internet forums such as Reddit and TikTok
12 reached extreme levels including death threats, such as this one on TikTok that was
13 “liked” by 7,000 people:
14

15
16 **Fiona Harvey count your days**

17 5-9 Reply

18  7,427 

19 57. Since being identified as ‘Martha’ only days after Netflix’s release of
20 *Baby Reindeer*, Harvey has been tormented. Harvey continues to suffer emotional
21 distress, which has been manifested by objective symptomology. Harvey is
22 physically weak. She has and continues to experience anxiety, nightmares, panic
23 attacks, shame, depression, nervousness, stomach pains, loss of appetite and fear,
24 extreme stress and sickness all directly caused by the lies told about her in *Baby*
25 *Reindeer*.
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1 58. Harvey is fearful of leaving her home or checking the news. As a
2 direct result of *Baby Reindeer*, Harvey has become extremely secluded and
3 isolated, in fear of the public, going days without leaving her home.
4

5 59. At the same time, Netflix and Gadd, have traveled the country
6 promoting the show and accepting awards while receiving praise and applause for
7 the series, everything Gadd and Netflix wanted, for this ‘true story.’
8

9 60. The Series is not a true story.

10 61. Gadd confesses in *Baby Reindeer* that he has a deep psychological
11 need for attention so intense that in the past he willfully prostituted himself to
12 another man to advance his career and for “a little peep at fame.” Ep. 6, -8:00.
13

14 62. In addition, Gadd confesses in *Baby Reindeer* that he is not worried
15 that people think badly of him, but instead “worried they don’t think about me at
16 all.” Ep. 1 at -7:25.
17

18 63. To get his “peep at fame” and get people to think about him, Gadd
19 and Netflix defamed a middle-aged woman, Fiona Harvey, so completely, that
20 Harvey is even afraid to go outside.
21

22 64. As stated in Netflix’s most recent 10-K filed with the SEC:

23 If we do not grow as expected . . . operations may be adversely
24 impacted. If we are unable to successfully compete with current and
25 new competitors in providing *compelling* content, retaining our
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1 existing members and attracting new members, our business will be
2 adversely affected. Netflix 10-K at p. 4 (emphasis added).

3
4 65. To ensure that Netflix continued to meet its shareholders’ “growth
5 expectations” and to satisfy its desperate need for “compelling content”, Netflix
6 ruthlessly defamed Fiona Harvey.

7
8 **Defamation**

9 **Harvey Has Never Been Convicted of a Crime**

10 66. Harvey has never been convicted of any crime and has never been to
11 prison. Attached as Exhibit 1 is a Certificate from the official Disclosure and
12 Barring Service (“DBS”) of the United Kingdom and a DBS background check
13 covering England, Wales, Northern Ireland, and Scotland, confirming that Harvey
14 has no convictions, cautions, reprimands, or warnings.
15
16

17 67. Notwithstanding, the central plot, and the arc of the series, is that
18 Gadd befriended ‘Martha’, a convicted stalker who returns to prison for stalking
19 Gadd.
20

21 68. In Episode 1 at -3:18, Defendants falsely claim that ‘Martha’ had
22 received a “four-and-a half-year prison sentence.”
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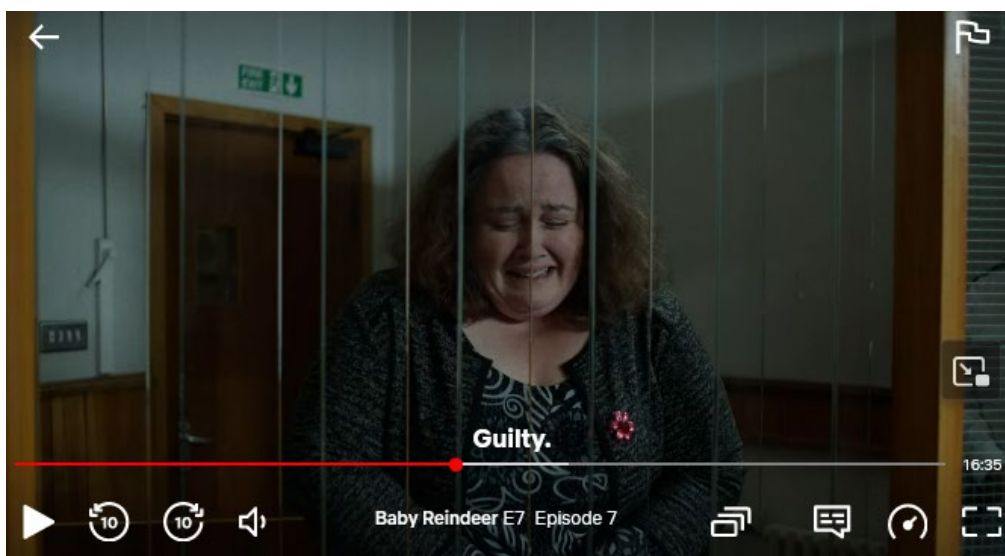
10 69. Episode 1 ends with the following repeated refrain from Gadd:

