

# *2022-2023 Competition Case*



*PRESENTS THE*

*North Carolina*

*Advocates for Justice*

*High School Mock Trial Competition*



***Morgan Matthews***

***v.***

***Utopia Resort and Spa***

The North Carolina Mock Trial Program (“NCMTP”) adapted this year’s case from a case that was originally prepared by Susan Roberts for the Indiana Mock Trial Association and later amended by the Arizona Foundation for Legal Services & Education. We thank Ms. Roberts, the Indiana Mock Trial Association and the Arizona Foundation for Legal Services & Education for their efforts in preparing the case materials and for their permission in allowing the materials to be amended for the North Carolina Mock Trial Program.

The NCMTP also extends its thanks to Case Committee members Sue Gray, Laura Clark, Michael Austin, Jacob M. Morse, Christine Scheef, John H. Anderson, Brad Bannon, Katy Parker, and Joyce Britt for generously sharing their time to review and edit this case for our use. All names used in this mock trial case are fictitious. Any similarity to an actual event or person is strictly coincidental.

***Morgan Matthews***  
**v.**  
***Utopia Resort and Spa***

**AVAILABLE WITNESSES**

Prosecution

Morgan Matthews  
Pat Patel, M.D.  
Jamie Chen

Defense

Toni Gomez  
Jordan Quick  
Casey Buhler

**CASE DOCUMENTS**

1. Complaint
2. Stipulations
3. Jury Instructions
4. Jury Verdict Form
5. Affidavits and Exhibits

**AFFIDAVITS**

Prosecution

1. Morgan Matthews, plaintiff
2. Pat Patel, M.D., plaintiff's dermatologist
3. Jamie Chen, general manager  
At Global Broadcast Company

Defense

4. Toni Gomez, defendant's hotel manager
5. Jordan Quick, former UFIB-TV producer
6. Casey Buhler, pest control expert

**EXHIBITS**

1. Bed bug flyer
2. Photograph of bed bug bites
3. Photograph of bed bugs on mattress in Guest Room # 116 at Utopia Resort & Spa
4. Transcript of Bed Bugs Live! Exposé
5. July 18, 2021 *Utopia Gazette* News Article
6. Curriculum Vitae of Dr. Patel
7. Bed Bug Inspection Protocol
8. Housekeeping Checklist
9. Handwritten note (found in trash bin in Morgan's room)

## **CASE BACKGROUND**

This is a civil defamation case; the parties claim that each has defamed the other. Morgan Matthews was on the rise in the world of broadcast news in Utopia. Morgan had a reputation for getting stories that no one else could get. But some people questioned whether Morgan crossed the line on occasion with his/her dramatic, if not theatrical, exposés. Morgan's outspoken style and brashness has won him/her both praise and condemnation. In climbing the ladder to fame and notoriety in the broadcast venue, Morgan made enemies along the way. Undeterred, Morgan's latest exposé was on bed bugs in the hotel industry. At the time, no other reporters had broken the story, locally or nationally, and Morgan planned to be the first. Around the same time that Morgan was trying to get a story on bed bugs, s/he was also interviewing with a global broadcast cable network in New York City for a position as a host of a prime-time news slot, to be scheduled opposite Samantha Gundry. During the interview, Morgan mentioned that s/he was currently working on an exposé of bed bugs in the hotel industry. After the interview, Morgan was certain s/he would be offered the position. The general manager of the global broadcast cable network, Jamie Chen, advised Morgan that a decision would be made in two weeks. Chen also expressed an interest in seeing footage of the bed bug exposé when it was completed.

The following weekend, Morgan stayed at Utopia Resort and Spa for a co-worker's wedding reception. Utopia Resort and Spa is a prestigious and well-established boutique hotel in Utopia. On Sunday morning, Morgan experienced severe itching, redness and swelling on his/her face, neck, hands, arms and back. Because Morgan had previously researched bed bugs for his/her exposé, s/he immediately recognized the symptoms and had a camera crew promptly capture the bed bug ridden bed in his/her hotel room at Utopia Resort and Spa. The story aired a few days later.

Immediately after Morgan's exposé aired, Utopia Resort and Spa Manager, Toni Gomez, publicly accused Morgan of planting the bed bugs to fabricate a story. Subsequently, Utopia Resort and Spa experienced significant reservation cancellations, approximately 75% of bookings for July and August 2021. The following two quarters showed revenue down by 33% compared to the same quarters in the past two years. Utopia Resort and Spa claims that Morgan's comments resulted in the loss of income to the hotel. The global broadcast cable network learned of Utopia Resort and Spa's claims that the story was fabricated and did not hire Morgan for the host position.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2021-CVS-213

2021-CVS-213

Defendant.

## COMPLAINT

1. Plaintiff is a resident of Morse County, State of Utopia.
2. Defendant is a domestic corporation doing business in the State of Utopia.
3. Venue and jurisdiction are proper in Morse County, Utopia.
4. Plaintiff was a news anchor and investigative reporter at UFIB-TV at all relevant times herein.
5. In June and July of 2021, Plaintiff, as a news reporter and anchor for UFIB-TV, worked on an investigative report regarding bed bug infestations at hotels in the Utopia metropolitan area.
6. At all relevant times herein, Defendant owned and operated the Utopia Resort and Spa located 83 East Main Street in Utopia.
7. On or about July 9, 2021, through July 11, 2021, Plaintiff was a guest at the Utopia Resort and Spa.
8. Plaintiff was exposed to bed bugs while a guest at Utopia Resort and Spa.
9. Plaintiff's news story of hotel bed bug infestation at Utopia Resort and Spa aired on the UFIB-TV news station on July 15, 2021.
10. Toni Gomez was the hotel manager of Utopia Resort and Spa and was acting in the course and scope of his/her duties as an employee or agent of the Defendant at all relevant times herein.
11. Toni Gomez reported to the *Utopia Gazette* newspaper that Plaintiff fabricated a news story about infested bed bugs at the Utopia Resort and Spa.

## COUNT I

### (Defamation)

12. Toni Gomez's statements regarding the Plaintiff's news story to the *Utopia Gazette* were false and defamatory.

13. Toni Gomez knew the statements to be false or recklessly disregarded the truth or falsity of the statements.

14. The false statements made about Plaintiff implied misconduct by Plaintiff in his/her professional trade and occupation as a news anchor and news reporter.

15. The false statements made about Plaintiff were defamatory.

16. The defamatory statements were primarily motivated by ill-will and were excessively published.

17. The false statements made about Plaintiff harmed Plaintiff's reputation in the eyes of the community, deterred others from associating with him/her and deterred third persons from employing him/her.

18. Defendant is liable for Toni Gomez's false statements about Plaintiff because Gomez was acting as an agent of Defendant when s/he made the false statements.

19. As a result of Defendant's actions through its agent, Plaintiff has sustained substantial damages, including but not limited to financial loss, embarrassment, and emotional distress.

20. Plaintiff's injuries and damages were proximately caused by Defendant through its agent.

WHEREFORE, Plaintiff prays for the following relief against Defendant:

(1) A judgment for the full amount of compensatory damages proven at trial, plus all post-judgment interest allowed by law until the judgment is paid in full;

(2) A judgment against Defendant for Plaintiff's costs; and,

(3) Such further relief as the Court deems proper.

RESPECTFULLY SUBMITTED the 15<sup>th</sup> day of November, 2021.

GULL LAW FIRM  
Attorneys for Plaintiff

By John McCabe

MORSE COUNTY

SUPERIOR COURT DIVISION

2021-CVS-213

Plaintiff,

V.

Defendant.

## ANSWER AND COUNTERCLAIM

13. Denied.

14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.

## **COUNTERCLAIM**

Defendant, complaining of Plaintiff, hereby alleges as follows:

### **COUNT I**

(Defamation)

1. Utopia Resort and Spa is a domestic corporation doing business in the State of Utopia.
2. At all relevant times herein, Defendant owned and operated the Utopia Resort and Spa hotel located at 7503 East Main Street in Utopia.
3. Morgan Matthews is a resident of Morse County, State of Utopia.
4. At all relevant times herein, Matthews was a news anchor and investigative reporter employed by Utopia television station, UFIB-TV.
5. As a news reporter and anchor for UFIB-TV, Matthews worked on a story regarding bed bug infestations at hotels in the Utopia metropolitan area.
6. The news story of bed bug infestation at Utopia Resort and Spa aired on the UFIB-TV Station on July 15, 2021.
7. The news report falsely reported that Utopia Resort and Spa puts its profits above its guests' health and safety.
8. The news report falsely reported that Utopia Resort and Spa housekeeping staff is overworked and rushed, and bed bug infestations occur.
9. The news report falsely reported that Utopia Resort and Spa has poor quality assurance and failed to have adequate safeguards to prevent bed bugs.
10. The news report falsely reported that the room that Matthews occupied was infested with bed bugs as a result of the Resort's actions or inactions, rather than Matthews's intentional conduct in planting the bed bugs.
11. The statements set out above were false and defamatory.



12. Plaintiff Matthews knew the statements to be false or recklessly disregarded the truth or falsity of the statements.

13. The defamatory statements were primarily motivated by ill-will and were excessively published by Plaintiff Matthews.

14. The false statements made about Utopia Resort and Spa harmed the Resort's reputation in the eyes of the community, and deterred guests or potential guests from booking or keeping reservations at the resort.

15. As a result of Matthews's actions, Utopia Resort and Spa has sustained substantial financial loss.

16. Utopia Resort and Spa's damages were proximately caused by Matthews's defamatory statements.

WHEREFORE, Defendant prays for the following relief against Plaintiff:

- (1) A judgment dismissing all of Plaintiff's claim with prejudice;
- (2) A judgment against Plaintiff for Defendant's costs; and
- (3) A judgment against Plaintiff for the full amount of Defendant's compensatory damages proven at trial, plus all pre- and post-judgment interest allowed by law until the judgment is paid in full; and,
- (4) Such further relief as the Court deems proper.

RESPECTFULLY SUBMITTED the 15th of December, 2021.

DIAZ & JACKSON, P.C.

Attorneys for Defendant

By Valerie Johnson

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2021-CVS-213

2021-CVS-213

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**PLAINTIFF’S ANSWER TO**  
**COUNTERCLAIM**

Now comes Plaintiff, Morgan Matthews (“Matthews”), and replies to the Defendant’s

1. Admitted, upon information and belief.
2. Plaintiff is without knowledge or information sufficient to form a belief

as to the truth of the allegations of paragraph 2 of the Counterclaim.

3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.

## **AFFIRMATIVE DEFENSES**

### **First Affirmative Defense**

Any statements made by Plaintiff upon which the Counterclaim is based are true and are therefore not actionable.

WHEREFORE, Plaintiff prays for:

- (1) A judgment dismissing all of Defendant's claims with prejudice;
- (2) A judgment against Defendant for Plaintiff costs; and
- (3) Such further relief as the Court deems proper.

RESPECTFULLY SUBMITTED the 15th day of January, 2022.

GULL LAW FIRM  
Attorneys for Plaintiff

By John McCabe

MORSE COUNTY

2021-CVS-213

V.

Defendant.

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## STIPULATIONS

7. The parties stipulate that this case involves matters of public concern, and therefore, in order to prevail on their respective defamation claim, each party must prove that the other party published a

statement or statements with knowledge that the statements were false or had reckless disregard for the statement's truth or falsity.

SO ORDERED this the day of 17th of August, 2022.

*Andrew M. Perloff*

Andrew M. Perloff  
Superior Court Judge

STATE OF UTOPIA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

MORSE COUNTY

2021-CVS-213

MORGAN MATTHEWS,

Plaintiff,

v.

UTOPIA RESORT AND SPA

Defendant.

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**JURY INSTRUCTIONS**

*At the conclusion of a jury trial, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like the following. [Please note: These instructions may NOT be read aloud or tendered to the mock trial jury or used as an exhibit during the competition; however, students may use these concepts in fashioning their case and making arguments to the jury.]*

**PRELIMINARY INSTRUCTIONS**

**I. Role of the Jury**

Now that you have been sworn, and before the presentation of evidence, I have the following preliminary instructions for your guidance as jurors in this case. You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give to you. You and only you will be the judges of the facts. You will have to decide what happened. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be. My role is to be the judge of the law. I will make legal decisions during the trial, and I will explain to you the legal principles that must guide you in your decisions. Neither sympathy nor prejudice should

influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them and in this way decide the case.

## **II. Evidence**

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other items received as exhibits; and
3. Any facts that are stipulated—that is, formally agreed to by the parties.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence presented in court. Do not let rumors, suspicions, or anything seen or heard outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves.

Certain rules control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. An objection simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. Objections to questions are not evidence. You should not be influenced by the objection or by my ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

### **A. Direct and Circumstantial Evidence**

Evidence may either be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You may decide the case solely based on circumstantial evidence.

### **B. Credibility**

In deciding the facts, you must determine what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility, or believability, of the witnesses. You may

believe all, some, or none of a witness's testimony. In deciding which testimony to believe, you should use the same tests of truthfulness as in your everyday lives, including the following factors:

1. The ability of the witness to see, hear, or know the things the witness testifies to;
2. The quality of the witness's understanding and memory;
3. The witness's manner and behavior while testifying;
4. The witness's interest in the outcome of the case or any motive, bias, or prejudice;
5. Whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence; and
6. How reasonable the witness's testimony is when considered in the light of other evidence that you believe.

Inconsistencies or discrepancies within a witness's testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness's testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like a person's failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. More important is how believable the witnesses were, and how much weight you think their testimony deserves.

You will now hear opening statements by the parties and the presentation of evidence. At the conclusion of the evidence, I will instruct you on the law that you are to apply to the facts.

## **POST-TRIAL INSTRUCTIONS**

### Claims 1 and 2: Defamation

Plaintiff Matthews claims that Defendant Utopia Resort and Spa ("Utopia Resort") defamed Matthews by reporting to the *Utopia Gazette* newspaper that Matthews fabricated the news story about the bed bug infestation at Utopia Resort and Spa. Utopia Resort claims that Matthews defamed Utopia Resort by falsely reporting about a bed bug infestation at Utopia Resort and Spa.

To prevail on a claim for defamation, the party making the claim must prove that:

1. the person published a statement about the party making the claim;
2. the statement was false;



3. the statement was defamatory;
4. the person intended the statement to discredit or reflect unfavorably upon the party making the claim in their trade or profession;
5. the person(s) to whom the statement was published reasonably understood the statement to discredit or reflect unfavorably upon the party making the claim in their trade or profession;
6. for a matter of public concern, such as in this case, at the time of the publication, the person either knew that the statement was false or recklessly disregarded the truth or falsity of the statements; AND,
7. that the person caused injury to the party making the claim.

