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IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
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JOSHUA CONWAY,

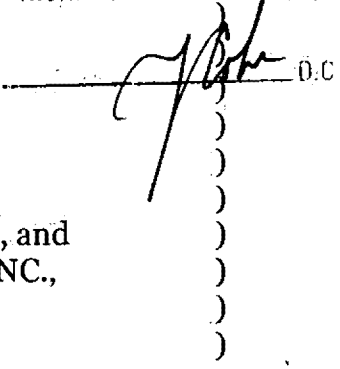
*Plaintiff,*

v.

KUMARI S. FULBRIGHT, and  
KUMARI FULBRIGHT, INC.,

*Defendants.*

RICHARD R. ROBERTS, CLERK

 D.C.

Case No. 112C6664  
JURY DEMAND

**COMPLAINT**

The Plaintiff, for his Complaint against the Defendants, states as follows:

**Introduction**

1. This action arises out of a near-fatal story of sex, lies, money, and violence that was literally made for Hollywood. In December 2007, former Arizona beauty queen Kumari S. Fulbright ("Defendant Fulbright") conspired with her ex-fiancé, Mr. Robert Ergonis, to kidnap her then-boyfriend, Mr. Joshua "JT" Conway ("Mr. Conway," or "Plaintiff"). Thereafter, Mr. Conway was tied up, held at gunpoint, and tortured for more than eight hours, during which time Defendant Fulbright "hit [Mr. Conway], bit him, put her nails into his neck, put a knife in his ear," and threatened "to cut off his balls." Ultimately, Mr. Conway made a dramatic escape from his restraints by ripping the skin off his zip-tied hands, wrestling a gun away from Defendant Fulbright that was fired in the struggle, and bursting out of her house covered in his own blood.

2. According to Mr. Ergonis's prosecutor, this entire episode transpired because "Kumari Fulbright started a chain of events with a lie, a chain of events that

spiraled out of control, a chain of events that . . . resulted in Josh Conway being tied up and assaulted with a gun put in his head, a gun put in his mouth and tortured for eight hours until he escaped.”

3. Ultimately, Defendant Fulbright and Mr. Ergonis were prosecuted and convicted for kidnapping and torturing Mr. Conway. Defendant Fulbright, specifically, was convicted of two (2) separate felony offenses for conspiracy to commit kidnapping and aggravated assault. She was subsequently sent to prison for her crimes.

4. Mr. Conway has since endeavored to move on from the traumatic, near-death experience to which Defendant Fulbright subjected him. He is currently pursuing a law degree at Nashville School of Law, and he volunteers in Nashville Judge Seth Norman’s drug court helping people who struggle with substance abuse issues. He also has a beautiful one-year-old son, works full-time, and serves as an usher in his church.

5. Despite Plaintiff’s best efforts to recover from the harrowing experience of his kidnapping, however, Defendant Fulbright has deliberately made Plaintiff’s recovery impossible and re-subjected him to its trauma. Specifically, in 2015, Defendant Fulbright appeared on a national television program and recounted an utterly fabricated version of her crimes that repeatedly defamed Mr. Conway, blamed him for his own kidnapping and torture, and minimized her own involvement and criminal misconduct despite her prior guilty plea and incontrovertible guilt. Specifically, Defendant Fulbright’s outright lies – which were both premeditated and manufactured with actual malice – falsely accuse Plaintiff, *inter alia*, of having stolen cash from her, stealing tens of thousands of dollars’ worth of her jewelry, and drugging her. Defendant Fulbright’s lies were also libelous and defamatory *per se* and have seriously impugned Plaintiff’s personal and professional reputation. Accordingly, this lawsuit followed.

## **I. PARTIES**

6. The Plaintiff, Mr. Joshua “JT” Conway, is a citizen of Tennessee and a resident of Davidson County.

7. Defendant Kumari Fulbright, Inc. is a for-profit Florida corporation with its principal place of business located at 8350 Savannah Trace Circle, Suite 1806, Tampa, FL 33615. Its registered agent is Defendant Kumari S. Fulbright, whose current mailing address is the same.

8. Defendant Kumari S. Fulbright is the criminal defendant who pleaded guilty to conspiracy to commit kidnapping and aggravated assault against the Plaintiff in the criminal case *State of Arizona v. Kumari Semone Fulbright*, CR-2007 4823. Defendant Fulbright also appeared as herself on the nationally-broadcast television program “One Bad Choice,” which aired on or about July 16, 2015, and which was subsequently made available to the public on Amazon.com, Youtube.com, Microsoft.com, and numerous other media outlets.

