# IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

Plaintiff,

Case No. 3:22-cv-2247

v.

KARISSA BARROWS,

JURY TRIAL DEMANDED

Defendant.

# **COMPLAINT**

Plaintiff Christopher Avellone for his Complaint against Defendant Karissa Barrows states as follows:

#### NATURE OF ACTION

1. This case is about Defendant Karissa Barrows' attempt to seek revenge on Plaintiff Chris Avellone by making false statements about Avellone to destroy Avellone's reputation and career. Avellone and Barrows were social acquaintances that socialized infrequently at gaming conventions. Their social relationship soured after Avellone subsequently became involved with one of Barrows' friends. Barrows then began sending hostile messages to Avellone which resulted in Avellone ceasing all communication with Barrows. Barrows retaliated and sought revenge by publishing false and defamatory statements about Avellone falsely accusing him of being a "sexual predator," preying on underage women, sexually assaulting and abusing Barrows and her friends, and misappropriating company funds. Barrows' statements had the effect Barrows intended by going viral and destroying Avellone's reputation and career. Avellone brings this action to expose the truth and vindicate his reputation.

#### PARTIES, JURISDICTION, AND VENUE

- 2. Plaintiff Christopher Avellone is domiciled in California and a citizen of California.
- 3. Defendant Karissa Barrows is domiciled in Illinois and a citizen of Illinois. Upon information and belief, Barrows resides in Belleville, Illinois.
- 4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.
- 5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) because Defendant Barrows resides in this judicial district.

#### FACTS COMMON TO ALL COUNTS

- 6. Avellone is a computer game writer living in California.
- 7. In or around August 2012, Avellone attended a computer gaming convention known as "Dragon Con" in Atlanta, Georgia. Barrows also attended Dragon Con 2012.
- 8. On August 30, 2012, Avellone met Barrows for the first time. Upon information and belief, at the time they met, Barrows did not know, or know of, Avellone. Avellone likewise did not know, or know of, Barrows.
- Avellone and Barrows met at a bar at the Marriott Marquis hotel in Atlanta,
   Georgia filled with fellow convention-goers.
- 10. Avellone and Barrows flirted at the hotel bar, and socialized with each other and with other convention-goers.
- 11. Avellone later escorted Barrows, along with two other convention attendees who were friends with Barrows, to the hallway outside the hotel room where Barrows was staying with her roommate. Avellone and Barrows kissed in the hallway and Avellone thereafter left

Barrows, met the two other attendees by the hotel elevator, and returned to his room. Avellone and Barrows did not have sex and had no further sexual contact after their hallway encounter.

- 12. Immediately thereafter, Barrows made many statements about enjoying the evening with Avellone.
- 13. Avellone and Barrows socialized throughout Dragon Con 2012, including socializing during Barrows' last night in Atlanta together. Avellone then escorted Barrows to the train station for her departure.
- 14. From their first meeting in August 2012 until September 2014, Barrows made many public and private statements about enjoying her friendly relationship with Avellone, her desire to socialize with Avellone at conventions, and her admiration for Avellone.
- 15. For example, in September 2012, during a conversation in which Barrows discussed with a colleague connecting with industry people for interviews, Barrows bragged that she knew a lot of people since she attended gaming conventions and casually mentioned that she had "made out" with Avellone at Dragon Con 2012. Barrows told the colleague, "Oh [Avellone's] awesome. So fun and a complete gentleman."
- 16. Barrows also publicly tweeted a link to a picture of her and Avellone with the caption, "One of the few gentlemen left in the world (that still drink), @chrisavellone :D."

  Barrows publicly tweeted about her "Top 5" moments from Dragon Con 2012, which included a specific mention of her time with Avellone.
- 17. In conversations with others, Barrows referred to Avellone as her "con[vention]-boyfriend" and spoke as if they were seeing each other, even though they were not.

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<sup>&</sup>lt;sup>1</sup> The symbol ":D" refers to the emoji representing a face with a big grin.

- 18. Barrows confided in a colleague, "I think it'll take more than one con[vention] to nail it down [with Avellone]. It'll be interesting to see what happens next time I see him."

