

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

DEANNE D. HUBBARD  
PO Box 1768  
Middleburg, VA 20118

and

JAY HUBBARD  
MEGAN HUBBARD  
PO Box 1768  
Middleburg, VA 20118

and

THOMAS PATTERSON  
LISA PATTERSON  
PO Box 250  
Middleburg, VA 20118

Plaintiffs

v.

JACK J. GOEHRING, III  
MARY KIRK GOEHRING  
1005 Spring Hill Road  
McLean, VA 22101

Defendants

JURY TRIAL DEMANDED

FILED  
2012 MAR -1 PM 12:20  
CLERK OF COURT  
LOUDOUN COUNTY, VA  
POST OFFICE BOX 1100  
D.C.

Case No. 12386

COMPLAINT FOR DAMAGES

1. Plaintiff Deanne D. Hubbard ("Dee Dee Hubbard") is a natural person and a resident of Fauquier County, Virginia. Dee Dee Hubbard is the mother of Jay Hubbard and Lisa Patterson.

She is the mother-in-law of Megan Hubbard and Thomas Patterson.

2. Plaintiffs Jay and Megan Hubbard are natural persons, husband and wife and residents of Fauquier County, Virginia.

3. Plaintiffs Thomas and Lisa Patterson are natural persons, husband and wife, and are residents of Loudoun County, Virginia.

4. Defendants Jack J. Goehring, III. and Mary Kirk Goehring are natural persons, husband and wife, and are residents of Fairfax County, Virginia. At all times relevant to this action, the Goehrings, owned real property in Loudoun County, Virginia and transacted substantial business in Loudoun County, Virginia.

5. Venue is proper in this Court pursuant to Virginia Code § 8.01-262 as both defendants regularly conduct substantial business in Loudoun County, Virginia and this is the County where the cause of action arose, or any part of it arose.

6. This Court has jurisdiction to hear this case.

7. This case seeks damages for an unprecedented, premeditated and vicious conspiracy to injure these plaintiffs through a campaign of malicious prosecution, libel, slander, and defamation that ended with Dee Dee Hubbard being acquitted by a jury of her peers in a criminal case instigated by the Goehrings. The various defamatory statements attributed to the Goehrings are set forth *in hac verba* below.

#### **FACTS IN SUPPORT OF ALL COUNTS**

8. Beginning in 2000 and up to the summer of 2011, Dee Dee Hubbard was a property manager for companies owned, in part, by defendants Jack J. Goehring, III and Mary Kirk Goehring. As part of her duties as property manager, Dee Dee Hubbard collected rent checks generated by

various rental properties owned, in part, by defendants Jack J. Goehring, III and Mary Kirk Goehring.

9. At all times relevant to this case, Dee Dee Hubbard was a tenant of defendants Jack J. Goehring, III and Mary Kirk Goehring renting a residence from the Goehrings in Fauquier County, Virginia. Dee Dee Hubbard shared that residence with Jay and Megan Hubbard.

10. At all times relevant to this case, Dee Dee Hubbard was a tenant of defendants Jack J. Goehring, III and Mary Kirk Goehring occupying commercial space in a property now owned by the Goehrings in Middleburg, Virginia.

11. At all times relevant to this case, Lisa Patterson, through her corporation Marshmellos, LLC., rented commercial space in Middleburg, Virginia from defendants Jack J. Goehring, III and Mary Kirk Goehring.

12. Beginning on or about June 17, 2010, acting individually on behalf of his wife Mary Kirk Goehring, Mr. Goehring began a campaign of defamation and slander against the plaintiffs seeking to obtain baseless criminal charges against all of them with the goal of using the leverage obtained by the filing of charges to extort money from the plaintiffs and to have them all evicted from the various properties.

13. On June 17, 2010, Mr. Goehring, purportedly, on behalf of the company owned by himself and his wife, Piedmont Standards Management Company, filed an ID Theft Affidavit with the Middleburg Bank. That ID Theft Affidavit, a copy of which is attached hereto as Exhibit 1, falsely and maliciously accuses the plaintiffs of the crime of Identity Theft.

14. Specifically, the affidavit states: "to the best of my knowledge and belief, the following person(s) used my information (for example my name, address, date of birth, existing account numbers, Social Security numbers, mother's maiden name, etc.) or identification documents

to get money, credit, loans, goods or services without my knowledge or authorization.”