11 *I had a convicted stalker stalking me*

12 *I had a convicted stalker stalking me*

13 *I had a convicted stalker stalking me*

14
15 70. Episode 7 climaxes with a two-minute-long courtroom scene in which
16 Harvey dramatically pleads guilty from behind bars and is convicted of three
17 charges of stalking Gadd and harassment of his mother and father.
18



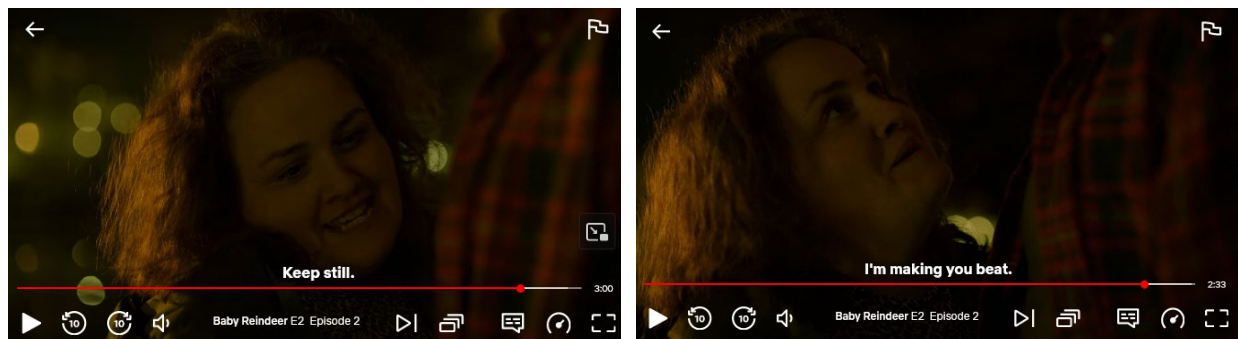
1 71. In Episode 7, Defendants falsely claim that Harvey was “sentenced to
2 nine months in prison and a five-year restraining order was issued that same day.”
3
4 Ep. 7 at -15:42.

5 72. In fact, Harvey has never pled guilty to, or been convicted of, any
6 crime. Harvey is not a convicted criminal.
7

8 Harvey Never Sexually Assaulted Gadd

9 73. In addition to lying about Harvey being a criminal, *Baby Reindeer*
10 makes the outrageous false claim that Harvey raped Gadd in an alley.
11

12 74. In a disturbing scene at the end of Episode 2, Defendants falsely
13 allege that Harvey sexually assaulted him a dark alley, by pushing Gadd against a
14 wall and grabbing his penis without consent. Gadd claims he said, “please stop”
15 and Harvey responded, “keep still” and continued to grab Gadd until she ‘made
16 him beat’.
17



24 75. Harvey has never had any sexual encounter with Gadd. The claim that
25 Harvey sexually assaulted Gadd is a lie.
26
27
28

Harvey Never Stalked Gadd's Residence

76. For approximately two and a half minutes of Episode 3 (-24:13 to -21:32), Defendants falsely claim that Harvey stalked Gadd by sitting at a bus stop on the same street – thirty yards away – as Gadd's residence, from morning to night including at 3:00am:

Every day now, Martha would be outside. This ticking time bomb on my life. I would leave first thing in the morning and she would be there. Then I would come back sometimes as late as 11 or 12 at night and she would still be there. . . . It was all catcalls and snatched glimpses, as she devoted 15, 16-hour days to a fleeting encounter. But soon, as time wore on and the temperature dropped, I noticed a change in Martha as she descended into this staring.



1
2 77. Defendants’ claim that Harvey waited outside on the same street as
3 Gadd’s residence every day, for up to 15-16 hours a day, including at 3:00 am, and
4 in the rain and cold, is knowingly false.

