

FILED
ADAMS COUNTY
CLERK OF COURTS

2026 JUL 27 PM 3: 08

COURT OF COMMON PLEAS
CIVIL DIVISION
ADAMS COUNTY, OHIO

Larry Miller
CLERK

JOSEPH E. FOREMAN
1299 Russellville Road
Winchester, Ohio 45697

PLAINTIFF,

VS.

BRIAN K. NEWLAND
982 Cedar View Drive
Manchester, Ohio 45144

DEFENDANT,

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CASE No: CVH20260287

JUDGE BRETT SPENCER

PLAINTIFF'S
COMPLAINT WITH JURY
DEMAND

Comes now Plaintiff Joseph E. Foreman, by and through Counsel and for there
Complaint versus Brian K. Newland, Defendant. Plaintiffs says as follows:

1. Joseph E. Foreman is a resident of Adams County, Ohio.
2. Brian K. Newland is a resident of Adams County, Ohio.
3. This Court has subject matter jurisdiction over this action pursuant to Ohio Revised Code § 2305.01, as this is a civil action for damages arising from tortious conduct.
4. This Court has personal jurisdiction over Defendant because Defendant resides in Ohio and conducted activity within this state that gave rise to the claims for relief.
5. Venue is proper in Adams County, Ohio, pursuant to Ohio Civil Rule 3(C)(1) and (C)(6) Ohio Civ. R. 3, because Defendant resides in this county and the

claim for relief arose in this county.

6. On or about March 31, 2023, Defendant filed a civil lawsuit against Plaintiff in Adams County Court of Common Pleas, bearing Case No. CVH 20230069.
7. The lawsuit filed by Defendant against Plaintiff alleged Unauthorized Use of Individuals Persona, Invasion of Privacy by Misappropriation, Invasion of Privacy – False Light Publicity, Invasion of Privacy – Unreasonable Publicity Given to Private Lives, and later added Defamation .
8. Defendant's lawsuit against Plaintiff was commenced and prosecuted for improper purposes, including to harass and maliciously injure Plaintiff.
9. The claims asserted by Defendant against Plaintiff in the prior lawsuit were not warranted under existing law and could not be supported by a good faith argument for the extension, modification, or reversal of existing law.
10. The allegations and factual contentions made by Defendant in the prior lawsuit had no evidentiary support.
11. Defendant knew or should have known that the claims asserted against Plaintiff lacked legal merit and factual basis.
12. Defendant knew or should have known that the lawsuit would cause Plaintiff to incur substantial costs, expenses, and emotional distress.
13. As a direct and proximate result of Defendant's frivolous lawsuit, Plaintiff was forced to defend against the baseless claims.
14. Plaintiff incurred attorney's fees and costs in an amount in excess of \$25,000 in defending against Defendant's frivolous lawsuit.
15. Plaintiff suffered emotional distress, anxiety, and reputational harm as a result of Defendant's frivolous lawsuit.

16. Plaintiff lost time from work and suffered economic damages in an amount in excess of \$25,000 as a result of the need to respond to and defend against Defendant's frivolous lawsuit.

17. On or about March 18, 2026, the prior lawsuit was resolved in the Plaintiff's favor on all counts.

18. Defendant's conduct in filing and prosecuting the frivolous lawsuit was willful, wanton, and malicious.

COUNT I — MALICIOUS PROSECUTION

19. Plaintiff realleges and incorporates by reference paragraphs 1 through 18.

20. Defendant initiated and continued civil proceedings against Plaintiff by filing and prosecuting the lawsuit described above.

21. The prior proceedings were terminated in Plaintiff's after a three-day jury trial.

22. Defendant lacked probable cause to institute or continue the prior proceedings against Plaintiff.

23. Defendant acted with malice or with a primary purpose other than that of securing the proper adjudication of the claim upon which the proceedings were based.

24. Defendant's malicious prosecution caused Plaintiff to suffer damages, including attorney's fees, costs, lost wages, emotional distress, and reputational harm.

25. As a direct and proximate result of Defendant's malicious prosecution, Plaintiff has been damaged in an amount to be determined at trial, but in no event less than \$25,000.

COUNT II — ABUSE OF PROCESS

26. Plaintiff realleges and incorporates by reference paragraphs 1 through 25.

27. Defendant made use of legal process, to wit: the filing and prosecution of a civil lawsuit against Plaintiff.
28. Defendant employed the legal process for an ulterior or improper purpose, including to harass, intimidate, and injure Plaintiff.
29. Defendant's use of process was not proper in the regular conduct of the proceeding.
30. Defendant acted with malice and with knowledge that the process was being used for an improper purpose.
31. As a direct and proximate result of Defendant's abuse of process, Plaintiff has suffered damages, including attorney's fees, costs, lost wages, emotional distress, and reputational harm.
32. Plaintiff has been damaged in an amount to be determined at trial, but in no event less than \$25,000.

COUNT III — INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

33. Plaintiff realleges and incorporates by reference paragraphs 1 through 32.
34. Defendant's conduct in filing and prosecuting a frivolous lawsuit against Plaintiff was extreme and outrageous.
35. Defendant intended to cause Plaintiff emotional distress, or recklessly disregarded the near certainty that such distress would result from Defendant's conduct.
36. Defendant's conduct did in fact cause Plaintiff to suffer serious emotional distress.
37. Plaintiff suffered anxiety, sleeplessness, and other manifestations of severe emotional distress as a direct result of Defendant's conduct.