15. Identity Theft is a state and federal crime. Exhibit 1, which was filed under oath, specifically accuses Dee Dee Hubbard, James A. Hubbard, III, Megan V. Hubbard and, Thomas G. Patterson and Lisa H. Patterson of the crime of identity theft as well as fraud, embezzlement and/or bank fraud. These statements, which are false and were knowingly false when made, are defamatory per se.

16. The plaintiffs were not aware of the publication of these false and malicious statements until the summer of 2011 when Exhibit 1 was produced in the criminal case. Exhibit 1 was published to the Middleburg Bank in Loudoun County, Virginia.

17. On November 30, 2010, after the Goehrings made a series of false and defamatory statements to the Middleburg Police and the Virginia State Police, Dee Dee Hubbard was arrested on fourteen felony counts of embezzlement. That case was captioned Commonwealth of Virginia v. Deanne D. Hubbard Case No.: CR 22853. Not satisfied simply to have Dee Dee Hubbard arrested for false charges, Mr. Goehring, who had been tipped off by the Middleburg Police Chief as to the date and time of the arrest, arranged for a friend who was a photographer, to take photographs of the arrest. Mr. Goehring then assisted his friend to find a buyer for the photos which happened to be the local press. As a result, Dee Dee Hubbard’s photograph of her arrest and in handcuffs was featured in the local media including on the front page of the local newspaper, Channel 4, NBC Evening News and YouTube. This was done in furtherance of the Goehring’s scheme to humiliate and defame the entire Hubbard family and to damage Dee Dee Hubbard.

18. Mr. Goehring published copies of the arrest photos on several websites.

19. Dee Dee Hubbard entered a not guilty plea and after a preliminary hearing a trial was

set for November of 2011 with a jury.

20. With trial pending, the defendants ramped up their efforts to defame the plaintiffs and to obtain further and additional baseless charges against the rest of the Hubbard family so as to extort money from them.

21. In January of 2011, the Goehring's met with Special Agent Robert Mrak of the Virginia State Police. They told Agent Mrak that they wanted a "fraud" element added to the criminal charges so that they could seek over \$100,000.00 in back rent from the Hubbards even though no back rent was due and owing. An email confirming that conversation was sent to the Assistant Commonwealth's Attorney handling the Hubbard criminal case on January 25, 2011. That email is attached hereto as Exhibit 2 and is incorporated by reference as though fully set forth herein.

22. On February 24, 2011, Mary Kirk Goehring, acting individually and on behalf of her husband Jack J. Goehring, III., wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and demonstrated their intention to use the pending criminal case to advance their supposed civil claims against the plaintiffs. That email is attached hereto as Exhibit 3 and is incorporated by reference as though fully set forth herein.

23. On February 28, 2011, Jack J. Goehring, III, acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and accused Dee Dee Hubbard of being a "crafty talented thief" and a person who has "managed to steal \$122,000 from us over 2 years." Each of these statements were published and are false. Since each of these statements accused Dee Dee Hubbard of a crime, they are defamatory per se. That email is attached hereto as Exhibit 4 and is incorporated by reference as though fully set forth herein.

24. On April 6, 2011, Jack J. Goehring, III, acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and accused Dee Dee Hubbard of stealing from John Bennison, his business partner. This statement was published and is false. Since this statement accused Dee Dee Hubbard of a crime, it is defamatory per se. That email is attached hereto as Exhibit 5 and is incorporated by reference as though fully set forth herein.

25. On April 7, 2011, Jack J. Goehring, III acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and accused all of the plaintiffs of "crimes of fraud and conspiracy to commit fraud."

Each of these statements was published and are false. Since each of these statements accused Dee Dee Hubbard, Jay and Megan Hubbard, and Lisa Patterson of a crime, they are defamatory per se. That email is attached hereto as Exhibit 6 and is incorporated by reference as though fully set forth herein.

26. On April 16, 2011, the defendants sent a memo to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and accused Dee Dee Hubbard's family members of forgery. They are specifically accused of forging "150" checks and called upon the prosecutor to file "additional charges against Deanne Hubbard, and others, for fraud and conspiracy to commit fraud that involves the entire family." Each of these statements were published and are false. Since each of this statement accused Dee Dee Hubbard and the others of a crime, it is defamatory per se. That memo is attached hereto as Exhibit 7 and is incorporated by reference as though fully set forth herein.

