

IN THE CIRCUIT COURT OF THE TWENTIETH DISTRICT  
DAVIDSON COUNTY, TENNESSEE

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DS ONE, LLC d/b/a The Dog Spot East;  
and  
DS THREE, LLC d/b/a The Dog Spot West,

RICHARD R. ROOKER, CLERK

Plaintiffs,

No. 18C1192

v.

JURY DEMAND (12)

NASHVILLE TAIL BLAZERS, LLC;  
DEVIN KOMLINE;  
MUTTS & MEOWS, LLC; and  
BRIANNA SWANBERG,

Defendants.

COMPLAINT

Plaintiffs DS One, LLC (“Dog Spot East”), and DS Three, LLC (“Dog Spot West”) (collectively “The Dog Spot”), bring this action against the Defendants Nashville Tail Blazers, LLC, Devin Komline, Mutt & Meows, LLC, and Brianna Swanberg (collectively “Defendants”), and for their cause of action state as follows:

INTRODUCTION

1. The Dog Spot offers dog boarding, daycare, and grooming services at two locations in Nashville. It has been voted the best dog grooming and boarding/daycare facility for six years in a row by residents in the Nashville Scene’s readers’ poll. Defendants are current competitors of The Dog Spot, who viewed a tragic incident involving one dog in March of 2017 as an opportunity to launch a smear campaign designed to destroy The Dog Spot’s business and ruin its reputation—all in an effort to boost Defendants’ own competing pet service businesses.

2. To achieve this goal, Defendants intentionally and maliciously lied to the public. They told other individuals that seven dogs died at The Dog Spot and encouraged those individuals to tell even more people that seven dogs died at The Dog Spot. This is not true, and Defendants knew that it was not true at the time they made these statements.

3. Defendants' calculated effort achieved some of its goals. Defendants' false statements have been disseminated throughout the Nashville community and posted on various social media sites that are viewed by thousands of individuals. As a result of their actions, Defendants have damaged The Dog Spot's reputation and have intentionally interfered with The Dog Spot's business relations, causing irreparable injury. This suit seeks relief.

**PARTIES**

4. Plaintiffs Dog Spot East and Dog Spot West are each limited liability companies organized and existing under the laws of the State of Tennessee that offer dog boarding, daycare and grooming at facilities located in Davidson County, Tennessee.

5. Defendant Devin Komline ("Komline") is an individual who, upon information and belief, resides at 1447 Snell Blvd., Nashville, TN 37218-3124, and is the owner and registered agent for Defendant Nashville Tail Blazers, LLC.

6. Defendant Nashville Tail Blazers, LLC ("Tail Blazers") is a limited liability company organized and existing under the laws of the State of Tennessee, with its principal place of business at 1447 Snell Blvd., Nashville, TN 37218-3124.

7. Defendant Brianna Swanberg ("Swanberg") is an individual who, upon information and belief, resides at 1316 Rosedale Avenue, Nashville, TN 3207-5448, and is the owner and registered agent for Defendant Mutts & Meows, LLC.

8. Defendant Mutts & Meows, LLC (“Mutts & Meows”) is a limited liability company organized and existing under the laws of the State of Tennessee, with its principal place of business at 1316 Rosedale Avenue, Nashville, TN 37207-5448.

**JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction over this case under Tennessee Code Annotated § 16-10-101.

10. This Court has personal jurisdiction over the Defendants pursuant to Tennessee Code Annotated § 20-2-223 because Defendants caused tortious injury by acts and omissions in this state.

11. Pursuant to Tennessee Code Annotated § 20-4-101, venue is proper in this Court because Defendants reside in Davidson County, Tennessee and because Plaintiffs’ cause of action arose in Davidson County, Tennessee.

**FACTS**

12. The Dog Spot has worked to establish its reputation as Nashville’s premier doggie daycare, boarding, and grooming business. As with any pet-related business, online reviews and comments play a vital role in establishing and maintaining The Dog Spot’s reputation.

13. From February 16, 2015, until March 5, 2015, Defendant Komline worked at Dog Spot West before he was terminated for making an inappropriate comment about kicking a customer’s dog.

14. Shortly following his termination, Defendant Komline founded Tail Blazers, which is located just three miles from Dog Spot East and touts itself as being “Nashville’s newest premiere daycare and boarding facility.”

15. In July, 2017, Defendant Swanberg opened Mutts & Meows, a pet supply store which, according to its website, is currently expanding to include “full service grooming and a Do-It-Yourself Dog Wash.”

16. Mutts & Meows is located just one mile from Spot’s Pet Supply & Dog Wash, which is a direct competitor of Mutts & Meows and is owned and operated by the same individuals who own The Dog Spot.