### **DEFINITIONS**

A **defamatory statement** is one that discredits or reflects unfavorably upon a person in that person's trade or profession. A statement is defamatory if it (i) brings a party into disrepute, contempt, or ridicule, or (ii) impeaches a party's honesty, integrity, virtue or reputation.

**“Published”** means that the publishing party knowingly communicated, repeated, or caused the statement to be repeated so that it reached one or more persons other than the plaintiff.

**Burden of proof** means burden of persuasion. Unless instructed otherwise, the party who has the burden of proof must persuade the finder of fact, by the evidence, that the claim is more probably true than not true. This means that the evidence that favors that party outweighs the opposing evidence. In determining whether a party has met this burden, the fact finder must consider all the evidence that bears on that claim, regardless of which party produced it.

**Burden of Proof.** This is a civil case in which the Plaintiff and Defendant have brought claims against one another each seeking damages. The Plaintiff has the burden of proving his or her claim against the Defendant by the preponderance of the evidence. And the Defendant also has the burden of proving its claim against the Plaintiff. This means that each party must prove to you, in light of all the evidence, that what it claims is more likely true than not. To say it differently: if you were to put the evidence favorable to Plaintiff and the evidence favorable to Defendant on opposite sides of the scales, the evidence favorable to Plaintiff would have to make the scales tip ever so slightly to its side. If the Plaintiff fails to meet this burden, then the verdict must be for Defendant. If you find after considering all the evidence that a claim or fact is more likely so than not so, then the claim or fact has been proved by a preponderance of the evidence. You may have heard about proof beyond a reasonable doubt. That is a higher standard of proof, and it applies only to criminal cases. In determining whether any fact has been proved by a preponderance of evidence in the case, you may, unless otherwise instructed, consider

the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence, regardless of who may have produced them. This case is divided into two parts, and in this part of the trial, the amount of damages is not an issue that you will decide. As such, neither the Plaintiff nor the Defendant need prove the extent of the injuries or damages at this time, although the parties are required in this phase to prove the existence of damages in order to meet their burden of proof.

**Damages.** *[For purposes of the mock trial exercise, student competitors need only prove the fact of injury. The amount of damages need not be proven or argued by participants and will not be determined by our mock trial juries. The element of damages is included here for educational purposes only.]* Actual damages are the fair compensation to be awarded to a person for any past, present, and/or future injury proximately caused by the actions of another. In determining the amount, if any, to be awarded to the plaintiff, evidence is considered as to each of the following types of damages: medical expenses, loss of earnings, pain and suffering, scars or disfigurement, partial loss of use of part of the body, and/or permanent injury. The total of all damages are to be awarded in one lump sum.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
2021-CVS-213

2021-CVS-213

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## JURY VERDICT FORM

1. Did Defendant defame Plaintiff?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

## 2. Did Plaintiff defame Defendant?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

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*Foreperson*

## **APPLICABLE CASE LAW**

### ***Britton v. Manger, Utopia Supreme Court, 1976***

In all trials, finders of fact may rely on both direct and circumstantial evidence. Direct evidence is testimony by a witness about what the witness personally did, saw, or heard. Circumstantial evidence is indirect evidence from which the fact finder may infer that another act is true. Neither type of evidence should be given categorically more weight than the other.

### ***Parker v. Mahoney, Utopia Supreme Court, 1984***

The fact finder must determine the credibility of each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony. At all times, the finder of fact may consider the witness's interest in the outcome of the case.

### ***Ellie's Chocolate Co. v. Lillie's Sweet Shop, 2019***

While practices may differ in other jurisdictions, in the state of Utopia, the definition of "hearsay" may include any declarant's out-of-court statement, even if the declarant is on the stand or scheduled to testify in trial.

### ***Badame v. Lampke, Utopia Supreme Court, 1955***

The defamatory statement must relate to the plaintiff's special trade or occupation and must contain an imputation necessarily hurtful in its effect on her/his business.

### ***Gray v. Austin, 1988***

The publication must have been intended to be defamatory and had to be understood as such by those to whom it was published.

### ***Daum's Shrimp Emporium v. The Bramblett, 2012***

Judges serve as the gatekeepers of expert testimony, and as such, are tasked with ensuring that scientific testimony is reliable. As the judge makes this determination they may consider the expert's qualifications, data, and methods, but not the expert's conclusions themselves. When a party attempts to tender an expert, they have the burden of proving, by a preponderance of the evidence, that the expert and the expert's opinions satisfy each section of Rule 702 of the rules of evidence.

## **AFFIDAVIT OF MORGAN MATTHEWS**

1 My name is Morgan Matthews. I am a news anchor for the 6 pm news at UFIB-TV in  
2 Utopia. I also have a weekly investigative news report exposé that airs on Thursdays, called “No  
3 Apologies.” I view myself as a victim’s advocate and someone who is for the people. Having  
4 been a victim myself in an unsolved crime, I’ve made it my mission to expose the bad acts of  
5 people or businesses that law enforcement or the government either doesn’t have the time or  
6 inclination to pursue. When I go after these bad people or companies, I make no apologies for  
7 hitting them below the belt. As far as I’m concerned, the truth deserves to be broadcasted.

8 I was born and raised in Tupelo, Mississippi, the birthplace of Elvis Presley. I knew from  
9 a young age I would be a star too. I have drive and determination, and my work ethic is motivated  
10 by the fact that I love people. I excelled in high school, both academically and in sports, and  
11 received a full-ride scholarship from Mizzou (University of Missouri). I had several other options  
12 with scholarships, but Mizzou was my first choice. It has been on top of the rankings for its  
13 Journalism and Mass Communications programs since rankings have been done. I received a  
14 bachelor’s degree from Mizzou in Journalism and a minor in Mass Communications in 2009,  
15 graduating with highest distinction. I then attended law school at Northwestern University. I left  
16 law school before completing my degree because I was mugged in Chicago. I couldn’t finish my  
17 third year of law school due to the time I spent recuperating from several broken ribs and a  
18 concussion. I did not view this as a setback; rather, it was an opportunity for me to start a new  
19 chapter in my life.

20 When the crime went unsolved, I decided to use my journalism skills and knowledge of  
21 the law for other victims like me. In 2013, I began my career as a news reporter at a local television  
22 station in Charlotte, North Carolina. In 2016, I was hired at an affiliate station, UFIB-TV, in  
23 Utopia. Jordan Quick hired me to start as a morning anchor and news reporter on UFIB-TV’s First  
24 Light News. As a rising star at UFIB-TV, within a year, I had been promoted to anchor of the  
25 Evening News in the primetime slot. I was given quite a bit of latitude too. UFIB-TV even agreed  
26 to let me showcase the weekly exposé, “No Apologies.”

27 I thrived on reporting the news and investigating events that mattered to the people. The  
28 news I report and my investigative exposés are often cutting edge. I go after the story that no one  
29 else can get, or even thought to get. I believe that my success as a news cast journalist stems from  
30 the fact that viewers can relate to me. I frequently discuss issues from a victim’s rights standpoint.  
31 I sometimes get personal and become emotionally involved in presenting the news story. This

32 makes me more real to the audience. They can relate to me and they know I can relate to them. I  
33 don't just present the news in the same boring way that has been done before. Adding dramatic  
34 flair to a story doesn't change the news, it just makes it more interesting. The viewers want some  
35 sensationalism; I have an outspoken style that has won me both praise and condemnation. The  
36 people who condemn me are often the people whom I have targeted. If a business is ruined because  
37 I showed the public the truth, then so be it.

38 Before I joined the UFIB-TV team, other local stations and Joe Public would joke about  
39 the station's call letters and make up slogans like, "Fib TV. The only news station honest enough  
40 to admit it lies!" I turned that all around in a short time. Now, all the other anchors and reporters  
41 want to be like me. I've received numerous awards and recognitions for integrity in reporting,  
42 including the Writers Guild Award in 2017 for outstanding writing, and, in 2018, I received the  
43 Society of Professional Journalist Awards for TV Consumer Reporting and TV Investigative  
44 Reporting, as well as the Utopia Broadcasters' Association Spectrum Award. UFIB-TV was a  
45 floundering station when I began there in 2016. Now it is well recognized and its ratings and  
46 market share in the Utopia market increased by four times from 2017 to 2018. However, our market  
47 share currently is only twice the share we had in 2016. After the Utopia Resort and Spa manager  
48 accused me of fabricating the story, and defamed my character, we lost a significant part of our  
49 audience.

50 One of my award-winning stories aired on June-~~24~~<sup>26</sup>, 2021. In that piece, I interviewed a  
51 mother whose daughter had been misidentified in a fatal automobile accident. The daughter  
52 actually had not taken the trip as planned, but instead had gone camping in the wilderness for a  
53 week, while mom had a funeral and buried the person that she thought was her daughter. It was a  
54 very emotional story. Even now, I have goose bumps telling it. The UFIB-TV producer at the time  
55 for the Evening News, Jordan Quick, wanted me to present the story in the traditional manner. I  
56 thought the story had more impact by showing my emotional involvement in the story. After  
57 interviewing the mother, I went back to the studio and filmed a close-up of me with a tear rolling  
58 down my cheek. Then I added that clip to the story. Quick suggested that it crossed the ethical line.  
59 I didn't see it that way. I was emotionally moved by the story, even choked up, so there was nothing  
60 unreal about it. Besides, the ethical line keeps changing, and you have to adjust with the times.

61 On June ~~23<sup>rd</sup>~~<sup>25<sup>th</sup></sup> when Jordan learned that I had put the clip back in the story, s/he insisted  
62 that as producer, s/he had the final say. So, I approached the station manager, Daryl Licht, and

63 explained the effect I was trying to achieve by adding that clip to the story. I told Daryl that Jordan  
64 was outdated with old-fashioned ideas about news reporting. Daryl sided with me. Jordan shouted  
65 at Daryl. Daryl told Jordan that s/he was terminated—it was ugly. The story aired on June 26th and  
66 received the SPJ Award for Best TV Investigative Reporting.

67 I also did an exposé on “No Apologies” on the infestation of bed bugs in hotels. I was the  
68 first news reporter, locally and nationally, to break the story. I approached it like any other  
69 investigative reporting news story. I did thorough research to learn about bed bugs--what they look  
70 like, their habits, how they can be detected, the effect and treatment of their bites, and hotel  
71 protocols for detecting bed bug infestations. I learned that bed bugs can travel on luggage and  
72 clothing from one hotel to another hotel. After doing some initial research, I met with Dr. Pat Patel  
73 on June 2, 2021. Dr. Patel is not only a dermatologist, but s/he also has a background in  
74 entomology, so s/he was a valuable resource. I gave Dr. Patel a ~~\$3,000.00~~\$2,000.00 check from  
75 UFIB-TV as a retainer for his/her expertise for the story. Dr. Patel was unable to provide me with  
76 names of bed bug victims, naturally due to confidentiality issues, so I returned on June 7th and  
77 provided Dr. Patel with a flyer to provide to patients with bed bug bites. Exhibit 1 is a true and  
78 accurate copy of the flyer.

79 Later that day, I scouted out several cheap or seedy hotels in the area that likely would have  
80 an infestation problem. On June 12th, using my then-producer, Jordan, as the front person, we  
81 booked a hotel room in one of these cheap motel/hotels. I looked at the bed linens, pulled the bed  
82 sheets back and looked at the mattresses, but we didn’t find any evidence of bed bugs. When you’re  
83 breaking the story without some news tip, sometimes it just takes time to uncover it. So, the next  
84 day, June 13th, we went to another cheap motel, this time we booked three rooms to increase the  
85 odds--same inspection, same results. Nothing. The following day, June 14th, we struck out again  
86 with three rooms at a different cheap hotel. The following week, on June 19th and 20th, we went  
87 to two different cheap hotels and booked four rooms at each. No signs of bed bugs. Both Jordan  
88 and Daryl were getting pushy about getting the story. UFIB-TV had invested some money in it  
89 and we weren’t getting very far with finding either hotels with infestations or victims. Daryl told  
90 me that if we didn’t have a story soon on bed bugs, he was going to can it. I was under a great deal  
91 of pressure but I never ever considered planting bed bugs to get the story.

92 I saw online that Global Broadcast Company (GBC) was hiring a news host for a show  
93 called “Justice Prevails.” I thought I was just the sort of person they needed as the host for a show

94 to go toe-to-toe with Samantha Gundry. I sent a couple of my tapes from “No Apologies” with  
95 hopes that they would consider me for the position. On Monday, July 5th, Jamie Chen of GBC  
96 called me to schedule an interview in New York City for the host position of “Justice Prevails.” I  
97 was thrilled—this was my big break. But I still had work to do at UFIB-TV—especially my bed  
98 bug story. Later that day, I called Dr. Patel and inquired if s/he had seen any bed bug bite victims,  
99 and whether there was any way I could obtain their names and addresses. I was disappointed that  
100 no victims had contacted me from the flyers that were distributed, and I was equally disappointed  
101 that I had not yet found a hotel with live bed bug infestation. Sure, there were other ways to go  
102 with the story. I could have made it an educational piece—what to look for and precautions one  
103 should take—but I wanted it more dramatic. I wanted the story to make an impact. I wanted the  
104 hotel industry to be on guard so they would develop better safeguards. It’s always better to have  
105 a victim in an exposé.

106         The next day, July 6th, I called Dr. Patel to set up a time to interview him/her for the news  
107 story. I was prepared to just make the story an educational piece rather than an exposé. There  
108 would always be a breaking story another day. I interviewed Dr. Patel on July 7th in his/her office.  
109 The interview with Dr. Patel went well, and I knew I could package the story to make it appeal to  
110 our audience. S/he even showed me a jelly jar filled with bed bugs that one of her patients brought  
111 in to be identified.

112         I flew out to New York the next morning for the afternoon interview with GBC. The  
113 interview was a success. The General Manager, Jamie Chen, was impressed with the tapes I had  
114 submitted. S/he was equally impressed with my style. S/he said they were looking for someone  
115 edgy like me. I told Mr./Ms. Chen that I was working on the bed bug infestation story, and I offered  
116 to give him/her a copy of the tape when it aired. Mr./Ms. Chen was interested, and I thought it  
117 might factor into his/her decision. I thought for sure that would lock in the position for me as the  
118 host of “Justice Prevails.” The job would surely advance my career as a journalist and I would be  
119 rewarded with a substantial increase in pay. GBC was paying \$1.5 million annually for the host of  
120 the show compared to my \$155,000.00 annual salary at UFIB-TV.

