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10 Attorneys for Plaintiff Adam Miller

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 Adam Miller, an Arizona resident,  
14  
15 Plaintiff,

No.

**COMPLAINT**

v.

16 Joel Guttormson a/k/a Stephanie  
17 Guttormson a/k/a Vanessa Guttormson,  
18 a Colorado resident,  
19 Defendant.

(Jury Trial Demanded)

20 Plaintiff Adam Miller for his Complaint against defendant Joel Guttormson<sup>1</sup>  
21 alleges as follows:

**SUMMARY OF THE ACTION**

22 1. This Complaint brings claims for copyright infringement, tortious  
23 interference with business expectancy, and defamation *per se*. Plaintiff Adam Miller is a  
24 spiritual healer. In connection with his work, Mr. Miller created a promotional video

25 <sup>1</sup> Joel Guttormson is a transgender individual who self-identifies as either Stephanie  
26 Guttormson or Vanessa Guttormson. Joel Guttormson will be referred to herein as  
“Guttormson” or “Defendant.”

1 recording that was uploaded by Eve Miller to her private YouTube.com account. Mr.  
2 Miller has applied for a copyright registration on that video. Ms. Miller's private  
3 YouTube account was subsequently hacked and the promotional video was  
4 misappropriated in *toto* by Guttormson. Guttormson is an activist in the atheist and  
5 transgender communities. After editing the video to include false and defamatory  
6 statements, Guttormson used the entire video for Guttormson's own personal gain and to  
7 promote businesses that Guttormson works for or is affiliated with.

8 **PARTIES, JURISDICTION AND VENUE**

9 2. Plaintiff Adam Miller is a resident of Bisbee, Arizona.

10 3. Defendant Joel Guttormson is a Colorado resident.

11 4. This Court has subject-matter jurisdiction under the copyright law of the  
12 United States, Title 17 U.S.C.A. § 101 *et. seq.* and 28 U.S.C. §§ 1331 and 1388.

13 5. The Court has personal jurisdiction over Guttormson because Defendant  
14 committed all of the acts alleged herein with knowledge that the tortious acts would cause  
15 harm to Mr. Miller in Arizona, his home state. Defendant's actions were targeted to effect  
16 Mr. Miller in Arizona, where he conducts his business. Guttormson's knowledge of Mr.  
17 Miller's home state is evidenced throughout the infringing video, in that Guttormson  
18 consistently references information learned from Mr. Miller's website. That website  
19 mentions several times that Mr. Miller is located in Bisbee, Arizona. Furthermore, upon  
20 information and belief, Guttormson was involved or, at the very least, has knowledge of  
21 the improper hacking of Eve Miller's YouTube.com account and in connection therewith  
22 is subject to the personal jurisdiction of this state.

23 6. Venue in this district is proper under 28 U.S.C. §§ 1391(c) and 1400(a).

24 7. Mr. Miller is a spiritual transformational healer living in Bisbee, Arizona  
25 with his life partner, Eve Miller. Mr. Miller has worked as a healer for over 36 years and  
26 treated thousands of patients.

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1           8.     Mr. Miller is a former professional figure skater. In 1977, he was diagnosed  
2 with double pneumonia. While in the hospital being treated for the disease, Mr. Miller  
3 had a near death experience. His work today arises out of that experience.

4           9.     Mr. Miller first began working as a healer in 1979. He has met with and  
5 counseled thousands of individuals over the last 37 years.

6           10.    Mr. Miller’s website features testimonials of individuals that he has  
7 successfully treated.

8           11.    Mr. Miller is currently writing a book about his experiences and his work  
9 with individuals suffering from serious diseases.

10          12.    In September of 2013, Mr. Miller created an original audiovisual recording  
11 titled, “Healer Adam Miller – Explanation of the Healing Work.” The video explained  
12 Mr. Miller’s work, but was unedited and not intended for public viewing or use.

13          13.    That video was uploaded to Eve Miller’s private password protected  
14 account on the website YouTube.com for later editing and publishing. In full, the video is  
15 six minutes and three seconds long.

16          14.    In early 2014, Eve Miller’s YouTube.com account was hacked. Upon  
17 information and belief, the original video was illegally downloaded from Eve Miller’s  
18 password-protected YouTube account.

19          15.    Guttormson is the Operations Director for the Richard Dawkins Foundation  
20 and is an activist in the atheist and transgender communities.

21          16.    Guttormson publishes a YouTube.com channel, titled “Think Stepically.”  
22 The channel includes videos that attack everything from dating conversations that  
23 Guttormson has had with men on the website OKCupid.com to the sale of organic foods  
24 at Whole Foods Supermarkets.

25          17.    On December 14, 2014, Guttormson uploaded to YouTube.com a video  
26 titled, “Adam Miller: Con Artist.”