5
6 **Harvey Never Stalked A Police Officer**

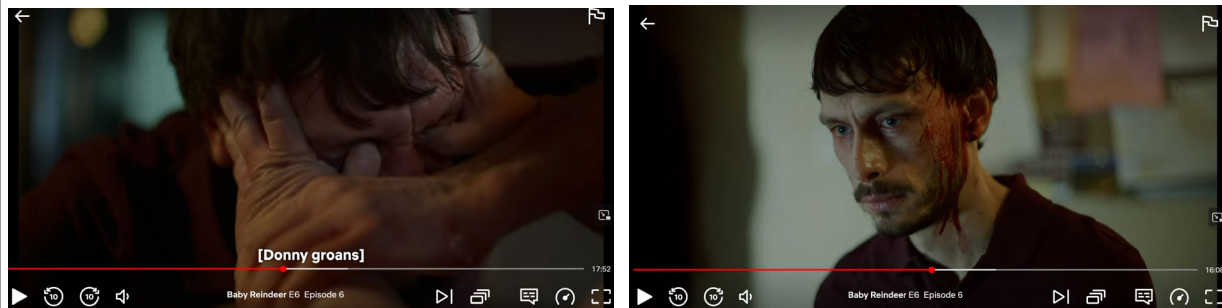
7 78. In Episode 5, Defendants falsely claim that when Gadd went to the
8 police to report Harvey for stalking, the police detective informed Gadd that
9 Harvey was “a very serious woman. So serious that she once stalked a policeman.”
10
11 Ep. 5 at -10:15.



20 79. This is another lie. Harvey never stalked any police officer and no
21 police detective ever told Gadd that Harvey stalked a policeman. This lie by
22 Defendants is reprehensible as it gives Gadd’s defamatory story the authority of
23 official police statements.
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Harvey Never Attacked Gadd

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2 80. In Episode 6, Defendants falsely claim that Harvey violently smashed
3 a glass bottle over Gadd’s head and gouged his eyes with her thumbs in a horrific
4 physical assault that left Gadd’s head bloodied.
5



12 81. Harvey never smashed a glass bottle over Gadd’s head, gouged his
13 eyes, or ever physically attacked him in any way.
14

Netflix Defames Harvey on its Website, Tudum

15 82. Netflix owns and controls the website www.tudum.com.

16
17 83. On May 16, 2024, Netflix published an article on Tudum by
18 Christopher Hudspeth titled, *What is Baby Reindeer? The True Story and New*
19 *Series Explained* (the “Netflix Article”).
20

21 84. The Netflix Article states unequivocally that the “series is a true
22 story” and “it’s important to remember that this isn’t just a story — it’s true.”
23

24 85. The Series is not a true story as it includes all of the fabricated events
25 and statements about Harvey identified herein which are foundational to the Series
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1 and include the dramatic climax of the entire Series in which Harvey *returns* to
2 prison after pleading guilty in court – events which never happened.

3
4 86. The Netflix Article is defamatory as the statements and events Netflix
5 told about Harvey in the Series and identified herein are knowingly false.

6 **Netflix Admits Its Statements Were False**

7
8 87. On May 8, 2024, Netflix executive, Benjamin King, appeared before
9 the House of Commons Culture, Media and Sport Committee, on behalf of Netflix
10 and in his capacity as Senior Director of Public Policy of Netflix.

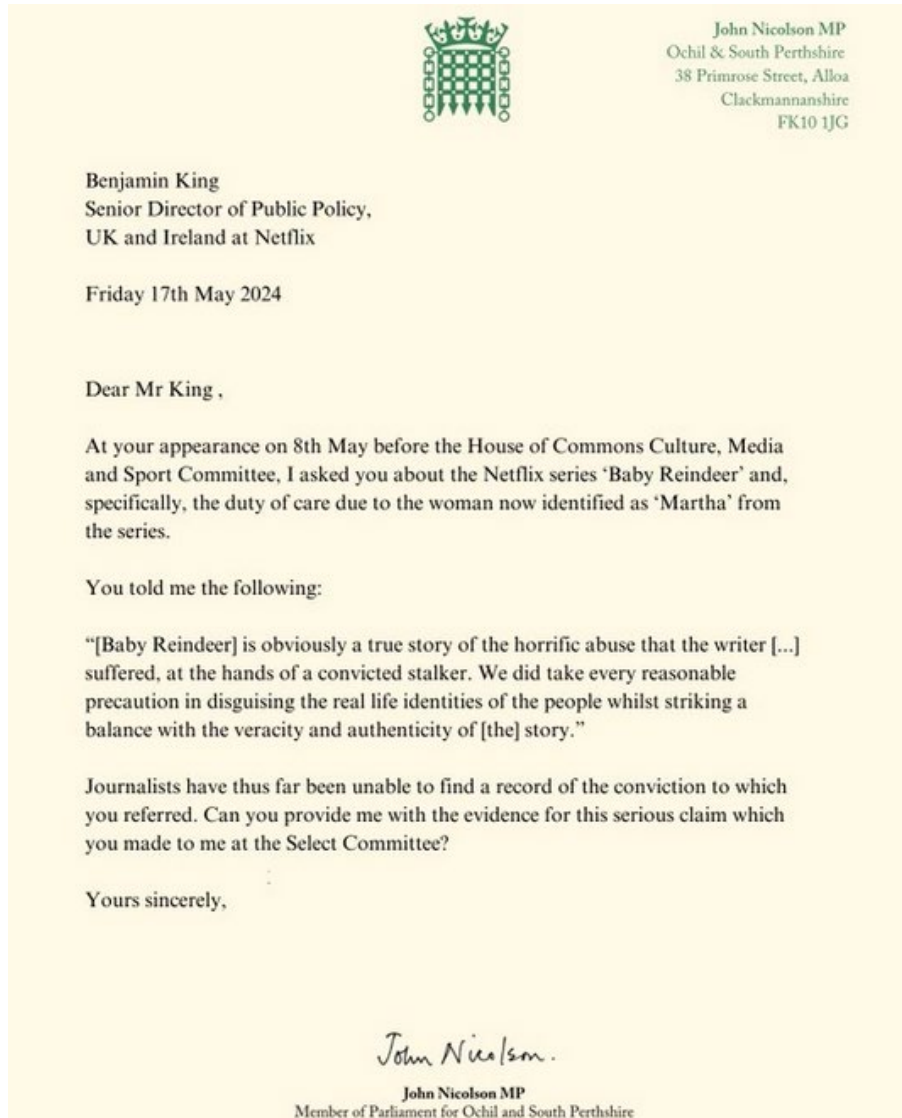
11
12 88. At the Committee hearing, Mr. King was asked by John Nicolson,
13 Member of Parliament for Ochil and South Perthshire, about the duty of care due to
14 woman now identified as ‘Martha’ from *Baby Reindeer*.