121         I stayed in NYC the evening of July 8th because it would have been hard to get a flight  
122 back after the late afternoon interview. Plus, I planned to attend a UFIB-TV coworker’s wedding  
123 reception that weekend and wanted to get some rest before coming home. I was exhausted when I  
124 arrived back in Utopia late on Friday, July 9th. Though the wedding reception wasn’t until



125 Saturday the 10th, I thought I would treat myself with an extra night's stay at Utopia Resort and  
126 Spa on Friday, July 9th. I called Utopia Resort and Spa and booked a room for Friday night. I  
127 arrived at the resort late in the evening and checked into Room #116. When I walked into the  
128 bathroom, I was surprised to see a towel on the floor under the sink. This made me wonder if the  
129 room had been cleaned but I was so tired I didn't bother to call the front desk to complain. I put  
130 on soft background music, pulled the drapes, climbed into bed and fell fast asleep.

131 The wedding reception the following day was enjoyable. I stayed out pretty late at the  
132 reception and was exhausted when I finally turned in for the evening. When I woke up on Sunday,  
133 July 11th in my hotel room, I had bite marks all over my arms, legs, back and hands. I couldn't  
134 stop scratching. I was in excruciating pain. My body felt as if it was on fire. I just wanted to tear it  
135 off! I thought the bites looked like the pictures of bed bug bites that Dr. Patel had shown me.  
136 Exhibit 2 is one of the photographs provided by Dr. Patel. So, I pulled back the duvet cover to  
137 check the bed linens. I noticed the blood on the bed. I became very upset and alarmed. I then pulled  
138 back the sheets and saw a mass of bed bugs scurrying around on the mattress and dark reddish-  
139 brown spots all over the mattress. Exhibit 3 is a photograph of the bed bug-infested mattress in my  
140 hotel room at Utopia Resort and Spa. I immediately called the hotel's front desk and reported the  
141 incident. I also called my camera crew to film the bugs, mattress and my bites. While I never  
142 intended to be the victim for my bed bug story, that's what happened.

143 When the hotel manager came to the room, s/he was very apologetic for exposing me to  
144 bed bugs and causing my suffering. S/he offered to set me up in a different room, give me a week's  
145 stay, clean my luggage and clothing with hot water, and take me to get medical care. I declined  
146 his/her offers. Instead, I went to the person I trusted most--Dr. Patel. Dr. Patel examined me and  
147 confirmed my sores were bed bug bites. S/he noted that I was one of the rare individuals who had  
148 a severe allergic reaction to bed bug bites. S/he gave me prescriptions for an antihistamine and  
149 steroid to reduce my allergic reaction, and an ointment and an antibiotic to prevent secondary  
150 infection. I continued being treated by Dr. Patel twice a week for the next two weeks. Eventually,  
151 the pain and sores subsided. I have some scarring on my back from the bed bug bites. I did not  
152 look for bed bugs at the Utopia Resort and Spa during my hotel stay until I woke up on Sunday  
153 morning with the bites. I knew how to check for bed bugs; I simply didn't think to do it. I was tired  
154 from traveling from New York on Friday, and on Saturday I had stayed out late for the wedding

reception. Plus, this was a prestigious hotel—I would have assumed that they would have exercised reasonable care to prevent bed bug infestations.

On Monday, July 12th, I had the camera crew re-film the bites and sores I received. The sores had become worse due to my severe allergic reaction, and some of the sores had become infected from scratching. The bed bug hotel infestation exposé aired on “No Apologies” on Thursday, July 15th. Exhibit 4 is a true and accurate copy of a part of the transcript from that show. I sent a copy of the tape to GBC that same day by overnight courier.

On Sunday, July 18, 2021, a newspaper article appeared in the front page of the *Utopia Gazette* quoting Mr./Ms. Gomez, the Hotel Manager for Utopia Resort and Spa, who stated that I had fabricated the bed bug story by planting the bugs there myself. Exhibit 5 is a true and accurate copy of the news article. That’s preposterous and an outright lie! Gomez’s comments were defamatory and smeared my good name and reputation in this community and in the news world as a credible journalist. Shortly after the news article appeared, I learned that GBC would not offer me the host position for “Justice Prevails.”

Utopia Resort and Spa’s claim that it has been defamed is ridiculous. Everything in my news story is truthful. There is nothing defamatory. Truth hurts. On the other hand, Utopia Resort and Spa’s statements to the *Utopia Gazette* are complete lies! And Gomez’s defamatory statements have caused me to lose the career opportunity of a lifetime, with earnings almost ten times my current earnings, besides the potential for product endorsements, and other doors that could have been opened to me. In addition, I had to endure excruciating pain for weeks, and I have permanent scars from the bites.

Of the available exhibits, I am familiar with the following and only the following: the flyer I provided to Dr. Patel (Exhibit 1); a photograph from Dr. Patel depicting bed bug bites (Exhibit 2), a photograph of the bed bug-infested mattress in my hotel room (Exhibit 3); the partial transcript from my “Bed Bugs Live” exposé (Exhibit 4); the news article from *Utopia Gazette* (Exhibit 5); and the handwritten note found in Guest Room # 116 (Exhibit 9).

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge. **Morgan Matthews**

SIGNATURE

Sandi Elliott

Sandi Elliott  
Notary Public

Date: August 17, 2022



**AFFIDAVIT OF PAT PATEL, MD**

1        My name is Pat Patel. I am a licensed dermatologist at the Skin Clinic Institute of Utopia.  
2        Exhibit 6 is a true and accurate copy of my Curriculum Vitae. In addition to my expertise in  
3        dermatology, I have significant background and experience in entomology. I earned my Bachelor  
4        of Science degree in Entomology at North Carolina State University. I enhanced my knowledge  
5        of insects working as a Field and Lab Technician for the USDA Beneficial Insect Laboratories in  
6        the biological control of cockroaches. I also spent a short time with DuPont conducting field testing  
7        of insecticides, herbicides, and fungicides.

8        I appeared in Morgan Matthews's news story on infestation of bed bugs in hotels that aired  
9        on UFIB-TV on July 15, 2021. I've heard the piece has gone viral over the Internet. I have gained  
10       some fame and notoriety because of my appearance in the news story. Since then, I have been  
11       featured as an expert on bed bugs on NBC Dateline, CBS's The Early Show, NBC's Today Show,  
12       and I have been a repeat guest on National Public Radio (NPR). I expect to continue my guest  
13       appearances in the immediate future because the bed bug problem has grown worse during the  
14       COVID-19 epidemic. In December 2021, I also edited the Bed Bug Chapter in the dermatology  
15       industry's most well-respected textbook reference, The Handbook of Investigative Dermatology,  
16       10th Edition. I would like to think that I was asked to contribute to this reference book because of  
17       my blend of backgrounds in entomology and dermatology, but I was not very well known among  
18       my peers until Morgan's news report on bed bugs. This has been a lucrative side career and I am  
19       scaling back on scheduling appointments in my dermatology practice. I am looking into consulting  
20       and expert witness testimony in bed bug cases. I am currently engaged in a Chicago case with a  
21       woman who is suing a New York hotel for \$20 million after she woke up with over 600 bed bug  
22       bites.

23       Bed bugs, *Cimex lectularius*, are reddish-brown, oval-shaped, flattened insects that are  
24       about 1/4-inch long. Nymphs (immature bed bugs) resemble the adult bugs but are often smaller  
25       and lighter in color. The adults appear more red after feeding on a blood meal. The nymphs appear  
26       bright red after feeding. Bed bugs require blood to reproduce and complete their life cycle. There  
27       are five larval stages, and each one requires a blood meal before molting into the next life cycle  
28       stage. Both male and female bed bugs feed on blood and take repeated blood meals during their  
29       lives. Females require blood for the development of eggs. The five larval stages are completed in  
30       about a month under suitable conditions of temperature, humidity, and availability of hosts for

31 blood meals. Larvae can survive inside dwellings for several months without a blood meal, but  
32 they do not molt into the next life cycle stage until they engorge on blood. Adults can survive even  
33 longer under the same conditions, but do not develop eggs unless they feed on blood.

34         Bed bugs usually feed on the blood of humans at night and crawl away during the day to  
35 hide in nearby cracks, crevices, furniture, and mattresses. Bed bugs detect carbon dioxide emitted  
36 from warm-blooded animals and respond to warmth and moisture as they approach the potential  
37 host. On humans, they tend to feed on exposed surfaces such as the face, neck, arms, hands and  
38 back. Bed bug bites tend to form several pink bumps in a row with central red spots where the  
39 blood was sucked. Dermatologists refer to this as the “breakfast, lunch, and dinner” sign,  
40 recognizing the sequential feeding that occurs from site to site.

41         Bed bug bites affect people differently, but they usually produce red welts that itch. If  
42 scratched, the bitten area can become infected. The bites themselves are not painful and typically  
43 are not felt. Frequent feeding can disrupt people’s sleep and make them irritable and seeing bites  
44 may cause emotional distress in some people. Heavy rates of feeding can result in significant blood  
45 loss and eventually lead to anemia. At least 27 human disease agents have been found in bed bugs  
46 including: viruses, bacteria, protozoa, and parasitic worms. None of these agents reproduce or  
47 multiply within bed bugs, and very few survive for any length of time inside a bed bug. Most  
48 people experience skin itching, pain and/or swelling within one day of receiving a bed bug bite.  
49 Bed bugs do not transmit disease after feeding on multiple hosts. A small percentage of people  
50 experience significant allergic reactions to bed bug bites, causing greater swelling, itching, and  
51 pain.

52         Treatment of the bed bug bites focuses on controlling the itching and inflammation they  
53 cause. Antihistamines and/or corticosteroids may be prescribed to reduce allergic reactions.  
54 Antimicrobial ointment or antibiotics may be used to prevent secondary infection. Bed bugs are  
55 sometimes thought to only occur in poor and unsanitary conditions. This is not the case, as they  
56 can also be found in very clean environments. Eradication of a bed bug infestation is difficult and  
57 should be performed with the help of a professional pest control company. Hotels have seen a  
58 significant rise in bed bug infestations since the pesticide known commonly as DDT was banned  
59 in 1972. While this ban may have contributed to the problem, the fault more clearly lies with the  
60 hotel industry.

61 In the past several years, the COVID-19 pandemic has led to staffing shortages which have  
62 impacted hotel housekeeping in many ways. It's difficult for hotel housekeeping staff to follow  
63 guidelines and bed bug protocol because one person is often doing the work of two to three persons.  
64 Hotel staff are often rushed to complete basic cleaning and sanitizing tasks. They no longer have  
65 time to inspect thoroughly for infestations. Respecting this, all hotel guests should check for bed  
66 bugs before they settle into the room. Hotel guests should always put their luggage on a luggage  
67 rack instead of lying it on the bed.

68 I met Morgan Matthews on Wednesday afternoon, June 2, 2021. The office is usually  
69 closed on Wednesday afternoons. Morgan had Googled me and saw my CV posted on our Skin  
70 Clinic's website. My article about insect bites and infestations is also available on the internet.  
71 Morgan learned that I had a background in entomology and dermatology. Prior to meeting Morgan,  
72 I was familiar with his/her notoriety as an investigative reporter and news anchor for UFIB-TV. I  
73 had admired Morgan's willingness to help victims and expose those who were to blame. When  
74 Morgan called, s/he explained that s/he was doing a story on the hotel industry's unsafe practices  
75 and the rise of bed bug infestations. Morgan requested a meeting with me to explore the medical  
76 side of bed bug bites. I was excited to contribute to the project.

77 In our first meeting, Morgan stated that s/he wanted to retain my services and s/he would  
78 pay me the same hourly rate I charge my patients. This proposition seemed fair because I would  
79 be taking away from patient time when meeting with Morgan. Morgan presented me a check for  
80 \$3,000.00 from UFIB-TV as a retainer fee for my consultation. We spent two hours in that first  
81 meeting discussing bed bugs—their feeding habits, clinical signs to look for if you have been bitten  
82 by a bed bug, possible medical effects from bed bug bites, and treatment. I showed Morgan  
83 photographs of the bugs and their bites from one of the medical textbooks I had in my office.  
84 Exhibit 2 is a copy of one of those photographs. We also discussed what hotels should do to avoid  
85 bed bug infestations. Morgan had clearly done his/her research prior to meeting with me. S/he  
86 asked probative questions and appeared well-versed on the topic. Morgan furiously took notes  
87 while I instructed him/her on this topic.

88 Morgan asked me if I had treated any patients recently for bed bug bites. I told him/ her  
89 that I had seen a significant increase in bed bug cases in the past several months. Morgan wanted  
90 me to provide some names of patients with bed bug bites so that s/he could interview them. I  
91 explained how HIPAA laws would not allow me to disclose this confidential information. I told

92 Morgan that if a patient came in I could give the patient Morgan's name and they could contact  
93 him/her if they were interested.

94 Morgan stopped in my office the following Monday, June 7th, and dropped off a flyer for  
95 me to provide to patients with bed bug bites. I agreed to provide the flyer to patients who could  
96 choose if they wanted to discuss the matter with Morgan. Morgan offered to pay me \$100.00 for  
97 every referral of a patient with bed bug bites. I declined that offer. Exhibit 1 is a true and accurate  
98 copy of the flyer that Morgan provided to me. Morgan and I discussed some additional questions  
99 that hadn't been asked at our initial meeting. Morgan wanted to know how long it took for the bite  
100 marks to manifest and how these marks could be linked to exposure at a hotel if there was a delay  
101 in their appearance. I advised Morgan that the bite marks would appear within one day. So, the  
102 bites would likely be visible on the second day following the exposure at a hotel or elsewhere.  
103 Morgan confirmed the fact that if a guest stayed at a hotel for two nights that the physical  
104 manifestations from bed bug exposure would still be visible. A hotel guest would be able to look  
105 for evidence of bed bugs in the room and then report it to hotel management.

106 Over the next four weeks, I treated a handful of patients with bed bug bites. I distributed  
107 the flyers to those patients. Morgan called me the afternoon of July 5th and inquired if I had treated  
108 any patients with bed bug bites. I detected panic in Morgan's voice. I told Morgan I had distributed  
109 several flyers to my bed bug patients and assumed if they were interested, they would call him/her.  
110 Morgan seemed frustrated and told me s/he hadn't received any calls. S/he remarked that s/he "had  
111 hit a wall," but s/he had "invested too much to throw the story away." Morgan pleaded with me to  
112 give him/her the names of a patient or two. S/he was convinced that s/he could convince them to  
113 open up and make a difference in reducing the growing bed bug infestation problem. I told Morgan  
114 I would not violate HIPAA by disclosing this information. I suggested that Morgan use textbook  
115 pictures instead of videotaping an actual patient. Morgan appreciated this suggestion but said that  
116 viewers relate to real people. I suggested there was no urgency to airing the story by a specific date  
117 because bed bug infestations would continue to be a problem. I think Morgan was worried that  
118 someone else would air a similar story before s/he could.

