

No. 18-CI-\_\_\_\_

HARDIN CIRCUIT COURT  
DIVISION \_\_\_\_\_  
JUDGE \_\_\_\_\_

PATRICIA JONES, and  
HERB JONES CHEVROLET BUICK  
GMC

PLAINTIFFS

v.

**VERIFIED COMPLAINT**

TROY MANN A/K/A GORDON MANN  
105 White Oak Drive  
Elizabethtown, Kentucky 42701  
*Service by Sheriff*

DEFENDANT

-and-

MANN CONSULTANT SERVICES, INC.  
2906 Ring Road  
Elizabethtown, Kentucky 42701  
Serve: Sandra J. Mann, Registered Agent  
2906 Ring Road  
Elizabethtown, KY 42701  
*Serve via Certified Mail* \_\_\_\_\_

Plaintiffs Patricia Jones (“Ms. Jones”) and Herb Jones Chevrolet Buick GMC (“Herb Jones”) (Ms. Jones and Herb Jones collectively referred to as “Plaintiffs”), for their Complaint against Troy Mann, a/k/a Gordon Mann (“Mann”) and Mann Consultant Services, Inc. (“MCSI”), state as follows:

**NATURE OF THE ACTION**

1. This is an action for assault, battery, intentional infliction of emotional distress, negligent infliction of emotional distress, tortious interference with a prospective business advantage, and defamation committed by Mann and MCSI in violation of the common law of Kentucky.

## PARTIES

2. Ms. Jones is a United States Citizen who resides in Kentucky. Ms. Jones and her husband operate Herb Jones, which was originally owned by Ms. Jones' father-in-law by the same name.

3. Herb Jones is a corporation located in Kentucky.

4. Upon information and belief, Mann is the principal of MCSI and a resident of Hardin County, Commonwealth of Kentucky.

5. Upon information and belief, MCSI is a Kentucky corporation with a physical address located in Hardin County, Commonwealth of Kentucky.

6. Venue of this Court is proper because Mann is a resident of Hardin County, Kentucky, and MCSI is located in Hardin County, Kentucky.

## FACTS

7. R&D Promos operates an internet website located at the domain [RuinDays.com](http://RuinDays.com) ("the Ruin Days Site"), which boasts the following statement: "We at [RuinDays.com](http://RuinDays.com) believe that anyone that has ever wronged you should pay. We discretely and 100% anonymously package the most annoying things possible to receive through the mail, and ship them to your worst enemies, in an effort to ruin their day."

8. Three of the products offered on the Ruin Days Site are spring-loaded mailing tubes filled with glitter or confetti shaped like penises or sperm. These products are called "SPRING LOADED GLITTER BOMB," "SPRING LOADED DICK BOMB," and "SPRING LOADED JIZZ BOMB" (collectively "Glitter Bomb")

on the Ruin Days Site. As described by R&D Promos, the Glitter Bomb was created to ensure “total glitterstruction.”



SPRING LOADED DICK BOMB



SPRING LOADED JIZZ BOMB



SPRING LOADED GLITTER BOMB

9. The Ruin Days Site includes links to various videos about its products and services. One of those videos entitled “[RuinDays.com](http://RuinDays.com) — A company dedicated to ruining your enemy’s day,” depicts how the “Glitter Bomb,” which is made up of “over sixty million statically charged particles . . . , packaged and compressed with over 44 micronewtons of explosive force, ready to f\*\*\* [the subject’s] day up,” was designed and intended to blow up in someone’s face, striking them in the eyes, nose and mouth.

10. Another product offered by R&D Promos is a bag of edible penis-shaped gummy products accompanied by a card that includes the crude message “EAT A BAG OF DICKS” (the “Bag of Dicks”):



11. Yet another product offered by R&D Promos is a crass “EAT A DICK” greeting card (“Dick Card”):



EAT A DICK CARD

12. On or about March 16, 2018, an unknown sender directed a Bag of Dicks ordered from the Ruin Days Site to Ms. Jones at Herb Jones’ address. The package contained the USPS tracking number 9400 1118 9922 3511 7842 61.

13. Ms. Jones was shocked, scared, and offended by the contents of the Bag of Dicks and further shocked, scared, and offended when the Bag of Dicks contacted her body.

14. On or about March 19, 2018, an unknown sender directed a Glitter Bomb ordered from the Ruin Days Site to Ms. Jones at Herb Jones’ address. The package contained the USPS tracking number 9400 1118 9922 3511 5073 16. Plaintiffs recognized the return address as belonging to R&D Promos and

determined from the products listed on the Ruin Days Site that the package contained a Glitter Bomb, based on the cylindrical shape of the package.