15
16 89. Mr. King responded to John Nicolson and stated the following in
17 response:

18 *Baby Reindeer* is obviously a true story of the horrific abuse that
19 [Richard Gadd] suffered at the hands of a convicted stalker. We did
20 take every reasonable precaution in disguising the real life identities
21 of the people whilst striking a balance with the veracity and
22 authenticity of the story.
23
24

25 90. Harvey is not a convicted stalker.
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1 91. MP John Nicolson went Mr. King a follow up written inquiry
2 requesting “evidence for this serious claim which [Mr. King] to Nicolson at the
3 Select Committee:”
4



23 92. Netflix did not provide any evidence.

24 93. Instead, on May 23, 2024, Mr. King responded in writing to Media
25 and Sport Select Committee House of Commons, and confirmed that “the person
26 upon whom the show was based” was never the subject of any criminal conviction:
27
28

1 Dame Caroline Dinenage MP
2 Chair of the Culture, Media and Sport Select Committee House of Commons
3 London SW1A 0AA

23 May 2024

4 Dear Dame Caroline,

5 Thank you for the opportunity to speak with the Culture, Media and Sport Committee on May 8 as
6 part of your inquiry into British film and high-end television.

7 As I said in my oral evidence, Netflix is investing heavily in quality British TV, with a string of recent
8 hits, including Baby Reindeer.

9 In response to a question about the characters portrayed in that series, I said that: "it's an
10 extraordinary true story ... of the horrific abuse that the writer and protagonist Richard Gadd
11 suffered at the hands of a convicted stalker".

12 I wanted to clarify our understanding that the person on whom the show is based — who we have at
13 no point sought to identify — was subject to a court order rather than a conviction. The writer of
14 Baby Reindeer endured serious harassment over many months (as it now seems has been the case
15 for many others), which had a significant impact on his wellbeing.

16 Yours sincerely,
17 Benjamin King
18 Senior Director, Public Policy Netflix

19 **Netflix Failed to Do Any Due Diligence**

20 94. Netflix knowingly and/or recklessly told the lies in the Series that
21 Harvey is a twice convicted criminal who raped Gadd in an alley and gouged his
22 eyes with her thumbs and smashed a glass over his head, and waited outside his
23 residence for him 16 hours per day including the middle of the night, and who once
24 stalked a police officer.

25 95. Netflix and Gadd have never, to this day, contacted Harvey directly or
26 indirectly to confirm these statements about Harvey.

27 96. Defendants never obtained any confirmation from any governmental
28 authority confirming that Harvey had been convicted of any crime.