119 The next day, Morgan called me to schedule a time to videotape me for the news story. We  
120 agreed to meet on Wednesday, July 7th. When Morgan arrived, s/he appeared to be in better  
121 spirits, and I was excited to show him/her a jelly jar of bed bugs that a patient had delivered to me  
122 the previous day. Morgan was fascinated by these specimens, and s/he kept glancing at them as

123 we reviewed the questions s/he planned to ask during the interview. I never felt coached by Morgan  
124 to say anything I hadn't planned on saying. I didn't ask Morgan how s/he planned to present a  
125 victim's story. I assumed Morgan had located someone with bed bug bites or maybe one of my  
126 patients with a flyer called.

127 The videotaping on July 7th went well. Morgan made me feel relaxed in front of the  
128 cameras. It felt like a well-rehearsed concert with Morgan playing the role of a dynamic and  
129 energized conductor. I could tell by his/her actions that Morgan was genuinely concerned about  
130 bed bug victims and s/he had an honest desire to control this growing problem. Everything came  
131 together as planned. Morgan said s/he hoped to have the program aired the following week. The  
132 following day, when I went to my office, I couldn't locate the jelly jar of bed bugs on my desk. I  
133 think they were moved when they were organizing my office for the videotaping and/or my  
134 cleaning crew may have discarded them thinking they were garbage.

135 On Sunday, July 11th, Morgan called me at home and said, unequivocally, that s/he had  
136 bed bug bites. Morgan certainly had enough knowledge to identify bed bugs as the cause of her  
137 itching, bumps and swelling. I met Morgan at my office an hour later and confirmed his/her lay  
138 diagnosis. Morgan had at least 150 severe bites all over his/her face, neck, hands, arms and back.  
139 They looked very similar to those shown in Exhibit 2. Morgan showed signs of having a severe  
140 allergic reaction to the bites and was in significant pain. I prescribed an antihistamine and  
141 corticosteroids to reduce his/her allergic reaction, and an antimicrobial ointment and antibiotic to  
142 prevent secondary infection. I continued seeing Morgan twice a week over the next two weeks to  
143 monitor the possibility of infection. During this time, Morgan endured significant pain.

144 Morgan's bite marks eventually healed but they left a few small scars on his/her back. I  
145 didn't maintain a medical record for Morgan. I was Morgan's treating physician, but the visits  
146 seemed more like an extension of the news story. I didn't charge Morgan for my medical treatment.  
147 Morgan's medical expenses were covered by the retainer that Morgan previously provided.  
148 Morgan has provided me with a separate fee, for my statement and courtroom testimony. This  
149 testimony reflects my expertise as a dermatologist and entomologist. My fee for this statement and  
150 trial testimony is \$4,000.00.

151 I know Morgan has been accused of fabricating this story. I don't believe it for a minute! I  
152 saw the severity of Morgan's bed bug bites. That certainly was not fabricated. And Utopia Resort  
153 and Spa does not deny there were bed bugs in Morgan's hotel room. So, that's not fabricated. The

idea that Morgan would purposefully plant the bugs in the room and suffer the bites is illogical. Why would anyone do that, just to get a story? I have spent time with Morgan as s/he was developing this story. If Morgan cared more about getting the story and not the facts, Morgan would have coached me more in the interview. I have watched the Bed Bug news story, and I believe it is fairly presented.

Of the available exhibits, I am familiar with the following and only the following: a copy of the flyer that Morgan Matthews asked me to share with my patients (Exhibit 1); a photograph from one of my medical textbooks depicting bed bug bites (Exhibit 2); the photograph of the bed bug-infested mattress in Morgan Matthew's hotel room (Exhibit 3); and my Curriculum Vitae (Exhibit 6).

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

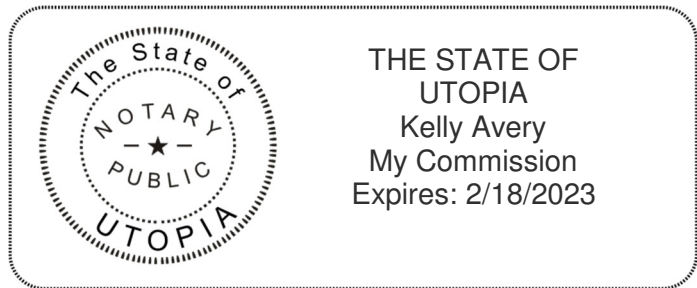
Pat Patel, M.D.

Signature

Kelly Avery

Notary Public

Dated: August 18, 2022





### AFFIDAVIT OF JAMIE CHEN

1 My name is Jamie Chen. I am the General Manager of the New York office for Global  
2 Broadcast Company (GBC), a global broadcast cable network. Global Broadcast Company has  
3 grown exponentially over the past ten years. What started as a single London station became the  
4 company responsible for the first global broadcast cable television network. GBC's business has  
5 appeal in the global markets, particularly the European markets. GBC has been expanding its  
6 market in the States and opened a second New York office five years ago to concentrate our efforts  
7 in appealing to the American market. Between our London and New York offices, GBC stays  
8 connected equally with its audiences and their viewing wants and needs.

9 In 2021, GBC's strategic plan was to target certain prime time audiences. GBC's  
10 philosophy is that to stay relevant, you must reinvent. GBC continues to rebrand and reinvigorate  
11 its established programming. GBC's 2021 strategic plan included a news exposé to be scheduled  
12 opposite Samantha Gundry at 8 pm and 10 pm daily. The program would consist of credible news  
13 reports that expose industries and people for bad practices or acts. No person or industry was above  
14 reproach.

15 I transferred from the GBC London office to become the first General Manager of the GBC  
16 New York office in 2011. I have a proven track record of award-winning writing, producing,  
17 editing, reporting, anchoring and management. I was born and raised in the United States, but I  
18 moved to the United Kingdom to attend the National Broadcasting School in Liverpool. I have  
19 experience working as a writer and as a producer, and I have dabbled in radio broadcasting. I  
20 wanted to advance my career, so I returned to school and received an M.A. in Television  
21 Journalism from Goldsmiths University in London. After receiving my degree, I started my career  
22 at GBC in London in 2000 and GBC transferred me to New York in 2011. I routinely recruit, train,  
23 cultivate, and manage freelance, temporary, and contract writers, editors, producers, reporters,  
24 anchors, and hosts. I maintain a high-quality control standard. It is my job to coordinate news-  
25 gathering resources and to shape the content of the broadcast, exercising final editorial control. I  
26 credit my work for helping GBC of New York receive the Edward R. Murrow Award and George  
27 Foster Peabody Award. My career is gratifying, but I don't want to glamorize the broadcast  
28 network industry. It is not for the faint of heart. Long hours, tight deadlines, frazzled nerves, and  
29 chronic understaffing often result in emotional outbursts, which are a daily occurrence at GBC and  
30 other networks.

31 In June 2021, we decided to implement our strategic plan for a prime-time news exposé.  
32 The show would be called “Justice Prevails.” The position for show host was advertised, and we  
33 contacted a few higher profile personalities to see if they’d be interested in the position. Our ratings  
34 had slipped, so we were looking for someone who was “edgy.” We needed someone who could  
35 get and keep our audience’s attention and make them turn the channel to our network every day.  
36 We needed someone with a dramatic flair and who was not afraid to take an occasional risk.

37 Our records show that Morgan Matthews submitted his/her video tapes and application on  
38 June 27th. I do not recall the specifics of the videos; I saw so many from numerous candidates at  
39 the time. I do know that Morgan’s tapes were impressive enough to bring him/her to GBC for an  
40 interview. There were only two other candidates that made the same cut. Morgan’s tapes stood out  
41 because they showcased his/her flair for providing a dramatic, theatrical presentation of a story.  
42 The exposés were cutting-edge and that was what we were looking for in a host for “Justice  
43 Prevails.” After reviewing Morgan’s tapes, I studied Morgan’s market appeal in Utopia. Morgan’s  
44 audiences responded well to his/her broadcasts, and they appeared to enjoy his/her personality.  
45 Morgan was a victim’s rights advocate and appeared to be “for the people.” Regardless of whether  
46 someone liked or disliked Morgan, s/he had people’s attention and they tuned in to watch UFIB-  
47 TV. UFIB-TV’s ratings and market share had increased 4 times since Morgan joined their team.

48 I contacted Morgan on Monday morning, July 5th, and interviewed him/her in New York  
49 on July 8th. The interview was impressive. Morgan has a nose for news, persistence, initiative,  
50 poise, resourcefulness, a good memory, and physical stamina, as well as the emotional stability to  
51 deal with pressing deadlines, irregular hours, and dangerous assignments. Morgan is intelligent,  
52 but in a way that is relatable to viewers. Morgan has street smarts too. Morgan thinks outside the  
53 box to solicit information from news sources. As a reporter or host, Morgan can corner even the  
54 toughest interviewee. Morgan is confident, almost cocky.

55 Morgan can be condescending too if you are the target of his/her exposé. Morgan is  
56 definitely edgy. In the interview, it was clear that Morgan’s outspoken style, and brashness with  
57 his/her adversaries, would be an asset for “Justice Prevails.” Morgan was the fresh face we needed.  
58 I even did some test runs of Morgan in front of our cameras. I usually do not take the time for  
59 camera test runs if I am not inclined to hire the person. After the test run, I readily recognized that  
60 Morgan would be comfortable on camera as the host of our show. I advised Morgan that a decision  
61 would be made within the next two weeks.

62 At the time of Morgan's interview, there were two other candidates that I had planned to  
63 interview, who were equally impressive, even though their reporting styles may not have been as  
64 theatrical. But GBC was also teetering on finding the right balance of capturing the audience's  
65 attention versus the shock factor employed by some less credible "news" outlets and television  
66 programming. GBC's tagline is "news you can trust." We didn't want to lose sight of that. We still  
67 wanted to report and present the news credibly, albeit dressed up a little more. Some were  
68 concerned that Morgan was maybe more edgy than the direction we had planned to go.

69 During the interview, Morgan described to me a project s/he was currently working on for  
70 UFIB-TV. It was an exposé on the hotel industry's standards in housekeeping, and specifically,  
71 bed bug infestation in hotels. Morgan claimed that his/her investigative journalism had uncovered  
72 that housekeeping staff were given unreasonable quotas for cleaning rooms. Consequently,  
73 Morgan said the staff was often rushed and failed to do their jobs properly for a clean, sanitary,  
74 and healthy environment. Morgan said the exposé would show that housekeeping staff did not  
75 follow hotel policies by examining beds for signs of bed bug infestation. The exposé was to include  
76 footage of hotel beds infested with bed bugs, and victims with bed bug bites. Morgan agreed to  
77 provide me with the footage. I was interested in the story because at that time, to my knowledge,  
78 it had not been covered globally or nationally. At the time of the interview, I had no intention of  
79 factoring in the bed bug exposé in my hiring decision. However, I suppose Morgan may have  
80 thought it was critical to my decision for the position. I was more curious than anything. I had  
81 heard some talk about New York hotels with bed bug problems. No one else had thought to cover  
82 the story at the time. Now it is big news, of course. I wish now GBC had broken the story.

83 Morgan delivered on his/her promise to send me a copy of the tape of his/her exposé on  
84 the bed bug problem of hotels. I received an overnight package of the story on July 16th. Morgan's  
85 note along with the tape said that the piece had aired on UFIB-TV on July 15th. Actually, that was  
86 pretty good timing on Morgan's part because that gave me the weekend to review the entire piece.  
87 Typically, my hectic schedule would allow time for a look at only a brief clip. Also, I had  
88 completed the last of the interviews for the prime-time host position on that same Friday, July 16th.

89 Upon reviewing the tape, I was reminded of Morgan's abilities and style. I thought the  
90 story had some real appeal. It was gritty and would be universally interesting to viewers because  
91 it didn't just target the cheap hotels, but targeted even a premier hotel like the Utopia Resort and  
92 Spa. I must admit, I was a bit taken aback that Morgan was the victim in the story. Reporters or

anchors are not the news themselves, rather they only present the news. But in this case, it really personalized Morgan with the viewers, and perhaps this was the type of edge we needed to increase our market share. GBC has succeeded by trying to be different and doing things no one expected. Morgan's bed bug exposé put him/her over the top in my view. Morgan was my number one choice. Morgan was the quintessential persona for the GBC "Justice Prevails" host position.

I had planned on meeting with the Executive Producer and News Director on Monday, July 19th, to make my recommendation in favor of hiring Morgan. However, as I mentioned, there were two other candidates under consideration. If the other decision-makers thought Morgan's style was too brash, another candidate might be preferred. The News Director had expressed concern that Morgan's outspoken nature could invite lawsuits. Also, one of the other candidates was a foreign correspondent with GBC who hosted an early morning time slot. She was an established celebrity who our audience already knew. Regardless, I felt strongly we needed a new face and a stronger persona.

I felt confident we would hire Morgan because my hiring recommendations are usually taken. Our London office was the final decision maker. On Monday, July 19, 2021, I received an anonymous voicemail that advised me to check the online edition of the *Utopia Gazette* for a story about Morgan Matthews. Exhibit 5 is a true and accurate copy of this news article. After reading the article, I learned that Utopia Resort and Spa accused Morgan of fabricating the bed bug story. Utopia Resort and Spa didn't deny that bed bugs were found in Morgan's room, but they questioned how they got there. The anonymous voicemail described a separate incident where Morgan edited a piece to include Morgan faking a tear in reaction to a story. The accusations made by Utopia Resort and Spa's hotel manager killed any chance for Morgan to host "Justice Prevails." Reporters, anchors, and hosts should provide accurate and impartial news. Accuracy is important when serving the public because untrue or libelous statements can lead to lawsuits.

I notified the other decision-makers of the decision to pull Morgan from consideration for the host position. Later that day, we made the decision to promote from within and offered the position to our foreign correspondent, Lara McKay. We pulled back from our decision to go with edginess. We had to have the right person to move in that direction, and Morgan would have been that person. I contacted Morgan by phone and informed him/her that we had learned about Utopia Resort and Spa's accusations and the other stories about his/her questionable ethics. S/he sounded shocked. Morgan said, "The ethics line is always moving." Then s/he said, "This really bites."

124 It may appear that the hotel's accusations against Morgan killed the deal for him/her and  
125 that I believed that Morgan's bed bug story had been fabricated. That is not necessarily true. I do  
126 not completely dismiss the hotel's claims, but I have doubts. Considering the accusations and the  
127 other edited story, it was not worth the risk of losing GBC's credible reputation. Our decision to  
128 hire Lara McKay reflects how important it is to maintain credibility with our viewers. "Justice  
129 Prevails" remains interesting because we don't repeat the mainstream news. We try to be an honest  
130 reflection of what matters to the audience.