15. Due to the explosive nature of the product and the heavy duty staples employed on the package, Ms. Jones was in reasonable apprehension of a harmful and offensive contact with the contents of the Glitter Bomb.

16. On or about March 19, 2018, Ms. Jones contacted the local authorities, including the Hardin County Attorney's Office, about these harassing packages.

17. On or about March 20, 2018 Ms. Jones filed a harassment claim against the unknown sender of the packages with the Hardin County Attorney's Office.

18. On or about March 22, 2018, an unknown sender directed a Dick Card ordered from the Ruin Days Site to Ms. Jones at Herb Jones' address. The package included a return address with a P.O. Box matching the addresses on the previous packages delivered from R&D Promos.

19. Due to the explosive and inappropriate nature of the other products sent to Plaintiffs, and the statements on the Ruin Days Site that promised harm to "enemies," Ms. Jones was in reasonable apprehension of the contents of the Dick Card and was offended by the Dick Card when it came in contact with Ms. Jones' body in a harmful and offensive manner.

20. On or about March 22, 2018, R&D Promos directed another Bag of Dicks from an unknown sender to Plaintiffs to Herb Jones' address in Kentucky.

The package was addressed to Ms. Jones and Herb Jones and had the USPS tracking number 9400 1118 9922 3511 7842 61.

21. Plaintiffs were shocked and offended by the contents of this Bag of Dicks when they contacted Ms. Jones' body and Herb Jones' premises.

22. On or about March 23, 2018, Plaintiffs contacted R&D Promos twice, demanding information about the identity of the sender of R&D Promos' products to them. Plaintiffs received no response from R&D Promos.

23. On or about March 23, 2018, Plaintiffs contacted the Attorney General for the Commonwealth of Kentucky and the Kentucky State Police to investigate these harassing packages ordered from R&D Promos.

24. On or about September 17, 2018, R&D Promos delivered another Glitter Bomb from an unknown sender to Plaintiffs to Herb Jones' address in Kentucky. The package was addressed to Ms. Jones and Herb Jones and had the USPS tracking number 9400 1118 9922 3728 1816 24.

25. Due to the explosive nature of the product, Plaintiffs were in reasonable apprehension of a harmful and offensive contact with the contents of the Glitter Bomb.

26. At no time did Plaintiffs order any Bags of Dicks, Dick Cards, or Glitter Bombs, consent to receiving these packages, or consent to being physically touched and harmed as described herein.

27. Finally, after the threat of legal action against R&D Promos, on October 20, 2018, Plaintiffs discovered that Mann had ordered the harmful and offensive packages sent to Plaintiffs from his MCSI email address.

28. On October 22, Plaintiffs supplemented their prior harassment claim with Hardin County officials by advising them that Mann appeared to be the culprit.

29. Upon information and belief, Mann has also intentionally published defamatory and untrue reviews on the internet regarding Herb Jones, which resulted in injury to Herb Jones' reputation:



**Tyler Mann**  
2 reviews

★★★★★ 9 months ago

Bought a truck here a while back. Had it for a little over a year, took it in to get serviced charged me 70 dollars then it sounded like my vehicle was misfiring I had a insurance port connected to the ob sensor, they said that was the problem but they plugged it back up and charged me a 100 dollars. Not at all impressed.



30. Upon information and belief, MCSI has also intentionally published defamatory and untrue reviews on the internet regarding Herb Jones, which resulted in injury to Herb Jones' reputation:



**mann csi**  
**Local Guide** · 29 reviews · 1 photo

★★★★★ a year ago

Worst service



31. Herb Jones and Ms. Jones learned from multiple sources that Mann has also solicited and paid other individuals to publish defamatory and untrue reviews on the internet regarding Herb Jones, which resulted in injury to Herb Jones' reputation:



**John Stewart**

★ ★ ★ ★ ★ 3 months ago



**Bryce Owens**

★ ★ ★ ★ ★ 3 months ago



**Jessica Farris**

★ ★ ★ ★ ★ 3 months ago



**Scotty Barnes**

1 review

★ ★ ★ ★ ★ 3 months ago

Very rude people they tell you one thing then do another the service department is the worst I've experienced will be dealing with Big M in the future been Jones only cares about the sale no service!!!!

 Like

**Response from the owner** 3 months ago

Hi Scotty,

We tried to locate you in our system to contact you directly, but it seems that we can not find where you have visited our business, purchased a vehicle and/or had your vehicle serviced at our dealership. We are an honest, family business, and can assure you we value each and every customer. We would like to be able to resolve this issue and understand more fully why you awarded us a one star review.

Please contact us at your convenience.

