



FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FEB - 9 2022

RICK WARREN
COURT CLERK

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CHRISTOPHER AVELLONE,

Plaintiff,

v.

KELLY RAE BRISTOL

Defendant.

Case No. CJ-2021-4340

The Honorable Anthony L. Bonner

NOTICE FOLLOWING REMAND

WHEREAS, on November 23, 2021, this case was removed to the United States District Court.

WHEREAS, on January 13, 2022, the United States District Court entered an order remanding the case to this Court.

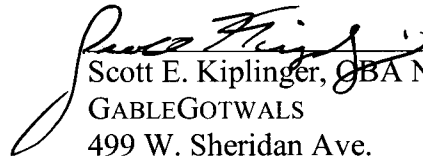
WHEREAS, the Court of Civil Appeals of Oklahoma has held that documents filed in the federal court before a case is remanded are incorporated into the state court file, and that "the better practice is to require Plaintiff to file a list of all documents filed in federal court that are to be made a part of the state court file and to provide a copy of each document to the court for filing in the state court case." *Pellebon v. State ex. rel Bd. of Regents of Univ. of Oklahoma*, 2015 OK CIV APP 70, ¶ 19, 358 P.3d 288, 293.

THEREFORE, please take notice that the following documents were filed in the federal court:

1. Defendant's Motion to Dismiss (attached as Exhibit A);
2. Request for Judicial Notice in Support of Defendant's Motion to Dismiss (attached as Exhibit B);

3. Plaintiff's Unopposed Motion to Stay Deadline to Respond to Defendant's Motion to Dismiss and Request for Judicial Notice (attached as Exhibit C);
4. Order (granting Plaintiff's Motion to Stay) (attached as Exhibit D).

Respectfully submitted,


Scott E. Kiplinger, OBA No. 33938
GABLEGOTWALS
499 W. Sheridan Ave.
BOK Park Plaza, Suite 2200
Oklahoma City, OK 73102-7255
Telephone: 405.235.5500
Fax: 405.235.2875
skiplinger@gablelaw.com

***Attorney for Defendant
Kelly Rae Bristol***

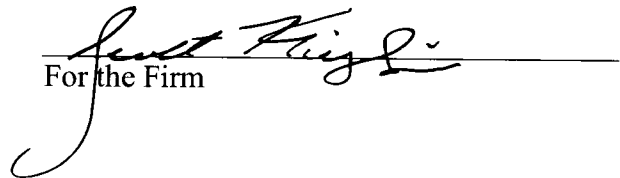
Dated: February 9, 2022

CERTIFICATE OF SERVICE

I hereby certify that on February 9th, 2022, a true and correct copy of the foregoing was sent via U.S. Mail, postage prepaid, to the following counsel of record:

Eric D. Wade, OBA No. 19249
ROSENSTEIN FIST & RINGOLD
525 South Main, Suite 700
Tulsa, OK 74103-4508
ericw@rfrlaw.com

Attorney for Plaintiff


For the Firm

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-1108-SLP
	)	
KELLY RAE BRISTOL,	)	
	)	
	)	
Defendant.	)	

DEFENDANT’S MOTION TO DISMISS

Defendant KELLY RAE BRISTOL (“Bristol” or “Defendant”), pursuant to FED. R. Civ. P. 12(b)(6), respectfully requests this Court to dismiss all claims in the Complaint filed by Plaintiff CHRISTOPHER AVELLONE (“Avellone” or “Plaintiff”). In support of her Motion to Dismiss, Defendant states that Plaintiff’s First Cause of Action should be dismissed because the claim is time barred by the applicable statute of limitations. Moreover, Plaintiff’s Second, Third, Fourth, Fifth, and Sixth Causes of Action should be dismissed because they do not state facts sufficient to support a plausible claim for relief.



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I. INTRODUCTION

This litigation is the latest assault from Plaintiff on his mission to punish women who speak out about his inappropriate behavior. This is also his most egregious effort yet. Avellone's libel claim is based on June 2020 statements. He brought this litigation in October 2021, nearly 16 months later. His claim is indisputably time-barred. Instead of accepting this reality, his verified Complaint is structured around the facially implausible statement that he discovered Bristol's public statements in October 2020—*four months after* he contends he lost employment as a result of those same statements. This—along with asserting a variety of additional causes of action that are nothing but a repackaged libel claim—is a blatant effort to plead around the specific defenses to a libel claim, including the statute of limitations. Courts do not permit such clever efforts to circumvent the statute of limitations, and thus the remainder of his tort claims fail as well. Further, even if his claims were not time-barred, each and every one fails on the merits. For this reason as well, this court should dismiss Avellone's Complaint in its entirety.

In June 2020, Bristol—along with several other women—spoke out about her negative interactions with Avellone—a well-known video game developer and public figure. Given the numerous accusations against Avellone, several entities severed ties with him shortly thereafter. Avellone, rather than learning from his mistakes, decided to go after two of the women who spoke out, suing them in California state court despite their lack of connection with California and modest means. The California court properly quashed the summons served on Bristol because California had no personal jurisdiction over her.

Avellone then filed this litigation in Oklahoma state court alleging defamation, intentional infliction of emotional distress, and several additional torts. In addition to being time-barred, his libel claim fails because Bristol's statements are the type of hyperbolic and exaggerated language about an issue of public concern that are protected under the fair comment privilege, and because Avellone—a public figure—cannot allege actual malice. Each of his other claims must fail where his libel claim fails.

Avellone's additional causes of action fail on their own merits as well. His false light claim fails because he cannot allege actual malice—a required element. His intentional infliction of emotional distress claim fails because he has not alleged the requisite outrageous conduct to support such a claim. His tortious interference claims fail because he has failed to allege any facts that Bristol knew of his potential business entanglements or intended to disrupt them. His punitive damages claim is not an independent claim at all.

II. STANDARD OF REVIEW

To survive a motion to dismiss under Rule 12(b)(6), a complaint must “contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). This requirement serves (1) “to ensure that a defendant is placed on notice of his or her alleged misconduct sufficient to prepare an appropriate defense” and (2) “to avoid ginning up the costly machinery associated with our civil discovery regime on the basis of a largely groundless claim.” *Pace v. Swerdlow*, 519 F.3d 1067, 1076 (10th Cir. 2008).

“[T]he tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions.” *Iqbal*, 129 S.Ct. at 1949. Thus, a pleading that offers only “labels and conclusions,” “naked assertions devoid of further factual enhancement” or “a formulaic recitation of the elements of a cause of action will not do” and must be dismissed. *Id.* “[O]nly a complaint that states a plausible claim for relief survives a motion to dismiss.” *Id.* at 1950. A plaintiff must plead specific factual allegations to support each claim such that they “raise a right to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

III. FACTUAL AND PROCEDURAL BACKGROUND

A. Factual Background.

Avellone calls himself an “established computer game writer, having written games for blue-chip gaming franchises including *Star Wars*, *Fallout*, *Dungeons and Dragons*, and *Dying Light*.” (Compl., ¶ 4.) Industry press describes him as “prominent” and “acclaimed”

and one of the “industry greats.” (RJN, Ex. 1 at 25, 29 (California Complaint (“CA Compl.”), Exs. 2–3).)

Bristol, along with her codefendant in the California litigation, Karissa Barrows, are gaming fans who go to conventions. In June 2020 several women—including Barrows, Bristol and other women whose statements are not part of this litigation—spoke out publicly concerning their encounters with Avellone. In response to an article about Avellone, Barrows responded on Twitter.com (“Twitter”) describing Avellone’s inappropriate behavior toward her. Avellone includes a variety of statements from Barrows in his Complaint, alleging that they are false and libelous. (Compl. ¶¶ 20 – 22.) Bristol then responded to several of Barrows’ statements on Twitter relaying her own experience with Avellone, (Compl. ¶¶ 22–24), and made an additional statement on Reddit.com (“Reddit”). (*Id.* ¶ 27.)

Avellone’s allegations against Bristol are based on two categories of statements: (1) her “retweeting” of Barrows’ statements (the “Retweet”), and (2) Bristol’s own statements on Twitter and Reddit (“Bristol’s Statements”). (Compl. ¶¶ 20–29.) Bristol’s Statements at issue are the following:

June 20, 2020 statements on Twitter.com:

“I’ve never admitted this on main, but he groped me repeatedly at D*C [Dragon Con] 2014, by Pulse. Every time you or his gf weren’t looking, his hand was on my ass & he was trying to get me to go to his room. I told him don’t f[*]ck my friends’ boyfriends and to stay the f[*]ck away from me... I swear he ONLY stopped when Scott gave him the dirtiest look I’ve ever seen. He was ready to turn Avellone into paste. And I somehow came away from that feeling like I’d done something to bring it on. I shook his hand when we were introduced. That’s it. That’s all it took.” “He knew exactly what he was doing. You didn’t see it because he was just that practiced at it. And I was so shocked that I froze. (I hate that freezing is m response to s[*]it like this.)” (Compl. ¶ 23.)

A June 22, 2020 statement on Twitter.com:

“Sorry I didn’t have 360 degree cameras trained on my body, nor in-ear mics set to record every foul word he whispered in my ear. I’ll be sure to have all that on me the next time I set out to be assaulted for the crime of being a woman.” (Compl. ¶ 24.)

A June 23, 2020 statement on Reddit.com:

“As for my thoughts on Avellone? He’s a sick man. I hope he gets help. But what happens to his or any other predator’s career is on them, not their victims. Companies are letting him go because he is a liability. Predatory behavior drives talented people away every day, and causes internal strife within teams. No level of talent is worth that, and I’d argue that it negates any talent a person has. His ‘storied career’ is NOT more important to the industry than the careers, talents, and well-being of the people he’s harmed.” (Compl. ¶ 27.)

Avellone responded to Barrows’ initial statements on June 20 and June 21, 2020, expressing regret about the state of his relationship with Barrows. (See RJN, Ex. 2.) Yet in June 2021 he apparently changed his mind, and filed litigation against Barrows and Bristol in California. The California court quashed the subpoena as to Bristol, correctly concluding that it lacked personal jurisdiction. (Compl. ¶ 33.) Avellone then filed this litigation.

B. Procedural Background

On October 13, 2021 Avellone filed this Complaint against Bristol in Oklahoma State District Court in Oklahoma County, case No. CJ-2021-4340. On November 23, 2021 Bristol removed this action to the Western District of Oklahoma.

IV. ARGUMENT AND AUTHORITIES

A. Plaintiff’s Claims Are Each Barred By The Statute Of Limitations.

1. Plaintiff’s Libel Claim is Untimely.

It is undisputed that the statements at issue were published in June 2020. (See Compl. ¶¶ 20–29.) Avellone filed this lawsuit on October 13, 2021. (See Compl.) With a narrow

exception inapplicable here, a libel action accrues on the date of publication. *Digital Design Group, Inc. v. Information Builders, Inc.*, 24 P.3d 834, 840 (Okla. 2001). Thus Avellone’s cause of action for libel is barred by Oklahoma’s one-year statute of limitations. Okla. Stat. tit. 12, § 95(4).

In an apparent attempt to get around the statute of limitations and invoke Oklahoma’s “discovery rule,” Avellone alleges that he did not learn of the tweets until October 14, 2020—exactly one day shy of a year of filing this litigation. This allegation does not get “across the line from conceivable to plausible.” *Twombly*, 550 U.S. at 570. This supposed discovery date is implausible based on the face of the Complaint itself. Avellone alleges that he lost employment opportunities *in June 2020* based on Bristol’s statements, and that the companies who severed ties with him *publicly stated* that it was because of the allegations around his behavior. (Compl. ¶¶ 20–29.) This is logically incompatible with the allegation that he did not know of the statements until October 2020. Further, Bristol’s June 20 and 22 comments were posted in response to a Twitter thread that responded to an article about Avellone, and to which Avellone had also responded.¹ (RJN Ex. 2 (Avellone responding on June 20 and June 21, 2020 to the initial thread).) Avellone was plainly aware of the thread and following it.

Even if Avellone’s allegations about his October 14 discovery were plausible—which they are not—this is irrelevant. If Avellone did not know of Bristol’s Retweet and Statements, he should have. Under Oklahoma’s “discovery rule” the statute of limitations is tolled only where “the publication is likely to be concealed from the plaintiff or published in a secretive manner which would make it unlikely to come to the plaintiff’s attention.” *Radial Engines, Ltd. v. WACO Classic Aircraft Corp.*, Case No. CIV-16-0456-HE, 2016 WL 5818614, at *7 (W.D. Ok. Oct. 4, 2016) (applying Oklahoma discovery rule where

¹ A “thread” refers to a series of tweets and responses to those tweets that all appear in a chain. A person looking at a “thread” on Twitter.com can see if those tweets have been responded to or retweeted.

claims based on private letters); *see also Mineral Acquisitions, LLC v. Hamm*, 477 P.3d 1159, 1173 (Okla. Civ. App. 2020) (discovery rule only delays accrual until an injured party knows of, *or in the exercise of reasonable diligence, should have known* of the alleged libelous statements); *Weathers v. Fulgenzi*, 884 P.2d 538, 540-41 (Okla. 1994) (similar). Bristol's statements were published on the internet where anyone could read them, and Avellone himself had already seen and responded to portions of the Twitter thread. (RJN Ex. 2 (Avellone's 6/20/20 response to Barrows' tweet).) Further, a reasonable person informed that employers were severing ties with him because of internet allegations *would read those allegations*.

2. Plaintiff Cannot Avoid The Libel Statute Of Limitations By Pleading Other Causes Of Action That Sound In Libel.

Avellone may not plead different torts based on the identical facts "to circumvent defenses to defamation actions, including shorter statute of limitations provisions." *Nelson v. American Hometown Publishing, Inc.*, 333 P.3d 962, 969 (Okla. Ct. Civ. App. 2014). "[W]hen the nature of the action is a libel claim" courts require "adherence to the standards for defamation cases." *Ibid.*; *see also Jordan v. World Publ. Co.*, 872 P.2d 946, 947-48 (Okla. Ct. App. 1994) (a plaintiff cannot rely on the same set of operative facts to recast a defamation claim as a different tort claim). This rule is with good reason. Courts recognize that defamation claims implicate unique First Amendment issues. *Id.* Allowing a plaintiff to shoehorn a speech-based claim into another tort claim with a longer statute of limitations period would effectively permit plaintiffs to extend the statute of limitations for defamation.²

² Avellone's cause of action for punitive damages is just "an element of recovery of the underlying cause[s] of action; it does not constitute a separate cause of action...if there is no recovery on the underlying claim, there can be no recovery of punitive damages." *Rodebush By and Through Rodebush v. Oklahoma Nursing Homes, Ltd.*, 867 P.2d 1241, 1247 (Okla. 1993) (citing *Eckels v. Taverse*, 362 P.2d 680, 683 (Okla. 1961)).

Oklahoma courts have specifically recognized the danger of recasting a libel claim as a claim for intentional infliction of emotional distress (“IIED”) because plaintiffs could “use the tort of negligent infliction of emotion distress to overcome defenses to defamation actions, [including] to avoid short statutes of limitations for defamation.” *Jordan*, 872 P.2d at 947–48 (citing *Decker v. Princeton Packet*, 561 A.2d 1122, 1129 (N.J. 1989).) Courts likewise reject recasting defamation claims as tortious interference claims. *See Jefferson County School Dist. No. R-1 v. Moody’s Investor’s Servs., Inc.*, 175 F.3d 848, 857 (10th Cir. 1999) (upholding dismissal of claims for intentional interference with contract and with prospective business relations where they were based on speech and the underlying defamation claim failed); *Eddy’s Toyota of Wichita, Inc. v. Kmart Corp.*, 945 F. Supp. 220, 224 (D. Kan. 1996) (protected speech cannot form a basis for a tortious interference claims); *State of South Dakota v. Kansas City Southern Industries, Inc.*, 880 F.2d 40, 50 (8th Cir. 1989) (explaining that activities privileged under the First Amendment cannot create liability for tortious interference).

Avellone’s additional tort causes of action are based on the identical facts and statements as Avellone’s libel claim. (*See generally* Compl.) In other words, they are just an effort to recast the libel claim as different torts. Because Avellone’s libel claim is barred by the statute of limitations, his other claims are barred and should be dismissed as well.

B. Plaintiff’s Claims Each Fail On The Merits.

1. Plaintiff’s Libel And False Light Claims Fail Because He Has Not Pled Actual Malice.

Avellone’s libel and false light claims each require a showing of actual malice. “[I]n a libel action brought by [a public figure], there is a constitutional requirement that he plead actual malice, defined as knowledge of or reckless disregard for the truth or falsity of an assertion.” *Jordan*, 872 P.2d at 947–48 (upholding dismissal of action where public figure did not plead malice); *see also Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342 (1974) (the *New York Times* standard defines the level of constitutional protection appropriate to the

context of defamation of a public person.) A public figure must demonstrate actual malice with “clear and convincing evidence.” *Herbert v. Oklahoma Christian Coalition*, 992 P.2d 322, 328 (Okla. 1999). “Those who, by reason of the notoriety of their achievements or the vigor and success with which they seek the public's attention, are properly classed as public figures.” *Id.* All-purpose public figures include “artists, athletes, business people, dilettantes, anyone who is famous or infamous because of who he is or what he has done.” *Cepeda v. Cowles Magazines & Broad., Inc.*, 392 F.2d 417, 419 (9th Cir. 1968); *see also Luper v. Black Dispatch Pub. Co.*, 675 P.2d 1028, 1032 (Okla. Civ. App. Ct. 1983) (concluding that a well-known civil rights worker, was a “public figure” by virtue of her civil rights work, radio show, and book).