1 97. Defendants did not investigate the truth of any of these statements
2 complained of herein by Harvey and/or recklessly or intentionally disregarded the
3 truth of these defamatory statements.
4

5 **Netflix's Algorithm**

6 98. *Baby Reindeer* is on track to become one of Netflix's most popular
7 series of all time.
8

9 99. When asked about the success of *Baby Reindeer*, Netflix's CEO Ted
10 Sarandos said the series owed its popularity to Netflix's algorithm, stating "[*Baby*
11 *Reindeer*] g[ot] picked up in the algorithm and start[ed] getting more and more
12 presented."
13

14 **Netflix's Promotional Materials for Baby Reindeer**

15 100. Netflix's promotional materials for the Series incorporated both its
16 financial statements' expressed need to continue to offer its subscribers
17 "compelling" content and its claim that its false statements about Harvey were
18 "true."
19
20

21 101. Netflix advertised *Baby Reindeer* as "Baby Reindeer a captivating
22 true story" including in ads featured in *Vanity Fair* and the *New York Times*.
23
24
25
26
27
28



102. Netflix promoted the Series on Facebook, X (formerly Twitter), and Instagram with a post viewed by millions purporting to show Harvey’s real emails, “Martha’s Real Emails from Baby Reindeer – Every One of Them Is Real.” See <https://www.facebook.com/netflixus/videos/marthas-emails-from-baby-reindeer-every-one-of-them-real/1071706193898341/> and <https://x.com/netflix/status/1779162630520729877?lang=en>.

Netflix Acted With Actual Malice & Punitive Damages Are Warranted

103. The Netflix Series *Baby Reindeer* was adapted from Richard Gadd’s 80 page, one-person, stage play (the “Play”) of the same title.

104. In the Play, the main characters are named “Gadd” played by Gadd, and “Martha” played by a bar stool with a northern Irish accent.

1 105. In March 2020, Netflix acquired the rights to the Play, including the
2 streaming rights to start production of the Series.

3
4 106. The Play stated that it was “*based on a true story.*” (emphasis added).

5 107. This disclaimer in the Play put Netflix on notice that certain details in
6 the Play were likely false.

7
8 108. Details in the Play, copied in the Series, that are false and defamatory
9 include that Harvey gouged Gadd’s eyes, that Harvey stalked a policeman, that
10 Harvey sexually assaulted Gadd.

11
12 109. The Play contains no reference to Harvey waiting outside Gadd’s
13 residence all day and night for him.

14 110. The Play contains no reference to any incident where Harvey violently
15 smashed a glass over Gadd’s head leaving him bloodied.

16
17 111. The Play contains no reference to any arrest, conviction, guilty plea or
18 imprisonment by Harvey.

19
20 112. The Play ends with Gadd obtaining a restraining order against
21 ‘Martha’, whereas the Series ends with ‘Martha’ pleading guilty in court and
22 sentenced to prison.

23
24 113. In the Play, the police expressly inform Gadd that ‘Martha’ cannot be
25 arrested having committed no crime, including:

26 a. “I understand the frustration but heckling is not a crime. Pg. 32.
27

- 1 b. "I am not getting any reason to feel your life is in danger." Pg. 33.
- 2 c. The emails are "not particularly threatening." Pg. 33.
- 3
- 4 d. "we need a credible threat or something sexually aggressive
- 5 toward you." Pg. 46.
- 6 e. After telling Gadd that "Martha is not going to press charges,"
- 7 they continue "leaving someone voicemails is not, in of itself, a
- 8 crime" (Pg. 69) and "I suggest you apologise and let us go
- 9 about doing our job in the correct manner."
- 10
- 11
- 12 f. "The police do not want to hear from either of you again." Pg. 54.

13 114. In the Play, Gadd even admits: "the last experience with the police
14 was so burning, so embarrassing that I refuse to involve them again." Pg. 63.

15
16 115. The omission of the entire arc and premise of the Series, a convicted
17 stalker returns to prison after pleading guilty to stalking Gadd, from the Play, as
18 well as the opposite being stated to Gadd by the police in the Play (Harvey could
19 not be arrested having committed no crime), put Netflix on notice that details about
20 Harvey's criminal history in the Series were extremely likely to be false.

21
22 116. The omission of any reference in the Play to 'Martha' waiting outside
23 Gadd's residence for 16 hours a day including in the middle of the night for him
24 put Netflix on notice that that these details about Harvey were extremely likely to
25 be false.
26
27
28

1 117. The omission of any reference in the Play to ‘Martha’ violently
2 smashing a glass over Gadd’s head leaving him bloodied put Netflix on notice that
3 these details about Harvey were extremely likely to be false.
4

5 118. Netflix insisted on adding the “this is a true story” line to the Series
6 despite Gadd’s own concerns about doing so, and Netflix’s notice that details about
7 Harvey in the Series were extremely likely to be false.
8

9 119. Netflix’s insistence on adding the “this is a true story” line to the
10 Series despite Gadd’s concerns was reported in the Sunday Times article, *Will the*
11 *Baby Reindeer Scandal Kill True Story TV?*, The Sunday Times, June 16, 2024,
12 Rosamund Urwin.
13

14 120. Gadd’s concerns were clear as he immediately walked back and
15 resisted the “this is a true story” line in interviews following the release of the
16 Series on April 11, 2024.
17

18 121. Gadd’s responses to the ‘this is a true story’ line descended from
19 “pretty truthful,” “100% emotionally true,” “very emotionally true,” “as far as
20 percentages [of truth] I can’t tell,” to events have been “tweaked” to create
21 dramatic climaxes.”
22
23

24 122. For example, in the GQ interview published on April 14, 2024, Gadd
25 was asked about “this is a true story” and responded as follows:
26
27
28

1 Q: At the start, a caption reads ‘This is a true story’. Were there
2 parts of this you had to adapt?

3
4 A: It’s pretty truthful. Any time it veered too much into
5 embellishment I would always want to pull it back. It’s
6 extremely emotionally truthful.