  When the colleague told Barrows to "[j]ust keep the conversation going," Barrows responded,
  "And the alcohol flowing. :D I do what I can."
- Avellone's interest in a potential relationship with Barrows, telling the friend: "Be like, 'so you and Karissa [Barrows] were adorable at Dragon\*Con. How's that going? winknudge' or something. You know what to do." When Barrows believed Avellone was not necessarily interested in carrying on a relationship, Barrows lamented, "Been a while since I was treated that well."
- 20. Barrows also sent direct messages to Avellone arranging social outings, referencing their time together at Dragon Con 2012 positively and hoping to recreate the experience, and networking.
- 21. For example, Barrows messaged Avellone asking if Avellone was going to a different gaming convention. When Avellone stated that he had not yet decided whether to attend, Barrows responded: "You must!! Who will walk me back to my room if you don't go?"
- 22. Barrows and Avellone met again the next year at Dragon Con 2013. At Dragon Con 2013, Barrows introduced Avellone to her close friend, Jackie Izawa.
- 23. Following their introduction, Avellone was casually involved with Izawa for about one year.
- 24. However, Barrows continually interfered in Avellone's relationship with Izawa. Barrows began demanding that Avellone break up with Izawa and sending Avellone hostile text messages regarding his relationship with Izawa.

- 25. Barrows' messages mostly centered around Avellone's relationship with Izawa and did not refer in any manner to Avellone's hallway encounter with Barrows in 2012.
- 26. Indeed, in April 2014, Barrows publicly tweeted that she had never been harassed or abused at a convention and had "always been taken a little aback" by the abuse and harassment stories of others "because I just DON'T have my own." (capitalization in original.).
- 27. Avellone, Izawa, and Barrows all attended Dragon Con 2014. The three of them spent substantial time socializing together during the convention. Yet, Barrows' messages to Avellone regarding his relationship with Izawa became increasingly more hostile and, as a result, Avellone ceased all communication with Barrows in or around August 2014 and blocked her number.
- 28. Avellone likewise began to distance himself from Izawa because of her ties to Barrows. Still, Barrows became increasingly hostile towards Avellone and began finding ways to seek revenge.
- 29. On or about June 17, 2020, a video game website IGN.com ("IGN") published an interview with Avellone and another female game writer about their work on role playing computer games.
- 30. On June 18, 2020, Barrows publicly replied to a tweet posted by IGN promoting the interview with Avellone (which included Avellone's full name and picture), posting on Twitter.com ("Twitter"):

ZERO interest in anything from a man who spent so much time preying on young women (no age check), getting them drunk & taking them to hotel rooms, showing up to panels late & wasted if at all, & treating fans/fellow industry SO badly, he was blacklisted from at least 1 big con[vention].

(capitalization in original.) A true and correct copy of Barrows' published statement is attached hereto as Exhibit 1 and is incorporated by reference.

- 31. Between at least June 18, 2020 and June 20, 2020, Barrows continued publicly tweeting false and libelous statements about Avellone.
- 32. On or about June 19, 2020, Barrows posted a picture of her June 18, 2020 statement regarding Avellone and posted the tweet:

While we're at it, here's another man to add to the gaming industry predator garbage pile. Yesterday was the first time I said something publicly about this, and I'm done being silent, despite that fuckstick in the reply telling me to shut up. I WILL NOT. Thread:

### Ex. 1 at 2 (capitalization in original.)

33. On or about June 19, 2020, Barrows continued her thread on Twitter, posting in a series of continuous tweets:

I witnessed, and experienced, [Avellone's] behavior firsthand. He got me blackout drunk on Midori Sours (on the company dime). He and two friends somehow got me back to my room, where he pounced in front of the other guys. They left after a few moments (also drunk), and one of them-

-told me what he had witnessed the next evening I had very vague impressions that someone had made out with me when I woke up that morning, but thought it was a dream. When I asked Chris about it, he told me that I had eventually refused him. When more of the night came back-

-to me, I realized the ONLY reason I was able to refuse him in my blackout stupor was because I was on my period that weekend. The ONLY reason. (The shame society places on menstruation actually came in handy for once, smdh.) Other nights, I watched him do the same to-