131 Had we hired Morgan his/her salary would have been \$1,500,000.00 annually. The contract  
132 would have been for one-year and renewable period at our discretion. There was no guarantee that  
133 the contract would be renewed beyond the first year. The current show, hosted by Lara McKay,  
134 has been successful. If we had hired Morgan, a contract renewal would have been tenuous because  
135 we had no idea whether the edgy, dramatic style would have gone over well with our viewers.

136 Of the available exhibits, I am familiar with the following and only the following: the news  
137 article from Utopia Gazette (Exhibit 5).

138 I affirm under penalty of perjury that the foregoing is true and correct to the best of my  
139 belief and knowledge.

Jamie Chen

Signature

Michelle Robinson

Michelle Robinson

Notary Public

Date: August 19, 2022



### **AFFIDAVIT OF TONI GOMEZ**

1 My name is Toni Gomez. I am the Hotel Manager for Utopia Resort and Spa, at 7503 East  
2 Main Street in Utopia. I am French Canadian; I was born and raised in Quebec. I am now a United  
3 States citizen. I came to the United States in 1997 to attend Purdue University in Lafayette, Indiana.  
4 In 2001, I received my Bachelor of Science degree from Purdue in Hospitality and Tourism  
5 Management with a Marketing/Sales concentration. Purdue has always had one of the leading  
6 programs in Hospitality. I have continued to keep abreast of the latest information and  
7 developments in hospitality management by taking additional classes at North Carolina University,  
8 including Facilities Management, Business Etiquette for Managers, and Consumer Behavior in  
9 Hospitality & Tourism. Utopia Resort and Spa is a member of the Utopia Hotel and Lodging  
10 Association (NCHLA) and the American Hotel and Lodging Association (AHLA). I have utilized  
11 their training resources and I have attended their many seminars. I also attend the annual  
12 Hospitality Conference, co-sponsored by NCHLA. This conference allows me to stay up-to-date  
13 on the latest industry standards. Through these trainings, seminars, and conferences I have learned  
14 important safeguards and how to best prevent bed bug infestations.

15 I joined the staff at Utopia Resort and Spa in 2019. Utopia Resort and Spa is a boutique,  
16 luxury hotel with fifteen guest floors, 150 guest rooms (10 per floor), 30 deluxe suites (2 per floor),  
17 and one honeymoon or executive suite, which occupies the entire sixteenth floor. Utopia Resort  
18 and Spa is the premier hotel in the Utopia area and a legend in Utopia hotel history. Construction  
19 of the resort began in 1938 and the doors opened to customers in 1939. The resort quickly became  
20 the city's business and social center for the who's who among the elite. The hotel has hosted many  
21 famous guests over the years, including John F. Kennedy, Harry Truman, the Duke of Windsor,  
22 Taylor Swift, Lady Gaga, David Letterman, and Johnny Depp. The resort opened as the country  
23 was recovering from the Great Depression, and it has thrived ever since its inception. Through the  
24 years, this unique resort has developed much customer loyalty.

25 In the 1980's, amid the country's recession, the hotel was purchased by Boutique Inn  
26 Group (BIG) to become its signature hotel in the States. A \$17 million renovation in 2019 revived  
27 its prestige and luxury. I was hired to oversee this renovation which was completed at the end of  
28 2019. The renovation has allowed Utopia Resort and Spa to continue its tradition of prestige and  
29 excellence. The luxury starts with a lavish lobby with crystal chandeliers, spacious rooms (550 sq.  
30 feet) with high ceilings, bathrooms of Spanish Ramora marble, "4K TVs" in the bathroom,

5” pillow top feather beds, Egyptian cotton sheets and European white goose down comforters. We also have a luxurious spa with impeccable services that are attentive to our guest’s every need.

Prior to joining Utopia Resort and Spa in 2019, I started my career in the hotel industry as the Assistant Hotel Manager at Cedar Pointe Hotel from 2013 to 2016. Cedar Pointe Hotel is another boutique hotel owned and managed by BIG. After great success in this position, I was promoted in 2016 to Associate Hotel Manager. During this time, I was fully responsible for managing staff and hotel operations. In January 2019, BIG promoted me to the Hotel Manager position at its Utopia Resort and Spa. As the hotel manager at Utopia Resort and Spa, I was responsible for overseeing the \$17 million renovation. The renovation was completed successfully, and we started seeing an increase in hotel revenue. Unfortunately, the COVID-19 pandemic forced us to close in March of 2020, and everything came to an abrupt halt. When we reopened the resort, I was surprised to see how quickly our patrons came flooding back. I think this reflects our history of exemplary service and the fact that the news had spread about the renovation improvements. Our entire staff worked hard to implement COVID-19 safety protocols, and it appeared like our patrons were finally feeling safe to travel and visit the resort. For the past few years, I have worked tirelessly to train employees to maximize service, production and efficiency. I am proud of how the resort was able to rebound and return to our pre-COVID business records.

This bed bug incident has had a huge impact on our reputation. Bed bugs are a complicated issue in the hotel industry. In 2012, the hospitality industry did not want to adopt bed bug action plans. Having a bed bug action plan was like admitting your hotel had bed bugs. About five to seven years ago, the AHLA recommended that hotels change some of their housekeeping protocols in order to identify a problem early. Now, if a hotel does not have a bed bug action plan, it would risk losing one’s reputation and possibly be at risk of a lawsuit. It would be deemed below the standard of reasonable care if a hotel did not have a reasonable bed bug detection and prevention program in place. Utopia Resort and Spa implemented a bed bug action plan prior to my taking the position as the Hotel Manager. When I became manager, I continued reviewing and improving this protocol. We’ve learned better ways to train and increase staff awareness on how to look for and prevent potential infestations. The management of the Utopia Resort and Spa takes the issue of bed bugs very seriously. The safety and comfort of our guests is our top priority.

Let me first say, there is no way to stop bed bugs from being brought into any hotel. New guests are arriving every day from all over the world, bringing their potentially infested luggage with them. A resort can be bed bug free one day and infested in multiple rooms the next. So,

prevention in the lodging and hotel industry means early detection. Bed bugs must be detected very quickly after they are brought in, hopefully, before they bite someone. To facilitate this early bed bug detection, all Utopia Resort and Spa hotel employees receive some bed bug identification training. This includes the reception staff, maids, facilities personnel, hotel managers, event planners, maintenance staff, catering staff, bellhops, cooks, janitors, and absolutely everyone else. Why everyone? Because our employees are located all over the hotel, and if everybody is looking for bed bugs, there is a greater chance that you will discover them quickly.

After our renovation was completed in December 2019, I wanted to implement the highest quality of standards for Utopia Resort and Spa. Raising employee awareness on the issues surrounding bed bug infestations has become a critical element in hotel property operations. Having trained and knowledgeable housekeeping staff is one of the best lines of defense, along with having regular pest control inspections. Bed bugs can crawl out of a traveler's suitcase and establish themselves in hotel rooms. The process of eliminating bed bugs from hotel rooms can be quite expensive and lead to litigation, large settlements, and loss of business. In January 2021, I contracted with the best pest management company in the Utopia area, DDT Pest Control, to train our employees for early bed bug detection and to perform regular pest control inspections. DDT Pest Control trained our housekeeping personnel to know what bed bugs and their fecal stains look like so they can then alert management immediately if they think they see bed bug evidence in a hotel room. This early detection helps to identify infestations before they get started. The trained bed bug staff members also serve as handy inspectors if a guest complains about bites or bed bugs in their room, an incident we have never had to deal with except in the case of Morgan Matthews's alleged complaint.

The protocol at Utopia Resort and Spa requires that as beds are being stripped, the linens and pillowcases used by hotel guests be checked for small blood stains that look like small reddish-brown spots. The mattress also is checked by closely examining the seams for brown spots that could be bug feces, shed skin or actual bed bugs. Bed bugs can hide in the smallest spaces between headboards and walls. Headboards are checked thoroughly, as well as under the bed skirting, and especially pleated seams. We also check draperies, molding, pictures, and baseboards, especially those near beds. Housekeeping personnel are provided with flashlights to check small cracks and crevices. Thorough vacuuming is important as well. Utopia Resort and Spa, under my direction, has also taken measures to remove clutter from the guest rooms where bed bugs can hide and if any cracks or crevices are detected they are sealed to remove hiding places. All of these measures



were in place in 2021 when Morgan Matthews was a guest at Utopia Resort and Spa. Exhibit 7 is a true and accurate copy of the Bed Bug Inspection Protocol information sheet that is distributed to employees of Utopia Resort and Spa in the training for bed bug inspections, and that was used in 2020/2021. It is also posted in the housekeeping area of the hotel. The protocol has not changed materially since that time.

Full knowledge of the Bed Bug Inspection Protocol is required of all housekeeping employees, in addition to their routine housekeeping functions. Exhibit 8 is a true and accurate copy of the Housekeeping Checklist, which details the tasks required of the housekeeping staff member for the cleaning of each guest room. In addition to these tasks, the housekeepers also have the responsibility for stocking their carts, and removing roll away beds or cribs, previously performed by housemen. Due to COVID-19 Pandemic related staffing shortages the housemen positions were eliminated and assigned to the housekeeping staff. The reassignment of these tasks is not substantial, in my opinion, because guests at luxury hotels rarely ask for roll away beds or cribs. Moreover, the stocking of the housekeeper's cart can be performed rather expeditiously.

We had to make several tough decisions due to the COVID-19 pandemic. When I became manager at Utopia Resort and Spa, housekeepers had a 14-room quota. In March 2020, I downsized the housekeeping staff and required a 20-room quota for room cleaners. This quota would apply in all conditions, whether a cleaner is covering suites, double or single rooms, and whether a room cleaner must travel to multiple floors. The increased quota does not impair the quality of our housekeeping services. Our 2019 renovations significantly reduced the time and effort required to clean the rooms because everything is in new, pristine condition. We installed bathroom surfaces and flooring that are easier to clean, and our newly installed heating and cooling ventilation system includes an air filtration system. With the new filtration system and the fan running full time, all the air goes through the filtration system four times per hour and virtually removes all dust particles. So, there is little dusting required by the housekeeping staff.

Previously, under the 14-room quota, housekeepers were expected to clean each room in approximately thirty minutes. With the 20-room quota, housekeepers have approximately twenty minutes to clean each room. I have had no complaints from any housekeeping staff that the new quota is too cumbersome. Nor have we had any significant complaints that a room is not cleaned to a guest's expectations. Of course, there are always minor complaints, such as amenities not sufficiently supplied, or an occasional complaint of a dirty towel left behind the bathroom door, but nothing of any significance. There has been no change in the number of these minor complaints

127 after the housekeeping room quota increased. However, after the incident involving Morgan  
128 Matthews, we decreased the room-quota for our housekeeping staff to the previous 14-room quota  
129 and we hired additional housekeeping staff.

130 I am familiar with Morgan Matthews. Mr./Ms. Matthews was a guest at Utopia Resort and  
131 Spa the weekend of July 9th-11th, 2021. I was familiar with Morgan Matthews through his/her  
132 news reporting/anchor position at UFIB-TV. I have never been a fan of Mr./Ms. Matthews. To me,  
133 his/her reporting style lacks credibility and integrity. S/he goes for the dramatic effect rather than  
134 merely reporting the facts. I think the news should impartially report facts and not attempt to  
135 manipulate them to achieve a certain appeal and turn it into a “story.” I held these opinions of  
136 Mr./Ms. Matthews long before Mr./Ms. Matthews visited our hotel.

137 In fact, I can say with firsthand knowledge that Mr./Ms. Matthews is a liar, who fabricates  
138 things just to create a “story.” Back in 2017, my brother owned a local restaurant here in Utopia.  
139 During an inspection, the restaurant was cited for a minor health code violation. My brother was  
140 going to have it fixed in no time—but as soon as Matthews caught wind of it, s/he aired a segment  
141 to “warn” the public about how “hazardous” the restaurant was. The segment was totally  
142 overblown, but everyone seemed to believe it. My brother lost the majority of his customers  
143 overnight. He went out of business later that year.

144 My first personal encounter with Mr./Ms. Matthews was when s/he had previously booked  
145 a guest room for July 10th as part of a block of rooms that was reserved for the Roberts-Keeley  
146 wedding reception. However, on July 9, 2021, Morgan Matthews called the hotel to book an extra  
147 night stay, arriving a day early on July 9th instead of the 10th. Nothing unusual occurred over the  
148 weekend until the morning of July 11th. On that morning, approximately at 9 a.m., Mr./Ms.  
149 Matthews called our front desk and reported bed bug bites and infestation in his/her room, #116.  
150 Our Associate Manager called me immediately, and we rushed to Room #116. When we arrived,  
151 the camera crew from UFIB-TV was already present with their cameras and other equipment  
152 filming the hotel room, and more specifically, a mattress inundated with bed bugs, along with  
153 evidence of bed bug fecal stains on the mattress. The camera crew, at Matthews’ direction, turned  
154 toward me to film my reaction. Naturally, I was shocked—and honestly—horrified. Such an  
155 incident can kill a hotel’s business. Mr./Ms. Matthews was scratching his/her bites, which they  
156 filmed, while accusing the hotel of poor quality assurance measures in our housekeeping protocols  
157 for bed bug prevention.

I went into automatic mode of using the “LAST” approach in dealing with hotel guest complaints. “LAST” stands for listen, apologize, solve, and thank. Guests are less likely to leave frustrated if we have genuinely and actively listened to the complaint, demonstrated understanding and thanked them after the problem has been resolved to reassure them that the hotel does not begrudge them the right to speak up. When I apologized to Mr./Ms. Matthews, it was not intended to show that the resort was responsible for the bed bugs being there. I told him/her that we would waive the bill and offered a free week’s stay whenever s/he wanted. I merely was trying to alleviate any frustration experienced by a hotel guest. You know, “the customer is always right” approach. I didn’t realize the cameras were turned on me and captured the apology like the hotel was guilty. The events that occurred that morning were cut and pasted together to create a “better story.” Matthews manipulated my statements out of context.

I offered to provide Mr./Ms. Matthews another room in the hotel, but s/he said, “No, I have a story to report.” I offered to wash Matthews’s clothing and scrub down his/her luggage so that any bed bugs would not be transported elsewhere. It’s a known fact that bed bugs spread from place to place by way of luggage and clothing. Mr./Ms. Matthews declined my offer. Jordan Quick approached me when all of the commotion was going on and said, “Things are not always as they seem. Give me a call,” and then s/he gave me a piece of paper with his/her name and phone number on it. I had no idea what s/he meant at the time and didn’t give it much thought. At the time, I was preoccupied that we had an infestation of bed bugs in our hotel. I don’t deny that there were bed bugs in the room occupied by Morgan Matthews. I saw them myself. Bed bugs were scurrying on the mattress folds and crevices, and I saw a few fecal stains. Exhibit 3 is a true and accurate picture of the bed bugs and stains appearing on the mattress in guest Room #116, occupied by Morgan Matthews at Utopia Resort. The question is not whether the bed bugs were there; it is a question of when and how they got there. I feel confident that our hotel housekeeping staff exercises exemplary care and skill in cleaning rooms and inspecting for bed bugs.