7
8 *Richard Gadd on Baby’s Reindeer’s harrowing ending: “It’s the most*
9 *truthful scene of the entire show”*, GQ, April 14, 2024, by Miles Ellingham
10 available at [https://www.gq-magazine.co.uk/article/baby-reindeer-netflix-](https://www.gq-magazine.co.uk/article/baby-reindeer-netflix-richard-gadd-interview)
11 [richard-gadd-interview](https://www.gq-magazine.co.uk/article/baby-reindeer-netflix-richard-gadd-interview) (last visited October 9, 2024).
12

13 123. In the same GQ interview Gadd was asked:

14 Q: “Your stalker might watch *Baby Reindeer*. What do you think
15 she’ll make of it?”
16

17 A; “What’s been borrowed is an emotional truth, not a fact-by-fact
18 profile of someone.”
19

20 124. In an interview with Variety published on April 19, 2024, Gadd was
21 again asked about the title card saying the Series was a true story and responded as
22 follows:
23

24 Q: At the start of [the Series], viewers see a title card saying “Baby
25 Reindeer” is a true story. Is it fictionalized at all?
26
27
28

1 A: It's all emotionally 100% true, if that makes sense. . . Just in
2 terms of percentages, I wouldn't be able to tell you, but it's a
3 very true story – it comes from an emotional truth, and I think
4 that's what people are resonating with most of all.
5

6 125. Gadd again walked back “this is a true story” in an interview with The
7 Guardian published on April 19, 2024 in which he stated, the Series is “very
8 emotionally true” and, in a wild understatement, confirmed that “some events have
9 been ‘tweaked slightly to create dramatic climaxes.’”
10

11 See *‘I was severely stalked and abused’: Richard Gadd on the true story behind*
12 *Baby Reindeer,*” The Guardian, Apr. 18, 2024, by Zoe Williams (last visited
13 October 9, 2024).
14

15 126. In fact, all of the criminal history profile of Harvey, and all of events
16 in the dramatic climaxes of the Series concerning Harvey have been completely
17 fabricated: Harvey never sexually assaulted Gadd, Harvey never waited outside his
18 residence for him, Harvey gouged his eyes and bloodied his head with bar glass,
19 Harvey never pled guilty, was convicted, or imprisoned, and never stalked a police
20 officer, and Gadd was never told that Harvey stalked a police officer.
21

22 127. When asked what Gadd meant by “emotionally true” in an interview
23 with the Hollywood Reporter, Gadd again walked back “this is a true story” and
24 explained that by “emotionally true” and he meant “he never wanted to kind of lie”
25
26
27
28

1 but that “tweaks” [making things up about Harvey] had to be made to have a cliff
2 hanger in each episode:

3
4 Q: When you say “emotional truth” what do you mean?

5 A: I mean never wanted to kind of lie. . . you always have to
6 change things, slightly tweak things, to make it work as a TV
7 show so you have -- you put in the structure of the work, and
8 obviously every episode has to have a cliff hanger and all these
9 kinds of things . . . it was tightrope, it was a constant process of
10 what works as a TV show and not selling out your own story,
11 and that tightrope continued all the way through . . . finding that
12 right balance.
13
14
15

16 Interview of Richard Gadd, Hollywood Reporter, May 9, 2024 available at

17 <https://www.tiktok.com/@hollywoodreporter/video/7367107011974253870?lang=en>
18 [en](https://www.tiktok.com/@hollywoodreporter/video/7367107011974253870?lang=en) (last visited October 9, 2024).

19
20 128. Netflix’s insistence on unequivocally stating “this is a true story” in
21 the Series constitutes reckless, willful or intentional disregard of whether
22 statements in the Series were false, and thus, malice.
23

24 129. In addition, Netflix acted with malice when it continued to knowingly
25 falsely state and continues to this day to knowingly and falsely state, that Harvey is
26 a twice convicted criminal who served five years in prison, even after Netflix
27

1 admitting *in writing* on May 23, 2024 to the Media and Sport Select Committee of
2 the House of Commons that Harvey had never been convicted.