## **II. JURISDICTION AND VENUE**

9. This Court has jurisdiction over this dispute pursuant to Tenn. Code Ann. § 16-10-101, Tenn. Code Ann. § 16-10-111, and Tenn. Code Ann. § 20-2-201, *et seq.*

10. Venue in this matter is proper pursuant to Tenn. Code Ann. § 20-4-101(1) and Tenn. Code Ann. § 20-4-104(1).

## **III. FACTUAL ALLEGATIONS**

11. Defendant Kumari S. Fulbright is a former model, Arizona beauty queen, and law student. She was previously engaged to Mr. Robert Ergonis, a convicted felon

who is currently serving a twenty-two-and-one-half (22.5) year prison sentence for his role in kidnapping and torturing the Plaintiff in December of 2007.

12. On or about December 8, 2007, Plaintiff was invited over to the home of Defendant Fulbright, kidnapped at gunpoint by three armed men, tied up, and tortured by Defendant Fulbright and Mr. Ergonis for approximately eight hours until he escaped.

13. According to the summary of Defendant Fulbright's crimes that was admitted by Defendant Fulbright and offered by Defendant Fulbright's own defense attorney during her guilty plea colloquy:

"Mr. Conway was invited over to Ms. Kumari [Fulbright]'s house on Knox, on December 8th of 2007 . . . .

Mr. Ergonis was heard talking to someone on a cell phone and he indicated that he would call when he was ready for her to get in the shower and to make sure that a key was left under the mat. Our records would show that there were approximately 14 cell phone calls believed to be made on Mr. Ergonis's phone to Ms. Fulbright's phone on December 8<sup>th</sup> in the early morning hours and in the early afternoon hours on that date, and Mr. Conway then came over to Ms. Fulbright's residence, she then got into the shower.

Mr. Ergonis and Mr. Radde arrived at the Kumari Fulbright residence on Knox and they knocked down Mr. Conway, he is tied up, and taken at gunpoint to another residence . . . . Then Mr. Ergonis brings back Mr. Conway to Ms. Fulbright's residence . . . . [T]he door is opened by Ms. Fulbright, and Mr. Conway is there and he is still bound, and Ms. Fulbright says, 'where have you been, it's about time.'

And then, during the course of Mr. Conway's presence at Knox, at this point in time the evidence would show that Ms. Fulbright said, 'I have been waiting all week for this.' Mr. Conway was kept at the Knox residence and was bound, and at some point in time [Defendant Fulbright] held a knife or brandished a knife towards his ear and made threats to him about cutting his ear."

14. The facts of this guilty plea colloquy were subsequently admitted in full by Defendant Fulbright in open court. Specifically, Defendant Fulbright was asked: "Do you agree with what your attorney said happened?" She answered: "Yes." She further stated: "I am guilty."

15. Of note, the horrifying criminal acts that Ms. Fulbright admitted that she had committed against Mr. Conway during her plea colloquy also barely scratched the surface of her actual involvement, which was even more heinous than she initially acknowledged. For example, during Mr. Ergonis's trial, Defendant Fulbright was asked under oath: "[While Mr. Conway was tied up,] did you ever threaten Mr. Conway and threaten to cut off his balls?" She was forced to admit: "I did."

16. For her role in planning and participating in the Plaintiff's kidnapping and torture, Defendant Fulbright ultimately pleaded guilty to two (2) separate felony offenses for conspiracy to commit kidnapping and aggravated assault. She served approximately two (2) years in prison for her crimes, and she was also ordered to pay the Plaintiff restitution.

17. According to Mr. Ergonis's prosecutor, Mr. Conway was kidnapped, tortured, and very nearly killed for only one reason: because "Kumari Fulbright started a chain of events with a lie, a chain of events that spiraled out of control, a chain of events that . . . resulted in Josh Conway being tied up and assaulted with a gun put in his head, a gun put in his mouth and tortured for eight hours until he escaped."

18. The specific lie that precipitated the crimes at issue involved Defendant Fulbright's false claim that the Plaintiff had been stealing from her. In particular, Defendant Fulbright falsely "told her ex-fiance that Conway stole her jewelry" – some of which her ex-fiancé had given to her as a gift – which was worth tens of thousands of

dollars.