27. On April 27, 2011, Jack J. Goehring, III acting individually and on behalf of his wife,

Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case, the Chief of the Middleburg Police, and Agent Mrak and accused Dee Dee Hubbard of embezzling from the Middleburg Christmas Parade. In that same email, Goehring accused Lisa Patterson of colluding with her mother and being a "criminal accomplice" of the embezzlement. He wrote; "Having studied these intensely dreadful circumstances, it is my view that logic dictates pressing charges against Lisa and Jay, her children, as they are her most vulnerable asset...So what we have here with Mrs. Hubbard in the final comprehensive analysis are massive crimes against the entire community: myself, John Bennison, the Town of Middleburg, the Christmas Parade donors and volunteers.."

28. Each of these statements were published and are false. Since each of this statements accused Dee Dee Hubbard, Lisa Patterson and Jay Hubbard of a crime, it is defamatory per se. That memo is attached hereto as Exhibit 8 and is incorporated by reference as though fully set forth herein.

29. On May 10, 2011, Jack J. Goehring, III acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case, and accused Dee Dee Hubbard of executing a "fraud" against the Goehrings. They stated that "Ms. Hubbard stole every way she could and picked us clean." They called Ms. Hubbard a "thief" and accused her of "outright theft" and offered to donate the services of his bookkeeper to the Commonwealth.

30. Each of these statements were published and are false. Since each of these statements accused Dee Dee Hubbard of a crime, they are defamatory per se. That email is attached hereto as Exhibit 9 and is incorporated by reference as though fully set forth herein.

31. On May 16, 2011, Jack Goehring, acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case, and accused Dee Dee Hubbard, Jay and Megan Hubbard, and Lisa Patterson of committing a "fraud." He referred to Dee Dee Hubbard as a "master criminal/con artist" who "stole" rents from the Goehrings. He accused the entire Hubbard family of a "massive and complex fraud." He also accused Dee Dee Hubbard of not paying her taxes which is also a crime.

32. Each of these statements were published and are false. Since each of these statements accused Dee Dee Hubbard, Jay and Megan Hubbard, and Lisa Patterson of a crime, they are defamatory per se. That email is attached hereto as Exhibit 10 and is incorporated by reference as though fully set forth herein.

33. On May 22, 2011, Jack Goehring, acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney handling the Hubbard criminal case and accused Dee Dee Hubbard of being a "master criminal" and accused her of stealing \$143,000 from Mr. Goehring's accounts. He accused Dee Dee Hubbard, Jay and Megan Hubbard, and Lisa and Thomas Patterson of being part of a "crime family" engaged in a "criminal conspiracy."

34. Each of these statements were published and are false. Since each of these statements accused Dee Dee Hubbard, Jay and Megan Hubbard, and Lisa and Thomas Patterson of a crime, they are defamatory per se. That email is attached hereto as Exhibit 11 and is incorporated by reference as though fully set forth herein.

35. Prior to the start of the November 7, 2011, trial, Jack Goehring, acting individually and on behalf of his wife, Mary Kirk Goehring, wrote to the Assistant Commonwealth's Attorney

handling the Hubbard criminal case and accused Dee Dee Hubbard of “forgery” for allegedly signing Mr. Goehring’s name, without authority, to sign 178 checks and to “steal” in excess of \$144,000.000 from the defendants. In that same email, Mr. Goehring, acting individually and on behalf of his wife, Mary Kirk Goehring accused Jay Hubbard of forgery as well.

36. Each of these statements were published and are false. Since each of these statements accused Dee Dee Hubbard and Jay Hubbard, of a crime, they are defamatory per se. That email is attached hereto as Exhibit 12 and is incorporated by reference as though fully set forth herein.

37. On November 8, 2011, a jury in Loudoun County Circuit Court acquitted Dee Dee Hubbard of all of the embezzlement charges that the Goehrings had solicited . A true copy of that verdict and final order is attached hereto as Exhibit 13 and is incorporated by reference as though fully set forth herein.

38. During the course of the trial, Mr. Goehring admitted, as is set forth in his profligate correspondence others, that he always intended to use the malicious and baseless prosecution of Dee Dee Hubbard to collect debts he believed he and his wife were owed and to obtain the eviction of the Hubbards from his properties. All of this was done maliciously and with the specific intent to harm Dee Dee Hubbard.

39. Since November 8, 2008, the Goehrings have continued to harass and sue the Hubbard family and to tell others that the Hubbards are a crime family that stole a substantial sum of money from them.