3
4 130. Notwithstanding this admission, Netflix has willfully refused to drop
5 its statement in Episode One – “this is a true story.”

6
7 131. In example, in 2024 BBC dropped “true story” from its description of
8 the television series *Dopesick*, three years after its initial release in 2021. Whereas
9 BBC had previously described the “true story of the dealers, doctors and the billion
10 dollar drug that fueled America’s deadly opioid addiction,” BBC removed the
11 words “true story” and now bills *Dopesick* as “a story” about the opioid crises.
12

13 132. Netflix had an evil motive for making the false statements about
14 Harvey in Baby Reindeer identified herein.
15

16 133. Netflix’s made these false statements willfully, intentionally, and/or
17 recklessly to make the Series more compelling and captivating in order to maintain
18 existing subscribers (members) and add new ones.
19

20 134. Netflix’s ruthless strategy worked.

21 135. More than 80 million Netflix accounts and 220 million people have
22 watched the Series, in whole or in part.
23

24 136. According to Netflix’s 2024 second quarter earnings report (Baby
25 Reindeer was released in April 2024), Netflix added more than eight million
26 subscribers (members) in the second quarter of 2024, alone.
27
28

1 137. In addition, the Series and Gadd won numerous Emmy Awards in
2 2024 including for (1) Outstanding Limited or Anthology Series, (2) Outstanding
3 Writing For A Limited Or Anthology Series or Movie, and (3) Outstanding Lead
4 Actor In A Limited Or Anthology Series or Movie (Gadd).
5

6 138. Netflix knew that Harvey's life would be destroyed by its calculated
7 falsehoods and proceeded despite this because there was so much money to be
8 made and awards to be garnered by doing so.
9

10 139. As calculated, Netflix boosted its subscribers and earnings only had to
11 ruin one person's life – Harvey's – to do so.
12

13 140. Netflix's conduct is so contemptible that it would be looked down
14 upon and despised by ordinary decent people.
15

16 **FIRST CAUSE OF ACTION**
17 **(DEFAMATION)**

18 141. Harvey realleges each of the aforementioned allegations as if fully
19 alleged herein.
20

21 142. Defendants each made the statements herein that (1) Harvey was
22 convicted stalker who served a four-and-a-half-year sentence in Scotland; (2)
23 Harvey was a convicted stalker and harasser who pled guilty and was sentenced to
24 a nine-month sentence and a five year restraining order; (3) Harvey sexually
25 assaulted Gadd as depicted in Episode 2; (4) Harvey violently attacked Gadd by
26 smashing a glass over his head and gouged his eyes; (5) Harvey stalked a
27
28

1 policeman; (6) a police detective told Gadd that Harvey stalked a policeman; and
2 (7) Harvey waited outside Gadd's residence every day up to 16 hours a day.

3
4 143. Each of these statements was viewed more than 50 million times.

5 144. In addition, Netflix made the statement that the Series is a true story
6 on Netflix's website, Tudum.

7
8 145. Netflix viewers, and members of the public, reasonably understood
9 that the statements were about Harvey and that Harvey was a twice convicted
10 stalker who separately served prison sentences of four-and-a-half years, and nine
11 months, and that Harvey sexually assaulted Gadd, violently attacked Gadd, and
12 that Gadd had been warned by the police that Harvey stalked a policeman.

13
14 146. Each of the Defendants failed to use reasonable care to determine the
15 truth or falsity of the statements.

16
17 147. Netflix admitted in writing that Harvey had never been convicted.

18
19 148. Defendants wrongful conduct was a substantial factor in causing harm
20 to Harvey's reputation, and caused shame, ridicule, mortification, and hurt feelings
21 to Harvey.

22
23 149. Defendants wrongful conduct constitutes defamation per se.

24 150. Accordingly, Harvey has been seriously damaged mentally and
25 emotionally. Said damages, which shall be determined at trial, are believed to
26 exceed \$50 million, exclusive of legal fees, costs and statutory interest.
27

1 151. In addition, because Defendants’ conduct was so outrageous, Harvey
2 seeks punitive damages in an amount that will punish Defendants from ever
3 engaging in said conduct and an amount and that will deprive Defendants of all
4 benefit, financial or otherwise, of their defamatory statements.
5

6 **SECOND CAUSE OF ACTION**
7 **(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**
8

9 152. Harvey realleges each of the aforementioned allegations as if fully
10 alleged herein.