17. Following a tragic incident that occurred in March of 2017 and resulted in the death of one dog, multiple comments began surfacing on Facebook, Yelp, and other social media websites stating that seven dog deaths had occurred at The Dog Spot. This statement is false.

18. On March 23, 2018, The Dog Spot discovered that the source of the false information was Defendants Komline and Swanberg.

19. Specifically, one of the individuals who posted about this false information on social media revealed that Defendant Komline told her that “4-7 dog deaths” had occurred at The Dog Spot and that Defendant Swanberg provided similar information.

20. Defendants Komline and Swanberg have intentionally told numerous individuals that seven dogs have died at the Dog Spot in an effort to elicit public hatred, contempt, ridicule and wrath and to destroy the Dog Spot’s business and reputation. The written and verbal statements made by Defendants Komline and Swanberg are false and malicious.

21. Defendants Komline and Swanberg made these defamatory statements with the improper motive and intent of interfering with The Dog Spot’s existing and/or prospective relationships with customers in the Nashville community by damaging its reputation and diverting customers away from The Dog Spot and towards their own competing business ventures—Nashville Tail Blazers and Mutts & Meows.

22. At the time Defendants Komline and Swanberg made these defamatory statements, they were acting in their individual capacities and in their capacities as the owners of their respective businesses, Nashville Tail Blazers and Mutts & Meows.

23. Upon information and belief, Defendants Komline and Swanberg acted in concert with each other, and other individuals, including Jamie Bayer ("Bayer") and Bari Hardin ("Hardin"), to widely disseminate and publicize the false, malicious and libelous written statements that seven dog deaths have occurred at The Dog Spot.

24. Defendants Komline and Swanberg knew that these statements were false and expected and intended that Hardin, Bayer, and others would widely publicize these statements to other individuals through interactions at Nashville area dog parks, through social media, and through other forums causing damage to The Dog Spot's business relationships and its reputation.

25. At some point prior to January 2018, both Bayer and Hardin became members of the East Nashville Facebook group, which is a closed group with approximately 46,759 members who can view various posts and comments topics related to East Nashville as a subject or participant.

26. In January 2018, both Bayer and Hardin began regularly posting and commenting on posts which are published for all members of the East Nashville Facebook group to see.

27. On or about January 31, 2018, Bayer began posting comments regarding The Dog Spot by, first, asking if anyone knows previous employees of The Dog Spot and, second, asking "Does anyone have an accurate count on how many dogs have died at The Dog Spot? I used to take my dogs there but stopped when I found out two dogs died there. Since then I've heard up to four, and recently *even* seven. Does anyone have an actual number? I know a lot of people go there and it seems none of them are aware of this."

28. This information was false. The source of this information was Defendants Komline and Swanberg.

29. On February 7, 2018, a post was made to the East Nashville Facebook group page requesting a recommendation for a doggie daycare. Bayer and Hardin published multiple statements that were false with the intention of keeping present and future customers from patronizing The Dog Spot.

30. Specifically, on February 7, 2018, Hardin made the following comments on the East Nashville Facebook group page:

- (a) "Lots of dogs have been killed there."
- (b) When asked how many, Defendant Hardin posted "7."
- (c) "People can't talk when they have been paid off"
- (d) "Take your dog where you want, I have it from many reliable sources that the number is 7 and they were paid off, so cant Speak up now. I am a dog lover and if one person is saved the misery of losing a pet, I'm happy to spread the word."

31. This information was false. The source of this information was Defendants Komline and Swanberg.

32. Bayer made the following comments on the East Nashville Facebook group page on February 7, 2018:

- (a) "There are too many confirmed things that have happened there to feel comfortable ever taking a dog there."
- (b) "I didn't say 7 dogs died, I said there are too many confirmed incidents for me personally to feel comfortable. Who knows if there are more that have died there."

33. The source of this information was Defendants Komline and Swanberg.

34. In line with Defendants' campaign to divert customers away from The Dog Spot to their own competing businesses, on February 13, 2018, Bayer and Hardin again responded on the East Nashville Facebook group page to an inquiry for recommendations for a professional dog groomer in East Nashville with multiple statements with the intention of keeping present and future customers from patronizing The Dog Spot.

35. Bayer kept her comments to a minimum "nope" in reference to the recommendation request of February 13, 2018, and stated that they had "a very bad reputation, dog safety wise as well as customer care."

36. On February 13, 2018, Hardin tagged a Facebook user to bring the following post to her attention, "seven dogs have been killed in their care." This statement was false.