40. Each of these statements are false and defamatory as they accuse the Hubbards of criminal activities.

**COUNT ONE**

(Malicious Prosecution)

Defendants Jack J. Goehring, III and Mary Kirk Goehring

41. The allegations in paragraphs one through forty are incorporated by reference as though fully set forth in this count.

42. The prosecution of Dee Dee Hubbard was initiated by or with the cooperation of Jack Goehring and Mary Kirk Goehring.

43. The prosecution of Dee Dee Hubbard in Loudoun County, Virginia was terminated in a manner favorable to Dee Dee Hubbard. Indeed, on November 8, 2011, Dee Dee Hubbard was acquitted of all charges that were brought at the behest of Jack J. Goehring, III and Mary Kirk Goehring.

44. The prosecution of Dee Dee Hubbard was without probable cause.

45. The prosecution of Dee Dee Hubbard was malicious in that the Goehrings intended at all times to use the initiation of the criminal proceeding as leverage to collect alleged debts or to obtain the eviction of Dee Dee Hubbard and her family from the Goehring's properties.

46. As a result of the wanton and malicious acts of the Goehrings, Dee Dee Hubbard has been damaged and given the intentional and spiteful nature of these actions, an award of punitive damages is appropriate against both defendants.

WHEREFORE, the plaintiff Dee Dee Hubbard requests that the court enter judgment against defendants Jack J. Goehring, III and Mary Kirk Goehring, jointly and severally, in the amount of \$500,000, for an award of attorneys fees, for prejudgment and post judgment interest, and for such other and further relief as the court deems appropriate. Dee Dee Hubbard also requests an award of punitive damages in an amount allowed for by the law.

## COUNT TWO

(Common Law Defamation and Defamation Per Se)  
Defendants Jack J. Goehring, III and Mary Kirk Goehring

47. The allegations in paragraphs one through forty six are incorporated by reference as though fully set forth in this count.

48. Defendants Jack J. Goehring, III and Mary Kirk Goehring, each individually and in concert with each other, made false and defamatory statements about Dee Dee Hubbard, Jay and Megan Hubbard, and Thomas and Lisa Patterson as set forth in paragraphs 15, 22, 23, 24, 25, 26, 27, 29, 31, 33 and 35 above.

49. Each of these statements were demonstrably false, constituted fact or factually laden opinion, are provably false, and constitute defamation of defamation per se.

50. The defendants have repeatedly accused the plaintiffs of criminal actions as set forth in paragraphs 15, 23, 24, 26, 27, 29, 31, 33 and 35 above and in the attached exhibits.

51. All of these false and misleading statements were made by Jack J. Goehring, III and Mary Kirk Goehring knowing the claims were false, defamatory, and outrageous and incendiary and with reckless disregard as to whether the statements were false and defamatory.

52. No factual basis exists to support the defamatory statements.

53. These false and misleading statements were made with the intent to harm, and did harm, the reputation and integrity of all of the plaintiffs by suggesting that they had engaged in criminal activities and had committed crimes.

54. The conduct of Jack J. Goehring, III and Mary Kirk Goehring was malicious, wanton and evinced a willful and conscious disregard for the rights and reputations of each of the plaintiffs, and was accomplished in a reckless and intentional manner.

55. As a direct and proximate result of the acts of defamation and defamation per se, the plaintiffs, and each of them, will continue to suffer great damages, emotional distress, damage to reputation, embarrassment, humiliation, inconvenience, severe mental anguish, stress, pain and suffering and loss of enjoyment of life.

56. Due to the willful, intentional and malicious nature of the actions of Jack J. Goehring, III and Mary Kirk Goehring, the plaintiffs, and each of them, are entitled to an award of punitive damages.

57. As the evidence shows defamation per se, the plaintiffs, and each of them, are entitled to special damages as the statements set forth above impute to each of the plaintiffs some criminal offense involving moral turpitude.

WHEREFORE, the plaintiffs Dee Dee Hubbard, Jay Hubbard, Megan Hubbard, Thomas Patterson and Lisa Patterson, request that the court enter judgment against defendants Jack J. Goehring, III and Mary Kirk Goehring, jointly and severally, in the amount of \$500,000 each, for an award of attorneys fees, for prejudgment and post judgment interest, and for such other and further relief as the court deems appropriate. The plaintiffs further request an award of punitive damages in an amount allowed for by law.

**PLAINTIFFS REQUEST TRIAL BY JURY**

DEE DEE HUBBARD  
JAY HUBBARD  
MEGAN HUBBARD  
THOMAS PATTERSON  
LISA PATTERSON  
By Counsel



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