Avellone is akin to a famous artist, certainly as prominent as a radio show host. He is an industry-leading game designer, having written for “blue chip” gaming franchises. (Compl. ¶ 4.) His California complaint touted his “status in the industry.” (RJN, Ex. 1 at 3 (CA Compl. ¶ 8.) Media coverage of him describes him as “prominent,” and “a man in a position of power.” (RJN, Ex. 1 at 25 (CA Compl. Ex. 2).) Other news articles refers to him as “acclaimed,” (RJN, Ex. 1 at 29 (CA Compl. Ex. 3)), and “famed.” (*Id.*, Ex. 1 at 46 (CA Compl. Ex. 6 at 1).) The allegations about his behavior were widely covered in a variety of media outlets, including such mainstream publications as Business Insider. (Compl. ¶ 29) (*see also* RJN, Ex. 1 at 25–32, 46–49 (CA Compl. Exs. 2-3, 6).) This entire lawsuit stems from comments made in response to an article covering an interview with Avellone on an entertainment industry website. (Compl. ¶ 17.) Avellone also acknowledges that several gaming studios felt the need to make public statements in response to the numerous allegations against him, including those of other women. (Compl. ¶¶ 25–26.) This is sufficient evidence that Mr. Avellone is an “all purpose” public figure and must plead actual malice.³

³ Even if Avellone were not considered a public figure, he would nevertheless need to prove actual malice because that statements deal with a matter of public concern. While

Avellone's false light claim also requires a showing of actual malice. "The third element of the false light tort requires proof that [defendant] knew or acted in reckless disregard as to the falsity of the publicized matter... This requirement is virtually identical to the actual malice standard adopted in *New York Times*." *Grogan v. KOKH, LLC*, 256 P.3d 1021, 1030 (Okla. App. 2011); *see also New York Times v. Sullivan*, 376 U.S. 254 (1964); *Talley v. Time, Inc.*, 923 F.3d 878, 897, n. 19 (10th Cir. 2019) (Oklahoma courts have equated the third element of a false light claim with the *New York Times* actual malice standard).

Avellone cannot establish that Bristol's Statements or Retweet were made with actual malice, and certainly not by clear and convincing evidence. As to the Retweet, to establish actual malice, Avellone must show that Bristol "entertained serious doubts as to the truth" of the statements. *Talley*, 923 F.3d at 897–98. Avellone has not pled and cannot show that Bristol had any reason to doubt the truth of Barrows' statements, much less that she had "serious doubts." In fact the opposite is true. In light of Bristol's own experience with Avellone, as well those of other women that were publicly available on the internet, Bristol would have every reason to believe that Barrows' statements *were true*. As to Bristol's Statements, it would be impossible to show that she was acting in reckless disregard of the

Defendant has not found an Oklahoma case directly addressing this, the rule in most states is that statements on matters of public concern are not actionable unless the plaintiff can show actual malice. *See Spacecon Specialty Contractors, LLC v. Bensinger*, 713 F.3d 1028, 1034-35 (10th Cir. 2013) (under Colorado law statements on matters of public concern not actionable unless made with actual malice); *see also Brokers' Choice of Am., Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1109 (10th Cir. 2017) (same); *Phelps v. Hamilton*, 59 F.3d 1058, 1072 (10th Cir. 1995) (under Kansas law statements on matter of public concern not actionable unless made with actual malice). There can be no question that Bristol's Statements—regarding a prominent and powerful man's treatment of women in the gaming industry—are a matter of public concern. *See, e.g., Coleman v. Grand*, 523 F.Supp. 3d 244, 259 (E.D.N.Y. 2021) (concluding that "sexual impropriety and power dynamic in the music industry, as in others, [is] indisputably an issue of public interest").

truth when she relayed her experiences with him and expressed her judgment about his character as a man.⁴

2. Plaintiff's Claims Fail Because The Statements And Retweet Are Privileged And Not Actionable.

Bristol's Statements and Retweet are absolutely protected by Oklahoma's fair comment privilege. The fair comment privilege "affords legal immunity for comment by any and all members of the public and extends to virtually all matters of legitimate public interest. Its purpose is to promote the free and open exchange of ideas." *Magnusson v. New York Times Co.*, 98 P.3d 1070, 1074 (2004). "[A] statement is generally privileged when it: 1) deals with a matter of public concern; 2) is based on true or privileged facts; and 3) represents the actual opinion of the speaker, but is not made for the sole purpose of causing harm. In making the privilege determination, courts look to the phrasing of the statement, the context in which it appears, the medium through which it is disseminated, the circumstances surrounding its publication, and a consideration of whether the statement implies the existence of undisclosed facts." *Id.*

First, there can be no question that the Statements and the Retweet—concerning groping and harassing of women—deal with a matter of public concern, particularly in the context of the #metoo movement. *See, e.g., Coleman*, 523 F. Supp. 3d at 259 (concluding that "sexual impropriety and power dynamic in the music industry, as in others, [is] indisputably an issue of public interest"). Second, Bristol's statements and retweet are based on true or privileged facts. The Retweet was just her relaying the accusations of another person. Regardless of whether the underlying accusation was ultimately true, the fact that Barrows had made the accusation was true, and a matter of public interest. *See Talley*, 2018 WL 4558993, *4 (media publication's printing of accusations is not actionable

⁴ Avellone's non-libel torts must fail if his libel claim fails for any reason. Therefore his other tort claims also fail because of his inability to show actual malice. *See generally Nelson*, 333 P.3d 962, 969; *Jordan*, 872 P.2d 946, 947–48.

where the accusations were actually made). Bristol's Statements as to her own experience are likewise privileged because that she felt Avellone's touching constituted groping, that his words were foul or she felt assaulted by them, cannot be proven false. Third, the Retweet and Bristol's Statements represent Bristol's opinion about Avellone and they were made to share her experience, not to cause harm. Even if Bristol's choice of words—such as “foul,” “groped,” and “predator,”—were “exaggerated criticisms,” this is precisely the type of “statements that our society, interested in free and heated debate about matters of social concern, has chosen to protect.” *Magnusson*, 98 P.3d at 1077.

Hyperbolic and emotional language is the type of nonactionable “judgmental statement” that is opinionative but not factual in nature. *Id.* at 1076. Oklahoma courts have protected similar statements regarding “botched” surgeries and “devastating” scars, and explained that where the context of the statements includes “emotional rhetoric and moral outrage, listeners are put on notice to expect speculation and personal judgment.” *Ibid.* Whether or not someone's touch qualifies as a “grope,” their words are “foul,” the recipient felt “assaulted” or their behavior is “predatory,” is not the type of factual statement that can support a libel claim. *See also Price v. Walters*, 918 P.2d 1370, 1376 (Okla. 1996) (statement that plaintiff “gouged customers” was nonactionable judgmental statement). The use of the word “predator” is no different from terms like “hatchet man,” “scalawag,” “rake,” or “scoundrel,” that have been held to be nonactionable judgmental statements. *Miskovsky v. Oklahoma Pub. Co.*, 654 P.2d 587, 594 (Okla. 1982).

Even if not protected by the fair comment privilege, Bristol's Statements and the Retweet are not the type of statements of fact that are actionable as libel because they are not materially false. *See Brokers' Choice of Am., Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1107 (10th Cir. 2017) (“The plaintiff must show the statement is not only false, but “materially false.”) “The law of defamation overlooks inaccuracies and focuses on substantial truth...minor inaccuracies do not amount to falsity so long as the substance, the gist, the sting, of the libelous charge [is] justified.” *Id.* (internal citations omitted). Here,

Avellone does not allege that he did not touch Bristol at the Dragon Con convention – regardless of whether that touching could be considered “groping.” He also does not allege that he did not whisper in Bristol’s ear, regardless of whether his language was “foul.” Avellone contends only that he did not “sexually assault” Bristol, which is irrelevant: Bristol never said that he did. (Compl. ¶ 37.) This boils down to Avellone’s objections to Bristol’s characterization of his conduct, a.k.a her nonactionable opinion. Avellone essentially asks this Court to find that a woman stating her interpretation of a man’s touch and whispers is *actionable defamation* if she describes his conduct as the type of creepy and unwelcome conduct that women often encounter. Holding speakers liable for expressing these types of opinions *is not the law in any other context*, and is a dangerous precedent to set for women speaking out about they interpreted a man’s touch.

3. Plaintiff fails to state a claim for intentional infliction of emotional distress.

Avellone has not sufficiently plead that Bristol’s conduct was the type of conduct that is “beyond all possible bounds of decency” and “utterly intolerable in a civilized community” that is required to state a cause of action for IIED. *See Brock v. Thompson*, 948 P.2d 279, 293-94 (Okla. 1997). Intentional infliction of emotion distress is known as the tort of “outrage” and is only found where there is extreme and outrageous conduct coupled with severe emotional distress. *Ibid.*; *see also Gaylord Entertainment Co. v. Thompson*, 958 P.2d 128, 149 (Okla. 1998). To recover damages for IIED, a plaintiff must prove: (1) the defendant acted intentionally or recklessly; (2) the defendant’s conduct was extreme and outrageous; (3) the defendant’s conduct caused the plaintiff emotional distress; and (4) the resulting emotional distress was severe. *Hicks v. Central Oklahoma United Methodist Retirement Facility, Inc.*, 423 P.3d 684, 697 (Okla. Civ. App. 2016). The circumstances surrounding the conduct affect whether the conduct is severe. *Id.*

Taking the allegations in Avellone’s Complaint as true, at worst, Bristol described her encounter with Avellone in an unfairly harsh or negative light and was overly critical

in her choice of the word “predator.” Bristol made only three statements and one Retweet, during a span of a few days in which there was extensive public conversation over Avellone’s behavior. This is nowhere near the “outrageous” conduct required to sustain a claim for IIED. Claims of IIED are reserved for only the most egregious situations, typically occurring repeatedly and over extended periods of time. *See, e.g., Computer Publications, Inc. v. Welton*, 49 P.3d 732, 735 (Okla. 2002) (outrageous conduct where a man stalked a woman over the course of years); *Miller v. Miller*, 956 P.2d 887 (Okla. 1998) (question of fact as to whether conduct was outrageous where a woman induced a man to marry her and raise a daughter for over fifteen years while knowing the child was not his, and then revealing this to the child); *Showler v. Harper's Mag. Found.*, 222 F. App'x 755, 761 (10th Cir. 2007) (unauthorized taking and publishing of photo of body in casket insufficient to state claim for IIED).

Courts uniformly hold that insults far worse than referring to someone as a predator do not rise to the level of supporting an IIED claim. *See, e.g., Prickett v. Sashay Corp. Servs., LLC*, No. 15-CV-190-TCK-FHM, 2015 WL 6759486, at *3 (N.D. Okla. Nov. 5, 2015) (insulting and ridiculing Plaintiff about her need for physical therapy insufficient to state IIED claim). The conduct must also be considered in light of the setting in which it took place. *Eddy v. Brown*, 715 P.2d 74, 77 (Okla. 1986). If there is any place for the use of colorful, emotional, and hyperbolic language, it is Twitter (and Reddit). Given the abysmal standard of discourse in these forums, it is unclear what would be “beyond all possible bounds of decency,” but Bristol’s Statements and Retweet plainly do not come close.

Finally, even if Bristol’s Statements were false—which they are not—false allegations are insufficient to sustain a claim for IIED. *Branum v. Orscheln Farm and Home, LLC*, 2019 WL 2570527, at *5 (E.D. Okla. June 20, 2019) (plaintiff’s allegation that she was falsely accused of using a racial slur to a customer were insufficient to support her claim for IIED); *Monaco v. Quest Diagnostics, Inc.*, Case No. 08-2500-KHV, 2010

WL 3843622, at *17 (D. Kan. Sept. 24, 2010) (a false accusation that the plaintiff had threatened to kill a co-worker did not meet the threshold requirement of extreme and outrageous conduct); *Nwakpuda v. Falley's, Inc.*, 14 F. Supp. 2d 1213, 1218 (D. Kan. 1998) (finding the plaintiff who was detained at a grocery store after being falsely identified as an individual who had previously robbed the store failed to meet the threshold showing of extreme and outrageous conduct); *Harris v. AmeriGas Propane, Inc.*, Case No. CV-12-860-RBJ-MEH, 2012 WL 7051302, at *6 (D. Colo. Dec. 5, 2012) (collecting cases where courts found false accusations of criminal conduct were not outrageous and finding that the employees' false accusations of embezzlement against the plaintiff did not constitute outrageous conduct).

4. Plaintiff Fails To State A Claim For Tortious Interference With Current Or Prospective Contracts Or Opportunities.

Avellone's claims for tortious interference with contractual and business relationships and tortious interference with prospective economic advantage (the "tortious interference claims") fail on the merits. The elements of a claim for intentional interference with prospective economic advantage are: (1) existence of a valid business relation or expectancy; (2) knowledge of the relationship or expectancy on the part of the interferer; (3) an intentional interference inducing or causing a breach or termination of the relationship or expectancy; and (4) resultant damage to the party whose relationship has been disrupted. *Loven v. Church Mut. Ins. Co.*, 452 P.3d 418, 425 (Okla. 2019). The elements of a claim for malicious or tortious interference are: (1) interference with an existing contractual or business right; (2) such interference was malicious or wrongful; (3) the interference was neither justified, privileged nor excusable; and (4) the interference proximately caused damage. *Wilspec Techs., Inc. v. Dunan Holding Group Co.*, 204 P.3d 69, 74 (Okla. 2009).

Both tortious interference claims require that the interference must be the purpose of the tortfeasor's act, and their motive must include a desire to interfere and disrupt the others'

current or prospective economic business advantage. *Loven*, 452 P.3d at 426. Avellone alleges that “Bristol knew or under the circumstances should have known” about Avellone’s contractual and business relationships and prospective opportunities. (Compl. ¶¶ 69, 74.)⁵ Avellone makes the conclusory allegations that Bristol “intended to” and “purposely” interfered with these relationships. (Compl. ¶ 69, 74.) “These are the types of formulaic recitation of the elements of a cause of action that do not pass muster under Rule 8.” *Stillwell v. Brakhage*, No. CIV-17-262-R, 2017 WL 11296879, at *2 (W.D. Okla. July 14, 2017) (citing *Twombly*, 550 U.S. at 555). Avellone’s factual allegations actually support the opposite conclusion. Bristol’s Statements on Twitter were made in a back-and-forth exchange with Barrows, and not directed toward any of Avellone’s business contacts. (See Compl. ¶¶ 20–22.)

Avellone’s allegations regarding his prospective economic opportunities are also insufficiently specific to sustain this cause of action. “To show the existence of a valid business relationship or expectancy, ‘[Defendant] must show either that prospective economic advantage would have been achieved had it not been for such interference or that there was, in view of all the circumstances, a reasonable assurance thereof.’” *Hetronic Int’l, Inc. v. Rempe*, 99 F. Supp. 3d 1341, 1350 (W.D. Okla. 2015). Avellone alleges only that he had “certain prospective economic opportunities and business relationships with third parties, including, but not limited to, Gato Salvaje Studio, Techland and Electronic Arts.” (Compl. ¶ 74.) He does not include a single factual allegation about what these prospective opportunities were, beyond whatever contracts already existed.⁶ In *Stillwell* the court

⁵ A claim for tortious interference with prospective economic advantage requires that the alleged interferer have *actual knowledge* of the relationship or expectancy, and so Avellone’s conclusory allegations that Bristol knew or “should have known,” doom that claim entirely. See *Loven*, 452 P.3d at 425.

⁶ “A claim for interference with prospective economic advantage is unavailable where the parties’ relationship is based on subsisting, not potential, contracts.” *UMB Bank N.A. v. Asbury Communities, Inc.*, No. 20-CV-160-TCK-CDL, 2021 WL 4712634, at *4 (N.D. Okla. Oct. 8, 2021) (internal citations omitted).

dismissed similar allegations of a “business relationship with certain third parties” which offered “the probability of economic benefit” because these were insufficient factual allegations to show that plaintiff “had a reasonable assurance of obtaining the prospective business relations.” 2017 WL 11296879, at *2. The Court should dismiss Avellone’s claims as well.

The cause of action for tortious interference with existing contracts is similarly deficient. “[P]arties claiming tortious interference with business relations [must] identify which contracts or business relationships defendant[] interfered with.” *Stillwater*, 2017 WL 11296879, *2. Avellone alleges that he had “contractual and business relationships with certain third parties, including, but not limited to, Gato Salvaje Studio, Techland and Electronic Arts.” (Compl. ¶ 68.) This is insufficient to “identify which contracts or business relationships” Bristol allegedly interfered with, and Avellone’s tortious interference with contractual and business relationships should be dismissed for this reason as well.

V. CONCLUSION

For each of the reasons explained above, this Court should dismiss each of Avellone’s causes of action without leave to amend.

Respectfully submitted,

/s/ Scott E. Kiplinger
Scott E. Kiplinger, OBA No. 33938
GABLEGOTWALS
499 W. Sheridan Avenue
Oklahoma City, OK 73102
(405) 235-5500
(405) 235-2875 (fax)
skiplinger@gablelaw.com

Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that on December 10, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Eric D. Wade, OBA No. 19249
ROSENSTEIN FIST & RINGOLD
525 South Main, Suite 700
Tulsa, OK 74103-4508
ericw@rfrlaw.com

ATTORNEYS FOR PLAINTIFFS

/s/ Scott Kiplinger
Scott E. Kiplinger

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-21-1108-SLP
	)	(State Court Case No. CJ-2021-4340)
KELLY RAE BRISTOL,	)	(District Court of Oklahoma County)
	)	
	)	
Defendant.	)	

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS**

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendant respectfully requests that the Court take judicial notice of the following documents:

1. **Exhibit 1** – a true and correct copy of a complaint filed on June 16, 2021, by Christopher Avellone against Karissa Barrows and Kelly Bristol in the Superior Court for the State of California County of Los Angeles: *Avellone v. Barrows*, Case No. 21STCV22573.
2. **Exhibit 2** – a true and correct copy of publicly posted “tweets” from the account “@ChrisAvellone.”

BASIS FOR REQUESTING JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201(a), a court may take judicial notice of adjudicative facts only. In addition, “[a] judicially noticed fact must be one not subject to reasonable dispute that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose



accuracy cannot reasonably be questions.” Fed. R. Evid. 201(b). A court “must” take judicial notice if a party requests it and supplies the court with the requisite information.