37. The source of this false information was Defendants Komline and Swanberg.

38. At the same time as Bayer and Hardin were actively posting false statements in an attempt to divert customers from utilizing Dog Spot, Bayer was actively promoting Tail Blazers on social media.

39. The Dog Spot has suffered damage to its reputation and lost business revenue as a result of Defendants' maliciously intentional actions as their false and maliciously published statements were republished by Hardin and Bayer and seen by thousands of people on Facebook.

40. Defendants Komline and Swanberg acted with such malice and with a degree of moral turpitude and atrocity that Defendants should be assessed punitive damages.

**CAUSES OF ACTION**

**COUNT I: DEFAMATION**

41. Plaintiffs incorporate herein by reference the allegations in Paragraphs 1-40 of the Complaint, as if stated verbatim.

42. Defendants intentionally or with knowing disregard published written and/or verbal statements that are false with the intention of vexing, harassing, annoying, or injuring The Dog Spot's business and reputation.

43. At the time Defendants made these false statements and caused them to be widely disseminated, Defendants were each aware that they were false; or, at minimum, knew they were without any basis in fact and acted with reckless disregard as to whether they were false or not. Defendants entertained, at minimum, serious doubts as to the truth of their defamatory statements and had a high degree of awareness of the probable falsity of the defamatory statements.

44. In making these false statements, Defendants acted with malice and wanton dishonesty by attempting to divert customers away from The Dog Spot and towards their own competing businesses such that punitive damages are warranted.

45. As a result of Defendants' statements, The Dog Spot suffered and will continue to suffer damages, including loss of business and business revenue, and additional costs and expenses.



**COUNT II: INTENTIONAL INTERFERENCE WITH BUSINESS RELATIONS**

46. Plaintiffs incorporate herein by reference the allegations in Paragraphs 1-45 of the Complaint, as if stated verbatim.

47. The Dog Spot has existing and/or prospective business relationships with its customers to whom, the Defendants, working in concert, made defamatory and false statements with the intent to cause a termination of the business relationship.

48. By making these statements, Defendants acted with knowledge of The Dog Spot's existing and/or prospective business relationships with customers in the Nashville community.

49. Defendants, by and through their publications of false, malicious and defamatory statements, and the republication of those statements that they intended and expected to occur, acted to cause a breach or termination of The Dog Spot's existing and/or prospective business relationships.

50. Defendants, by and through their publications of false, malicious and defamatory statements, and the republication of those statements that they intended and expected to occur, acted with improper motive and means to cause injury to The Dog Spot.

51. As a direct and proximate result of the Defendants' conduct as set forth herein, The Dog Spot suffered and will continue to suffer damages, including loss of business and business revenue, and additional costs and expenses.

**COUNT III: CIVIL CONSPIRACY**

52. Plaintiffs incorporate herein by reference the allegations in Paragraphs 1-51 of the Complaint, as if stated verbatim.

53. Defendants have acted in concert to publish and disseminate false statements regarding The Dog Spot in an attempt to:

- (a) Destroy the Dog Spot's reputation;
- (b) Disrupt and interfere with The Dog Spot's existing and/or prospective customers and business relations; and
- (c) Induce The Dog Spot's existing and/or prospective customers to divert their business away from The Dog Spot for the ultimate benefit of Defendants' competing businesses.

54. As a result of the Defendants' conspiracy, The Dog Spot has been damaged to the extent that it has incurred substantial interruption of its business, as well as losses of existing business, damage to its reputation, and other damages. The Dog Spot seeks recovery of all such damages flowing from Defendants' conspiracy.

**PRAYER FOR RELIEF**

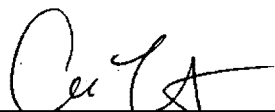
WHEREFORE, Plaintiffs demand a trial of this cause by a jury of twelve (12) and pray for a determination of the following:

- (i) that the Defendants be cited to appear and answer;
- (ii) that the judgment be entered against the Defendants for the compensatory damages in an amount to be determined at trial, not less than Two Hundred Thousand Dollars (\$200,000.00);
- (iii) that judgment be entered against the Defendants for the punitive damages in an amount to be determined at trial, not less than One Million Dollars (\$1,000,000.00);
- (iv) that the Plaintiffs be awarded a permanent injunction restraining Defendants from publishing any false statements regarding Plaintiffs;
- (v) that Plaintiffs be awarded Court costs, including discretionary costs; and

(vi) that Plaintiffs be awarded such other and further relief as this Court deems necessary to effectuate justice between the parties.

Respectfully submitted,

BONE MCALLESTER NORTON PLLC

By: 

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**COST BOND**

Undersigned agrees to act as surety for costs in this cause.

  
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J. Alex Little