Kind Regards,

The Herb Jones Team





**Brianna Singleton**

★★★★★ 3 months ago

**Response from the owner** 3 months ago

Hi Brianna,  
We were going to try and reach out to you directly, but it seems that we don't have a record of where you have visited our store, purchased a vehicle and/or had your vehicle serviced. We would love to be able to resolve any issues and understand more fully why we were awarded a one star. Please kindly contact us at your convenience.  
Kind regards,  
The Herb Jones Team



**Janelle Rahoi**

★★★★★ 3 months ago

**Response from the owner** 3 months ago

Hi Janelle,  
We have tried to discover why you left us a one star review, however it seems that we don't have a record of where you have visited our store, purchased a vehicle and/or had your vehicle serviced. We would love to be able to resolve any issues and understand more fully why we were awarded a one star. Please kindly contact us at your convenience.  
Kind regards,  
The Herb Jones Team



**Sophia Shelton**

1 review

★★★★★ 3 months ago

Bought a vehicle from them took it back for service very disappointed the service has a lot to be desired really love the car but would not recommend buying from them they will not take care of you once you purchase a vehicle I recommend Big M Chevrolet they are a great dealer

Like

**Response from the owner** 3 months ago

Hi Sophia,  
We don't have a record of where you have visited our store, purchased a vehicle and/or had your vehicle serviced. We would love to be able to resolve this issue with you, however since you are not in our system we don't have a way to contact you directly. Please kindly contact us at your convenience.  
Kind regards,  
The Herb Jones Team



**Leianne Decker**

1 review

★ ★ ★ ★ ★ 3 months ago

Would not recommend very rude people they do not provide service once you purchase a vehicle from them



**Response from the owner** 3 months ago

Hi Leianne,

We were going to try and reach out to you directly, but it seems that we don't have a record of where you have visited our store, purchased a vehicle and/or had your vehicle serviced. We strive to uphold excellent customer service and have a proactive approach in our service after sale as well. We would love to be able to resolve any issues and understand more fully why we were awarded a one star.

Please kindly contact us at your convenience.

Kind regards,

The Herb Jones Team

32. Mann's and MCSI's actions establish a pattern of oppressive and malicious conduct and displayed a degree of callous disregard for Plaintiffs' rights and personal safety, entitling Plaintiffs to an award of punitive damages.

### **COUNT I – BATTERY**

33. Each of the above allegations are repeated and incorporated herein.

34. Mann and MCSI purposefully sent Plaintiffs two Bags of Dicks, two Glitter Bombs, and a Dick Card with the intent of causing the products to make offensive and harmful contact with Plaintiffs.

35. Mann and MCSI purposefully caused offensive contact to Ms. Jones when the offensive products made contact with her body. Mann and MCSI purposefully caused contact with the offensive products when Herb Jones' employees handled the mail that included the offensive products sent by Mann.

36. Ms. Jones was offended by the contact.

37. The bodily contact that Mann and MCSI made on Plaintiffs was intentional, harmful, offensive in nature, and was not consented to by Plaintiffs.

38. Mann's and MCSI's use of R&D Promos, which is in the business of causing harm to others for profit and on a regular and ongoing basis encourages others to pay it to perform malicious, harmful actions on individuals and entities like Plaintiffs, is evidence of plaintiff's intent to cause an unwanted offensive, and harmful contact with Plaintiffs.

39. Plaintiffs have suffered damages as a result of the battery committed by Mann and are entitled to an award in excess of the jurisdictional minimums of this Court to compensate them for injuries to their persons and property. In addition, they are entitled to punitive damages.

#### **COUNT II — ASSAULT**

40. Each of the above allegations are repeated and incorporated herein.

41. Mann and MCSI purposefully ordered the five packages from R&D Promos containing two Bags of Dicks, two Glitter Bombs, and a Dick Card, respectively for the express purpose of causing an apprehension of imminent harmful and offensive contact to Plaintiffs.

42. At the request of Mann and MCSI, R&D Promos designed, prepared and sent Plaintiffs five packages containing two Bags of Dicks, two Glitter Bombs, and a Dick Card which caused Plaintiffs' apprehension of imminent harmful and offensive contact.

43. The threatened contact that Mann and MCSI made on Plaintiffs was offensive in nature and was not consented to by Plaintiffs.

44. A reasonable person in Ms. Jones' position would have been in apprehension of an imminent harmful or offensive contact.

45. A reasonable person in Herb Jones's position would have been in apprehension of an imminent harmful or offensive contact.

46. R&D Promos, on a regular and ongoing basis, encourages others to pay it to perform malicious, harmful actions on individuals and entities like Plaintiffs, for as stated in its promotional materials, R&D Promos "knows how to cross the line" and is in the business of causing harm to others for profit. It purposely and maliciously designs its products, including the Bag of Dicks, Dick Card, and Glitter Bomb, with the intention that they cause a maximum amount of imminent apprehension of harmful bodily contact.