19. Defendant Fulbright's false claim that the Plaintiff stole jewelry from her was made with knowing falsity. Moreover, Defendant Fulbright has known this lie to be false each and every time that she has told it over the past decade.

20. In reality, as Defendant Fulbright is well aware, Defendant Fulbright *asked* the Plaintiff to pawn her jewelry for her because she needed money, and the Plaintiff pawned Defendant Fulbright's jewelry specifically at her request. In fact, the Plaintiff spoke with Defendant Fulbright on the phone about the sale while he was carrying it out.

21. Notably, this fact has previously been proven to a jury. Additionally, robust, overwhelming, and objective evidence proves that Defendant Fulbright has repeatedly told this lie in bad faith, with malicious intent, and with full knowledge that it was false. If made under oath, her claim that Mr. Conway stole her jewelry would be perjurious.

22. For example, verifiable video evidence and simultaneous phone records that were introduced during Mr. Ergonis's trial proved that Mr. Conway was talking to Defendant Fulbright on the phone about her request to sell her jewelry at the moment that he pawned it.

23. During Mr. Ergonis's trial, this conversation between Mr. Conway and Defendant Fulbright was also corroborated in full, under oath, by the pawn shop's owner, who witnessed it firsthand.

24. During Mr. Ergonis's trial, Defendant Fulbright was also forced to admit, under oath, that she never filed a police report concerning her purportedly "stolen" jewelry, which was worth tens of thousands of dollars.

25. Further, during Mr. Ergonis's trial, Defendant Fulbright was forced to admit, under oath, that she never filed an insurance claim concerning her purportedly

stolen jewelry, which – again – was insured and worth tens of thousands of dollars.

26. In sum, considering these objective facts and a great deal of additional evidence, Defendant Fulbright's claim that the Plaintiff stole her jewelry was – and is – an utter fiction that was deliberately manufactured by Defendant Fulbright for the purpose of maligning the Plaintiff and furthering her own malicious ends.

27. Even today, it is still not entirely clear why Defendant Fulbright manufactured her lie about Mr. Conway stealing her jewelry. During Robert Ergonis's trial, however, his prosecutor suggested that: "[Defendant Fulbright] was worried that Rob was going to figure out that all the nice jewelry that he'd given her was gone," and that "she was trying to get back with him."

28. What is clear beyond any doubt, however, is that Defendant Fulbright lied about Plaintiff stealing her jewelry, and that "that lie started th[e] whole chain of events" leading to Plaintiff's kidnapping, torture, and near murder.

29. During the time period surrounding her decision to orchestrate Plaintiff's kidnapping, and when discussing it publicly thereafter, Defendant Fulbright cultivated – and reveled in – a reputation for maliciousness and cruelty. Among other things, she was described publicly as being "out of her mind with anger," "enraged," "crazed," "off the wall," "nuts," "manipulat[ive]," "threatening," and "crazy." Similarly, Defendant Fulbright described herself in court during Ergonis's trial as "a stone cold bitch with ice water in her veins." She has also intimated since that Plaintiff's kidnapping was "justified."

30. Additionally, according to Defendant Fulbright herself, she testified that money was "the only thing [she] really seem[ed] to give a fuck about" following Plaintiff's kidnapping. Defendant Fulbright further testified that she "want[ed] to be a celebrity."

Following the Plaintiff's kidnapping, Defendant Fulbright also described herself in court as being "very focused on monetary success."

31. According to Mr. Ergonis's attorney, Defendant Fulbright was "trying to work a deal for a reality show" during Mr. Ergonis's trial in furtherance of her ambition to use Plaintiff's kidnapping to help her become a wealthy celebrity. Mr. Ergonis's attorney further stated that "she's going to write a book" about Plaintiff's kidnapping.

32. After being released from prison, Defendant Fulbright's plans "to work a deal for a reality show" involving Mr. Conway's kidnapping came to fruition.

33. Specifically, on or about July 16, 2015, Defendant Fulbright appeared on the nationally-broadcast television program "One Bad Choice" in an episode about Plaintiff's kidnapping entitled "Kumari Fulbright" that was viewed by more than half a million people. The episode was subsequently made available to the public on Amazon.com, Youtube.com, Microsoft.com, and numerous other media outlets.