11 153. Defendants’ conduct herein was extreme and outrageous with the
12 intention of causing, or recklessly disregarding the probability of causing,
13 emotional distress to Harvey.
14

15 154. Defendants’ conduct was “extreme and outrageous” defined under
16 California law as "so extreme as to exceed all bounds of that usually tolerated in a
17 civilized community.”
18

19 155. Harvey suffered severe and extreme emotional distress directly and
20 proximately caused by Defendants’ outrageous conduct.
21

22 156. Defendants’ conduct was intended to inflict injury on Harvey and was
23 engaged in with the realization that injury would result to Harvey.
24

25 157. Accordingly, Harvey has been seriously damaged mentally and
26 emotionally. Said damages, which shall be determined at trial, are believed to
27 exceed \$50 million, exclusive of legal fees, costs and statutory interest.
28

1 158. In addition, because Defendants’ conduct was so outrageous, Harvey
2 seeks punitive damages in an amount that will punish Defendants from ever
3 engaging in said conduct and deprive them of all benefit, financial or otherwise, of
4 their outrageous conduct, in an amount believed to be in excess of an additional
5 \$20 million.
6

7
8
9 **EXEMPLARY DAMAGES**

10 159. The acts complained of herein and in the preceding paragraphs above
11 were done willfully, unlawfully, maliciously, and in wanton disregard of the rights
12 and feelings of Harvey and by reason thereof, she now demands punitive and
13 compensatory damages.
14

15 **JURY DEMAND**

16
17 160. Harvey requests a trial by jury on all claims.

18 **PRESERVATION NOTICE**

19 161. Harvey requests that Defendants preserve any and all related
20 evidence, reports, statements, notes, emails, text messages, communications,
21 concerning the allegations herein. Defendants’ failure to preserve relevant
22 evidence may warrant a spoliation instruction at trial which creates a presumption
23 that if the evidence was preserved, it would weigh against the respective party.
24
25

26 **PRAYER FOR RELIEF**

1 **WHEREFORE**, Plaintiff Fiona Harvey requests that defendants Netflix,
2 Inc., and Netflix Worldwide, LLC, be cited to appear and answer, and that at the
3 final trial of this matter, Harvey have judgment against Defendants, as follows:
4

- 5 A. Judgment against Defendants for actual damages, the sum to be
6 determined at trial, but is believed to exceed \$50 million, exclusive of
7 legal fees, costs and statutory interest;
8
- 9 B. Judgment against Defendants for compensatory damages in the
10 maximum amount allowed by law, in an amount to exceed \$50 million,
11 exclusive of legal fees and costs, including mental anguish, loss of
12 enjoyment of life and loss of business;
13
- 14 C. Judgment against Defendants for all profits from *Baby Reindeer*, in the
15 maximum amount allowed by law, in an amount to exceed \$50 million,
16 exclusive of legal fees and costs;
17
- 18 D. Judgment against Defendants for punitive damages in the maximum
19 amount allowed under law, and believed to exceed \$20 million;
20
- 21 E. Pre-judgment interest at the legally prescribed rate from the date of the
22 violations until judgment as well as post-judgment interest as applicable;
23
- 24 F. An award of attorneys' fees.
25
26
27
28

1 G. Such other general relief to Harvey is just entitled.

2 Dated: October 9, 2024

3 Respectfully submitted,

4
5 By: /s/ Brian Levenson

6 Brian Levenson (pro hac vice)

7 brian@rrothlaw.com

8 Richard A. Roth (pro hac vice)

9 rich@rrothlaw.com

10 THE ROTH LAW FIRM, PLLC

11 295 Madison Ave., Fl. 22

12 New York, NY 10017

13 P: (212) 542-8882

14 Allen Hyman (California State Bar No. 73371)

15 LAW OFFICES OF ALLEN HYMAN

16 10737 ½ Riverside Dr.

17 N. Hollywood, CA 91602

18 lawoffah@aol.com

19 P: (818) 763-6289

20
21 *Attorneys for Plaintiff Fiona Harvey*

1
2 **DEMAND FOR JURY TRIAL**

3 Pursuant to Fed. R. Civ. P. 38(b), Local Rule 38-1, and otherwise, Plaintiff
4 respectfully demands a trial by jury on all issues so triable.

5
6 Dated: October 9, 2024

7
8 Respectfully submitted

9
10 By: */s/ Brian Levenson*

11 Brian Levenson (pro hac vice)

12 brian@rrothlaw.com

13 Brian Levenson (pro hac vice)

14 rich@rrothlaw.com

15 THE ROTH LAW FIRM, PLLC

16 295 Madison Ave., Fl. 22

17 New York, NY 10017

18 P: (212) 542-8882

19 Allen Hyman (California State Bar No. 73371)

20 LAW OFFICES OF ALLEN HYMAN

21 10737 ½ Riverside Dr.

22 N. Hollywood, CA 91602

23 lawoffah@aol.com

24 P: (818) 763-6289

25
26 *Attorneys for Plaintiff Fiona Harvey*
27
28