47. Mann's and MCSI's use of R&D Promos, which advertises that it knows how to "cross the line" (accompanied by the depiction of an exploding vehicle outside of someone's home), to send the Bag of Dicks, Dick Cards, and Glitter Bombs to Plaintiffs' business address is evidence of Mann's intent to cause Plaintiffs' apprehension of imminent harmful or offensive contact.

48. Plaintiffs have suffered damages as a result of the assault committed by Mann and MCSI and are entitled to an award in excess of the jurisdictional minimums of this Court to compensate them for injuries to their persons and property. In addition, they are entitled to punitive damages.

### **COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

49. Each of the above allegations are repeated and incorporated herein.

50. Over a period of six months, Mann and MCSI intentionally ordered five packages from R&D Promos containing a Bag of Dicks, a Dick Card, and three Glitter Bombs respectively which were mailed to Plaintiffs in an effort to “ruining their day.”

51. Mann’s and MCSI’s conduct established a pattern of harassment that was extreme and outrageous, beyond all bounds of decency tolerated by society, and done without any justification.

52. Ms. Jones suffered severe emotional distress as a direct and proximate cause of the willful and malicious actions taken by Mann and MCSI. There is a direct connection of the severe emotional distress suffered and the conduct of Mann, as described herein.

53. As stated in its marketing materials, R&D Promos is in the business of causing both physical and emotional harm and distress to the recipients of its products, therefore it was foreseeable to Mann and MCSI that sending these products to Ms. Jones would in fact cause the precise harm that he sought to inflict.

54. Ms. Jones suffered severe emotional damages as a result of Mann’s conduct and are entitled to an award in excess of the jurisdictional minimums of this Court. In addition, they are entitled to punitive damages.

#### **COUNT IV - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

55. Each of the above allegations are repeated and incorporated herein.

56. Mann and MCSI owed a duty to Plaintiffs to treat them as a reasonably prudent person would under the circumstances.

57. Mann and MCSI breached that duty when he acted unreasonably by repeatedly paying money to R&D Promos—a company in the business of causing both physical and emotional harm and distress to the recipients of its products—to send offensive and unwanted items to Plaintiffs’ premises through the mail not once, not twice, but five times over a six month period.

58. As a direct and proximate cause of Mann’s and MCSI’s systematic and repeated actions, Ms. Jones suffered severe emotional injury.

59. A reasonable person, normally constituted, would not be expected to endure the mental distress engendered by Mann’s and MCSI’s negligent acts.

60. Ms. Jones have suffered severe emotional damages as a result of Mann’s and MCSI’s negligent conduct and are entitled to an award in excess of the jurisdictional minimums of this Court. In addition, they are entitled to punitive damages.

#### **COUNT V – TORTIOUS INTERFERENCE WITH A PROSPECTIVE BUSINESS ADVANTAGE**

61. Each of the above allegations are repeated and incorporated herein.

62. Mann and MCSI was and is aware that Herb Jones sells and services automobiles to and for customers and prospective customers.

63. Mann and MCSI intentionally interfered with those relationships but publishing false and untrue statements on the internet about Herb Jones’ business.

64. Mann also made statements to other prospective customers that were harmful about Herb Jones’ business.

65. In light of the other conduct by Mann and MCSI toward Plaintiffs and the fact that Mann's and MCSI's statements were false, Mann's and MCSI's motives were improper.

66. Defendants' interference have caused Herb Jones' business special damages.

### **COUNT VI – DEFAMATION**

67. Each of the above allegations are repeated and incorporated herein.

68. Mann and MCSI intentionally or negligently published untrue statements and reviews on the internet about Herb Jones' business.

69. Mann hired, paid, or otherwise commissioned other unknown individuals to publish untrue statements and reviews on-line about Herb Jones' business.

70. The statements and reviews posted on-line regarding Herb Jones' business were untrue, and defamatory in nature and were designed to harm Plaintiffs' reputation in the community.

71. The statements and reviews posted on-line regarding Herb Jones' business caused injury to Herb Jones in the form of general damages such as humiliation, mental anguish, as well as special damages such as economic loss from the loss of business.

### **CONCLUSION AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request and pray for an award and judgment in their favor and against Mann and MCSI in the amounts set forth under the above counts and for an award and judgment for attorneys' fees and costs and

I declare under penalty of perjury that the foregoing is true and correct.

Patricia Jones  
Patricia Jones

11/05/2018  
Date

/s/ Bruce B. Paul  
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