

News, continued to repeat the ugliness, and the charges that they knew were false since they had access to the e-mails with the Plaintiff's criminal attorney.

223. Mendte admitted as part of his guilty plea that he knew that the publicity arising from the illegally obtained information interfered with the case and made it more difficult to negotiate a resolution with the New York District Attorney's Office.

224. On or about February 25, 2008, the New York District Attorney dropped the felony charges against the Plaintiff, and adjourned all remaining minor charges in contemplation of dismissal. On or about August 26, 2008, all remaining minor charges against the Plaintiff were formally dismissed, and the case has been sealed, the Plaintiff's record has been expunged, and the Plaintiff's record is now clear as though the charges never existed.

c. **The Illegally Obtained Information Regarding The Plaintiff's Trip To Arizona And A Potential Book, And Transmission Of This Information To Dan Gross**

225. In February, 2008, the Plaintiff took several unpublicized trips to Arizona, and she e-mailed her itinerary to herself using her .mac account. The Plaintiff also received e-mails from Booker and others revealing that she was in Arizona.

226. In addition, since the New York Incidents, the Plaintiff had been writing portions of a book that she had contemplated, as a way to deal with the trauma she had endured, and to provide both a release and a catharsis. To save her notes and writings, the Plaintiff would e-mail what she had written to her .mac account.

227. Mendte illegally accessed and hacked into the Plaintiff's private e-mail accounts without authorization during this time, and obtained the Plaintiff's private e-

mails relating to her whereabouts and the transcripts of the contemplated book. Mendte then transmitted this information to Gross.

228. Gross then wrote an e-mail to the Plaintiff, seeking comment on his “scoop” that the Plaintiff was in Arizona and writing a book. During the e-mail colloquy, the Plaintiff expressed shock that Gross had this information, and questioned how he obtained this information. Gross responded, and protected his source, Mendte, by stating “I hear many things. I’m sorry I can’t elaborate on sources.” The Plaintiff then warned Gross that the information was being obtained illegally, and that the illegally obtained information was harming the Plaintiff, through an e-mail written by the Plaintiff that states:

From: alycia [mailto:alycialane@mac.com]
Sent: Tuesday, February 19, 2008 5:47 PM
To: Gross, Dan
Subject: Re: off the record.

As for the ACD Information you somehow "obtained" (God only knows how b/c even "I" wasn't privy to a confirmation of that), I know you don't care...but the fact that you wrote about it, could have jeopardized justice. The media attention has implications in cases like this, sometimes unjust ones. Maybe some day, you'll understand the impact of what you do. Maybe then you'll understand why I feel the way I feel.

Sometimes I wonder how you "hear" so much, when so few know anything. Sometimes only me and the other party know. Makes me wonder if my phones are tapped.

(Emphasis supplied).

229. Notwithstanding the fact that the Plaintiff advised him that Gross was harming her, and that the e-mails were illegally obtained, Gross wrote the following February 20, 2008 story on his Philadelphia Daily News blog:

ALYCIA IN ARIZONA WORKING ON MEMOIR?

We hear Alycia Lane is holed up in Phoenix working on a book about her life and the Dec. 16 New York arrest that led to her losing her CBS3 anchoring job. We e-mailed Lane yesterday to ask about that info and whether she had a publisher. She replied, "Who did you hear THAT from?" and declined to comment further. Her criminal hearing, in which she faces one felony charge of assaulting an officer, is scheduled for Monday a New York courtroom.

230. Of course, Gross left out of the article that the Plaintiff advised him that the information was illegally obtained. Certainly, after Gross received the Plaintiff's e-mail, he and Mendte must have had a real chuckle discussing how they are getting to the Plaintiff and how the Plaintiff is harmed, that they were hurting and destroying her, and that the Plaintiff could not figure out how they were able to find out this information and the source.

231. Gross and the Daily News would not have been able to disseminate this story had it not been for the illegal hacking activity of Mendte. Further, had it not been for Mendte's illegal hacking activity, KYW-TV would not have been provided with this information, which KYW-TV now intends to utilize to aid it in its defense of the Plaintiff's claims. Mendte acted illegally with Gross' knowledge and prior encouragement, and for Gross' benefit as well as for the benefit of KYW-TV.

d. **Mendte Illegally Obtains Attorney-Client Privileged Information Regarding The Plaintiff's AFTRA Case, And Transmits This Information To The Media**

232. Following her termination, the Plaintiff was also represented by her union, the American Federation of Television and Radio Artists ("AFTRA"), which initiated a proceeding on her behalf.