-other girls, some of whom looked FAR younger than me in my late 20s (at the time, and I have always looked young for my age). He would disappear with one or another, come back, then come back to me. The entire con[vention]. I did not get drunk with him again, and he was a gentleman-

-about my refusals, including the one where I was drunk off my ass, and when he escorted me to the subway station at 4:30am the morning I left to go home. That kind of behavior is what not only

kept me in denial about what was actually going on, but drove me to introduce him to-

-one of my best friends, who then endured over a year of heartache, gaslighting, and emotional abuse at his hands. It was much easier to see then, and ALL of us who knew what was going on told her to get out. Eventually, she did, but not before he raged out of a restaurant-

-drunk as fuck (as usual), leaving her behind after which point she wandered the downtown streets of a major convention city late at night, ALONE, looking for him because she was worried he would get hurt due to how drunk he was. This was my breaking point.

I went to two men I worked with at this convention and reported the situation. Interestingly enough, they were already discussing his terrible behavior when I found them together to report it. With my testimony added, he was blacklisted right then and there.

His behavior didn't stop, though. If anything, it got worse. It took years for his employer to finally fire him (I honestly don't recall the exact reason he was given, it was a while ago and I wasn't there personally - this was relayed to me by a friend who also worked there).

He moved to other studios. Other projects. Other conventions until they stopped inviting him on their own accord (whether due to behavior or relevance, I don't know). I pushed him out of my memory, as did my dear friends, and we only discussed our anger and disgust if he-

-happened to come up. I've said something to some friends in journalism if he came up. Emily [the other game writer featured in the IGN interview] reached out to me after seeing my tweet to apologize. For what, I asked her? [sic] She didn't know what he was like and carried no fault in this. Most didn't know unless they saw it.

Still no one said anything except in closed circles. \*I\* didn't say anything except in closed circles to warn people about his behavior. I have no idea if he's remotely better than he was then, but given how protected he's been from true consequences for his actions, I doubt it.

The actions I witnessed myself occurred between 2013 and 2015. Those I was told by friends who remained around him occurred up until 2017 or 2018. This was recent. Who knows how long it had

been occurring before then; he was clearly no stranger to doing this when I met him.

I didn't bother blowing this up until today due to work being insane all week, but I've got time now. Chris Avellone is an abusive, abrasive, conniving sexual predator. People tried to get him help. He refused it and continued. Stop glorifying him.

### Ex. 1 at 3-5 (capitalization in original.)

34. On or about June 20, 2020, Barrows continued her Twitter thread, tweeting:

Hey Avellone, since I know you've seen this now, spare us all the lies and the non-apologies. Either fess up to what you did to countless women and ACTUALLY apologize and atone, or shut the entire fuck up. And I didn't name certain entities FOR A FUCKING REASON.

And yeah, I do hate you, Avellone. You assaulted & abused my friends. You made life hell for dozens of fellow industry. You've abused "star" power to victimize women. You're playing this weak ass victim card for sympathy points now that's [sic] your secret's out. GTFO with that shit.

## Ex. 1 at 5 (capitalization in original.)

35. On June 20, 2020, Barrows posted a link to her Twitter comments on Facebook.com with the accompanying post:

I have been energized and emboldened by the current burst of outing predators in the gaming industry. Combined with how much else I'm pissed about in society, I was in no mood to stay silent anymore. So, after many years, I've added my story – which isn't just my story, but one I both experienced \*and\* witnessed. Thread at the link. TL;DR, Chris Avellone is an abusive, cunning sexual predator who knew exactly how to play the game to get away with as much as possible. Please read the whole thing.

A true and correct copy of Barrows' published statement is attached hereto as Exhibit 2 and is incorporated by reference.