34. Regrettably, the episode at issue remains available for public viewing on several unauthorized third-party websites, such as the following: <http://www.movie25.sr/watch-one-bad-choice-s01e04-online-free/>.

35. A full, accurate and complete transcript of the episode at issue, copied verbatim by undersigned counsel, is attached hereto as **Exhibit A**.<sup>1</sup>

36. The episode recounts the story of the Plaintiff's kidnapping, violent torture, and near-murder, and it is told exclusively from Defendant Fulbright's perspective. Throughout the episode, Defendant Fulbright repeatedly states – falsely – that the

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<sup>1</sup> The transcript of the episode at issue was previously available at: <https://www.youtube.com/watch?v=TBFa7cMYEok&list=ELgtsULw4bxaM51XwRR7s9og&index=2>.



Plaintiff stole money from her, drugged her, and stole her jewelry, leading to her decision to have the Plaintiff kidnapped.

37. For example, at various points during the episode, Defendant Fulbright stated: (1) “[M]y jewelry was in that pouch. . . . I knew Josh was the only person who had access to my house. . . . It all became clear. Josh was lying and stealing from me”; (2) “Josh was to blame for the night I blacked out and my cash went missing,” (3) “You [while speaking to Plaintiff] drugged me so you could steal \$300”; and (4) “I wanted [Plaintiff] to feel the pain that he had inflicted on me through this betrayal.” With respect to Plaintiff’s kidnapping and torture, Defendant Fulbright also states: “I thought I was justified.”

38. Defendant Fulbright’s statements during the July 2015 broadcast contained several material and deliberate falsehoods concerning Plaintiff. In particular:

39. At no point did Plaintiff ever steal money from Defendant Fulbright;

40. At no point did Plaintiff ever drug Defendant Fulbright; and

41. At no point did Plaintiff ever steal jewelry from Defendant Fulbright. In fact, as noted above, at no point was Defendant Fulbright’s jewelry ever even stolen. To the contrary – as prosecutors proved during Mr. Ergonis’s trial – her jewelry was pawned at her request.

42. Upon information and belief, Defendant Fulbright’s “reality” television appearance and false statements about Plaintiff were made for the express purpose of defaming and injuring Plaintiff, enhancing Defendant Fulbright’s personal reputation, and enriching and benefitting Defendant Kumari Fulbright, Inc., a for-profit corporation of which Defendant Fulbright is an officer, director, and shareholder.

#### **IV. CAUSES OF ACTION**

##### **1. Libel Per Se**

43. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

44. Defendant Fulbright, for her own benefit, for the benefit of Defendant Kumari Fulbright, Inc., and with specific intent to harm Plaintiff, repeatedly broadcast false statements about Plaintiff on a national media program with actual malice; with full knowledge that the statements were false; with reckless disregard for their accuracy; and/or with negligent disregard for their falsity.

45. Defendant Fulbright specifically caused the above-referenced statements about the Plaintiff to be publicized to a national television audience. Additionally, the publication of Defendant Fulbright's statements to a national television audience that included the Plaintiff and thousands of other viewers in the Nashville media market during and after July 2015 was both reasonably foreseeable and intended.

46. Defendant Fulbright's false statements concerning Plaintiff, which accused Plaintiff, *inter alia*, of committing several crimes involving moral turpitude, were all libelous and defamatory *per se*.

47. Defendant Fulbright's false statements about Plaintiff have caused Plaintiff to suffer actual injury to both his personal and professional reputation.

##### **2. Defamation By Implication**

48. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

49. In appearing on a nationally televised broadcast and causing false statements about Plaintiff to be publicized to hundreds of thousands of viewers, Defendant Fulbright, for her own benefit and for the benefit of Defendant Kumari Fulbright, Inc., implied facts about Plaintiff that were not true.

50. Defendant Fulbright's innuendo implied a defamatory connection concerning Plaintiff that caused Plaintiff to suffer actual injury to his personal and professional reputation.

### 3. False Light

51. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

52. By the act of publicizing materially false statements of and concerning Plaintiff, Defendant Fulbright, for her own benefit and for the benefit of Defendant Kumari Fulbright, Inc., gave publicity to events involving Plaintiff that placed Plaintiff before the public in a false light.

53. The false light in which the Plaintiff was placed would be highly offensive to a reasonable person.

54. Defendant Fulbright had knowledge of, or, in the alternative, acted with reckless or negligent disregard as to, the falsity of the publicized matters concerning Plaintiff.