Exhibit 1 is properly noticed by this Court pursuant to Federal Rule of Evidence 201(b), (d). *See, e.g., Hodgson v. Farmington City*, 675 Fed.Appx. 838, 841 (10th Cir. 2017) (stating that a district court can take judicial notice of another court’s publicly filed records “concerning matters that bear directly upon the disposition of the case at hand”); *St. Louis Baptist Temple, Inc. v. Federal Deposit Insurance Corp.*, 605 F.2d 1169, 1172 (10th Cir. 1979) (reiterating that it has been held that in appropriate circumstances, federal courts may take notice of proceedings in other courts, both within and outside of the federal judicial system, if those proceedings have a direct relation to matters at issue). Defendant’s request for judicial notice of Exhibit 1 is solely to show that the California Complaint was filed, and the allegations contained therein, not to show the truth of any of the contents of that document. Exhibit 1 is relevant to the present litigation because it contains Plaintiff’s allegations concerning the identical subject matter and demonstrates how Plaintiff has described himself in prior statements to different courts.

Exhibit 2 is properly noticed by this Court pursuant to Federal Rule of Evidence 201(b) because the existence of these twitter statement are “generally known within the trial court’s territorial jurisdiction” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questions.” *See* Fed. R. Evid. 201(b)(1), (2). Defendant has provided a screenshot of these statements, which were available on the internet for public viewing. The contents of these screenshots were publicly available on the internet, and thus the fact of their existence, and the contents thereof, cannot be

reasonably questioned. Other courts have taken judicial notice of statements posted to Twitter accounts. *See Haynes v. Ottley*, No. CV 2014-70, 2014 WL 5469308, at *6 (D.V.I. Oct. 28, 2014) (taking judicial notice of fact posted on Twitter account).

Exhibit 2 is directly relevant to showing that Plaintiff saw and engaged with several of the statements at issue in his Complaint as early as June 2020.

Finally, Defendant does not seek judicial notice of the truth of any of the statements contained in Exhibit 2, only their existence.

For each of these reasons, Defendant respectfully requests that this Court grant judicial notice of Exhibits 1 and 2.

Dated: December 10, 2021

Respectfully submitted,

/s/ Scott E. Kiplinger
Scott E. Kiplinger, OBA No. 33938
GABLEGOTWALS
499 W. Sheridan Avenue
Suite 2200
Oklahoma City, OK 73102
(405) 235-5500
(405) 235-2875 (fax)
skiplinger@gablelaw.com

Attorney for Defendant

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Eric D. Wade, OBA No. 19249
ROSENSTEIN FIST & RINGOLD
525 South Main, Suite 700
Tulsa, Oklahoma 74103-4508
ericw@rfrlaw.com

/s/ Scott Kiplinger
Scott E. Kiplinger

ATTORNEYS FOR PLAINTIFFS

Electronically FILED by Superior Court of California, County of Los Angeles on 06/16/2021 03:35 PM Sherri R. Carter, Executive Officer/Clerk of Court, by H. Flores-Hernandez, Deputy Clerk

1 Neville L. Johnson (SBN 66329)
2 Aleeza L. Marashlian (SBN 332751)
3 **JOHNSON & JOHNSON LLP**
4 439 North Canon Drive, Suite 200
5 Beverly Hills, California 90210
6 Telephone: (310) 975-1080
7 Facsimile: (310) 975-1095
8 Email: njohnson@jjllplaw.com
9 amarashlian@jjllplaw.com

10 *Attorneys for Plaintiff*
11 Christopher Avellone

12 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14 **21STCV22573**

15 CHRISTOPHER AVELLONE, an individual,

16 Plaintiff,

17 vs.

18 KARISSA BARROWS, an individual;
19 KELLY BRISTOL, an individual; and DOES
20 1-100,

21 Defendants.

22 **COMPLAINT FOR**

- 23 1. LIBEL PER SE (COUNT 1)
- 24 2. LIBEL PER SE (COUNT 2)
- 25 3. LIBEL PER SE (COUNT 3)
- 26 4. LIBEL PER SE (COUNT 4)
- 27 5. LIBEL PER SE (COUNT 5)
- 28 6. LIBEL PER SE (COUNT 6)

DEMAND FOR JURY TRIAL

1 Plaintiff Christopher Avellone, by and through counsel, complains and alleges on
2 information and belief as follows:

3 1. Plaintiff Christopher Avellone ("Avellone") is an individual who resides in the
4 County of Orange.

5 2. Upon information and belief, Avellone alleges that Defendant Karissa Barrows
6 ("Barrows") is an individual who resides in Illinois.

7 3. Upon information and belief, Avellone alleges that Defendant Kelly Bristol
8 ("Bristol") is an individual who resides in Oklahoma.

9 4. This Court has jurisdiction over Barrows and Bristol because they have
10 purposefully availed themselves of the benefits of California by willfully targeting and expressly
11 aiming the effect of their conduct at California: Barrows and Bristol made libelous statements
12 about Avellone, a California resident, who has a California-based computer game development
13 career, knowing the computer game development industry that employs Avellone is centered in
14 California.

15 5. Defendants Does 1 through 100 are sued herein by fictitious names for the reason
16 that their true names are unknown to Avellone. Avellone will seek to leave to amend this
17 complaint to allege the true names and capacities of these Defendants when they have been
18 ascertained. Avellone is informed and believes and based thereon alleges that these fictitiously
19 named Defendants are responsible in some manner for the actions and damages alleged herein.
20 This wrongful conduct was intentionally and purposely directed at California.

21 6. Avellone is informed and believes, and based thereon alleges, that at all times
22 herein mentioned, each unnamed Defendant was the agent of the other named Defendant(s)
23 herein, and at all times were and are acting within the purpose and scope of such agency, and with
24 the permission and consent of his/her/its named co-Defendant(s) with knowledge, authorization,
25 permission, consent, and/or subsequent ratification and approval of each co-Defendant. Avellone
26 is further informed and believes, and based thereon alleges, that each named and unnamed
27 Defendant knowingly and willfully conspired and agreed among themselves to deprive Avellone
28 of his rights and to cause the damages described herein.

8. Avellone is an established computer game writer, having written games for blue-chip gaming franchises including *Star Wars*, *Fallout*, *Dungeons and Dragons*, and *Dying Light*. Avellone's more than twenty-year career writing computer games has been based in California, primarily at the Southern Californian game developers Interplay Entertainment Corporation and Obsidian Entertainment, Inc. The computer gaming industry is worldwide, but many top studios are based in California alongside the rest of the entertainment industry. As a result of Avellone's status in his industry, he is often invited to conventions promoting computer games.

9. Barrows and Bristol (collectively, “Defendants”) are computer game fans and cosplayers¹ who frequent conventions promoting computer games that often involve cosplay contests. At these conventions, cosplayers connect and network amongst themselves and with computer game creators.

10. On August 30, 2012, the evening before the Atlanta convention “Dragon Con”² was scheduled to begin, Avellone and Barrows met for the first time at a bar filled with fellow convention-goers. Later that night, Avellone and two fellow computer game writers escorted Barrows to her hotel room, where her roommate was settled in for the night. When the four arrived, Avellone and Barrows kissed and heavy-petted outside her hotel room door. Moments later, when Barrows told Avellone that “this is not a good idea,” the sexual nature of their encounter stopped. Avellone and Barrows never had any sexual contact again.

11. Immediately thereafter, Barrows made many public statements about enjoying the

¹ Cosplayer is a portmanteau of costume and player, meaning a person who wears costumes to represent characters from various entertainment media, primarily comics, animation, and computer games.

² The “Dragon Con” convention is held yearly over Labor Day weekend in Atlanta, Georgia.

1 evening.

2 12. Avellone and Barrows socialized throughout Dragon Con 2012, including
3 spending Barrows' last night in Atlanta together. In the early morning the next day, Avellone
4 escorted Barrows to a train station for her departure.

5 13. From their first meeting in August 2012 until September of 2014, Barrows made
6 many public statements about enjoying her friendly relationship with Avellone, her desire to
7 socialize with Avellone at conventions, and her admiration for Avellone.

8 14. Barrows also sent direct messages to Avellone via Facebook.com from February
9 2013 to March 2014, arranging social outings, referencing their time together at Dragon Con
10 2012 in a positive light and hoping to recreate their time together, and networking.

11 15. At Dragon Con 2013, the year after they first met, Barrows attempted to
12 matchmake Avellone with her close friend. The match was successful, and Avellone was casually
13 involved with Barrows' friend for about one year. For the purposes of this pleading, this woman
14 is referred to as Avellone's "then-girlfriend," though their intimate relationship was casual and
15 non-exclusive.

16 16. Avellone, his then-girlfriend, and Barrows all attended Dragon Con in 2014. The
17 three of them spent time together during the convention, including socializing.

18 17. Bristol is a friend of Avellone's then-girlfriend and Barrows. Bristol was also at
19 Dragon Con in 2014. During the convention, Bristol visited Pulse Bar at the Marriott Hotel where
20 Avellone, his then-girlfriend, Barrows, and a man named Scott were socializing.

21 18. Barrows continually inserted herself in Avellone's relationship with his then-
22 girlfriend, and as a result, Avellone ceased all communication with Barrows at the end of Dragon
23 Con 2014.

24 **FIRST CAUSE OF ACTION**

25 **LIBEL PER SE (COUNT ONE)**

26 **(Against Barrows and Does 1-100)**

27 19. All previous allegations are realleged and incorporated herein by reference, as
28 though fully set forth herein.

1 20. On or about June 17, 2020, the San Francisco-based video game and entertainment
2 website IGN.com published an interview with Avellone and another female game writer about
3 their work on role playing computer games. (*Two Veteran Game Writers' Recipe for a Great*
4 *RPG*, IGN (June 17, 2020) [https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-](https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg)
5 [discuss-the-recipe-for-a-great-rpg.](https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg))

6 21. On or about June 18, 2020, Barrows replied to a tweet posted by IGN promoting
7 the interview, posting on Twitter:

8 ZERO interest in anything from *a man who spent so much time preying on*
9 *young women (no age check), getting them drunk & taking them to hotel*
10 *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].

11 (Capitalization original, emphasis added.³) A true and correct copy of Barrows'
12 statements is attached as **Exhibit 1** and is incorporated by reference.

13 22. These false statements are of or about Avellone and are libelous on their face.

14 23. The reader would reasonably understand the statements to be about Avellone and
15 to mean that Avellone targeted young women, including women under the age of consent, by
16 forcing them to become intoxicated for the purpose of engaging in non-consensual sexual contact.

17 24. Barrows' false statements expose Avellone to hatred, contempt, ridicule, and
18 obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
19 occupation without the necessity of explanatory matter.

20 25. Barrows' statements are entirely false. Avellone has never targeted women of any
21 age, forced any woman to become intoxicated for any purpose, including the purpose of engaging
22 in non-consensual sexual contact.

23 26. Barrows failed to use reasonable care to determine the truth or falsity of her
24 statements. She actually knew her statements were false because she fabricated the libels therein.
25 She spent limited time with Avellone and evidence of any alleged sexually predatory conduct on
26

27 ³ The emphasized portions of Defendants' posts to Twitter.com throughout this pleading are the
28 libelous statements upon which Plaintiff files this Complaint. The additional portions of
Defendants' posts are provided here for context.

1 the part of Avellone cannot exist because it never happened.

2 27. On June 22, 2020, as a result of Barrows' statements, IGN updated its internet
3 article, adding:

4 [UPDATE] Waylanders studio Gato Salvaje provided the following statement to
5 IGN: "Chris Avellone is no longer associated with Gato Salvaje Studio or The
6 Waylanders project. Chris was brought on as a design contractor on The
7 Waylanders. As of last week, Chris's contract is complete and the content
8 provided will be assessed as development progresses. Studio Gato Salvaje and
9 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." After a follow-up, the studio
added: "Chris will not be included in the credits for The Waylanders by his own
request.

10 (*Two Veteran Game Writers' Recipe for a Great RPG*, IGN (June 17, 2020) [https://www.ign.com](https://www.ign.com/articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg)
11 /articles/chris-avellone-and-emily-grace-buck-discuss-the-recipe-for-a-great-rpg.)

12 28. As a result of Barrows' statements, Avellone has suffered reputational harm in an
13 amount to be proved at trial.

14 29. As a result of Barrows' statements, Avellone has lost employment and continues to
15 lose employment in an amount to be proved at trial.

16 30. Avellone has also suffered shame, mortification, and hurt feelings as a result of
17 Barrows' libels.

18 31. Barrows' conduct in making the libels were done with a conscious disregard of
19 Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was
20 unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294,
21 entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an
22 example of Barrows in an amount to be determined at trial.

23 **SECOND CAUSE OF ACTION**

24 **LIBEL PER SE (COUNT TWO)**

25 **(Against Barrows and Does 1-100)**

26 32. All previous allegations are realleged and incorporated herein by reference, as
27 though fully set for the herein.

28 33. On or about June 19, 2020, Barrows posted a picture of her comment to IGN's

1 tweet promoting Avellone's interview on Twitter.com and posted the tweet:

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

5 (Capitalization original, emphasis added.) A true and correct copy of Barrows' statements
6 is attached as **Exhibit 1** and is incorporated by reference.

7 34. These false statements are of or about Avellone and are libelous on their face.

8 35. The reader would reasonably understand the statements to be about Avellone and
9 to mean that Avellone is a sexual "predator," meaning he is someone who engages in non-
10 consensual sexual contact.

11 36. Barrows' false statements expose Avellone to hatred, contempt, ridicule, and
12 obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
13 occupation without the necessity of explanatory matter.

14 37. Barrows' statements are entirely false. Avellone has never targeted any person for
15 the purpose of engaging in non-consensual sexual contact, nor is there evidence of such conduct.

16 38. Barrows failed to use reasonable care to determine the truth or falsity of her
17 statements. She actually knew her statements were false because she fabricated the libels therein.
18 She spent limited time with Avellone and evidence of any alleged sexually predatory conduct on
19 the part of Avellone cannot exist because it never happened.

20 39. As a result of Barrows' statements, Avellone has suffered reputational harm in an
21 amount to be proved at trial.

22 40. As a result of Barrows' statements, Avellone has lost employment and continues to
23 lose employment in an amount to be proved at trial.

24 41. Avellone has also suffered shame, mortification, and hurt feelings as a result of
25 Barrows' libels.

26 42. Barrows' conduct in making the libels were done with a conscious disregard of
27 Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was
28 unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294,

entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an example of Barrows in an amount to be determined at trial.

THIRD CAUSE OF ACTION

LIBEL PER SE (COUNT THREE)

(Against Barrows and Does 1-100)

43. All previous allegations are realleged and incorporated herein by reference, as though fully set for the herein.

44. On or about June 19, 2020, Barrows continued her thread on Twitter.com, 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

1 inviting him on their own accord (whether due to behavior or relevance, I don't
 2 know). I pushed him out of my memory, as did my dear friends, and we only
 3 discussed our anger and disgust if he-
 4 -happened to come up. I've said something to some friends in journalism if he
 5 came up. Emily [the other game writer featured in the IGN interview] reached out
 6 to me after seeing my tweet to apologize. For what, I asked her? [sic] She didn't
 7 know what he was like and carried no fault in this. Most didn't know unless they
 8 saw it.
 9 Still no one said anything except in closed circles. *I* didn't say anything except
 10 in closed circles to warn people about his behavior. I have not idea if he's
 11 remotely better than he was then, but given how protected he's been from true
 12 consequences for his actions, I doubt it.
 13 The actions I witnessed myself occurred between 2013 and 2015. Those I was
 14 told by friends who remained around him occurred up until 2017 or 2018. This
 15 was recent. Who knows how long it had been occurring before then; *he was*
 16 *clearly no stranger to doing this when I met him.*
 17 I didn't bother blowing this up until today due to work being insane all week, but
 18 I've got time now. *Chris Avellone is an abusive, abrasive, conniving sexual*
 19 *predator.* People tried to get him help. He refused it and continued. Stop
 20 glorifying him.

21 (Capitalization original, emphasis added.) A true and correct copy of Barrows' statements is
 22 attached as **Exhibit 1** and is incorporated by reference.

23 45. These false statements are of or about Avellone and are libelous on their face.

24 46. The reader would reasonably understand the statements to be about Avellone and
 25 to mean that Avellone is a habitual "sexual predator" who targets young women, including
 26 women that are under the age of consent, for non-consensual sexual contact; that Avellone forces
 27 women to become intoxicated against their will, misappropriating corporate funds for this
 28 purpose; that Avellone is abusive; and that Avellone was terminated from his then-employment
 with Obsidian Entertainment, Inc.

47. Barrows' false statements expose Avellone to hatred, contempt, ridicule, and
 obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
 occupation without the necessity of explanatory matter.

48. Barrows' statements are entirely false. Avellone has never targeted any person for
 the purpose of engaging in non-consensual sexual contact, nor is there evidence of such conduct.
 Barrows' own retelling of her one sexually-tinged contact with Avellone shows that he did not
 engage in non-consensual sexual activity with her. (See Exh. 1.) Moreover, Avellone has never
 forced anyone to become intoxicated against their will, nor has he abused anyone. Avellone did

1 not use corporate credit cards or accounts to purchase alcohol for himself or anyone he treated to
2 a drink. To the contrary, he used his personal credit card. Last, Avellone was not fired from his
3 position with Obsidian Entertainment, Inc.

4 49. Barrows failed to use reasonable care to determine the truth or falsity of her
5 statements. She actually knew her statements were false because she fabricated the libels therein.
6 She spent limited time with Avellone and evidence of any alleged sexually predatory conduct on
7 the part of Avellone cannot exist because it never happened. Furthermore, she fabricated her
8 allegation that Avellone was fired from Obsidian Entertainment, Inc. Avellone was not fired.

9 50. As a result of Barrows' statements, Avellone has suffered reputational harm in an
10 amount to be proved at trial.

11 51. As a result of Barrows' statements, Avellone has lost employment and continues to
12 lose employment in an amount to be proved at trial.

13 52. Avellone has also suffered shame, mortification, and hurt feelings as a result of
14 Barrows' libels.