- 36. Within a few days, Barrows public statements had gone "viral," Avellone was falsely labeled an "abuser" and a "sexual predator," and Avellone's career and reputation were destroyed.
- 37. Barrows doubled down by using her new-found viral "fame" to defame Avellone in various media outlets, which repeated her story and published additional quotes from Barrows defaming Avellone. For example, in a phone interview with one media outlet, Barrows stated that Avellone "threw up his Obsidian [work] credit card in the air and said 'drinks on me,' and he just started buying drinks for everybody...Girl after girl, waiving around his company card, he made no secret of the fact that he worked at Obsidian." Barrows told the outlet, "He assaulted me, 100 per cent, but I stopped him."
- 38. On or around June 22, 2020, as a result of the statements published by Barrows, one of the gaming studios with whom Avellone worked, Studio Gato Salvaje, terminated its contract with Avellone stating: "Studio Gato Salvaje and The Waylanders team take matters of abusive and predatory behavior very seriously, and we stand against the kind of behavior that was alleged to have happened in the stories shared over the weekend."
- 39. On or around the same day, as a result of the statements published by Barrows, another of the gaming studios with whom Avellone worked, Techland, S.A., also terminated its contract with Avellone stating: "We take matters of sexual harassment and disrespect with utmost care, and have no tolerance for such behaviors it applies to both our employees as well as external consultants, Chris [Avellone] among them."
- 40. On or around June 29, 2020, another of the gaming studios with whom Avellone worked, Electronic Arts Inc. ("EA"), terminated its relationship with Avellone as a result of the statements published by Barrows stating: "We take all allegations of harassment and abuse very

seriously...And the recent reports that have surfaced are very concerning. EA has no plans to work with Chris Avellone moving forward."

- 41. Other companies with whom Avellone worked likewise terminated their relationship with Avellone or refused to do future business with Avellone due to the statements published by Barrows.
- 42. In or around September 2020, Barrows used a mass deletion computer program to delete around 60,000 past tweets from 2009 to 2017, including her tweets complimentary towards Avellone and her tweet that she has never been harassed or abused at conventions.
- 43. On June 16, 2021, Avellone filed an action in the Superior Court of the State of California in the County of Los Angeles against Barrows asserting claims for libel (the "California case").
- 44. On July 19, 2021, Barrows filed a motion in the California case seeking, *inter alia*, an order quashing service of summons for lack of personal jurisdiction.
- 45. On September 16, 2021, the California trial court entered an order denying the motion to quash as to Barrows and finding that personal jurisdiction could be exercised over Barrows in California.
- 46. On August 26, 2022, the California appellate court granted a petition for a writ of mandate filed by Barrows and remanded the matter to the California trial court with directions to enter an order quashing service of summons finding that personal jurisdiction could not be exercised over Barrows in California.
- 47. On September 26, 2022, upon remand to the California trial court, Avellone filed a request for voluntary dismissal of the California case without prejudice so he could re-file the action in Illinois. The dismissal was entered on September 28, 2022.

# COUNT I DEFAMATION PER SE

- 48. The allegations of paragraphs 1 through 47 above are incorporated herein by reference.
- 49. Barrows made one or more false statements about Avellone, including but not limited to, that Avellone "prey[ed]" on young or underage women with "no age check," misappropriated company funds, was "blacklisted" from industry conventions, got Barrows "blackout drunk" and "pounced" on her, "is an abusive, abrasive, conniving sexual predator," and "assaulted & abused" Barrows and her friends.
- 50. Barrows published one or more of the false statements about Avellone to a third party without privilege.
- 51. The reader of Barrows' publications would reasonably understand the statements to be about Avellone because Barrows published her statements in response to an interview with Avellone that included Avellone's name and picture. Further, Barrows directly named Avellone in her statements.
- 52. The reader of Barrows' publications would reasonably understand the statements to mean that Avellone sexually abused and assaulted Barrows and other women, that Avellone targeted young women and women under the age of consent by forcing them to become intoxicated for the purpose of engaging in non-consensual sexual contact, that Avellone is a "sexual predator" in that he has repeatedly subjected women to non-consensual sexual contact and/or has committed sexual offenses, and that Avellone has acted unprofessionally by misappropriating company funds, and being "blacklisted" from industry conventions.
- 53. Barrows' statements are completely false. Avellone has never sexually abused or assaulted Barrows or any other woman. Avellone has never targeted young women or women

under the age of consent by forcing them to become intoxicated for the purpose of engaging in non-consensual sexual contact. Avellone is not a "sexual predator," has never subjected women to non-consensual sexual contact, and has never committed a sexual offense. Avellone has never acted unprofessionally by misappropriating company funds or been "blacklisted" from industry conventions.