38. As a direct and proximate result of Defendant's intentional infliction of emotional distress, Plaintiff has been damaged in an amount to be determined at trial, but in no event less than \$25,000.

COUNT IV — TORTIOUS INTERFERENCE WITH CONTRACT

39. Plaintiff realleges and incorporates by reference paragraphs 1 through 39.

40. At all times relevant to this Count, a valid and enforceable contract existed between Plaintiff and various music venues.

41. Defendant had knowledge of the contracts between Plaintiff and various music venues.

42. Defendant intentionally procured the breach of the contract between Plaintiff and various music venues by filing and prosecuting the frivolous lawsuit against Plaintiff.

43. Defendant acted with the purpose or desire to interfere with the performance of the contract, or knew that interference was certain or substantially certain to occur as a result of Defendant's actions.

44. Defendant's interference with Plaintiff's contract was intentional and improper.

45. Defendant's interference with Plaintiff's contract lacked justification.

46. In determining whether Defendant acted improperly, the following factors demonstrate the improper nature of Defendant's conduct:

47. The nature of Defendant's conduct was malicious and designed to harm Plaintiff's business relationships;

48. Defendant's motive was to injure Plaintiff rather than to advance any legitimate interest;

49. The interests interfered with included Plaintiff's contractual and economic

relationships;

50. Defendant sought to advance no legitimate interest through the interference;

51. The social interest in protecting the freedom of action and the contractual interests of Plaintiff outweigh any claimed interest of Defendant;

52. Defendant's conduct was proximately connected to the interference with the contract;

53. The relationship between Plaintiff and various music venues was a legitimate business relationship deserving of protection.

54. As a direct and proximate result of Defendant's intentional procurement of the contract's breach, various music venues failed to perform its obligations under the contract.

55. As a direct and proximate result of Defendant's tortious interference with contract, Plaintiff has suffered pecuniary loss and damages.

56. Plaintiff's damages include loss of the benefits that would have been realized from the performance of the contract, loss of business opportunities, loss of revenue, and other economic damages in an amount to be determined at trial.

57. Plaintiff has been damaged in an amount to be determined at trial, but in no event less than \$25,000.

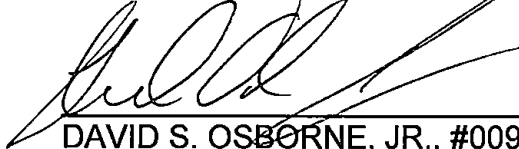
WHEREFORE, Plaintiff demands, to wit:

A. Compensatory damages in an amount to be determined at trial, including but not limited to:

- a.) Attorney's fees and costs incurred in defending the prior frivolous lawsuit;
 - b.) Lost wages and economic damages;
 - c.) Damages for emotional distress, anxiety, humiliation, and reputational harm;
 - d.) Damages for loss of contractual benefits and business opportunities;
 - e.) Damages for loss of revenue resulting from the breach of contract;
 - f.) All other damages proven at trial.
- B. Punitive damages in an amount sufficient to punish Defendant and deter similar conduct in the future.
- C. Pre-judgment interest as provided by law.
- D. Post-judgment interest as provided by law.
- E. Costs of suit as provided by law.
- F. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

Law Offices of Dr. David Osborne, Jr., LLC



DAVID S. OSBORNE, JR., #0096879

Attorney for Plaintiff

Law Offices of Dr. David Osborne, Jr., LLC

115 West Main Street

West Union, Ohio 45693

Phone: 1-877-4-DOC-DAVE

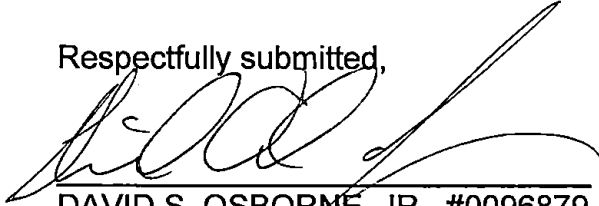
Fax: (937) 202-0205

Email: attorneydavidosbornejr@gmail.com

JURY DEMAND

Plaintiff Joseph Foreman, demands a Jury Trial in relation to all claims included in this case.

Respectfully submitted,



DAVID S. OSBORNE, JR., #0096879
Attorney for the Plaintiff

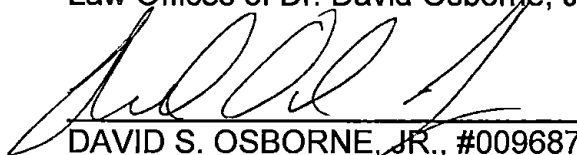
REQUEST FOR SERVICE

TO THE CLERK:

Please cause Summons, copy of Complaint and copy of attachments to be served on the Defendant said service to be made by the Sheriff of Adams County, Ohio or other means approved by the Court. Please instruct the Sheriff, or other serving party, to personally serve the Summons and Complaint upon the Defendants at the address listed in this Complaint, or at such other place where they may be found. Further, instruct the Sheriff, or other party, to make due return of his proceedings according to law.

Thank you.

Law Offices of Dr. David Osborne, Jr., LLC



DAVID S. OSBORNE, JR., #0096879
Attorney for Plaintiff