

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

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RICHARD R. ROOKER, CLERK



D.C.

ERIN ANDREWS,

Plaintiff,

vs.

MARRIOTT INTERNATIONAL, INC., a
Delaware Corporation; WEST END HOTEL
PARTNERS, LLC dba NASHVILLE
MARRIOTT AT VANDERBILT
UNIVERSITY, a Delaware Limited Liability
Company, and MICHAEL DAVID
BARRETT, an individual,

Defendants.

CASE NO. 11C4831

COMPLAINT

Plaintiff, ERIN ANDREWS, by and through her attorneys Parker & Crofford and Greene Broillet & Wheeler, LLP, complaining of the Defendants MARRIOTT INTERNATIONAL, INC., a Delaware Corporation, WEST END HOTEL PARTNERS, LLC dba NASHVILLE MARRIOTT AT VANDERBILT UNIVERSITY, a Delaware Limited Liability Company, WINDSOR CAPITAL GROUP, Inc., a Colorado Corporation, and MICHAEL DAVID BARRETT, an individual, pleading hypothetically and in the alternative, states as follows:

GENERAL ALLEGATIONS

1. At all relevant times herein, Plaintiff ERIN ANDREWS was and is a resident of Atlanta, Georgia, and is a well-known television reporter.
2. At all relevant times herein, Defendant MARRIOTT INTERNATIONAL, INC. (hereinafter "MARRIOTT") was and is a Delaware Corporation, with its principal place of

business at 10400 Fernwood Road, Bethesda, Maryland, 20817, and with offices, hotels and business in Davidson County, Tennessee.

3. At all relevant times herein, Defendant MICHAEL DAVID BARRETT (“BARRETT”) was and is a resident of Westmont, Illinois, 60559.

4. At all relevant times herein, Defendant WEST END HOTEL PARTNERS, LLC dba NASHVILLE MARRIOTT AT VANDERBILT UNIVERSITY (hereinafter “WEST END”) was and is a Delaware Limited Liability Company, with its principal place of business at 11 Madison Avenue, 16th Floor, New York, New York, 10010. They own property in Davidson County, Tennessee.

5. At all relevant times herein, Defendants MARRIOTT, WEST END and WINDSOR, owned, operated, controlled, maintained, managed, supervised, handled reservations for and/or were otherwise responsible for the Nashville Marriott at Vanderbilt University, located at 2555 West End Ave., Nashville, Tennessee, 37203 (hereinafter “NASHVILLE MARRIOTT”).

6. At all relevant times herein, Defendants WEST END and WINDSOR were the agents and/or joint venturers of MARRIOTT and each other, and at all relevant times herein were, as such, acting within the course, scope and authority of said agency, and/or venture, and that MARRIOTT when acting as a principal, was negligent in the selection, hiring, training, and supervision of each and every other defendant as an agent and/or joint venturer. Additionally, defendants MARRIOTT, WEST END and WINDSOR were associated entities with the goal of carrying out a specific enterprise for profit. MARRIOTT, WEST END and WINDSOR had a community of interest in the NASHVILLE MARRIOTT, a proprietary interest in the NASHVILLE MARRIOTT, a right to govern the policies of the NASHVILLE MARRIOTT, and they shared in the profits and losses of the NASHVILLE MARRIOTT.

7. At all relevant times herein, Plaintiff ERIN ANDREWS was and is required to travel across the United States to perform her job. As a result, Plaintiff stays in hotel rooms on a regular basis with an expectation of privacy.

8. Prior to September 2, 2008, Plaintiff is informed and believes that BARRETT made calls from Illinois to Defendants MARRIOTT, WEST END and/or WINDSOR to determine if Plaintiff would be staying at the NASHVILLE MARRIOTT. On or about September 2, 2008, BARRETT reserved a room at the NASHVILLE MARRIOTT and specifically requested that his room be placed next to Plaintiff. Defendants MARRIOTT, WEST END and/or WINDSOR granted the request and placed BARRETT in the room next to Plaintiff, without Plaintiff's consent or knowledge. Defendant BARRETT removed and altered the peephole of Plaintiff's hotel room door and recorded video of Plaintiff changing and/or getting dressed without her consent or knowledge.

9. Defendant BARRETT then posted the surreptitious videos of Plaintiff on the Internet from Illinois, thereby allowing, permitting and disseminating the illegal and unauthorized videos worldwide:

10. On July 16, 2009, Plaintiff ERIN ANDREWS became aware for the first time that she had been surreptitiously videotaped while changing and/or getting dressed at various hotel rooms and that her privacy had been invaded.