- 54. Barrows either knew that the publications were false and/or lacked reasonable grounds for her belief that the publications were true because she fabricated the false statements therein. Barrows spent limited time with Avellone and evidence of sexually predatory conduct on Avellone's part cannot exist because it never happened.
- 55. Further, Barrows acted with actual malice towards Avellone because she entertained serious doubts as to the truth of the statements and intentionally published the statements to disparage and harm Avellone. In Barrows' own words, "[Y]eah, I do hate you, Avellone."
- 56. The publications constitute defamation *per se* because they, *inter alia*, impute that Avellone committed a crime, that Avellone lacks integrity in performing his employment duties, harm Avellone in his profession, and/or accuse Avellone of engaging in sexual misconduct.
- 57. The publications damaged Avellone's reputation and career, have resulted in at least three companies terminating their current contracts and engagements with Avellone, and have deterred these companies and other third parties from associating with or doing business with Avellone. Barrows' statements have proximately caused Avellone to lose actual current and prospective employment opportunities with companies that stopped doing business with Avellone due to Barrows' false statements.

58. Barrows' conduct evinces a high degree of moral culpability and was committed with fraud, actual malice, and willfully or with such gross negligence as to indicate a wanton disregard of the rights of others.

# COUNT II DEFAMATION PER QUOD

- 59. The allegations of paragraphs 1 through 47 above are incorporated herein by reference.
- 60. Barrows made one or more false statements about Avellone, including but not limited to, that Avellone "prey[ed]" on young or underage women with "no age check," misappropriated company funds, was "blacklisted" from industry conventions, got Barrows "blackout drunk" and "pounced" on her, "is an abusive, abrasive, conniving sexual predator," and "assaulted & abused" Barrows and her friends.
- 61. Barrows published one or more of the false statements about Avellone to a third party without privilege.
- 62. The reader of Barrows' publications would reasonably understand the statements to be about Avellone because Barrows published her statements in response to an interview with Avellone that included Avellone's name and picture. Further, Barrows directly named Avellone in her statements.
- 63. The reader of Barrows' publications would reasonably understand the statements to mean that Avellone sexually abused and assaulted Barrows and other women, that Avellone targeted young women and women under the age of consent by forcing them to become intoxicated for the purpose of engaging in non-consensual sexual contact, that Avellone is a "sexual predator" in that he has repeatedly subjected women to non-consensual sexual contact

and/or has committed sexual offenses, and that Avellone has acted unprofessionally by misappropriating company funds, and being "blacklisted" from industry conventions.

- 64. Barrows' statements are completely false. Avellone has never sexually abused or assaulted Barrows or any other woman. Avellone has never targeted young women or women under the age of consent by forcing them to become intoxicated for the purpose of engaging in non-consensual sexual contact. Avellone is not a "sexual predator," has never subjected women to non-consensual sexual contact, and has never committed a sexual offense. Avellone has never acted unprofessionally by misappropriating company funds or been "blacklisted" from industry conventions.
- 65. Barrows either knew that the publications were false and/or lacked reasonable grounds for her belief that the publications were true because she fabricated the false statements therein. Barrows spent limited time with Avellone and evidence of sexually predatory conduct on Avellone's part cannot exist because it never happened.
- 66. Further, Barrows acted with actual malice towards Avellone because she entertained serious doubts as to the truth of the statements and intentionally published the statements to disparage and harm Avellone. In Barrows' own words, "[Y]eah, I do hate you, Avellone."
- 67. If the publications do not constitute defamation *per se* then, alternatively, they constitute defamation *per quod*.
- 68. The publications damaged Avellone's reputation and career, have resulted in at least three companies terminating their current contracts and engagements with Avellone, and have deterred these companies and other third parties from associating with or doing business with Avellone. Barrows' statements have proximately caused Avellone to lose actual current

and prospective employment opportunities with companies that stopped doing business with Avellone due to Barrows' false statements.