15 53. Barrows' conduct in making the libels were done with a conscious disregard of
16 Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was
17 unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294,
18 entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an
19 example of Barrows in an amount to be determined at trial.

20 **FOURTH CAUSE OF ACTION**

21 **LIBEL PER SE (COUNT FOUR)**

22 **(Against Barrows and Does 1-100)**

23 54. All previous allegations are realleged and incorporated herein by reference, as
24 though fully set for the herein.

25 55. On or about June 20, 2020, Barrows continued her Twitter.com thread of the
26 previous date, tweeting:

27 ///

28 ///

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

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

9 (Emphasis added.) A true and correct copy of Barrows' statements is attached as **Exhibit 1** and is
10 incorporated by reference.

11 56. These false statements are of or about Avellone and are libelous on their face.

12 57. The reader would reasonably understand the statements to be about Avellone and
13 to mean that Avellone has assaulted and abused Barrows' friends.

14 58. Barrows' false statements expose Avellone to hatred, contempt, ridicule, and
15 obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
16 occupation without the necessity of explanatory matter.

17 59. Barrows' statements are entirely false. Avellone has never assaulted or abused
18 anyone, nor is there evidence of such conduct.

19 60. Barrows failed to use reasonable care to determine the truth or falsity of her
20 statements. She actually knew her statements were false because she fabricated the libels therein.
21 She spent limited time with Avellone and evidence of any alleged abuse or assault on the part of
22 Avellone cannot exist because it never happened.

23 61. On June 22, 2020, San Francisco-based computer game developer online magazine
24 Gamasutra published a report as a result of Barrows' statements. (Chris Kerr, *Dying Light 2*
25 *writer Chris Avellone accused of sexual assault and harassment*, Gamasutra (June 22, 2020),
26 [https://www.gamasutra.com/view/news/365244/Dying_Light_2_writer_Chris_Avellone_accused](https://www.gamasutra.com/view/news/365244/Dying_Light_2_writer_Chris_Avellone_accused_of_sexual_assault_and_harassment.php)
27 [_of_sexual_assault_and_harassment.php](https://www.gamasutra.com/view/news/365244/Dying_Light_2_writer_Chris_Avellone_accused_of_sexual_assault_and_harassment.php).) A true and correct copy of Gamasutra's article is
28 attached as **Exhibit 2** and is incorporated by reference. Gamasutra's article was updated to
include the following statements issued by Techland, S.A., developer of the *Dying Light* franchise
of computer games:

///

1 "We take matters of sexual harassment and disrespect with utmost care, and have
2 no tolerance for such behaviors - it applies to both our employees as well as
3 external consultants, Chris among them," a company spokesperson told
4 Gamasutra.

"That is why we are currently looking very closely into the matter. We will
provide you with information on our next steps soon."

5
6 (*Ibid.*) Later that date, Gamasutra updated its article again with an additional statement
7 issued by Techland, S.A.:

8 "This is why, together with Chris Avellone, we've decided to end our
9 cooperation. We are still working towards delivering the experience we promised
10 in *Dying Light 2*. Both our narrative team, which Chris supported, and the whole
11 development team of *Dying Light 2* continue progressing efficiently, according to
12 the plan revised at the beginning of the year."

13 (*Ibid.*)

14 62. On June 29, 2020, Business Insider magazine published an article reporting on
15 Barrows' allegations and California video game company Electronic Arts Inc.'s⁴ reaction to her
16 accusations. (Ben Gilbert, *Following sexual assault allegations, EA is cutting ties with the*
17 *acclaimed video game writer who worked on the latest 'Star Wars' game*, Business Insider (June
18 29, 2020) [https://www.businessinsider.com/after-sexual-assault-allegations-ea-cuts-ties-chris-](https://www.businessinsider.com/after-sexual-assault-allegations-ea-cuts-ties-chris-avellone-2020-6)
19 [avellone-2020-6](https://www.businessinsider.com/after-sexual-assault-allegations-ea-cuts-ties-chris-avellone-2020-6).) A true and correct copy of that article is attached as **Exhibit 3** and is
20 incorporated by reference. Electronic Arts Inc. issued this statement as a result of Barrows'
21 allegations, which was included in the Business Insider article:

22 "We take all allegations of harassment and abuse very seriously," a statement
23 from EA sent to Business Insider said. "And the recent reports that have surfaced
24 are very concerning. EA has no plans to work with Chris Avellone moving
25 forward."

26 (*Ibid.*)

27 63. As a result of Barrows' statements, Avellone has suffered reputational harm in an
28 amount to be proved at trial.

64. As a result of Barrows' statements, Avellone has lost employment and continues to

⁴ Electronic Arts Inc. of California is commonly referred to as "EA."

1 lose employment in an amount to be proved at trial.

2 65. Avellone has also suffered shame, mortification, and hurt feelings as a result of
3 Barrows' libels.

4 66. Barrows' conduct in making the libels were done with a conscious disregard of
5 Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was
6 unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294,
7 entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an
8 example of Barrows in an amount to be determined at trial.

9 **FIFTH CAUSE OF ACTION**

10 **LIBEL PER SE (COUNT FIVE)**

11 **(Against Bristol and Does 1-100)**

12 67. All previous allegations are realleged and incorporated herein by reference, as
13 though fully set for the herein.

14 68. On or about June 20, 2020, in response to Barrows' tweets contained in the fourth
15 cause of action above, Bristol, under the handle "@GlitterBroker," using the alias "Kelly /
16 Stabitha" posted to Twitter.com, stating:

17 I've never admitted this on main, but *he [Avellone] groped me repeatedly at*
18 *[Dragon Con] 2014, by Pulse. Every time you or his gf weren't looking, his*
19 *hand was on my ass & he was trying to get me to go to his room.* I told him I
20 don't fuck my friends' boyfriends & to stay the fuck away from me . . .
21 I swear he ONLY stopped when Scott gave him the dirtiest look I've ever seen.
22 He was ready to turn Avellone into paste.
23 And I somehow came away from that feeling like I'd done something to bring it
24 on.
25 I shook his hand when we were introduced. That's it. That's all it took.

26 To which Barrows replied:

27 OH MY FUCKING GOD. Also thank goodness for Scotty. Remember when he
28 and I ran off to go find that fucker after [Avellone's then-girlfriend] came back to
the room after not being able to find [Avellone] downtown? Holy fucking SHIT I
can't believe I didn't know this

To which Bristol replied:

I remember that entire fucking shitshow. I was more concerned about [Avellone's
then-girlfriend's] safety to even process what he'd done to me. It didn't really hit
til I got back home.

1 To which Barrows replied:

2 Ugh god. I am SO sorry you all had to deal with that shit. And I'm so angry I
3 didn't even see it.

4 To which Bristol replied:

5 *He [Avellone] knew exactly what he was doing. You didn't see it because he was*
6 *just that practiced at it.* And I was so shocked I froze. (I hate that freezing is my
response to shit like this.)

7 (Capitalization original, emphasis added.) A true and correct copy of Bristol's statements
8 made in response to Barrows' statements is attached as **Exhibit 4** and is incorporated by
9 reference.

10 69. These false statements are of or about Avellone and are libelous on their face.

11 70. The reader would reasonably understand the statements to be about Avellone and
12 to mean that Avellone has sexually assaulted Bristol, and that he did so in a "practiced" manner
13 because he was a habitual sexual assaulter.

14 71. Bristol's false statements expose Avellone to hatred, contempt, ridicule, and
15 obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
16 occupation without the necessity of explanatory matter.

17 72. Bristol's statements are entirely false. Avellone never assaulted Bristol and is not a
18 habitual sexual assaulter. Scott has provided that he does not know anything about Bristol's
19 allegations herein with regard to Avellone or himself.

20 73. Bristol failed to use reasonable care to determine the truth or falsity of her
21 statements. She actually knew her statements were false because she fabricated the libels therein.
22 Evidence of any alleged assault on the part of Avellone cannot exist because it never happened.

23 74. As a result of Bristol's statements, Avellone has suffered reputational harm in an
24 amount to be proved at trial.

25 75. As a result of Bristol's statements, Avellone has lost employment and continues to
26 lose employment in an amount to be proved at trial.

27 76. Avellone has also suffered shame, mortification, and hurt feelings as a result of
28 Bristol's libels.

1 77. Bristol's conduct in making the libels were done with a conscious disregard of
2 Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was
3 unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294,
4 entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an
5 example of Bristol in an amount to be determined at trial.

6 **SIXTH CAUSE OF ACTION**

7 **LIBEL PER SE (COUNT SIX)**

8 **(Against Bristol and Does 1-100)**

9 78. All previous allegations are realleged and incorporated herein by reference, as
10 though fully set for the herein.

11 79. On or about June 23, 2020, Bristol posted to Reddit.com, using the handle
12 "GlitterBroker":

13 I continue to be disgusted by how media outlets report so carelessly on this topic.
14 I was doxxed by the very first fly-by-night gaming site that picked this story up.
15 (They've since edited the story, thanks to a journalist friend of mine ripping the
16 site owner a new one.) I get that it's a juicy story, but victims keep being served
17 to the wolves in the process.

18 As for my thoughts on Avellone? He's a sick man. I hope he gets help. But what
19 happens to *his or any other predator's* career is on them, not their victims.

20 Companies are letting him go because he is a liability. Predatory behavior drives
21 talented people away every day, and causes internal strife within teams. No level
22 of talent is worth that, and I'd argue that it negates any talent a person has. His
23 "storied career" is NOT more important to the industry than the careers, talents,
24 and well-being of the people he's harmed.

25 Anyway. It's been a real interesting few days, that's for damn sure.

26 (Capitalization original, emphasis added.) A true and correct copy of Bristol's now-deleted
27 Reddit.com post is attached as **Exhibit 5** and is incorporated by reference.

28 80. These false statements are of or about Avellone and are libelous on their face.

81. The reader would reasonably understand the statements to be about Avellone and
to mean that Avellone is a sexual "predator," meaning he is someone who engages in non-
consensual sexual contact.

82. Bristol's false statements expose Avellone to hatred, contempt, ridicule, and
obloquy and cause him to be shunned or avoided and have a tendency to injure him in his
occupation without the necessity of explanatory matter.

84. Bristol failed to use reasonable care to determine the truth or falsity of her statements. She actually knew her statements were false because she fabricated the libels therein. Evidence of any alleged sexually predatory conduct on the part of Avellone cannot exist because it never happened.

85. As a result of Bristol's statements, Avellone has suffered reputational harm in an amount to be proved at trial.

86. As a result of Bristol's statements, Avellone has lost employment and continues to lose employment in an amount to be proved at trial.

87. Avellone has also suffered shame, mortification, and hurt feelings as a result of Bristol's libels.

88. Bristol's conduct in making the libels were done with a conscious disregard of Avellone's rights, with the intent to vex, annoy, and/or harass Avellone. Such conduct was unauthorized and constitutes oppression, fraud, and/or malice under Civil Code section 3294, entitling Avellone to an award of punitive damages in an amount appropriate to punish or set an example of Bristol in an amount to be determined at trial.

89. Barrows and Bristols' allegations have been republished by the press. True and correct copies of a selection of those republications are attached as **Exhibits 6-9** and are incorporated by reference.

Wherefore, Avellone prays for judgment against Defendants as follows:

1. For actual and special damages, including emotional distress damages;
2. For general damages;
3. For costs of suit;
4. For punitive damages; and
5. For equitable relief in the form of a positive injunction.

1 DATED: June 16, 2021

JOHNSON & JOHNSON LLP

2
3 By /s/ Neville L. Johnson

4 Neville L. Johnson
5 Aleeza L. Marashlian

6 Attorneys for Plaintiff
7 Christopher Avellone
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: June 16, 2021

JOHNSON & JOHNSON LLP

By /s/ Neville L. Johnson

Neville L. Johnson
Aleeza L. Marashlian

Attorneys for Plaintiff
Christopher Avellone

EXHIBIT 1



Karissa 🍷🍷🍷
@SJBsMama

|WEARAMASK

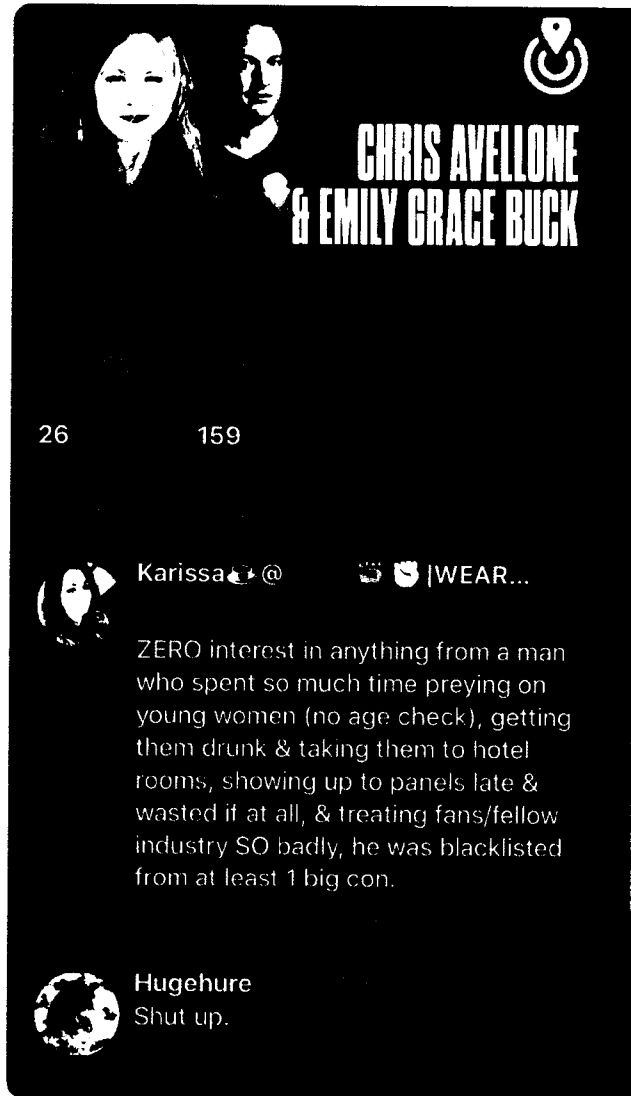


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While we're at it, here's another man to add to the gaming industry predator garbage pile. Yesterday was the first time I said something publicly about this, and I'm done being silent, despite that fuckstick in the reply telling me to shut up. I WILL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



8:01 PM · Jun 19, 2020 · Twitter for iPhone

1,664 Retweets 246 Quote Tweets 3,882 Likes



Karissa 🍷🍷🍷 |WEARAMASK @SJBsMa... · Jun 19, 2020

Replying to @SJBsMama

I witnessed, and experienced, his 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-

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Karissa 🍷🍷🍷 |WEARAMASK @SJBsMa... · Jun 19, 2020

-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-

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Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -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-

6 30 681



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -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. I did not get drunk with him again, and he was a gentleman-

4 23 562



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -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 behavior is what not only kept me in denial about what was actually going on, but drove me to introduce him to-

1 21 556



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -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-

3 19 561



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -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.

1 19 525



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 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.

1 22 568



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 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).

1 22 513



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 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-

1 20 504



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 -happened to come up. I've said something to some friends in journalism if he came up. Emily reached out to me after seeing my tweet to apologize. For what, I asked her? She didn't know what he was like and carried no fault in this. Most didn't know unless they saw it.

1 18 494



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 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.

2 19 491



Karissa @SJBsMa... · Jun 19, 2020 ...
 |WEARAMASK --
 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.

Search Twitter

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up

Relevant people



Karissa @SJBsMama

Follow

She/her, will fight you if required, need coffee. Currently on full con hiatus for health/home reasons. ANTI-FASCIST. ANTI-RACIST. BLM. RESIST



Explore

Settings

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.

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Karissa @SJBsMa... · Jun 19, 2020 ...
I didn't bother blowing this up until today due to work being insane all week, but I've got the 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.

25

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1K



Karissa @SJBsMa... · Jun 20, 2020 ...
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.

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Karissa @SJBsMa... · Jun 20, 2020 ...
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 your secret's out. GTFO with that shit.

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662



Karissa @SJBsMa... · Jun 20, 2020 ...
I'm sure I'm missing responses and RTs because my mentions are exploding, but sending to my fellow victims and sending thanks to everyone for their support in all this. While you're here:

Ways You Can Help

When You're Done: Educate Yourself. This Doesn't Go
Away Once The Topic Isn't "Trending."

Map Of Protests

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Ways To Help

blacklivesmatters.carroll.co

24

21

356



Jenn @jennerationnext · Jun 19, 2020 ...
Replying to @SJBsMa...
Wow.

1

1

6



Josh Silverman (He/Him) @BearPunch · Jun 19, 2020 ...
Replying to @SJBsMa...
I simultaneously am shocked and not. I've heard enough rumblings ever since having him on podcasts years ago to start wondering. So thank you for not shutting up, and thank you for the information.

Much love to you Karissa.

1

1

33



Karissa @SJBsMa... · Jun 19, 2020 ...
Replying to @SJBsMa...
Thank you for the information.

1

1

11



I-I Sexy Ben @browland1 · Jun 19, 2020 ...
Replying to @SJBsMa...
Kudos to you for speaking up. Silence only enables the abuser and allows the cycle to continue, call that shit out.

1

1

20



Karissa @SJBsMa... · Jun 19, 2020 ...

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Tennis · LIVE

2021 French Open: Nadal and Djokovic battle it out for a spot in the final

Trending with #FrenchOpen

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CONGRATS SNIFF

Trending in United States

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COVID-19: News and updates for California

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Cardinals at Cubs

Trending with #Cardinals

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Wish I'd been able to sooner.

3



13



Search Twitter

**Mike Futter** @Futterish · Jun 19, 2020

Replying to @Futterish

I see you. We're here for you.