Mr./Ms. Matthews left an hour later. I checked our house cleaning log to see who cleaned the room on July 9th. It was one of our new employees, Nora Jane. I know she was working with another seasoned employee as part of her upfront training. It’s difficult to believe she missed seeing evidence of bed bugs in the room. We called DDT Pest Control, who arrived within the hour and began an inspection and extermination of the bed bugs. A complete detailed inspection was performed of the room occupied by Matthews. Other than the mattress, all areas of the room were inspected with no evidence of any infestation found. We also systematically checked each hotel

190 room, as guests checked out. No other rooms showed any evidence of bed bugs. In fact, other than  
191 Morgan Matthews's complaint, we have never before and never since had any complaints or signs  
192 of bed bugs. I called Morgan Matthews at the UFIB-TV station and reported the results of the  
193 inspection, but, of course, the fact that there was not any other evidence of bed bugs did not make  
194 his/her "news story."

195 Morgan Matthews's news exposé on bed bugs in the hotel industry aired on Thursday  
196 evening, July 15th during his/her "No Apologies" investigative news segment. Exhibit 4 is a true  
197 and accurate copy of the transcript of part of the "report." No Apologies? S/he should be  
198 apologizing for fabricating a story that cost the hotel its reputation and business. Utopia Resort  
199 and Spa is depicted in the show as a hotel with poor quality assurance and cleanliness. The story  
200 was one-sided. Mr./Ms. Matthews did not report that it was the only guest room where bed bugs  
201 were detected. S/he also did not report that a pest control expert immediately eradicated the  
202 infestation. The story seems to infer that the problem was widespread at Utopia Resort and Spa. I  
203 was furious with Morgan Matthews's exposé, and particularly how s/he targeted Utopia Resort  
204 and Spa. It was as if s/he knew it made his/her story better by having a luxury hotel with bed bugs.  
205 The story was damaging to Utopia Resort and Spa. The resort had just started to recover from the  
206 pandemic when Matthews's fabricated story led the hotel to experience a significant loss of  
207 business. Approximately 75% of reservations for the remainder of July 2021 were canceled. The  
208 following two quarters showed revenue down by a third compared to the same quarters in the past  
209 two years. Utopia Resort and Spa claims that Morgan Matthews's defamatory comments resulted  
210 in the loss of income to the hotel.

211 When we prepared the room for eradication of the bed bugs, we bagged everything in the  
212 room. The mattress was, of course, discarded, and the linens were washed and dried in high heat.  
213 On Monday, July 12th, after the room and its contents were re-inspected and cleared for re-use,  
214 we began to return objects to the room. It was then that I noticed a note crumbled in a wastebasket  
215 that had been previously bagged. Exhibit 9 is a true and accurate copy of the handwritten note that  
216 was found in the guest room occupied by Morgan Matthews. Obviously, the handwritten note  
217 shows that Mr./Ms. Matthews was planning to expose himself/herself to the bed bugs at our hotel.  
218 S/he knew it would take at least 24 hours for the bites to show, and that if s/he scratched the bites,  
219 the sores would worsen.

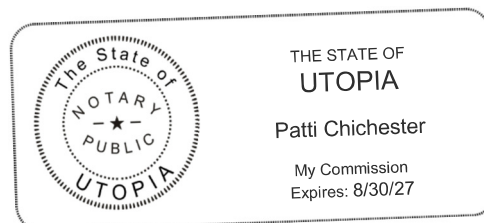
220 When I saw the note, I remembered Mr./Ms. Quick's comment and suggestion that I call  
221 him/her. I called Mr./Ms. Quick on the 17th. S/he informed me that s/he had been a producer for

the UFIB-TV news, but had been fired because s/he took issue with Morgan Matthews's unethical reporting. Mr./Ms. Quick then told me that before s/he left UFIB-TV, s/he had been working with Morgan to produce the story on hotel bed bug infestation. I learned that Morgan had struck out with hotel after hotel in finding bed bugs and the story was going to be canned by the station. Morgan could not even locate any victims with bites. S/he was desperate. I knew that Mr./Ms. Matthews planted the bed bugs in the hotel room at Utopia Resort and Spa Inn. Mr./Ms. Quick has agreed voluntarily to come forward to testify in this case. But, at the time, s/he requested that I maintain the confidentiality of his/her identity as the source of my information because s/he was terrified that Matthews would make sure that s/he would never get a job in the industry again. I respected his/her wish. I subsequently hired Mr./Ms. Quick to produce an advertising piece for the hotel. It was not a big job, but I thought since s/he helped Utopia Resort and Spa in its time of trouble, I would help him/her out. Besides, s/he does excellent work, and as a freelance producer, it is a cost-saver for a project I had planned to do anyway.

Later that same day (Saturday, July 17th), I contacted a local newspaper reporter and gave them the "real story"—how Morgan Matthews planted the bed bugs in the room and fabricated the bed bug infestation at Utopia Resort and Spa. The story appeared in the newspaper on Sunday, July 18th. Front page news. Finally, Matthews got a taste of his/her own poison. Exhibit 5 is a true and accurate copy of the news article, and accurately reports what I said to the reporter. I did not disclose the news article to any person or entity, other than the employees of Utopia Resort and Spa or BIG. I was unaware at the time that Mr./Ms. Matthews was interviewing for a position at GBC.

Of the available exhibits, I am familiar with the following and only the following: the photograph of the bed bug-infested mattress in Morgan Matthew's hotel room (Exhibit 3); the partial transcript from Morgan Matthew's "Bed Bugs Live" exposé (Exhibit 4); the news article from *Utopia Gazette* (Exhibit 5); the Bed Bug Inspection Protocol information sheet used by Utopia Resort and Spa (Exhibit 7); the Housekeeping Checklist used by housekeeping staff of Utopia Resort and Spa (Exhibit 8); and the handwritten note found in Guest Room # 116 occupied by Morgan Mathews (Exhibit 9).

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge



Toni Gomez  
Signature  
Patti Chichester  
Patti Chichester  
Notary Public  
Date: August 22, 2022

### **AFFIDAVIT OF JORDAN QUICK**

1 My name is Jordan Quick. I am a former employee of UFIB-TV. I worked at UFIB-TV for  
2 14 years. I started as an associate producer for the morning news program, First Light News. After a  
3 few years I became producer of the show, and later took on added responsibilities of producing our  
4 late-night newscast. The station management recognized my work as a producer for those two news  
5 segments. Consequently, in 2008, I was asked to produce our primetime newscast, the Evening News,  
6 an hour-long program. The other newscasts were only half-hour time slots. I remained Producer of  
7 the Evening News at UFIB-TV throughout the remainder of my employment with UFIB-TV. I was  
8 fired from UFIB-TV on June 25, 2021, when a dispute arose involving what I believed to be unethical  
9 reporting by Morgan Matthews. I called him/her out on it. I am a straight-shooting sort of person. I  
10 call 'em the way I see 'em. I believe that quality has gained me respect in this industry and at UFIB-  
11 TV because people know I'm going to tell it like it is. They always know where I'm coming from.  
12 And, when I look in the mirror at the end of the day, I know my integrity is intact.

13 I am presently unemployed. After leaving UFIB-TV, I found it very difficult to find work as  
14 a producer. I think Morgan blacklisted me. However, I have several projects in the works as a  
15 freelance producer. I produced an advertisement for Utopia Resort and Spa. It was a small project. I  
16 received only \$3,000.00 for the entire project—writing, producing, directing, and editing.

17 Currently, I am writing, producing, and directing my own documentary, a sort of behind-the-  
18 scenes look at the TV news industry and what it has become. I have strong opinions regarding the  
19 current state of affairs in the world of TV broadcast news. The news no longer impartially  
20 disseminates facts. Instead, we have become accustomed to the news using drama and theatrical  
21 antics. Morgan Matthews is the quintessential new age news anchor that I abhor. S/he is all about  
22 sensationalism and drama, and less about facts. S/he is brash and outspoken, not for the purpose of  
23 uncovering the facts, but only because that style sells. Morgan's not a reporter of the news. Rather,  
24 Morgan tries to make the news. The stories on today's news broadcasts are not always newsworthy  
25 but instead grabs attention long enough to keep a viewer from turning the channel. And some of the  
26 most newsworthy news ends up on the cutting room floor. My documentary explores the news of  
27 yesterday and the news of today. It'll be an eye-opener. When it airs, I believe it will be award winning  
28 and open many doors for me. The documentary hasn't been distributed yet because I need some  
29 additional funding. I suppose my testimony in this case might help promote the documentary.

30           However, that's not why I'm testifying. Once again, I feel the need to stand up for what is  
31 right and to make sure the truth is known. That is why I'm testifying in this case. I didn't come  
32 forward initially in this case because I was terrified that Morgan would ruin me completely if I  
33 revealed him/her for who s/he really is—a fake. S/he had already managed to have me fired at UFIB-  
34 TV, and I struggled to find another job as a producer. A lot of doors had been shut in my face.

35           I did, however, speak up regarding the bed bug issue; I spoke with Toni Gomez. But I asked  
36 that my identity remain confidential. I never spoke with anyone else about the Utopia Resort and Spa  
37 bed bug story. I had heard through the grapevine that Morgan was in the running for a TV show host  
38 position on a cable network around the time the hotel bed bug infestation story was being aired. I  
39 didn't have the first idea about the cable show or the person interviewing Morgan. Besides, I learned  
40 my lesson that whether the news is manipulated doesn't matter to the networks; all they care about is  
41 if the news has flashy appeal to the viewers.

42           I was also instrumental in the decision to hire Morgan Matthews as a news reporter for UFIB-  
43 TV, and later in the decision to promote him/her to the anchor of the Evening News. I hired Morgan  
44 and had been at UFIB-TV ten more years than Morgan, so imagine my surprise when I was the one  
45 fired when a dispute arose between us over news content. I have no doubt in my mind that Morgan  
46 Matthews fabricated the bed bug infestation at Utopia Resort and Spa. It would not be the first time  
47 that Morgan crossed the ethical line. Some may call me a purist, but I strongly believe that you cannot  
48 manipulate the news. As a reporter, you cannot direct the person you're filming or interviewing to do  
49 something or say something other than what naturally occurs. Sure, as a producer, we're not going to  
50 air every second of the interview or film. There are time constraints and you have to make it  
51 interesting. Morgan, however, went beyond routine editing. For example, Morgan once reported on  
52 a story of the rise of homelessness, especially affecting children. The news report was significant as  
53 it was, but Morgan wanted to make it even more dramatic. So, s/he directed a homeless seven-year-  
54 old child to take a donut out of a nearby trash container and take a bite. Morgan had placed the broken  
55 donut on top of the trash, with the child's knowledge, moments before filming the child. I exercised  
56 my right as producer to delete that portion of the story before it aired. Under my watch, we're not  
57 going to air something that was completely staged.

58           By mid-2021, as Morgan gained local celebrity status and the arrogance that accompanies it,  
59 Morgan and I were constantly at odds because of Morgan's brazen disregard for factual reporting. I  
60 want the news to be real. Morgan did not hesitate to manipulate the facts for a good story. Morgan  
61 knew how to pull in the audiences. Morgan portrayed himself/herself as a victim's advocate, someone

who was “for the people.” From the time that Morgan was hired in 2016 through mid-2021, UFIB-TV’s ratings and market share in the Utopia market had increased by four times. For such a short time frame, the quadruple increase of market share is a huge leap in this industry, and particularly for this market. Morgan’s claim to fame was his/her special investigative exposés that aired on Thursday nights called “No Apologies.” No person or industry was spared if it made a good story for Morgan.

With the increase in market share, Morgan thought s/he was above reproach. Morgan had planned to air another manipulated story on “No Apologies” in June 2021. Morgan had filmed the story on June 15, 2021. The story centered on a mother’s angst after learning that her daughter had been misidentified as a victim in an automobile accident, only to learn later that the daughter had not made the fateful trip with friends but had gone camping in the wilderness for a week instead. The story was good. Powerful. Emotional. But Morgan couldn’t leave well enough alone. After shooting the interview, Morgan decided to film his/her reaction to the mother’s heartfelt story. So, back at the studio, Morgan mustered up a tear streaming from his/her eye, filmed it, and edited it to the tape of the interview with the mother as if the tear had occurred simultaneously with the interview. On June 18th, I expressed my concern to Morgan that s/he had crossed the ethics line. I told Morgan I was cutting the clip of the faked tear.

On June 23, 2021, a day before the story was to be aired, I learned that Morgan had reinserted the clip of the faked tear. I told the production crew that I had the final call as the producer, and the faked tear would not be part of the story. Morgan went over my head and complained to the UFIB-TV General Manager, Daryl Licht. I overheard Morgan telling Daryl that I was outdated with old-fashioned ideas about news reporting. Daryl called me to his office to sort out the dispute. To keep Morgan happy, Daryl suggested that I let this one go. Daryl reminded me that Morgan had been good for the station’s ratings and market share. I could not compromise on ethics. I started shouting at Licht with righteous indignation. I am not one to hide behind superficial niceties. I gave him an ultimatum. I said I would not be part of producing Morgan’s “No Apologies” segments in the future if I didn’t have full editorial control and if the fake tear was left in the story. I was fired that day—insubordination they said—and the story, fake teardrop and all, aired the next day, June 24th, on the “No Apologies” segment. The story later received some journalism and media awards, even though it was faked.

Before I was fired, I had been working with Morgan to produce a story on bed bug infestations in hotels. I thought the story had some real promise at the time. I had heard about some Utopia hotels that had problems with bed bugs, but the story had not been broken either nationally or locally. I



94 thought it would be a coup for UFIB-TV to be the first to break the story. Morgan had been working  
95 on the story for weeks. Besides the theatrics and sensationalism, two strengths that catapulted  
96 Morgan's success were (1) Morgan's tireless devotion to get a story, and (2) Morgan's dedication to  
97 researching the topic backwards and forwards.

98 By the time the bed bug story aired, Morgan probably knew more about bed bugs than any  
99 expert. In early June, Morgan started with interviewing a physician, Pat Patel, to learn about the  
100 clinical manifestations of bed bug bites, the effects, and treatment. UFIB-TV, per my authorization,  
101 advanced \$3,000.00 to retain Dr. Patel as our medical expert for the story. Morgan attempted to find  
102 victims of bed bugs through Dr. Patel as well. On June 8, 2021, Morgan interviewed on film an  
103 exterminator, learning more about bed bugs hiding spots, telltale signs of bed bugs, and what  
104 procedures should be in place for a hotel to prevent bed bug infestation.