11. The unknowing and unwelcome filming of the Plaintiff while she was changing and/or getting dressed and the further dissemination of unauthorized, private videos of the Plaintiff in the hotel rooms has caused and continues to cause Plaintiff great emotional distress and embarrassment.

COUNT I

(NEGLIGENCE AS AGAINST MARRIOTT, WEST END AND WINDSOR)

12. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained herein.

13. Defendant MARRIOTT, individually, and by and through its agents and/or joint venturers, Defendants WEST END and/or WINDSOR, WEST END and WINDSOR, had a duty to exercise reasonable and ordinary care and caution in and about the ownership, management,

maintenance, supervision, control and operation of the NASHVILLE MARRIOTT and its reservation system and each of its employees, agents, servants and independent contractors, all to the benefit of guests, patrons, business invitees and persons like Plaintiff ERIN ANDREWS.

14. Defendants MARRIOTT, WEST END and WINDSOR, by and through their agents, employees, servants, and/or independent contractors, were negligent in their acts and/or omissions by, amongst other things, revealing that Plaintiff ERIN ANDREWS would be or was a guest at the NASHVILLE MARRIOTT, by revealing Plaintiff's hotel room, by facilitating BARRETT's conduct by intentionally placing him in the room next to Plaintiff ERIN ANDREWS, and by failing to discover that Defendant BARRETT altered the peephole of Plaintiff's hotel room door, thereby allowing surreptitious videos to be taken of Plaintiff by BARRETT.

15. As a direct and proximate result of the above-said conduct of Defendants MARRIOTT, WEST END and/or WINDSOR, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendants MARRIOTT, WEST END and WINDSOR in an amount in excess of \$2,000,000 (Two Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT II

(NEGLIENT INFLICTION OF EMOTIONAL DISTRESS AS AGAINST MARRIOTT, WEST END AND WINDSOR)

16. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained in paragraphs 1 through 21 of the General Allegations, and paragraphs 22 through 25 of Count I, above, inclusive.

17. Defendant MARRIOTT, individually, and by and through its agents and/or joint venturers, Defendants WEST END and/or WINDSOR, had a duty to exercise reasonable and

ordinary care and caution in and about the ownership, management, maintenance, supervision, control and operation of the NASHVILLE MARRIOTT and its employees, agents, servants and independent contractors, all to the benefit of guests, patrons, business invitees and persons like Plaintiff ERIN ANDREWS.

18. Defendants MARRIOTT, WEST END and WINDSOR, by and through their agents, employees, servants, and/or independent contractors, were negligent in their acts and/or omissions by revealing, amongst other things, that Plaintiff ERIN ANDREWS would be or was a guest at the NASHVILLE MARRIOTT, by revealing Plaintiff's hotel room, by facilitating BARRETT's conduct by intentionally placing him in the room next to Plaintiff ERIN ANDREWS, and by failing to discover that Defendant BARRETT altered the peephole of Plaintiff's hotel room door, thereby allowing surreptitious videos to be taken of Plaintiff by BARRETT.

19. As a direct and proximate result of the negligent acts and/or omissions of MARRIOTT, WEST END and WINDSOR, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendants MARRIOTT, WEST END and WINDSOR in an amount in excess of \$2,000,000 (Two Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT III

**(INVASION OF PRIVACY
AS AGAINST MARRIOTT, WEST END, AND WINDSOR)**

20. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained herein above.

21. The acts of MARRIOTT, individually, and by and through its agents and/or joint venturers, Defendants WEST END and/or WINDSOR, WEST END and WINDSOR, by and

through their agents, employees, servants, and/or independent contractors, as set forth above, include but are not limited to, revealing that Plaintiff ERIN ANDREWS would be or was a guest at the NASHVILLE MARRIOTT, by revealing Plaintiff's hotel room, and by facilitating BARRETT's conduct by intentionally placing him in the room next to Plaintiff ERIN ANDREWS.

22. The intrusions by MARRIOTT, WEST END and WINDSOR were and are objectionable and offensive to any reasonable person, including Plaintiff.

23. As set forth above, the intrusions by MARRIOTT, WEST END and WINDSOR were specific to Plaintiff's private information and private matters.