7



66

**Karissa** @SJBsMa... · Jun 19, 2020

Said it before and will say it again - love you both

1



26

**crimes man tonald soprano** @FunkmoLumbo · Jun 19, 2020

Replying to @FunkmoLumbo

As someone who considered themselves a fan of his, thank you so very much for speaking up and letting people know what he is. I'm sorry you and your friends had to go through that

3



92

**Karissa** @SJBsMa... · Jun 19, 2020

1



4

**Anastasia Morgan** @ENstasia · Jun 19, 2020

Replying to @ENstasia

Thank you for speaking up and NOT shutting up

1



5

**Karissa** @SJBsMa... · Jun 19, 2020

1



1



This Tweet was deleted by the Tweet author.

**Karissa** @SJBsMa... · Jun 19, 2020

Little did the dudebro know, his comment would have 1000% the opposite effect.

1



39

**PeachyAenne** @PeachyAenne · Jun 19, 2020

Replying to @PeachyAenne

<3 <3 <3

1



5



EXHIBIT 2



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Dying Light 2 writer Chris Avellone accused of sexual assault and harassment

June 22, 2020 | By Chris Kerr

CW: Sexual assault and harassment

June 22, 2020 | By Chris Kerr

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Prominent game designer and writer Chris Avellone has been accused of leveraging his position within the games industry to sexually assault and harass multiple women.

This is the latest instance of a man in a position of power allegedly using their clout to target, harass, and assault women who work in and around game development. Accusations against Avellone follow on from a [series of allegations made last year](#) against notable industry figures including *Elder Scrolls* composer Jeremy Soule and Weather Factory founder Alexis Kennedy.

First-hand accounts published on social media over the weekend accuse the *Dying Light 2* and *Vampire: The Masquerade - Bloodlines 2* narrative designer of intentionally getting women "blackout drunk" at industry events before making non-consensual advances, and sending sexually explicit messages to women over social media.

"I witnessed, and experienced, his behavior firsthand. He got me blackout drunk on Midori Sours (on the company dime)," said one accuser, in a lengthy account posted on Twitter. "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."

After witnessing Avellone do the same thing to other women on different occasions, he was eventually reported to convention organizers and blacklisted -- though his accuser claims that didn't halt his pattern of behavior.

"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)," they continued.

"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). 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.

"I didn't bother blowing this up until today due to work being insane all week, but I've got the time now. Chris Avellone is an abusive, harassed someone who was working towards full-time employment in the industry by sending them sexually explicit messages without consent. People tried to get him help. He refused it and continued. Stop glorifying him."

Another allegation posted online, alongside pictures of an exchange between Avellone and the victim, details how Avellone sexually harassed someone who was working towards full-time employment in the industry by sending them sexually explicit messages without consent.

"This was before I was full-time in the games industry, but knew I wanted a future in it and was actively working towards that. Chris was one of the 'industry greats' I was frankly flattered to even know let alone

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be friendly with. So I forgave and regularly asked him career advice," they wrote, explaining why they were in contact with Avellone.

"What pisses me off is other industry people have done worse to me. I've been raped, sexually assaulted, and inappropriately touched by people that are not Chris. But rapes don't generate screenshots so if I publicly outed anyone the internet would just descend to ridicule me."

Avellone has acknowledged the allegations against him by replying to his accusers and others on Twitter, but has yet to issue a full statement or an explicit denial.

"I never meant any harm to you, and I had thought things between us had ended well all up until seeing you off. That said, if I can't do anything to apologize for it, I understand, and there's nothing more to be done," he wrote in response to one allegation.

Given his role as a freelancer, Avellone is currently working on a number of projects for a handful of companies. Some, such as *The Waylanders* developer Gato Studio, explained they parted ways with the veteran writer before the allegations came to light.

"Chris is no longer on the project, and I've been the lead writer all along, not him," wrote *The Waylanders* scribe Emily Grace Buck on Twitter. "*Waylanders* has very little writing by him as it stands, and I'll be taking a look at his scenes. No one on the team knew anything about this. We're handling it, and I'm open to feedback."

Others, including *Dying Light 2* developer Techland and *Vampire: The Masquerade – Bloodlines 2* maker Hardsuit Labs, have yet to acknowledge the allegations. We've reached out to reps for those studios for comment.

Update, Techland: *Dying Light 2* developer Techland said it is "looking very closely" into the allegations made against Avellone, and that it has "no tolerance for such behaviors."

"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 among them," a company spokesperson told Gamasutra.

"That is why we are currently looking very closely into the matter. We will provide you with information on our next steps soon."

[SPM ET]: Techland has amended its earlier statement to add that it has since, in agreement with Avellone, decided to part ways with Avellone on *Dying Light 2*. In addition to the above, Techland provided the following: "This is why, together with Chris Avellone, we've decided to end our cooperation. We are still working towards delivering the experience we promised in *Dying Light 2*. Both our narrative team, which Chris supported, and the whole development team of *Dying Light 2* continue progressing efficiently, according to the plan revised at the beginning of the year."

Update, Paradox Interactive: A representative from *Bloodlines 2* publisher Paradox Interactive has explained Avellone's involvement with the game was "brief," and that none of the content he produced would be used in the game. The company didn't comment on the sexual harassment and assault allegations.

"Chris Avellone briefly worked with the *Bloodlines 2* writing team early in the development of the game," said Paradox. "Through an iterative creative process, however, none of his contributions remain in the game that Hardsuit Labs is continuing to develop."

9

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Cyberpunk 2077
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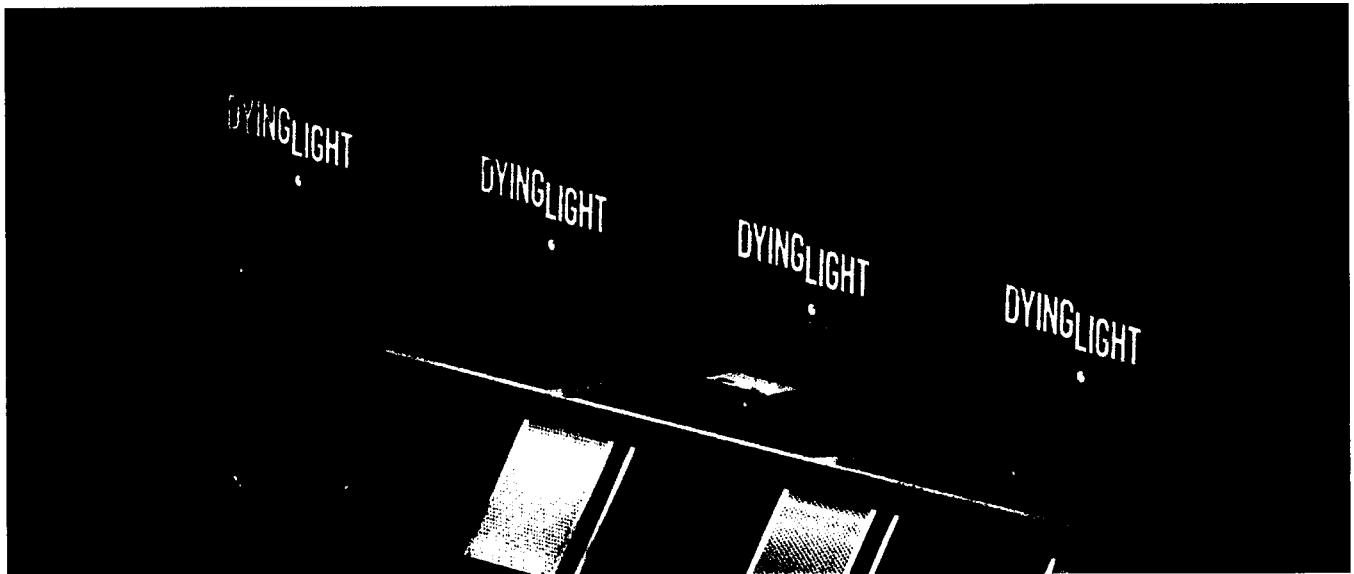
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EXHIBIT 3

HOME > TECH

Following sexual assault allegations, EA is cutting ties with the acclaimed video game writer who worked on the latest 'Star Wars' game

Ben Gilbert Jun 29, 2020, 10:32 AM

INSIDER

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Chris Avellone presenting the game "Dying Light 2" on stage during Microsoft's Xbox briefing in June 2018.
Christian Petersen/Getty Images

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■ **Avellone was one of the writers involved in "Star Wars Jedi: Fallen Order" a story-**
<https://www.businessinsider.com/after-sexual-assault-allegations-ea-cuts-ties-chris-avellone-2020-6>

Avellone was one of the writers involved in "Star Wars Jedi: Fallen Order," a story-driven single-player "Star Wars" game that sold over 10 million copies.

- A sequel to "Fallen Order" is currently in production, but Avellone is off the project, EA said. "We take all allegations of harassment and abuse very seriously," the company said in a statement, "and the recent reports that have surfaced are very concerning. EA has no plans to work with Chris Avellone moving forward."
- Avellone has a long history in the video game business, having worked on major franchises like "Fallout" and cofounded Obsidian Entertainment.
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Chris Avellone, the writer behind the 2019's "Star Wars Jedi: Fallen Order" and many other successful video game series, has been accused of sexual assault and inappropriate behavior by several women in the past two weeks.

"He got me blackout drunk," one woman said. "He and two friends somehow got me back to my room, where he pounced in front of the other guys." Another woman, Christy Dena, echoed that experience in a public response. Dena said she had "the same kind of scenario in 2013" with Avellone.

Following those allegations, Electronic Arts has officially cut ties with Avellone.

"We take all allegations of harassment and abuse very seriously," a statement from EA sent to Business Insider said. "And the recent reports that have surfaced are very concerning. EA has no plans to work with Chris Avellone moving forward."

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Avellone is credited with a story credit and as a writing consultant on "Star Wars Jedi: The Fallen Order." The game, developed by EA's Respawn Entertainment, has sold over 10 million copies since launching in November 2019, far exceeding EA's own internal projections. When EA spoke about "Fallen Order" in an investor call earlier this year, CEO Andrew Wilson referred to the game as the "first title in an entirely new franchise."

EA isn't the only major video game company to cut ties with Avellone. The Polish game studio Techland announced on June 22 that it ended its relationship with him on upcoming game "Dying Light 2," as did Gato Studios which was working with Avellone on a game named "The Waylanders."

Avellone did not respond to repeated requests for comment.

If you are a survivor of sexual assault, you can call the National Sexual Assault Hotline at 800.656.HOPE (4673) or visit [their website](#) to receive confidential support.

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S'mores sundae

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Sorbet sundae



Fish fingers

Fish fingers

Chicken burger

Boneless bites

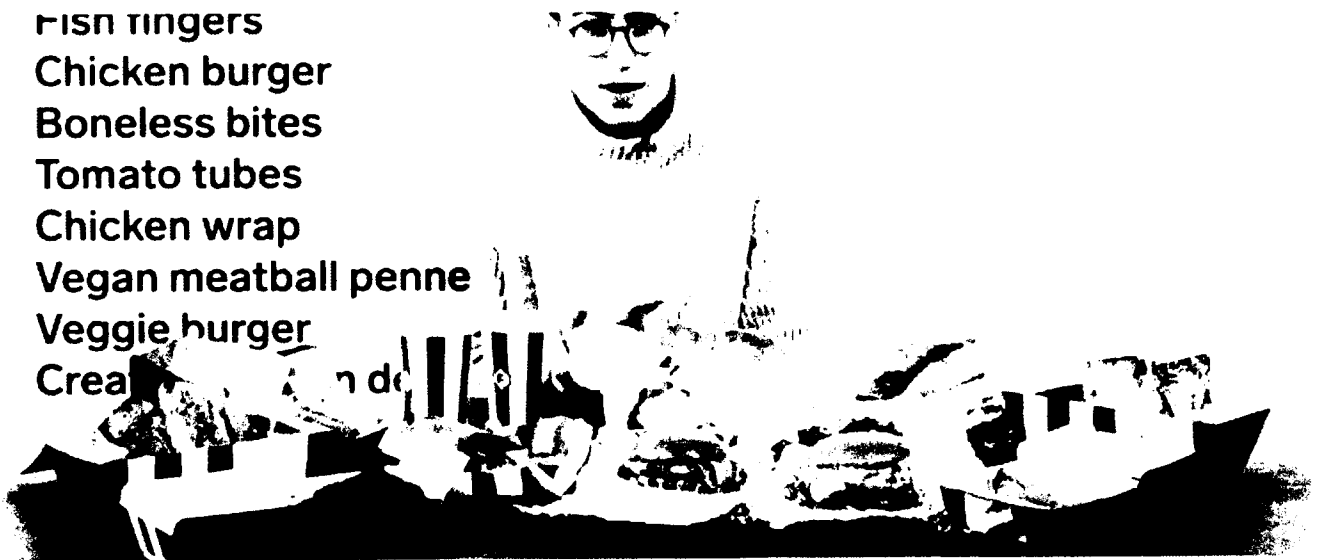
Tomato tubes

Chicken wrap

Vegan meatball penne

Veggie burger

Creamy chicken



More: Video Games Gaming Chris Avellone Obsidian Entertainment ▾



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EXHIBIT 4



Karissa ●●●●

[WEARAMASK]

I'd just bother blowing this up until today due to work being insane all week but I've got the time now. Chris Ave lone is an abusive, abrasive, conniving sexual predator. People tried to get him help. He refused it and continued. Stop glorifying him.



Kelly / Stabitha

I've never admitted this on main, but he groped me repeatedly at D*C 2014, by Pulse. Every time you or his gf weren't looking, his hand was on my ass & he was trying to get me to go to his room. I told him I don't fuck my friends' boyfriends & to stay the fuck away from me...

8 15



Kelly / Stabitha @ImeForKee40

Replying to @dilettobrozer and @s.BsMama

I swear he **ONLY** stopped when Scott gave him the dirtiest look I've ever seen. He was ready to turn Avellone into paste.

And I somehow came away from that feeling like I'd done something to

repeatedly at D*C 2014, by Pulse. Every time you or his gf weren't looking, his hand was on my ass & he was trying to get me to go to his room. I told him I don't fuck my friends' boyfriends & to stay the fuck away from me...

8

15



Kelly / Stabitha

I swear he ONLY stopped when Scott gave him the dirtiest look I've ever seen. He was ready to turn Avellone into paste.

And I somehow came away from that feeling like I'd done something to bring it on.

I shook his hand when we were introduced. That's it. That's all it took.



Karissa

|WEARAMASK|

OH MY FUCKING GOD. Also thank goodness for Scotty. Remember when he and I ran off to go find that fucker after [redacted] came back to the room after not being able to find him downtown?? Holy fucking SHIT I can't believe I didn't know this



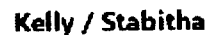
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OH MY FUCKING GOD. Also thank goodness for Scotty. Remember when he and I ran off to go find that fucker after [redacted] came back to the room after not being able to find him downtown?? Holy fucking SHIT I can't believe I didn't know this



Journal of Management Education

1. *Chrysomelidae* (Coleoptera): 10 species

I remember that entire fucking shitshow. I was more concerned about her safety to even process what he'd done to me. It didn't really hit til I got back home.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

5. $11 \frac{1}{2}$ ft.

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Replying to @GitterBroke:

Ugh god. I am SO sorry you all had to deal with that shit. And I'm so angry I didn't even see it.



He knew exactly what he was doing. You didn't see it because he was just



Kelly / Stabitha

@Stabitha - 4h

Profile picture of @SJBsMama

I remember that entire fucking shitshow. I was more concerned about her safety to even process what he'd done to me. It didn't really hit til I got back home.

134 views · 1 comment · 5 likes · Twitter for iPhone

5 likes



Karissa 🍷🍷🍷🍷

|WEARAMASK

@SJBsMama · 1h

👉 @Stabitha · 1h · Retweeted

Ugh god. I am SO sorry you all had to deal with that shit. And I'm so angry I didn't even see it.



Kelly / Stabitha @GutterBroke · 4h

He knew exactly what he was doing. You didn't see it because he was just that practiced at it. And I was so shocked that I froze. (I hate that freezing is my response to shit like this.)



1 more reply



Karissa 🍷🍷🍷🍷 **|WEARAMASK** 🍷 @SJBsMama · 4h

👉 @Stabitha · 1h · Retweeted

EXHIBIT 5

EXHIBIT 6

Home > Game News > Report: Game Writer Chris Avellone Alleged To Have Drugged And Assaulted Countless Women

Report: Game Writer Chris Avellone Alleged To Have Drugged And Assaulted Countless Women

Famed games writer and designer Chris Avellone has been accused of being a sexual predator.

BY SEAN MURRAY

PUBLISHED JUN 22, 2020



Famed games writer and designer Chris Avellone has been accused of being a sexual predator.

It's almost certain that you've played some of Chris Avellone's work. He's either worked for or with some of the biggest game developers around, including Interplay, Obsidian Entertainment, Arkane, and Larian Studios. His name is attached to an equal number of great games like *Fallout 2*, *Baldur's Gate: Dark Alliance*, *Fallout: New Vegas*, *Prey*, and *Star Wars Jedi: Fallen Order*.

But apparently, that fame has gone to his head in an awful way. According to a trending

<https://www.thegamer.com/chris-avellone-writer-allegedly-drugged-raped-women/>

Twitter thread, Avellone is a sexual predator of the worst kind.

We have Twitter user @SJBsMama (who goes by Karissa) to thank for blowing the whistle on Avellone with a revealing look into how this alleged predator operates. Karissa posted her first-hand account on social media detailing how "Chris Avellone is an abusive, abrasive, conniving sexual predator."

A warning for readers: the following contains graphic descriptions of assault.

"He got me blackout drunk on Midori Sours (on the company dime)," wrote Karissa. "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.

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RollPlay's Far Verona Season 2 Cancelled After DM Livestreams Sexual Assault Scenario

"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."

Karissa @
@SJBsMama

|WEARAMASK



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:

8:01 PM · Jun 19, 2020



♡ 3.8K 💬 213 ↗ Share this Tweet

Karissa went on to say that she witnessed Avellone use the same tactics on "far younger" women (she was in her late 20s at the time), and even regrets setting her best friend up with Avellone later on.