105 Then, Morgan began his/her quest to find bed bugs in a local hotel or motel. Acting  
106 undercover, UFIB-TV would check into a hotel and carefully look for bed bugs. I usually was the  
107 person who went to the front desk to check into the motel because, as the show's producer, I was not  
108 a face that would be recognized by the general public. Morgan had scouted out the places in advance,  
109 and selected all the cheap, seedy motels. S/he was convinced that bed bugs would be readily found.  
110 We checked into the first motel on June 12th and found nothing. We checked into three or four rooms  
111 on June 13th and June 14th. Nothing again. Morgan didn't give up. On June 19th and again on the  
112 20th, we booked five rooms each day in cheap hotels, and likewise struck out. After three weeks on  
113 the story, Morgan had no victims of bed bug bites and no evidence of bed bug infestation at any hotels  
114 or motels. Morgan was visibly frustrated.

115 Before I was fired, Daryl had communicated to Morgan and me that he was going to can the  
116 story if something didn't materialize soon. UFIB-TV had invested money to get a story that was going  
117 nowhere. When Morgan heard the possibility that the story might be canned, s/he was desperate.  
118 Morgan didn't like to be defeated. I was at Utopia Resort and Spa for the Roberts-Keeley wedding  
119 reception the weekend of July 9th-11th. I had been a co-worker of the groom and would not have  
120 missed the wedding and reception for the world. At the time of the wedding reception, I had moved  
121 to Florida to live with my parents because I was out of a job, out of money, and needed to get away.  
122 The wedding reception was on Saturday, July 10th, but since I was traveling, I arrived a day early. I  
123 was hoping Morgan would be too busy with his/her celebrity status to make the wedding and  
124 reception, but I saw him/her show up. We avoided each other at the reception. Around 8:30 a.m. on  
125 July 11th as I was loading my luggage into my car in Utopia Resort and Spa parking lot, I saw one of

the cameramen that I had worked with at UFIB-TV scurrying to retrieve camera equipment from his van. He told me that Morgan had finally got his/her bed bug story, only s/he was the victim. He said Morgan had numerous bites and the mattress was completely infested with bed bugs. I knew then that Morgan, like s/he had done before, fabricated a story.

Morgan must have planted the bed bugs. S/he needed the story to materialize before Daryl canned it. I have heard Morgan say on more than one occasion, “Desperate times call for desperate measures.” I followed the cameraman and watched the commotion. I even saw Morgan grilling the hotel manager, who was profusely apologetic and in a state of disbelief. I gave the hotel manager my name and telephone number and told him/her to call me for the real story because I had learned with Morgan that things are not always as they seem.

My stay at Utopia Resort and Spa was nothing short of luxurious. The housekeeping was impeccable. It would pass any white glove test. I cannot believe that a hotel with such high-quality standards would have a bed bug infestation problem.

Of the available exhibits, I am familiar with the following and only the following: the partial transcript from Morgan Matthew’s “Bed Bugs Live” exposé (Exhibit 4); the news article from *Utopia Gazette* (Exhibit 5).

Of the available exhibits, I am familiar with the following and only the following: the partial transcript from Morgan Matthew’s “Bed Bugs Live” exposé (Exhibit 4); the news article from *Utopia Gazette* (Exhibit 5).

I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge.

Jordan Quick

Signature

Kay Shurling

Kay Shurling  
Notary Public

Date: August 22, 2022



## **AFFIDAVIT OF CASEY BUHLER**

1           My name is Casey Buhler. I own and operate DDT Pest Control located in Utopia, Utopia. I  
2 regularly participate in national seminars focusing on insects, their behavior, biology and control, and  
3 I consult with other pest control companies on a variety of pest issues in both commercial and  
4 residential settings. In 2016, I was recognized as one of the top 40 professionals in the pest control  
5 industry under the age of 40 years old.

6           Bed bugs were once all but eradicated in the United States with broad-spectrum pesticides  
7 such as DDT. Concerns about health and the environment led many of these pesticides to be removed  
8 from the market. Bed bug infestations have increased in the U.S. because of immigration and travel  
9 from other countries and restricting stronger pesticides. Today, pest control methods are more  
10 focused. Pesticides are designed to kill a particular species (like cockroaches). Bed bugs are not  
11 specifically being targeted, and therefore are slipping through the cracks—literally. The bugs also  
12 have developed a resistance to other pesticides.

13           While bed bugs are often found when sanitation conditions are poor, bed bugs can also live  
14 and thrive in clean environments. Crowded living quarters facilitate the spread of bed bugs. Bed bugs  
15 travel surprisingly well and are quite comfortable stowing away in luggage and even clothing. The  
16 bugs are increasingly found hiding in beds, upholstered furniture and behind baseboards in urban  
17 hotels in America. Since they tend to stow away and travel with humans, any place that sees several  
18 world travelers is susceptible. Pilots, wealthy people, and business travelers can bring bed bugs along  
19 unwittingly. Hotels are easy targets for bed bug infestations because bed bugs can arrive on the  
20 clothing or in the suitcases of guests from infested homes or other hotels harboring the pests. Once  
21 established, bed bugs can then move throughout a building by crawling or hitch-hiking on items used  
22 during travel such as suitcases, outerwear and other belongings.

23           Most people with any knowledge of bed bugs know that if you stay in any hotel, the first thing  
24 you should do is check for bed bugs. It is something that can be easily and quickly done by lifting the  
25 bed linens and checking the crevices of the mattress for bugs or stains. Even if you don't see any  
26 signs of bed bugs in your hotel, you should be careful not to allow any bugs the opportunity to hitch  
27 a ride home with you. Do not put your clothes on the carpet or on upholstered chairs. Likewise, keep  
28 your suitcase off the floor and the bed. Use a metal suitcase rack, if one is available.

Bed bugs can live in tiny cracks in furniture as well as on textiles and upholstered furniture. They tend to be most common in areas where people sleep and generally concentrate in beds, including mattresses, box springs, and bed frames. Being very flat, they can find a number of places in which to hide. Typical hiding places include beneath loose flooring, behind loose wallpaper, inside box springs, in mattresses, and in upholstered furniture. One common hiding place in hotel rooms is behind bed headboards that are fastened to the wall and another is behind moldings just above the floor.

There is only one species of bed bug in Utopia—*Cimex lectularius*. This species is a pest of humans worldwide, including the entire U.S., and has over 50 common names, among them “mahogany flat,” “redcoat,” “wall louse,” and “bed louse.” Bed bugs typically are active at night and hide during the daytime. Thus, bed bugs living with humans typically feed at night while a person sleeps, but they also will feed during the day in dark structures such as infested theaters with upholstered seats. Male and female adults usually feed every 3-4 days and become engorged with blood in about 10-15 minutes.

Early detection is key to preventing an infestation. In January 2021, Toni Gomez of Utopia Resort and Spa hired DDT Pest Control to perform regular inspections at the hotel for bed bugs the first of each month, and to train its employees in the detection of bed bug infestations. DDT conducted three two-hour training sessions for the Utopia Resort and Spa employees—an initial training in March, a refresher training with Q & A in April, and then a make-up session in May for any person who did not make the other two sessions.

My training of the hotel staff emphasized the importance of taking time to look around. Bed bugs are large enough to see. I instruct the staff to look particularly under the mattress and in the seams, in and around the bed frame, and along any cracks or peeling paint in the wall or picture frames. I also emphasize it is important to check for bed bugs in the cracks of any wooden furniture, particularly antiques. You can also spot droppings from bed bugs, which may be tinged with blood. While fecal stains and skin casts suggest that bed bugs have been present, these do not confirm that the infestation is still active. Observing the bed bugs themselves is definitive confirmation that an area is infested.

To aid in the hotel staff’s identification of evidence of bed bug infestation, I used a PowerPoint presentation with various pictures showing evidence of bed bug infestations, including the presence of actual bugs, their light-brown skins (which shed during metamorphosis into adulthood), egg cases, dark spots of excrement and blood spots or stains. The employees are instructed that when looking

for an infestation, they should use a flashlight and be sure to check the following areas carefully and systematically: bedding (sheets, blankets, duvets, pillowcases), along mattress seams, under the gauze covering of box springs (where fabric is stapled to the wooden frame), upholstered furniture, behind wall mounted objects and bed headboards, inside cracks and crevices of furniture (and underneath furniture), cracks in wood molding, and under the edge of wall to wall carpeting.

When I returned for the refresher course training in April 2021, I observed the staff performing the inspections as I had instructed them in the previous training session. I conducted the training again in May 2021 for a handful of hotel staff members who had not received the prior training. Based upon my observations, I was of the opinion that through my training, the housekeeping staff was sufficiently knowledgeable in identification of bed bug infestations. I observed the housekeeping staff systematically and thoroughly checking the rooms for bed bugs as they had been trained. I was impressed with the level of dedication of the employees. They took pride in their jobs and the hotel. They appeared to want to keep the hotel's reputation at the highest level and were willing to take on these extra tasks to that end. I also reviewed the protocol that Utopia Resort and Spa had provided to its employees. Exhibit 7 is a true and accurate copy of Utopia Resort and Spa Bed Bug Inspection Protocol. In my opinion, the protocol establishes a reasonable bed bug infestation detection control, provided the employees routinely follow the protocol.

During the training exercise, the bed bug infestation inspection took approximately 4 to 5 minutes per room. During the Q & A session in the staff training, a few of the employees asked if I would speak to the hotel manager to hire more staff and reduce the room quota so that they would have sufficient time to perform the bed bug inspections. I was surprised to learn they had a 20-room quota and only had 20 minutes per room for performing the traditional housekeeping tasks in addition to the bed bug inspections. Most hotels that I provide similar training have 12-14 room quotas and at least 30 minutes per room for cleaning and inspections. It isn't my job, of course, to manage the hotel, and I thought it was inappropriate for me to go to the manager to ask him/her, on behalf of the staff, to hire more staff and reduce the room quota. So, I didn't mention the staff's concerns to the manager. However, I did express some concern to the Manager of Utopia Resort and Spa that the inspections would take 4-5 minutes and a 20-minute timeframe to clean and inspect the room was not ideal. Of course, I realize that some of that time can be overlapped with other housekeeping duties, such as pulling the dirty linens from the mattresses. Still, I thought it was a tight schedule. I was satisfied, however, with Mr./Ms. Gomez's explanation that the recent hotel renovations along with the new

COVID-19 sanitation requirements had eliminated or reduced the time needed for dusting and cleaning the bathroom floors and surfaces.

Mr./Ms. Gomez called me on the morning of July 11, 2021 and reported that Utopia Resort and Spa had a bed bug infestation. I arrived at the hotel around 10 am. I first inspected the hotel room where the infestation had been reported. I confirmed evidence of the presence of bed bugs by examining the mattress and observing the fecal stains. Exhibit 3 is a true and accurate photograph of the mattress in the Utopia Resort and Spa hotel room containing bed bug fecal stains. I then observed the actual presence of live bed bugs. In continuing my examination, I noted that the mattress showed a significant number of bed bugs. However, oddly enough, the bed bugs present were all adults. There were no nymphs or eggs. I wasn't sure what to make of that finding. Without the presence of nymphs or eggs, I concluded that the adult bed bugs could not have resided in the room or mattress for any significant period of time. I could understand the finding of no nymphs or eggs if there were only a few adults present. If only a few were present, the logical conclusion would be that some guest had recently transported the bugs to the room on their clothing or luggage. However, the mattress had numerous bed bugs.

The other odd finding is that with so many bed bugs present in the room, I cannot imagine any housekeeper performing even a cursory inspection missing the signs, unless they completely neglected their duties. Furthermore, again with so many bed bugs present, I would have expected other guests occupying that room to complain of bites. Finally, after I inspected all other guest rooms in the entire hotel, I found no other rooms with any evidence of bed bug infestation. With the amount of infestation that was present, I would have expected to find at least rooms on the same floor with bed bugs as they can attach to clothing and luggage and easily travel to other areas in the hotel. Nothing about this infestation was typical.

In my opinion, I believe that a significant number of adult bed bugs were intentionally placed in that hotel room during the weekend of July 9th-11th. I didn't raise these suspicions at the time of my inspection, or even for several days, until I saw the newspaper article when Mr./Ms. Gomez accused Morgan Matthews of planting the bugs. I had been racking my brain trying to figure out why there was an unusually high number of adults, no nymphs, no eggs, and no other bites or infestations in the hotel. I was beginning to think these were mutant bed bugs that reproduced without going through normal larvae stages. Intentionally planting the bugs was the only logical explanation under the circumstances. I'm not saying Morgan Matthews planted them there, but I believe someone did. I will admit that my reputation and business are on the line if I missed a significant infestation like

124 this when I performed my monthly inspection the first week of July, but that still does not change the  
125 fact that the infestation in that hotel room was not typical in any way.

126 So, after completing my inspection of all hotel rooms and common areas, and being satisfied  
127 that there were no other infestations, I proceeded to have all furnishings, linens, mattresses, and wall  
128 hangings bagged to prevent any further spread of the bugs. Then, I proceeded to eradicate the little  
129 beasts. Insect repellents are not effective against bed bugs. I use a combination approach of heat and  
130 pesticides. Some pest control companies only use chemicals because it costs less. Others just use heat  
131 because there are not harmful chemicals present in the air, and chemical treatments usually must be  
132 repeated two to three times within 30 days. The National Pest Control Association, however,  
133 recommends using a combination of heat and chemicals. So, first I used a deep cleaning pesticide and  
134 scrubbed the infested surfaces with a stiff brush to remove eggs, then dismantled bed frames and  
135 furniture, filled cracks in floors, walls, and moldings, and used a powerful vacuum on cracks and  
136 crevices. Then I used blasts of heat, hot enough to warm an Easter ham. Bed bugs cannot survive  
137 above 113 degrees. I poked flexible black tubing, 18 inches in diameter, through the windows of the  
138 room, blowing hot air from my trailer below, where I have an industrial-size furnace. I also used half  
139 a dozen industrial-size fans scattered on the floor circulating the heat like a convection oven. I kept  
140 the temperature toasty for several hours inside the hotel room.

141 I billed Utopia Resort and Spa \$50,000.00 for the inspection and extermination. Previously I  
142 had billed Utopia Resort and Spa \$5,000.00 for each training session, and my monthly inspections  
143 are typically \$1,000.00 per month unless the hotel enters a one-year contract, then the cost reduces to  
144 \$850.00 per month. Utopia Resort and Spa executed the one-year contract for my services. Although  
145 the cost of bed bug prevention and extermination is expensive, the overall financial loss caused by  
146 these pests can be an immeasurable amount.