69. Barrows' conduct evinces a high degree of moral culpability and was committed with fraud, actual malice, and willfully or with such gross negligence as to indicate a wanton disregard of the rights of others.

## COUNT III FALSE LIGHT

- 70. The allegations of paragraphs 1 through 47 above are incorporated herein by reference.
- 71. As a proximate cause of Barrows' actions and false statements, Barrows has placed Avellone in a false light before the public.
- 72. The false light in which Avellone has been placed would be highly offensive to a reasonable person.
- 73. Barrows has acted with actual malice towards Avellone. Barrows knew that her statements were false or, alternatively, Barrows made the statements with reckless disregard for whether the statements were true or false. In Barrows' own words, "[Y]eah, I do hate you, Avellone."
- 74. Barrows' actions and false statements have damaged Avellone's reputation and career, have resulted in at least three companies terminating their current contracts and engagements with Avellone, and have deterred these companies and other third parties from associating with or doing business with Avellone. Barrows' actions and false statements have proximately caused Avellone to lose actual current and prospective employment opportunities with companies that stopped doing business with Avellone due to Barrows' actions and false statements.

# COUNT IV TORTIOUS INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

- 75. The allegations of paragraphs 1 through 47 above are incorporated herein by reference.
- 76. Avellone had a valid business relationship or expectancy with Studio Gato Salvaje, Techland, S.A., EA, and other gaming companies with whom he worked or expected to work. In addition to current projects and engagements he had with these companies, he expected to work on future projects and engagements with these and other gaming companies based on his prior history and experience of working on sequels to gaming projects and the development of new gaming projects.
- 77. Barrows knew of Avellone's business relationships and expectancies with Studio Gato Salvaje, Techland, S.A., EA, and other gaming companies because, *inter alia*, Barrows engaged in interviews, discussions, and conversations with Avellone and others about Avellone's past, current, and future projects and engagements and because of Barrows' contacts in and knowledge in the gaming industry.
- 78. Barrows intentionally interfered in Avellone's business relationships and expectancies by inducing or causing termination of the relationships or expectancies.
- 79. Barrows interfered with actual malice towards Avellone. Barrows knew that her statements were false or, alternatively, Barrows made the statements with reckless disregard for whether the statements were true or false. In Barrows' own words, "[Y]eah, I do hate you, Avellone."
- 80. Barrows' actions and false statements have damaged Avellone's reputation and career, have resulted in at least three companies terminating their current contracts and engagements with Avellone, and have deterred these companies and other third parties from

associating with or doing business with Avellone. Barrows' actions and false statements have proximately caused Avellone to lose actual current and prospective employment opportunities with companies that stopped doing business with Avellone due to Barrows' actions and false statements.

## COUNT V INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- 81. The allegations of paragraphs 1 through 47 above are incorporated herein by reference.
- 82. Barrows' actions and statements demonstrate that she engaged in conduct that was extreme and outrageous.
- 83. Barrows knew that there was a high probability that her conduct would cause severe emotional distress to Avellone.
- 84. As a direct result of Barrows' conduct, Avellone has in fact suffered severe emotional distress.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff Chris Avellone respectfully requests the following relief:

- A. Judgment for actual, compensatory, special, and presumed damages against Defendant Karissa Barrows in an amount to be determined at trial but at least exceeding \$75,000;
- B. Judgment for punitive and exemplary damages against Defendant Karissa Barrows in an amount to be determined at trial;
- C. An award of the costs of this action against Defendant Karissa Barrows, including reasonable attorneys' fees, costs, pre-judgment and post-judgment interest;
- D. Injunctive and/or equitable relief requiring Defendant Karissa Barrows to take actions to retract all false and defamatory statements published by Barrows and/or re-printed or characterized by third parties; and,
- E. Such other and further relief as justice may require.

### **JURY DEMAND**

Avellone hereby demands a trial by jury on all issues so triable in this matter.

Date: September 28, 2022 Respectfully submitted,

/s/ Anand C. Mathew

One of the attorneys for Plaintiff Chris Avellone

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# EXHIBIT 1











# EXHIBIT 2