Eventually, Avellone's drunkenness combined with his predatory behavior got him blacklisted from several conventions. Other Twitter followers also chimed in to confirm their stories thanks to the #MeToo era.

Avellone currently works as a freelancer and is listed as the main writer for the upcoming *Dying Light 2*.

Source: Twitter

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—



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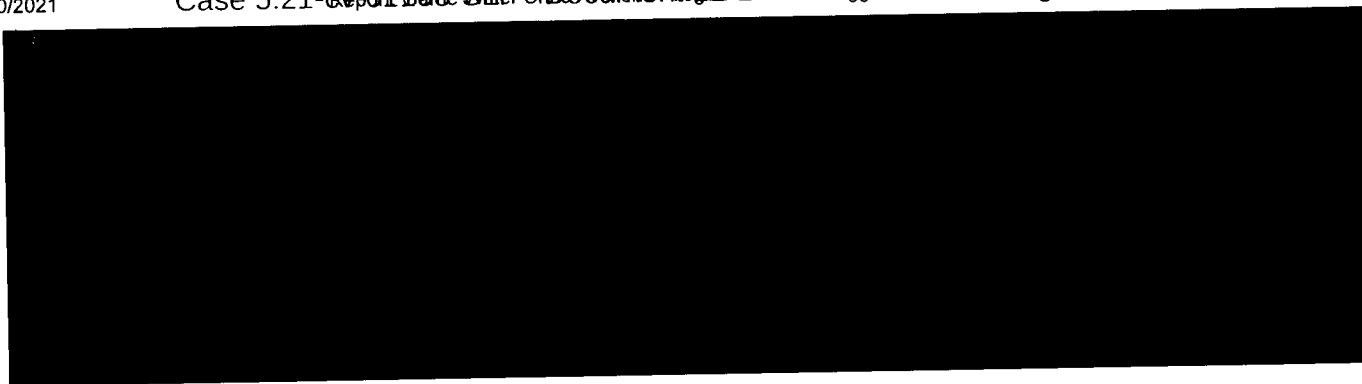
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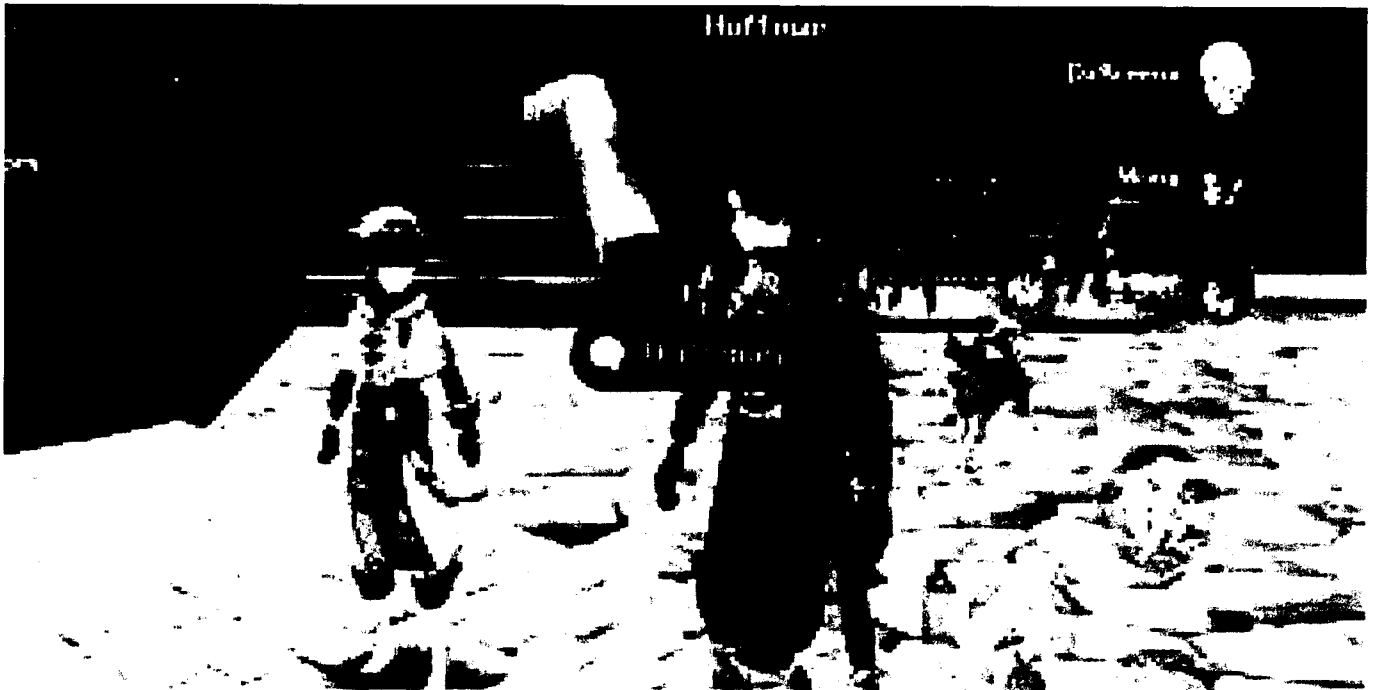


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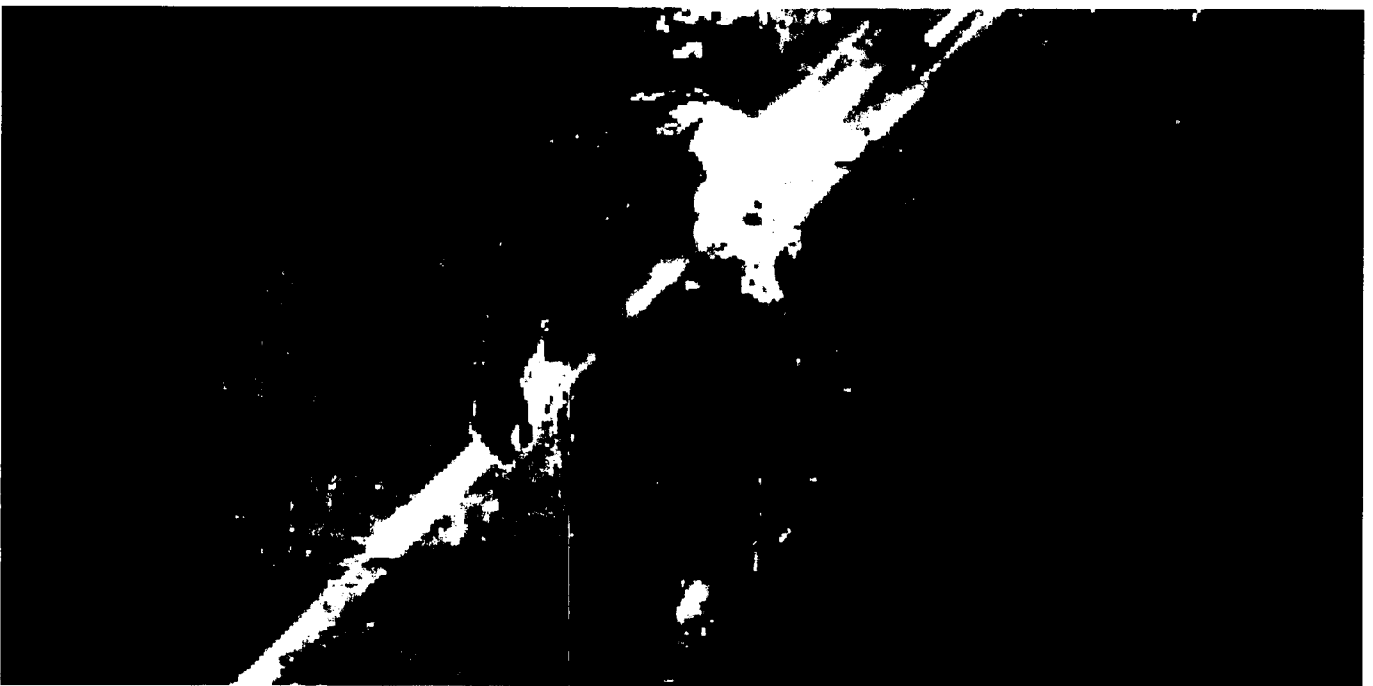




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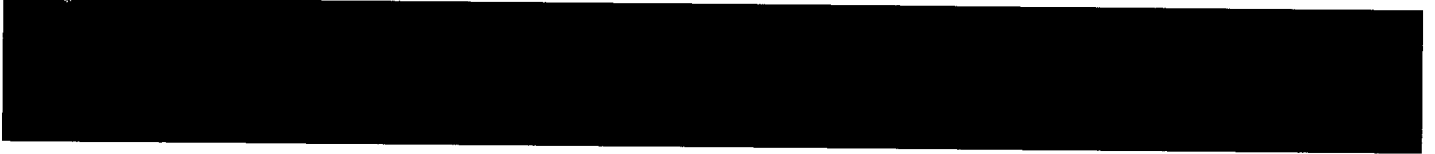


EXHIBIT 7

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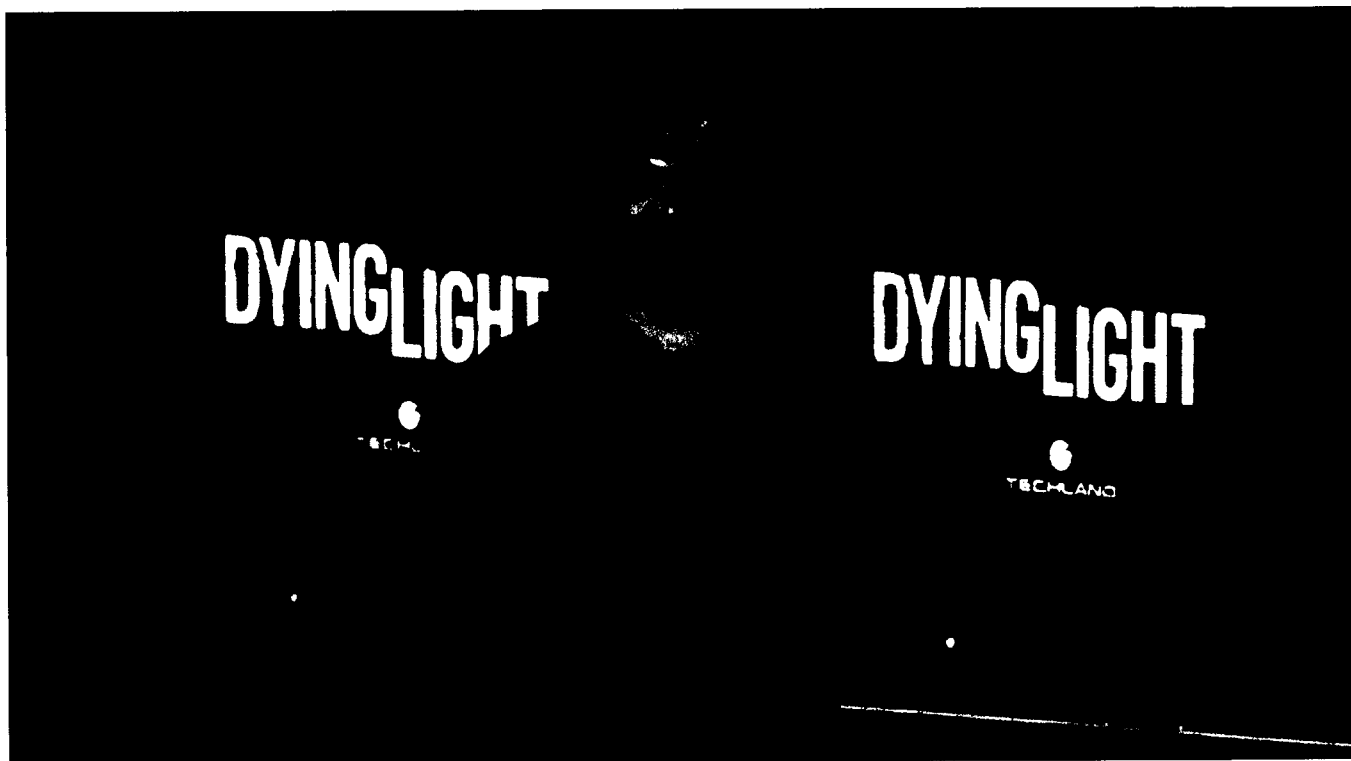
Multiple Women Accuse Games Writer Chris Avellone Of Sexual Misconduct



Ethan Gach
6/23/20 2:10PM

161

5



Video game writer Chris Avellone revealing *Dying Light 2* at Microsoft's E3 2018 press conference.

Screenshot: Microsoft ([YouTube](#))

Over the weekend, multiple women in the video game industry accused Chris Avellone, a writer on a number of renowned role-playing games including *Planescape: Torment*, *Baldur's Gate: Dark Alliance*, and *Fallout: New Vegas*, of using his stature in the video game industry to prey on women.

The women accused Avellone, who most recently worked on the upcoming zombie blockbuster *Dying Light 2*, of groping, sexual harassment, and other incidents, some of which took place at game industry networking events. Thus far, Avellone's only response has been a series of individual Twitter replies in which he apologized to some of the women but did not go into detail about the events in question. Avellone has not responded to *Kotaku's* requests for comment.

Dying Light 2 developer Techland, which had Avellone announce the game live on stage at Microsoft's E3 2018 press conference, said it would part ways with Avellone. "We treat 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 among them," a spokesperson for the studio told *Kotaku* in an email. "This is why, together with Chris Avellone, we've decided to end our cooperation." The company did not say what its investigation into the allegations against Avellone revealed.

"I witnessed, and experienced, his behavior firsthand," one of the women wrote in a Twitter thread on Friday. Speaking with *Kotaku* via phone, Karissa (who asked that we only use her first name out of concerns for her safety) gave more details about the incidents, which she said took place between 2012 and 2014.

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She said she first met Avellone at a hotel bar meetup with industry friends at a 2012 convention, when he was working at Obsidian, the studio he co-founded. "He threw up his Obsidian credit card in the air and said 'drinks on me,' and he just started buying drinks for everybody," she said. "Every time mine was gone, Chris was already back with one or two more for whoever was out, constantly just going back and forth. I remember refusing him, just being like 'I'm good, I don't need anymore, I probably shouldn't drink anymore,' and he'd be like, 'No that's fine, come on, let's get you another drink.'"

G/O Media may get a commission

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Vacuum and Mop -
Champagne**

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Karissa said the alcohol hit her very fast, and eventually her two friends and Avellone decided to help her back to her hotel room. "Much of this I don't recall except for a few moments," she said. "I remember we were standing up at some point, I remember my two friends standing there at one point, and I remember this fairly vividly: Chris grabbed my face and started to kiss me. Didn't ask, just went for it." She said that at some point her friends left, heading down the hallway to the elevator just out of eyeshot. One later told her after she came forward that they had tried repeatedly to get Avellone to leave with them, she said.

"I was just kind of hanging my head there because I was feeling more self-conscious than anything," Karissa said. "The biggest moment of clarity during this whole thing which came back to me later—again, things have come back to me in pieces—the thing I remember most clearly is when he started to undo my pants and put his hand down into them, I told him, 'This is not a good idea.' I think he paused for a moment,

because I don't think he was expecting me to say that, and I think the only reason I was able to say that was because I was on my period at the time."

"He's fucking disgusting, but he did not rape me," she said. "He assaulted me, 100 percent, but I stopped him."



Why Women Don't Report Sexual Harassment

In March 2015, at a party at the Game Developers Conference in San Francisco, Megan Farokhmanesh...

[Read more](#)

Karissa said that she witnessed Avellone preying on other younger women this way as well, deploying booze and his status at various pop culture conventions. “Girl after girl, waiving around his company card, he made no secret of the fact that he worked at Obsidian,” Karissa said, describing it in one of her tweets as a pattern of using his “‘star’ power to victimize women.”

In replies on Twitter, Avellone said that the accuser “hates me, and she’s right to feel that way,” that he “never meant any harm” to her or another woman that Karissa said was harmed by Avellone, and that he was “trying to apologize.”

Following this story, another woman in the games industry shared on Twitter what she said was a screenshot of private Facebook messages between herself and Avellone in 2014 that showed him turning a non-sexual conversation into immediately propositioning sex to her, describing the proposed sexual acts in detail. The woman said that Avellone was aware of the fact that she was already in a relationship at the time, and that the messages made her feel “sick and upset.” (Since this person did not respond to requests for comment from *Kotaku*, we have elected to not print her name or link to her post.)

“This was before I was fulltime in the games industry, but knew I wanted a future in it and was actively working towards that,” she wrote in a tweet thread. “Chris was one of the ‘industry greats’ I was frankly flattered to even know let alone be friendly with.” (Avellone did not address this issue specifically in any Twitter reply.)

A third woman also accused Avellone of groping her repeatedly at a 2014 industry event while Avellone’s girlfriend was present. She wrote that “every time” Avellone’s girlfriend looked away, “his hand was on my ass & he was trying to get me to go to his room. I told him I don’t fuck my friends’ boyfriends & to stay the fuck away from me.” (This person has said that they will not speak on the matter further with members of the media, and made a public request that the media not use her name or link to her tweets. Avellone responded to a tweet that mentioned this incident to say he was “listening and being aware,” but did not directly address the incident in the response.)

Other recent games Avellone was believed to be involved with include Hardsuit Labs' Vampire: The Masquerade – Bloodlines 2. Paradox Games, the publisher of *Bloodlines 2*, said in an email to *Kotaku* that Avellone only worked on the project briefly and that “none of his contributions remain in the game.”

Avellone's work on the recent RPG by Gato Studio, *The Waylanders*, is also under review. “Chris is no longer on the project, and I've been the lead writer all along, not him,” *Waylanders* writer Emily Grace Buck wrote on Twitter after learning about the allegations against Avellone. “*Waylanders* has very little writing by him as it stands, and I'll be taking a look at his scenes.” Buck added that no one on the team had been aware of any of the accusations against Avellone until just recently. Buck and Avellone had been jointly interviewed for an IGN feature on the game that was published only a few days prior to the women's tweets.