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1           18.     Shortly after the video was uploaded to YouTube.com, it was prominently  
2 displayed on any Google search for Mr. Miller, appearing at the top of any Google search  
3 utilizing Mr. Miller’s name. Upon information and belief, this was the result of  
4 Guttormson promoting the work on various websites.

5           19.     The “Adam Miller: Con Artist” video misappropriates in *toto* Mr. Miller’s  
6 original work, “Healer Adam Miller – Explanation of the Healing Work.” The “Adam  
7 Miller: Con Artist” video is fourteen minutes and twelve seconds in length. The  
8 additional information added to the “Healer Adam Miller – Explanation of the Healing  
9 Work,” is filled with Guttormson’s unsupported allegations attacking the truthfulness of  
10 the statements made in Mr. Miller’s illegally downloaded, original work.

11           20.     At the end of the Guttormson video, an advertisement appears for  
12 dogmadebtate.com and the online atheist audio bookstore. Guttormson specifically  
13 endorses both of these websites and asks viewers to visit these sites.

14           21.     During the video, Guttormson fails to disclose that Guttormson is the  
15 Operations Director for the Richard Dawkins Foundation. The Richard Dawkins  
16 Foundation’s website states that the foundation’s “vision [is] to remove the influence of  
17 religion in science education and public policy, and eliminate the stigma that surrounds  
18 atheism and non-belief.”

19           22.     Despite never speaking with Mr. Miller or any of Mr. Miller’s clients,  
20 during the “Adam Miller: Con Artist” video, Guttormson defames Mr. Miller and his  
21 work.

22           23.     As just one example, Guttormson explains what happens at an appointment  
23 with Mr. Miller, “You will be fed faith-based bullshit.” This statement is false and  
24 defamatory; Mr. Miller’s work does not require a client to hold any faith, and he has  
25 worked with non-believers and atheists.

26           24.     Additionally, the title of the Guttormson video is defamatory *per se*. Mr.

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1 Miller is not a “Con Artist.”

2 25. As of April 28, 2015, the “Adam Miller: Con Artist” video has over 1,500  
3 views on YouTube.com alone.

4 26. On April 25, 2015, Guttormson uploaded a second video to YouTube.com  
5 that falsely attacks and defames Mr. Miller. That video is titled, “Adam Miller: Charlatan  
6 Antics, Childish Tactics.”

7 27. In the second video, Guttormson continues to call Mr. Miller a con artist  
8 and also refers to Mr. Miller as a charlatan. Guttormson explains why these labels are not  
9 just “name calling,” stating that these accusations are supported by “proof.” Finally,  
10 Guttormson challenges Mr. Miller’s honesty by accusing him of “perpetuating things that  
11 are not true.”

12 28. On April 27, 2015, Guttormson uploaded a third video on YouTube.com  
13 that also attacks and defames Mr. Miller. That video is titled, “GO AHEAD, SUE ME!  
14 featuring Adam Miller.” In this third video, in addition to repeating the prior defamatory  
15 statements, Guttormson falsely states, “you risk your life foregoing or delaying proper  
16 medical treatment by going to him [Adam Miller] for help and more importantly for  
17 believing in unsubstantiated claims.”

18 29. Mr. Miller was first informed about the “Adam Miller: Con Artist” video  
19 by one of his clients in March 2015. Several of Mr. Miller’s clients have contacted him  
20 about the contents of the video.

21 30. As a result of Guttormson’s false statements, potential clients have refused  
22 to work with Mr. Miller, causing Mr. Miller significant financial loss in an amount to be  
23 proven at trial.

24 31. Guttormson’s false statements have also irreparably harmed Mr. Miller’s  
25 business reputation and goodwill.

26

1 32. Because Guttormson’s defamatory statements are still available on the  
2 internet and, barring an order from this Court, those statements will not be removed from  
3 the internet, permanent injunctive relief is necessary to prevent further irreparable harm  
4 to Mr. Miller’s business reputation and goodwill.

5 33. Accordingly, to prevent further immediate and irreparable harm, a  
6 permanent injunction should enter requiring Guttormson to remove the infringing and  
7 defamatory videos from the internet.

8 **COUNT I**

9 **(Copyright Infringement)**

10 34. Plaintiff realleges and incorporates by reference the allegations contained in  
11 the proceeding paragraphs as if fully set forth herein.

12 35. On April 27, 2015, Mr. Miller applied for a copyright registration for his  
13 original audiovisual recording, “Healer Adam Miller – Explanation of the Healing  
14 Work.” Mr. Miller’s application for copyright registration was assigned Case No. 1-  
15 2338200591 by the United States Copyright Office. A true and accurate copy of email  
16 receipt Mr. Miller’s attorney received after applying for the copyright registration is  
17 attached as Exhibit A.