24. As a direct and proximate result of the intrusion of seclusion and invasion of privacy by Defendants MARRIOTT, WEST END and WINDSOR, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendants MARRIOTT, WEST END and WINDSOR in an amount in excess of \$2,000,000 (Two Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT IV

(INVASION OF PRIVACY – INTRUSION OF SECLUSION AS AGAINST BARRETT)

25. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained herein above.

26. The acts of BARRETT, set forth above, including but not limited repeated attempts to locate the hotels of Plaintiff, the requesting of adjacent hotel rooms, the altering and tampering with Plaintiff's hotel door peepholes, the surreptitious, unauthorized and illegal videotaping of

Plaintiff and the distribution of said videos were unauthorized intrusions into Plaintiff's seclusion.

27. The intrusions by BARRETT were and are objectionable and offensive to a reasonable person, including Plaintiff.

28. As set forth above, the intrusions by BARRETT were at hotels and hotel rooms, at times while Plaintiff was changing and/or getting dressed, and when she had the greatest expectation of privacy.

29. As a direct and proximate result of the intrusion of seclusion and invasion of privacy by BARRETT, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendant BARRETT in an amount in excess of \$1,000,000 (One Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT V

**(INVASION OF PRIVACY – PUBLIC DISCLOSURE OF PRIVATE FACTS
AS AGAINST BARRETT)**

30. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained in herein above.

31. As set forth above, BARRETT posted, uploaded, distributed, and/or disseminated the illegal, unauthorized and private videos of Plaintiff changing and/or getting dressed, in her hotel rooms, throughout the Internet.

32. The illegal, unauthorized and private videos displayed Plaintiff's most vulnerable and private moments from her hotel rooms.

33. The distribution and dissemination of these videos by BARRETT were highly offensive to any reasonable person, including Plaintiff.

34. As a direct and proximate result of the public disclosure of private facts and invasion of privacy by BARRETT, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendant BARRETT in an amount in excess of \$1,000,000 (One Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT VI
(NEGLIGENCE AS AGAINST BARRETT)

35. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained herein above.

36. Defendant BARRETT had a duty to exercise reasonable and ordinary care with respect to guests, patrons, business invitees and persons like Plaintiff ERIN ANDREWS.

37. Defendant BARRETT was negligent in his acts and/or omissions by, amongst other things, negligently engaging in acts, as set forth above, that BARRETT knew, or should have known, would cause harm to Plaintiff.

38. As a direct and proximate result of the above-said conduct of Defendant BARRETT, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendant BARRETT in an amount in excess of \$1,000,000 (One Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

COUNT VII

**(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AS AGAINST BARRETT)**

39. Plaintiff realleges as though fully set forth at length, and incorporates herein by reference, all of the allegations and statements contained herein above.

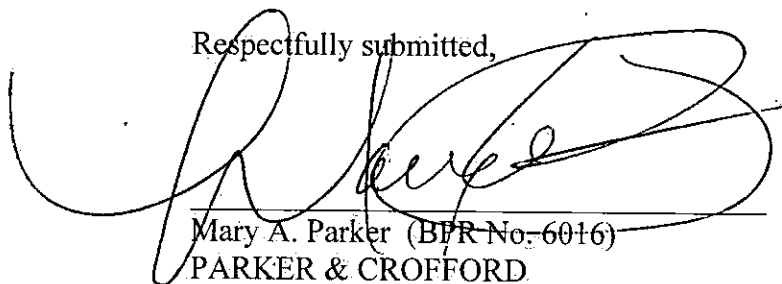
40. Defendant BARRETT subjected Plaintiff to extreme and outrageous conduct, set forth above, including but not limited repeated attempts to locate the hotels of Plaintiff, the requesting of adjacent hotel rooms, the altering and tampering with Plaintiff's hotel door peepholes, the surreptitious, unauthorized and illegal videotaping of Plaintiff and the distribution of said videos.

41. Defendant BARRETT intended his conduct to inflict severe distress or knew that there was as high probability that his conduct would inflict such distress to Plaintiff, as shown by his dissemination of unauthorized, private videos of the Plaintiff in the hotel rooms.

42. As a direct and proximate result of the above-said conduct of Defendant BARRETT, Plaintiff ERIN ANDREWS has suffered and continues to suffer from, including but not limited to, severe and permanent emotional distress, embarrassment, past and future medical expenses, and a loss of earning capacity.

WHEREFORE, Plaintiff ERIN ANDREWS prays for judgment in her favor and against Defendant BARRETT in an amount in excess of \$1,000,000 (One Million Dollars), plus costs and interest, and any other costs this Court deems is fair.

Respectfully submitted,



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