Today, Gato confirmed that Avellone's contract with the company finished last week, and he is no longer associated with the game. “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,” it wrote.

The allegations against Avellone come amid a new wave of people speaking out against sexual abuse and coercion across the games industry on social media. Like a similar outpouring back in August 2019, many people have come forward to share their own painful experiences, while others have called on long-overdue changes to how companies network and operate, demanding more accountability and for allegations of sexual assault and predatory behavior to be thoroughly investigated instead of just being swept under the rug.

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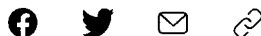
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DISCUSSION



Hiemoth

6/23/20 2:18PM

Something I realize that whenever I read something like this about a creator, I start reflecting on what they have done before and if these revelations cast some of those stories/decisions in a more questionable light.

With Avellone, it's weird. Not because there are no signs, but rather this makes me think more on his vocal opposition to include romances in his stories. It was always a fair enough decision, they are his stories after all, but I remember thinking his own explanation always sounded really weird. And now this makes me wonder if it was in part reflecting his ideas of courtship and relationships?

Again, nothing solid, but there is something you leave in the light when you create something and it is, at least for me, interesting to consider.

See all replies

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CULTURE » E3

Until Dawn Devs Are Making A Horror Game Set During The Iraq War

House of Ashes joins Man of Medan and Little Hope in the Dark Pictures Anthology series

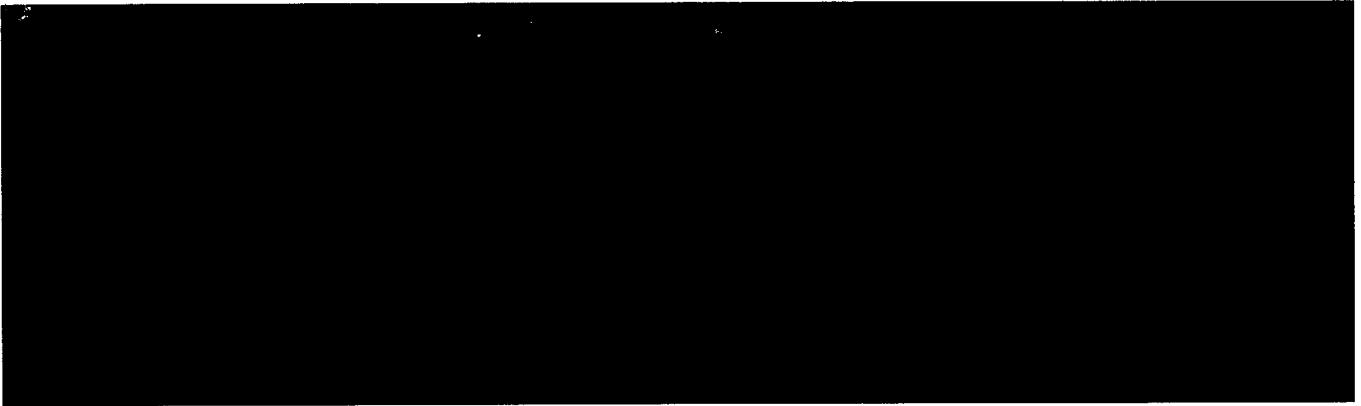


Ash Parrish
8 minutes ago

Save

Alerts





A bloody soldier confronting an unseen evil in *House of Ashes*.

Screenshot: Bandai Namco

House of Ashes is the newest game in the *Dark Pictures Anthology* series.

Set in 2003 during the Iraq War, *House of Ashes* follows a group of American and Iraqi soldiers investigating an underground storage facility where they suspect chemical weapons are being hidden, only to discover it's a crumbling temple in

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23 MIN AGO

Now There's A Vampire Battle Royale Game, Too

1 2

Mike Fahey



The undead go to war in Vampire: The Masquerade – Bloodhunt

43 MIN AGO

It's Like *Left 4 Dead*, But With Better AI --- And More Style, Too

1  8

Zack Zwiezen



The *Anacrusis* is a co-op shooter from former Valve writer Chet Faliszek coming to Game Pass later this year

1 HR AGO

Everyone Else Saw The *Elden Ring* Horse Double Jump, Right?

1  24

Ian Walker



Okay, scratch all the Dark Souls-looking stuff, this is what's got me most excited

NEWS 1 HR AGO

NEWS 1 HR AGO

Here's The E3 (And Not-E3) 2021 Press Conference Schedule So Far

| 20

Ari Notis



Between E3, Summer Game Fest, and individual publisher events, prepare for a head-spinning announcement season

2 HRS AGO

Everything We Saw At The Summer Game Fest Kickoff

12

Riley MacLeod



Elden Ring, a Borderlands spin-off, and of course an appearance by Geoff's best friend Kojima

4:21 PM

CD Projekt Red Confess Hack Severity While Everyone's Distracted With E3

1 5

Ari Notis



The Cyberpunk studio puts on a master class in misdirection

3:28 PM

Nier: Automata's 2B (2Bean?) Comes To Fall Guys

1 6

Lisa Marie Segarra

Yes, you can and should make 2Bean jokes about this

2:35 PM

***Among Us* Gets Hide and Seek Mode, Achievements**

1  1

Lisa Marie Segarra



Innersloth is finally rewarding me for all my death and destruction

EXHIBIT 8

Technology

Video Game Industry Rocked by Outpouring of Sexual Misconduct Allegations

The gaming and streaming world hasn't yet faced the #MeToo movement on the same scale as Hollywood. That's poised to change.

By Jason Schreier

June 24, 2020, 7:06 AM PDT

Updated on June 24, 2020, 10:03 AM PDT



Chris Avellone *Photographer: Christian Petersen/Getty Images*

Dozens of women took to social media over the past few days to outline explosive allegations against prominent men in the world of video gaming and streaming, setting the stage for what could be the beginning of a #MeToo reckoning for the \$150 billion video game industry.

Four women leveled accusations of sexual misconduct against Chris Avellone, a critically acclaimed video game writer, leading one developer to end its cooperation with him and prompting him to part ways with another game in the works. A different woman accused Omeed Dariani, the chief executive officer of Online Performers Group, a talent

agency that works with many video streamers, of making an unwelcome sexual overture. Dariani resigned from his position on Sunday. Some streamers began calling for a blackout Wednesday of Amazon.com Inc.'s Twitch, the biggest game streaming platform, alleging that it turns a blind eye to misbehavior.

The gaming industry has for years been criticized as unwelcoming—if not hostile—to women, but has not yet faced the #MeToo movement on the same scale as Hollywood and other industries. This week's flurry of postings was unique in terms of its volume and public nature, and it has sent ripples across the industry. Accusations began appearing on Twitter late Friday night and each new post emboldened other women to publicly share their stories. Many of the postings about the men accused of misconduct were subsequently compiled in a thread on Medium.

Some of the people identified in postings have denied wrongdoing, while others have apologized for their behavior. Many were not identified by their legal names, but by the names they are known by on social media.



Twitch Photographer: Thomas Trutschel/Photothek via Getty Images

Dariani's accuser said the CEO proposed that she join him and his wife for a sexual encounter. Dariani didn't respond to requests for comment but said on Twitter that while he didn't recall

the conversation, he believed his accuser, Molly Fender Ayala. When asked for comment by Bloomberg News, she said her public post expresses everything she “feels comfortable with sharing at this time. My intention was to bring light to a larger issue in the gaming industry and hopefully protect young women who are entering the space.” Twitch said it’s investigating reports of misconduct and that it “supports people coming forward.”

Some of the most detailed allegations were brought against Avellone, who replied on Twitter to one of the women, Karissa, saying he “never meant any harm” to her or a friend of hers that he had dated. “If I can’t do anything to apologize for it, I understand, and there’s nothing more to be done.” Karissa, who spoke to Bloomberg News about her allegations, declined to give her last name for fear of harassment.

Avellone, who has written for popular games such as Planescape: Torment and Fallout: New Vegas, was a founder and co-owner of the video game studio Obsidian Entertainment Inc. from 2003 until 2015. Since then, he has been a freelance designer and writer for games including Prey and Star Wars Jedi: Fallen Order. His work as a writer has been lauded by fans and critics. Industry publication Game Developer magazine listed him as one of the field’s top writers in 2009.

In interviews with Bloomberg News, two women shared similar but separate stories of Avellone buying a continuous stream of drinks for them and others at an event and then making unwanted sexual advances on the two women. One, Karissa, said it happened when she met Avellone at a convention one weekend in 2012; the second said it happened at an event in 2013. A third woman, who now works at a large video game company, posted on Twitter a screen shot of sexually explicit messages she said she had received from Avellone in 2013, when she was seeking to break into the industry. A fourth wrote on Twitter that Avellone had “groped me repeatedly” at a nightclub in 2014.

Avellone didn’t respond to multiple requests for comment. Feargus Urquhart, Obsidian’s chief executive officer, declined to comment on Avellone.

On Friday evening, Karissa accused Avellone of getting her “blackout drunk” and trying to sleep with her, calling him “an abusive, abrasive, conniving sexual predator” in a thread of messages on Twitter. After being contacted by Bloomberg, Karissa, who asked that her last name not be printed for fear of harassment, elaborated in a phone interview. She said she met Avellone through friends in the gaming industry at a convention in 2012. At the hotel bar, Karissa said, Avellone put down his Obsidian credit card and bought multiple rounds of drinks for attendees.

"They were coming so quickly," said Karissa. "It was almost like as soon as my drink was gone, Chris already had one or two more for me. I remember refusing him, just being like, 'I'm good, I don't need another one.' He would literally just be like, 'Come on, let's go to the bar, let's get you another one.' He did that multiple times throughout the night."

Karissa said the alcohol "all hit me at once," and that she remembers walking back to her hotel room with Avellone and two of her friends. She said she vaguely remembers Avellone trying to kiss her on the way up, and kissing her again when they arrived at the hallway outside her room. At one point, Avellone then put a hand down her pants, after which she told him to stop, Karissa said she remembers. "I told him this is not a good idea," she said. "He stopped, then took his hand out of my pants. I think he kissed me one more time, and then left."

After that night, Karissa said she remained friendly with Avellone, and that he was "a perfect gentleman" the rest of the weekend, which "kind of pushed off what had happened in my head." She said that their friendship ended after he had a difficult relationship with one of her other friends, and that it only occurred to her recently that something went wrong that night in 2012.

"It actually didn't start to click with me until other women in the industry started coming forward with their stories, and seeing how similar they were to mine," Karissa said, referring to the outpouring that began on Friday. She spoke up after seeing an interview with Avellone on the gaming website IGN for The Waylanders, a new video game he was helping write.

One friend of Karissa, who asked not to be named because the person still works in the video game industry, confirmed to Bloomberg News that they heard the same story from Karissa about a month after it happened.

Christy Dena, a video game designer, said she and Avellone had been friendly for years when they met up at a convention in Melbourne in 2013. She went out drinking with him and a few other friends, she said in an interview, and he was "continuously buying drinks" for the group. "At every event we went to, he'd just put the company card down and buy everybody drinks," Dena said.

The two of them went back to her hotel room, Dena said, and that the next thing she remembers is waking up next to him with no clothes on. "I remember going back to the room, but then I don't remember much of what happened in the room at all," she said. "And then just waking up in the morning. He said, 'Oh, we didn't do anything,' but of course my clothes were off."

She has stopped drinking as a result of this and other uncomfortable incidents involving other men at video game industry events. "It's one of those things it took me a very long time to learn," Dena said. "People are not in a consenting state when they're drunk."

What to know in tech

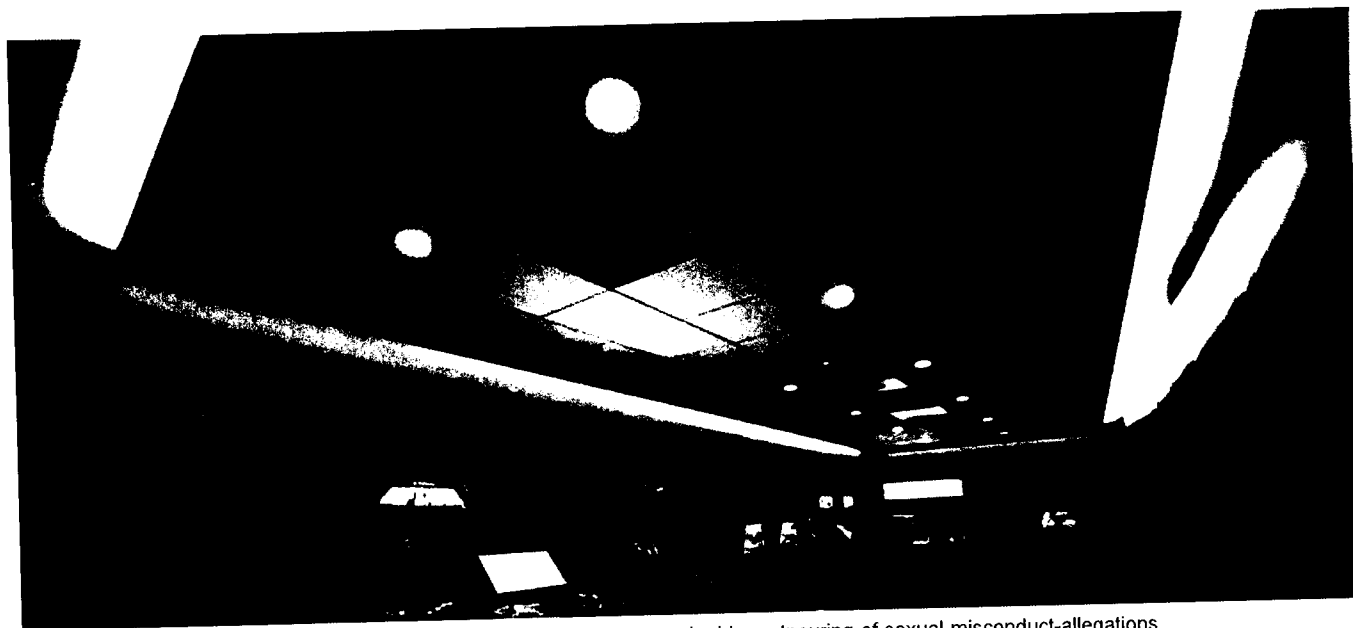
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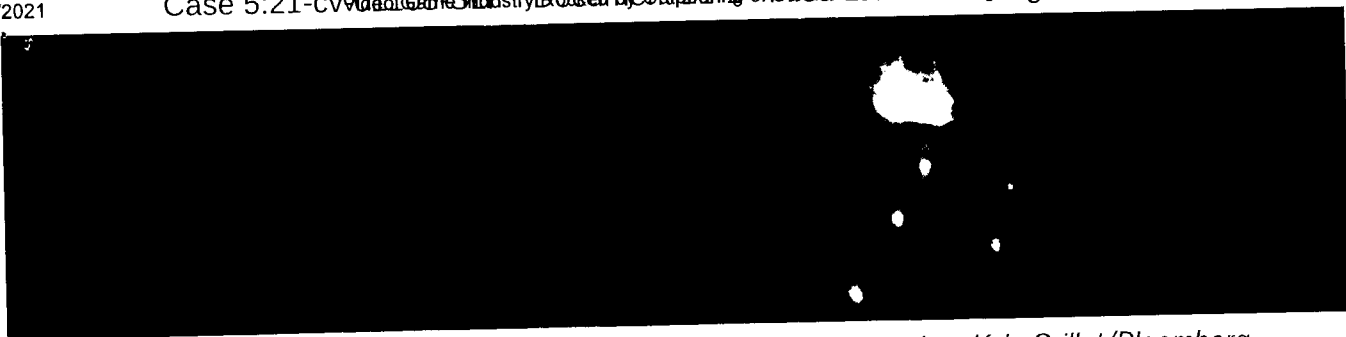
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In rare instances over the past three years, accusations have emerged against powerful men, including a depiction of a culture of sexism at Riot Games, Inc. and a sexual assault allegation against a former top developer at Take-Two Interactive Software Inc.'s Rockstar Games, the maker of Grand Theft Auto. (Three weeks after the article's publication in online gaming magazine Kotaku in 2018, Riot Games said it had "much to improve" and that it would overhaul many of its practices. Rockstar Games declined to comment on the allegations raised in the story published last year and the executive accused denied the allegations.)





Arcade games are seen at the Riot Games campus in Los Angeles. Photographer: Kyle Grillot/Bloomberg

On Saturday night, Jacqui Collins, a public relations representative for Riot Games, shared a screenshot of sexually explicit text messages from Avellone on Twitter. “This was before I was full time in the games industry, but knew I wanted a future in it and was actively working towards that,” she wrote. “Chris was one of the ‘industry greats’ I was frankly flattered to even know let alone be friendly with. So I forgave and regularly asked him career advice.”

The women’s accusations have had real-world implications for Avellone. Techland Sp., a Polish game developer, said Monday on Twitter that it planned to stop working with Avellone, who was part of the narrative team for the company’s next game, Dying Light 2. And Emily Grace Buck, the lead writer of The Waylanders, has since said Avellone is no longer on the project and that she would “take an extra look” at his work.

Other companies have also said they plan to investigate accounts this week. Video game publisher Ubisoft Entertainment SA. said it was “deeply concerned” by sexual misconduct allegations against some of its employees, according to Gamasutra. Insomniac Games, Inc., the Sony-owned developer of the Spider-Man video games, said it was also investigating a former employee’s allegations of sexual misconduct.

(Updates to add other companies making investigations into allegations in final paragraph.)