18 36. After applying online for copyright registration, Mr. Miller caused a CD  
19 containing a true and accurate copy of his original work, “Healer Adam Miller –  
20 Explanation of the Healing Work,” to be mailed the United States Copyright Office. A  
21 photocopy of that communication with the United States Copyright Office is attached as  
22 Exhibit B.

23 37. Mr. Miller has been and is the sole owner of all rights, title, and interest in  
24 “Healer Adam Miller – Explanation of the Healing Work.”

25 38. Mr. Miller has never offered for sale the work embodied by “Healer Adam  
26 Miller – Explanation of the Healing Work.”

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1 39. Guttormson has misappropriated in *toto* “Healer Adam Miller –  
2 Explanation of the Healing Work.”

3 40. Guttormson’s misappropriation of Mr. Miller’s original work is not fair use.  
4 Guttormson misappropriated the work for a commercial purpose—namely, to promote  
5 dogmadebte.com and the online atheist audio bookstore.

6 41. Guttormson also used more of the original work than was necessary for  
7 Guttormson’s purpose.

8 42. Guttormson’s actions have directly and indirectly infringed Mr. Miller’s  
9 copyright.

10 43. Guttormson is liable for the actual harm caused to Mr. Miller as a result of  
11 Guttormson’s infringement and statutory damages.

12 **COUNT II**

13 **(Intentional Interference with Business Expectancies)**

14 44. Plaintiff realleges and incorporates by reference the allegations contained in  
15 the proceeding paragraphs as if fully set forth herein.

16 45. With over 37 years’ experience as a healer, Mr. Miller had a valid business  
17 expectancy that he would continue to serve existing and new clients.

18 46. Having reviewed Mr. Miller’s website, Guttormson was fully aware of this  
19 expectancy.

20 47. Guttormson was also aware that Mr. Miller’s clients and potential clients  
21 could, and likely would.

22 48. Guttormson intentionally and improperly interfered with Mr. Miller’s  
23 business relationships and potential business relationships by disseminating false,  
24 defamatory statements on YouTube.com regarding Mr. Miller.

25 49. As a result of Guttormson’s intentional interference with Mr. Miller’s  
26 business expectancies, Mr. Miller has been damaged in an amount to be determined at

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1 trial.

2 **COUNT III**

3 **(Defamation Per Se)**

4 50. Plaintiff realleges and incorporates by reference the allegations contained in  
5 the proceeding paragraphs as if fully set forth herein.

6 51. Guttormson has made false statements about Mr. Miller including, but not  
7 limited to, that Mr. Miller is a Con Artist. These statements constitute defamation *per se*.

8 52. The false statements have a natural tendency to injure the business interests of  
9 Mr. Miller.

10 53. Guttormson has no privilege that entitles Guttormson to defame Mr. Miller.

11 54. Guttormson made the statements with the intention to hold Mr. Miller up to  
12 ridicule and/or hurt Mr. Miller’s business and goodwill.

13 55. Guttormson’s defamatory statements regarding Mr. Miller have harmed and  
14 will harm Mr. Miller’s business and personal reputations.

15 56. Guttormson’s statements were made deliberately, negligently and/or with  
16 reckless disregard for the truth of the matters asserted.

17 57. Guttormson’s statements have harmed Mr. Miller’s reputation and goodwill in  
18 an amount to be proven at trial.

19 58. Alternatively, Mr. Miller is entitled to an award of nominal damages here  
20 because Guttormson has committed defamation *per se*.

21 **JURY TRIAL DEMAND**

22 59. Plaintiff requests a trial by jury on all aspects of the Complaint.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Adam Miller demands judgment in his favor and against  
25 Guttormson as follows:

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A. Awarding Mr. Miller damages in an amount to be proven at trial, plus pre- and post-judgment interest, execution and collection expenses, and costs of suit;

B. That Guttormson be required to pay Mr. Miller such damages and profits as provided by 17 U.S.C. § 504 including statutory damages, or actual damages suffered by Mr. Miller;

C. That Guttormson be required to pay the costs and disbursements of this action, together with reasonable attorney’s fees, as provided by 17 U.S.C. § 505;

D. An Order permanently enjoining Guttormson, and those acting in concert with Guttormson, from infringing Mr. Miller’s copyrights pursuant to 17 U.S.C. § 502;

E. An Order requiring Guttormson remove from the internet the defamatory and infringing videos;

F. For reasonable attorney’s fees and reimbursement of all costs for the prosecution of this action and any execution and collection costs thereafter;

G. Awarding pre-judgment and post-judgment interest to the extent allowable by law; and

H. Granting Mr. Miller such further and additional relief as the Court deems just and proper.

Dated this 28<sup>th</sup> day of April, 2015.

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