55. The false statements that Defendant Fulbright made about Plaintiff were seriously offensive and have caused actual injury to the integrity of Plaintiff's right to privacy.

4. Tennessee Consumer Protection Act

56. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

57. Defendants individually and collectively disparaged the services or business of the Plaintiff by making false or misleading representations of fact about him.

58. The Plaintiff has suffered actual injury as a result of Defendants' actions.

5. Intentional Infliction of Emotional Distress

59. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

60. Defendant Fulbright's false statements about Plaintiff caused Plaintiff to suffer severe emotional distress.

61. Defendant Fulbright's actions were intentional and/or reckless.

62. Defendant Fulbright's conduct was so outrageous that it is not tolerated by a civil society.

63. Defendant Fulbright's conduct caused serious mental injury to Plaintiff.

64. Defendant Fulbright's conduct caused a significant impairment to Plaintiff's daily life.

65. Plaintiff is a normally constituted person whose injuries are supported by medical and/or scientific proof.

6. Negligent Infliction of Emotional Distress

66. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

67. In the alternative, Defendant Fulbright negligently made false statements about Plaintiff.

68. Defendant Fulbright's conduct caused serious mental injury to Plaintiff.

69. Defendant Fulbright's conduct caused a significant impairment to Plaintiff's daily life.

70. Plaintiff is a normally constituted person whose injuries are supported by medical and/or scientific proof.

#### 7. Battery

71. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

72. While Plaintiff was restrained, and without Plaintiff's consent, Defendant Fulbright intentionally, unlawfully, and harmfully made contact with the body of Plaintiff by, *inter alia*, hitting him, biting him, putting her nails into his neck, and putting a knife in his ear.

73. Defendant Fulbright's actions caused Plaintiff harm.

#### 8. Assault

74. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

75. During Plaintiff's kidnapping, Defendant Fulbright made an intentional attempt, or the unmistakable appearance of an intentional attempt, to do harm to or to frighten Plaintiff by brandishing a knife in front of him while he was restrained and by threatening "to cut off his balls."

76. At the time that Defendant Fulbright threatened “to cut off [Plaintiff’s] balls,” Defendant Fulbright had the present ability and/or gave the unmistakable appearance of the present ability to cause Plaintiff harm or fright.

77. Defendant Fulbright’s actions caused Plaintiff harm.

#### 9. False Imprisonment

78. The Plaintiff incorporates and realleges the foregoing allegations as if fully set forth herein.

79. During Plaintiff’s kidnapping, Defendant Fulbright intentionally and unlawfully restrained, confined and/or detained Plaintiff and compelled him to stay and/or to go somewhere against his will.

80. To accomplish this result, Defendant Fulbright used force and/or the threat of force against Plaintiff.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

1. That Defendant Fulbright publicly retract all of the above-referenced defamatory statements;
2. That this Court permanently enjoin Defendant Fulbright from repeating any of the above-referenced defamatory statements;
3. All compensatory, consequential and incidental damages to which the Plaintiff is entitled in an amount not less than \$1,250,000.00;
4. Punitive damages in an amount not less than \$3,750,000.00;

5. Treble damages and attorneys' fees pursuant to Tenn. Code Ann. § 47-18-109;
6. Disgorgement of all proceeds arising from Defendant Fulbright's defamatory statements about Plaintiff;
7. That to the extent that Defendant Fulbright is unable to satisfy the judgment issued, the assets of Defendant Kumari Fulbright, Inc. be sold to satisfy the judgment;
8. A jury to try this cause;
9. Post-judgment interest;
10. Discretionary costs;
11. That all costs be taxed against the Defendants; and
12. All such further relief as this Court deems just and proper.

Respectfully submitted,

By:



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Nashville, TN 37203  
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(615) 739-2888  
Counsel for Plaintiff JT Conway

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of March, 2016, a copy of the foregoing was sent via certified mail, postage prepaid, to the following:

Kumari S. Fulbright  
8350 Savannah Trace Circle, Suite 1806  
Tampa, FL 33615

Kumari Fulbright, Inc.  
C/O Kumari Fulbright, Registered Agent  
8350 Savannah Trace Circle, Suite 1806  
Tampa, FL 33615

Kumari S. Fulbright  
P.O. Box 261567  
Tampa, FL, 33685-1567

By:



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Daniel A. Horwitz, Esq.