EXHIBIT 9

US MARKETS CLOSED

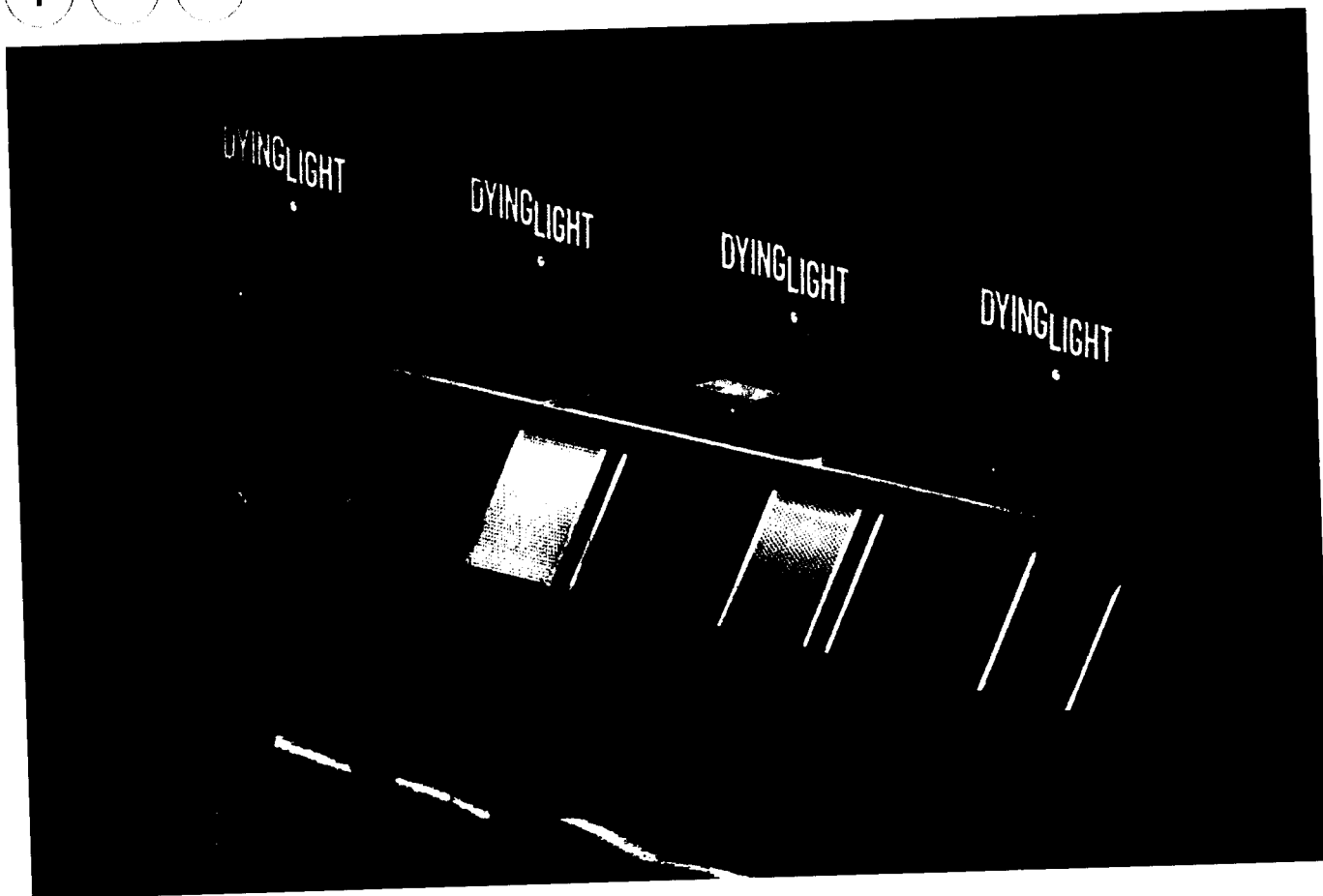
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▼ Dow Jones	▼ Nasdaq	▼ S&P 500	▼ TSLA	▼ FB	▲ BABA
+0.06%	+0.78%	+0.47%	+2.55%	+0.67%	-0.12%

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A woman who accused video game designer Chris Avellone of sexual assault opens up about her allegations and says it's time to oust abusers from the industry

Samuel Horti Jul 3, 2020, 3:38 AM



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Christian Petersen/Getty Images

- **Chris Avellone, a high-profile video game designer known for his work on "Planescape: Torment" and two "Fallout" games, has been accused of sexual assault.**
- **One of Avellone's accusers, Karissa, told Business Insider that Avellone forcibly kissed her and then tried to put his hand down her pants while she was "blackout drunk" at a 2012 convention. She says he stopped when she told him "this isn't a good idea."**
- **Avellone responded to the allegations on Twitter soon after they came to light, saying that he wanted to apologize.**
- **Avellone has since been silent on social media and did not respond to multiple requests for comment.**
- **Since allegations involving Avellone surfaced, dozens of other women have accused senior men in the video games industry of sexual harassment, assault, or inappropriate behavior.**
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A woman who accused high-profile video game designer Chris Avellone of sexual assault and helped spark an outpouring of similar claims against senior men in the industry has encouraged other victims of sexual misconduct to come forward.

Karissa, who spoke to Business Insider on the condition that her last name was not revealed, made the allegations against Avellone on social media on June 20. Since then, dozens of other women have accused senior men in the industry of sexual harassment and sexual assault.

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Microsoft acquired the company in 2018.

He is best-known for his work on gaming classics like "Planescape: Torment", the "Icewind Dale" series, and two "Fallout" games.



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Business Insider that Avellone kept buying her drinks at a convention she was attending in 2012 — eventually, she got "blackout drunk".

Avellone then forcibly kissed her, and tried to put his hand down her pants, she said.

A friend of Karissa's, who spoke on the condition of anonymity, confirmed to Business Insider that Karissa had told them about the alleged assault in 2014. A different friend confirmed to [Bloomberg](#) that Karissa had told them about the alleged incident a month after it happened.

Avellone responded to Karissa's accusations on Twitter in a flurry of tweets on June 20. He said he wanted to apologize but did not comment on specific details of the allegations.

He has not tweeted since.

He did not respond to multiple emails and direct messages from Business Insider.

'I didn't process what had actually happened until years later'

Karissa alleges that Avellone had assaulted her on the first night they met at a convention in 2012. She was attending the event.

"I was hanging out with some friends who knew him, and went with them to meet up

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Avellone was buying everybody drinks, she said, and every time she finished hers, he took her to the bar for a refill.

"I drink very quickly when I'm thirsty and that place was hot and crowded. I also rarely drink, so given the speed and how many he was encouraging me to have, I didn't realize how far gone I was until I was VERY gone," she wrote in direct messages.

Along with two of Karissa's friends, Avellone took her back to her hotel room, she says, "where he pounced in front of the other guys."

She said that Avellone forcibly kissed her — "he did not ask, just grabbed my face and went for it" — outside her hotel room. She said her two companions moved to stand out of view of the couple (one later told Karissa he was embarrassed to watch, she said).

Avellone then "took me down to the floor [outside the hotel room] at some point while he was making out with me, his back was against the wall and he pulled my back up against him," she told Business Insider. "I remember he had been touching me; when he moved one of his hands from my chest down to undo my pants and slip that hand down into them, that's when I stopped him."

Karissa said she was able to stop Avellone by saying, "this isn't a good idea," and that the only reason she felt able to do so was because she was on her period at the time. "Had I not been, I don't think I would have sobered up enough with the self-consciousness there to refuse him because of how intensely blackout drunk I was."

She said she woke up with "no recollection" of what happened — but through her own

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"The only reason I knew it had gotten to a point where I had to refuse him was
<https://www.businessinsider.com/chris-avellone-video-game-designer-accused-sexual-assault-karissa-2020-6>

because Chris himself told me so when I confronted him about what my friend had told me. I was shocked and offended, but didn't process what had actually happened until years later," she said.

She refused Avellone twice more during the convention, and said she was not drunk around him after the first night. She said that he did not push the issue after the two refusals — this "kept me in denial about what was actually going on," she said.

Business Insider put the details of Karissa's allegations to Avellone, but he did not respond.

A friend of Karissa's told Business Insider that they first heard of the incident in 2014, and that her recent public allegations matched up with the earlier account.

Karissa said that, at the same convention, she saw Avellone buying drinks for many other women, too.

"I personally saw him escorting three different cosplayers, all of whom were extremely petite, away from the bar area towards exits," after which she didn't see him again for quite some time. "He always eventually returned to the bar and started drinking with more women."

Another woman who knew Avellone shared screenshots from an online conversation

Two other women in the industry told Business Insider that they had been warned that Avellone was somebody women should stay away from.

One said Avellone was "someone women got warned about at conventions."

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"Valorant," posted a screenshot on Twitter from what she says is an online

conversation she had with Avellone in 2014. Collins said she regularly spoke to Avellone about pursuing a career in video games.

In response to a non-sexual question, Avellone described how he wanted to perform oral sex on Collins.

"You may have to listen very hard while your hands dig into the sides of my head and force me deep into your pussy," he wrote. "Or we could just talk, too," he added, with a winking emoji.

In the same thread of messages, Avellone later apologized and said he owed Collins "a hundred million apologies."

In her public June 21 tweet, Collins said that she forgave Avellone at the time.

"I never forgot about it, though. I always kind of regretted forgiving it. I remained friendly with Chris after, I'm sorry if that in any way enabled him to harm others. I was in a relationship at the time. Chris knew," she wrote.

A former colleague of Avellone, who worked with him for several years, described him as a "ladies' man" who sometimes stepped over the line. The colleague remembered his female friends describing Avellone as creepy on multiple occasions.

On June 20, Avellone tweeted that he wanted to apologize to Karissa.

"I'm trying to apologize, but you blocked me, so I'm doing my best," he said in one reply to Karissa.

Avellone also appeared to suggest he deserved public criticism, telling a supporter

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which gives me hope for human nature. That said, please cancel me at once.

Gaming firms cut ties with Avellone after the allegations came to light

Some of the studios Avellone has worked with cut ties with him after the accusations came to light.

Avellone's recent credits include 2019's "Star Wars Jedi: Fallen Order," and 2017's "Divinity: Original Sin II."

Industry giant Electronic Arts, which published "Star Wars Jedi: Fallen Order", told Business Insider it had "no plans" to work with Avellone again.

"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," the statement said.

Techland, a Polish game developer that's working on the upcoming game "Dying Light 2," also ended its relationship with Avellone.

"We treat matters of sexual harassment and disrespect with utmost care, and have no tolerance for such behaviours," it said in a statement published on Twitter on June 22. "This is why, together with Chris Avellone, we've decided to end our cooperation."

Karissa told Business Insider in Twitter messages that she was "horrified and sickened" by the sheer number of women coming forward.

But she was also "inspired" by their courage, and said she hoped others would come forward to help "oust" harassers and abusers.

"It has given more victims the courage to come forward, as it has with those who

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predators/harassers/abusers in the industry are still flying under the radar. Every

single woman I know has been at *least* sexually harassed. if they've been lucky

enough to avoid assault and/or abuse. Every. Single. One."

She added that victims should feel encouraged to speak out publicly. "I would encourage those in the industry to confront anyone they hear about and hold them accountable."

She continued: "It is FAR past time to oust the gatekeepers, the harassers, the abusers, the predators, especially if they're in positions of power. They have NO place in this industry or any other. The only place they belong, as far as I'm concerned, is therapy or jail until they've made a true change in themselves.

"Get them ALL OUT."

Additional reporting by Benjamin Gilbert.

If you have been sexually assaulted, harassed, or otherwise harmed during your time in the video games industry, we want to hear from you. Contact Business Insider associate editor Samuel Horti via encrypted messaging app Signal (+447801504020), encrypted email (shortiBI@protonmail.com), standard email (shorti@businessinsider.com), or Twitter DM (@SamuelHorti). We can keep sources anonymous. Use a non-work device to reach out. PR pitches by standard email only, please.

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2:34



Chris Avellone

19.2K Tweets



Tweets

Media

Links



Karissa

|WEAR...

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. I treat people like



Chris Avellone

When someone is defending a friend, there is no enemy.



Chris Avellone

Also, as I've said, I am so sorry how things worked out. I did care about you very much, and I do appreciate your friends both trying to get us together and then backing away from that. :(



Woolie Versus

Is there any other character in all Star Wars lore that even approach Kreia on that level 99 tired "fuck the very





Chris Avellone Author · 10 years ago

Karissa does hate me, it is true. Very much, and I do not know how to fix it, but recognized when you hurt someone's friend, there may be no fix at all, except between the two people involved.

And there's never any need to "support" me, I do not wish this.



GoodOlSmokey Author · 10 years ago

I still respect you and still look up to you despite what anyone else says. Ill probably get flack for this but I really don't give a damn quite frankly.

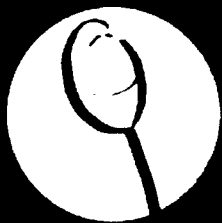


Chris Avellone Author · 10 years ago

10 years ago

Please just let me die in my sleep. I did care about Karissa's friend very much, and I don't want to diminish that, even if it didn't end up in a good place. :(



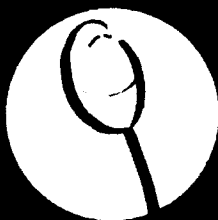


Chris Avellone

@ChrisAvellone

I should have
been better, and I apologize.

10:36 AM 3/20/20



Chris Avellone @ChrisAvellone

Replying to

I am so sorry things didn't work out - I
did try, very much.



Tweet

**Chris Avellone** @ChrisAvellone · 10m

I should have been better, and I apologize.

Reply · Retweet · Like

**efermeci** @efermeci · 8m

Not gonna share your account of things?

Reply · Retweet · Like

**Chris Avellone**

@ChrisAvellone · 10m

Replying to @efermeci

There is nothing to say, really. I should have been better, but I did care very much. We continued to see each other for years after our first meeting, and I have no regrets.

2:44 AM · 6/20/20

2 Likes



2:34



Chris Avellone

19.2K Tweets



Tweets

Media

Replies



Karissa @

|WEAR...

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 & ...



Chris Avellone

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Chris Avellone

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Woolie Versus

Is there any other character in all Star Wars lore that even approaches Kreia on that level 99 tired "fuck the very



**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,

Plaintiff,

v.

KELLY RAE BRISTOL,

Defendant.

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Case No. CIV-21-1108-SLP

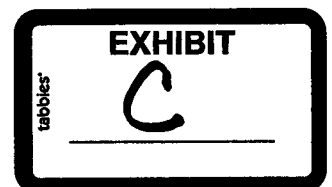
**PLAINTIFF'S UNOPPOSED MOTION
TO STAY DEADLINE TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS AND REQUEST FOR JUDICIAL NOTICE**

Plaintiff Christopher Avellone ("Plaintiff") hereby moves this Court for an order staying his deadline to respond to Defendant's Motion to Dismiss (Dkt. No. 10) and Request for Judicial Notice in Support of Defendant's Motion to Dismiss (Dkt. No. 11) until the Court has ruled on Plaintiff's Motion to Remand and for Award of Costs and Attorney Fees, with Combined Brief in Support (Dkt. No. 13). In support of this Unopposed Motion, the Plaintiff states as follows:

1. The Plaintiff filed this action on October 13, 2021, in the District Court of Oklahoma County, State of Oklahoma, alleging state law claims against Defendant Kelly Rae Bristol ("Defendant").

2. On November 23, 2021, the Defendant removed the state court action to this Court. Notice of Removal (Dkt. No. 1).

3. On December 10, 2021, the Defendant filed a Motion to Dismiss (Dkt. No. 10) and Request for Judicial Notice in Support of Defendant's Motion to Dismiss (Dkt. No. 11) (collectively the "Defendant's Pending Motions").



4. The deadline for the Plaintiff to respond to the Defendant's Pending Motions is January 3, 2022.

5. On December 21, 2021, the Plaintiff filed a Motion to Remand and for Award of Costs and Attorney Fees, with Combined Brief in Support (Dkt. No. 13) ("Motion for Remand").

6. Pending the Court's decision on the Motion to Remand, the Plaintiff respectfully requests that the Court stay his deadline to respond to the Defendant's Pending Motions until further order of the Court.

7. Counsel for Plaintiff has conferred with counsel for Defendant, and the Defendant does not oppose the relief requested herein.

8. A proposed order has been submitted herewith.

WHEREFORE, the Plaintiff requests that the Court stay his deadline to respond to Defendant's Pending Motions until further order of this Court to be entered after the Court has ruled on the Motion to Remand.

Respectfully submitted,

s/ Eric D. Wade

Eric D. Wade, OBA No. 19249
ROSENSTEIN FIST & RINGOLD
525 South Main, Suite 700
Tulsa, Oklahoma 74103-4508
(918) 585-9211 (Telephone)
(918) 583-5617 (Facsimile)
ericw@rflaw.com

ATTORNEYS FOR PLAINTIFF,
CHRISTOPHER AVELLONE

CERTIFICATE OF DELIVERY

☒ I hereby certify that on December 27, 2021, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants, to:

Scott E. Kiplinger
GABLE GOTWALS
499 W. Sheridan Avenue, Suite 2200
Oklahoma City, Oklahoma 73102
skiplinger@gablelaw.com

-and-

Daniel L. Allender (*pro hac vice*)
Jessica Marie Pettit (*pro hac vice*)
ROBINS KAPLAN LLP
2049 Century Park East, Suite 3400
Los Angeles, California 90067
dallender@robinskaplan.com
jpettit@robinskaplan.com

Attorneys for Defendant

☐ I hereby certify that on _____ I served the attached document by United States Certified Mail, Return Receipt Requested on the following, who are not registered participants of the ECF System:

s/ Eric D. Wade
Eric D. Wade

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER AVELLONE,

Plaintiff,

v.

KELLY RAE BRISTOL,

Defendant.

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Case No. CIV-21-1108-SLP

ORDER

Before the Court is Plaintiff's Unopposed Motion to Stay Deadline to Respond to Defendant's Motion to Dismiss and Request for Judicial Notice [Doc. No. 14]. For good cause shown, the Motion is GRANTED.

IT IS THEREFORE ORDERED that the deadline for Plaintiff to respond to Defendant's Motion to Dismiss [Doc. No. 10] and Request for Judicial Notice in Support of Defendant's Motion to Dismiss [Doc. No. 11] is stayed until further order of this Court to be entered after the Court has ruled on Plaintiff's Motion to Remand [Doc. No. 13].

IT IS SO ORDERED this 4th day of January, 2022.


SCOTT L. PALK
UNITED STATES DISTRICT JUDGE