147 I believe Utopia Resort and Spa values my services as Mr./Ms. Gomez has referred me to  
148 other hotels locally and throughout the state through his/her associations in UHLA. Referrals are the  
149 key to any successful service business.

150 Of the available exhibits, I am familiar with the following and only the following: the photograph  
151 of the bed bug-infested mattress in Morgan Matthew's hotel room (Exhibit 3); and the Bed Bug  
152 Inspection Protocol information sheet used by Utopia Resort and Spa (Exhibit 7).

153 I affirm under penalty of perjury that the foregoing is true and correct to the best of my belief  
154 and knowledge.

Casey Buhler  
SIGNATURE  
Mary Brigman  
Mary Brigman  
Notary Public  
Date: August 24, 2022

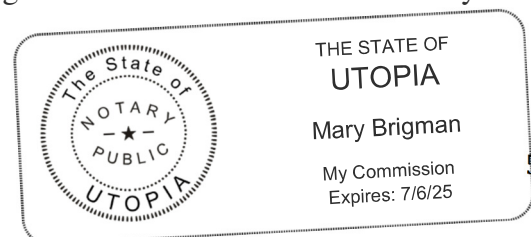
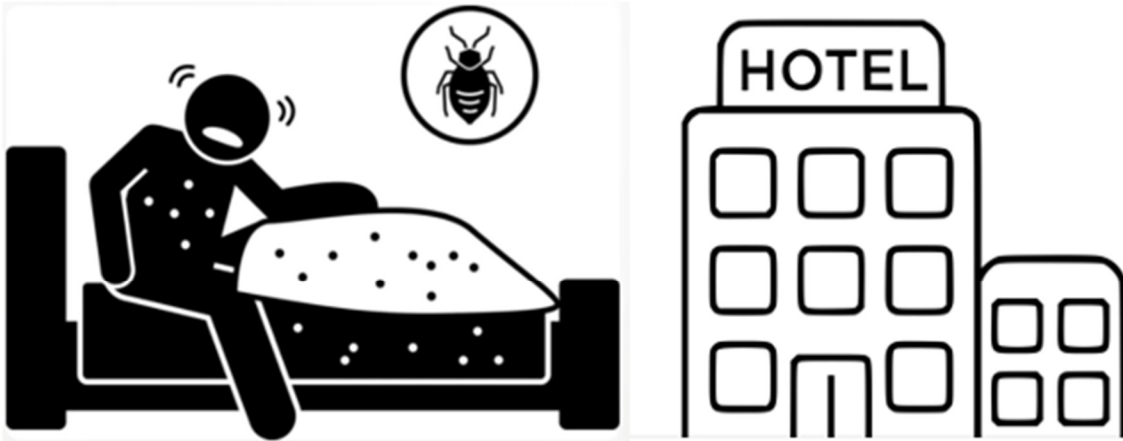


EXHIBIT 1

**Did you stay at a hotel or motel recently?  
Do you have bed bug bites?  
If you answered yes to both questions, I  
would like to interview YOU!**



**TAKE ACTION NOW**

Unclean and unsafe practices in the hotel industry are widespread. Hotels have cut housekeeping staff allowing infestation of bed bugs. Do not let hotels allow you to be their meal ticket to bigger profits. Make hotels clean up their act!

I can help by exposing these practices, but I need **YOU!**

**Call me, day or night:  
(555)555-5555**

News Anchor and Investigative Reporter  
**MORGAN MATTHEWS**  
**UFIB-TV**



## EXHIBIT 2



**EXHIBIT 3**



## EXHIBIT 4

### Partial Transcript of Bed Bugs Live!

In most hotels, housekeepers must clean 15 or more rooms per day. Hotel housekeepers must rush to meet their daily quota. In recent years, hotels have increased both the pace and the amount of work performed by housekeepers. Most hotels have recently introduced new room amenities without reducing the number of rooms assigned to housekeepers each day. Luxury beds with heavier mattresses and linens, triple-sheeting, duvets and extra pillows are increasingly common. Other add-ons like coffee pots and large hard-to-clean mirrors make room cleaning more difficult and time-consuming. Many hotel housekeepers report that the hotels are understaffed and they face pressure to maintain a quality guest experience. Martha White, a housekeeper at Infinity Hotel says, “There is so much to do on the new bed that we have to rush constantly. “Years ago we usually did 12 and 14 rooms. Now the company has added more rooms, 15 and 16. They brought on heavy duvets, more amenities in the room, more towels and new COVID-19 sanitizing requirements. Our workload is more time-consuming.”

Since COVID, the workload that hotel companies demand housekeepers perform has increased significantly. Chronic understaffing, coupled with the additional sanitizing tasks and cleaning all the new amenities have increased the risk of guests experiencing bed bug bites. That’s right . . . bed bugs are prevalent in the United States once again for several reasons: the elimination of the pesticide DDT, travel from other countries, staffing shortages, and new COVID-related sanitation tasks. The nasty bugs hide in the mattress in your hotel room, and while you’re sleeping with visions of sugar plums dancing in your head, they’re attacking you. Twenty-four hours later, sometimes after you’ve checked out of the hotel unless you’ve stayed two nights, you find yourself in excruciating pain from where the bed bug slurped some blood out of you.

I can relate this story firsthand to you, folks, because I am a victim of inadequate inspection of a hotel room where the bed bugs were overlooked and allowed to dine on me through the night. Look at my bites. Imagine my pain. I am on 4 different prescription medications to alleviate the pain and infection. I want to protect you from suffering the way I’m suffering with these bites.

In this day and age, no one should have to suffer bed bug bites. If a hotel simply implements reasonable steps for the prevention of bed bug infestation, they can detect the bed bugs before they take a bite out of you. But with hotels decreasing staff and increasing the work required of housekeeping staff, the staff just doesn’t have time to look for the bed bugs. It’s more about the hotels keeping their room quotas than it is about your safety and health.

Even in a prestigious, luxury hotel, like Utopia Resort and Spa, housekeeping staff are overworked and rushed, and bed bugs infestations occur. That’s where I was attacked by bed bugs in the night. Watch this clip of the mattress infested with bed bugs and their excrement in my hotel room at Utopia Resort and Spa. I was a guest at the hotel the weekend of July 11th. I woke up Sunday morning in horrible pain and bites all over me. Hotels, like Utopia Resort and Spa, are putting their profits above your health and safety. It’s simply a matter of poor quality-assurance and failing to have adequate safeguards, which are impossible to maintain if your staff is understaffed so that they cannot check for bed bugs adequately. We gave Utopia Resort and Spa hotel manager a chance to defend the hotel’s inability to detect the bed bugs that attacked me in swarms. All Toni Gomez had to say was “I’m sorry for exposing you to bed bugs and causing any suffering.” Hey, but Gomez offered me a week’s stay at the hotel “for my trouble!” No thanks ... your bed bugs are your suckers, not me!

Sunday, July 18, 2021

## UTOPIA GAZETTE

### UFIB-TV ANCHOR ACCUSED OF FABRICATING HOTEL BED BUGS STORY

Utopia Resort and Spa Hotel Manager Toni Gomez on Friday accused UFIB-TV Anchor Morgan Matthews of planting bed bugs at the Utopia Resort and Spa to fabricate a story for an expose on hotel bed bugs for the UFIB-TV "Breaking News Investigations" segment that aired on Thursday. Gomez said, "I'm outraged that Morgan Matthews and UFIB-TV would stoop to such unethical conduct to make up a story and damage the fine, long-standing reputation of Utopia Resort and Spa. There is no basis to UFIB-TV's story."

According to Gomez, Utopia Resort and Spa follows the hotel industry protocol for ensuring the hotel's cleanliness and to minimize bed bug infestation. "We're meticulous. We've never had any problems in the past, and we certainly don't have any problems currently either," Gomez said. No bed bugs were discovered after a full inspection of Utopia Resort and Spa on Sunday except the one room occupied by Morgan Matthews over the weekend.

"Don't you think that's odd?" asked Gomez. Bed bugs typically spread rapidly in hotels due to movement of guests within the hotel and the bugs attaching to luggage or clothing. Bed bugs are rarely confined to one room.

Gomez claimed, based upon a reliable inside source, Morgan Matthews's bed bug expose was going to be canned by the station because no evidence of bed bugs had been uncovered after weeks of investigation. Gomez claims that Matthews resorted to planting the bed bugs out of desperation. Gomez claims that, according to the inside source, Morgan Matthews frequently crosses the line in ethical news reporting. Gomez said, "Morgan Matthews doesn't care about the facts, it's all about drama and shock value." Morgan Matthews could not be reached for comment.

"Morgan Matthews doesn't care about the facts, it's all about drama and shock value."



## EXHIBIT 6

### CURRICULUM VITAE

Pat Patel, M.D.

#### Education:

Undergraduate: North Carolina State University, BS in Entomology, 1994

Medical School: Indiana University, MD, 1998

Residency: Dermatology, Indiana University, 2002

#### Licensure and Certification:

Medical Licenses, Indiana and North Carolina

Certified, American Board of Dermatology, 2002

#### Past Academic Appointments:

Clinical Instructor; St. Theresa Hospital Center, Department of Family Practice, Beech Grove, IN

Clinical Instructor, Indiana University, School of Medicine Department of Dermatology,  
Indianapolis, IN

#### Current and Past Hospital Appointments:

Wishard Memorial Hospital, Indianapolis, IN Methodist Hospital, Indianapolis, IN

St. Francis Hospitals, Beech Grove, IN Community Health Network, Indianapolis, IN Hendricks

Regional Health, Danville, IN Paradise Valley Hospital, Utopia, NC

John C. Lincoln Hospital, Utopia, NC Utopia Memorial Hospital, Utopia, NC

#### Employment History:

Skin Clinic Institute, Charlotte NC 2006-present

The Dermatology Center of Indiana, PC, Plainfield, Indiana 2002-2006

#### Professional Affiliations:

American Medical Association

American Society for Dermatologic Surgery Indiana Dermatological Society

Indiana State Medical Association North Carolina Medical Association

International Society of Tropical Dermatology Society of Investigative Dermatology

#### Publications:

Insect and arachnid stings, bites, infestations, and repellents. *Pediatr. Ann.* 2006.

Insect bites and infestations. *Textbook of Dermatology*, 21st edition. McGraw-Hill 2009.

What's New in Dermatology Therapy: Tricks of the Trade. *Journal of Dermatology*. March 23, 2010.

Editor, Bed Bug Chapter in *The Handbook of Investigative Dermatology* 10th Edition (2010).

#### Honors and Recognitions:

Featured as an expert on NBC Dateline, CBS's The Early Show, NBC's Today Show and a repeat guest on National Public Radio (NPR)

Dermatology Foundation Research Award Recipient, 2006 Outstanding Medical Student by the Dept. of Dermatology 2002

## **EXHIBIT 7**

### **BED BUG INSPECTION PROTOCOL IDENTIFY A BED BUG INFESTATION BEFORE GUESTS DO**

- Inspect rooms upon vacancy and when a guest complains about bed bugs.
- Look for living or dead bed bugs, small blood stains from crushed insects, or dark spots from droppings on:
  - linens,
  - mattress and its seams,
  - bed springs,
  - behind the headboard,
  - seams of upholstered furniture, and
  - between floorboards.
- Pay special attention to cracks and spaces.
- Vacuum thoroughly.
- Discard the used vacuum bag in a sealed plastic bag before using the vacuum in another room.
- Repair cracks in plaster and loose wallpaper.
- Seal cracks around baseboards completely with caulking material.

### **WHEN A GUEST COMPLAINS ABOUT BED BUGS OR BITES:**

- Immediately offer a new room to the guest.
- Reassure the guest that bed bugs are not known to spread disease.
- Thoroughly inspect the guest's luggage and clothing, as well as the infested hotel room and the new room to which the guest was moved.
- If a room is infested, all machine-washable bedding, curtains, rugs, towels, and bathrobes should be cleaned separately in the hottest water and dried on the hottest recommended cycle.
- Scrub mattress seams with a stiff brush to dislodge bed bugs and their eggs.
- Offer to launder the guest's clothes.
- Bring in a licensed pest control professional for a complete inspection and treatment of the room.
- Don't use the infested room until a pest control professional certifies it free of bed bugs.
- Place infested mattresses or box springs in zippered plastic covers and store them for at least one year before using them again.
- Securely bag all discarded materials to prevent further infestation.
- Re-inspect the room periodically to ensure that bed bugs are gone.



## EXHIBIT 8

# HOUSEKEEPING CHECKLIST

EMPLOYEE NAME Nora J DATE 7-9-21  
WEAR DISPOSABLE GLOVES: \_\_\_\_\_

### CLEANING

#### ROOM#

#### BEDROOM

- ✓ #100 Remove room service items.
- ✓ #101 Place bottom sheet/tuck 4 times
- ✓ #102 Place top sheet/tuck 4 times
- ✓ #103 Remove all pillow cases
- ✓ #104 Replace pens, paper
- ✓ #105 Clean room service menu
- ✓ #106 Dust armoire & TV
- ✓ #107 Clean TV with static rag.
- ✓ #108 Dust nightstands and desk
- ✓ #109 Pick up trash/empty basket
- #110 Wash and dry ice bucket
- #112 Wash and dry dirty glasses
- #113 Dust Vents
- #114 Put away ironing board, luggage
- #115 racks, & room equipment.
- #116 Vacuum all floors
- #117
- #118
- #119

#### BATHROOM

- Remove towels/place on cart
- Replace with clean towels
- Clean and disinfect toilet
- Wipe down top and side of toilet
- Clean sinks and polish faucets
- Replace and arrange toiletries
- Clean bathroom mirror
- Scrub Bathtub and shower
- Replace shower curtain
- Pick up trash empty waste basket
- Mop Floor
- Dust Vents

### SANITIZING

#### BEDROOM

- Spray sanitize all solid surfaces.
- Remove/Replace cellophane wrap on TV controls.
- Wipe and Sanitize all high touch areas:
  - \*Door knobs
  - \*furniture handles
  - \*nightstands
  - \*telephones
  - \*Temperature control panels
  - \*light switches
  - \*alarm clocks
  - \*luggage racks.

#### BATHROOM

- Spray sanitize all hard surfaces.
  - \*Toilet seat
  - \*Toilet handles
  - \*Faucet handles

## EXHIBIT 9

June 2, 2021

- 24 hrs - bites  
(face, neck, arms, hands, back)
- scratching worsens
- use antihistamines  
and steroids - later
- larvae survive 1 month  
w/out blood.



**A SPECIAL THANK YOU to the many contributors who have made the 2022-2023 NAJ High School Mock Trial Competition possible:**

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