

FOR IMMEDIATE RELEASE
March 9, 2005

Contact: John Aravosis
Spokesman for Richard M. Raymen and Steven P. Hansen
202-232-5107 - John@WiredStrategies.com

‘USA NEXT’ SUED FOR \$25 MILLION

Couple Used in Homophobic Anti-AARP Ad Files Federal Lawsuit

WASHINGTON, DC – A \$25 million lawsuit was filed today against right-wing front group USA Next and political consulting firm Mark Montini International for stealing an Oregon couple’s wedding photo and using it without permission in a high-profile gay-bashing ad designed to drum up support for social security privatization.

Following an admission of photo theft by the creator, advertiser and publisher of the ad, the couple whose image was stolen - Rick Raymen and Steve Hansen of Portland, Oregon - today filed a four-count lawsuit in federal court in Washington, DC. The suit alleges that the use of the couple’s image without permission constituted an **invasion of privacy, was libelous, violated their right of publicity and constituted an intentional infliction of emotional distress.**

In one version of the USA Next ad disseminated widely on the Internet in February, and aired repeatedly by television news programs and newspapers nationwide, the couple’s image, superimposed with a green checkmark, is side-by-side a picture of a US soldier with a red “X” across it. Below the photos is the phrase “The REAL AARP Agenda.”

“Our privacy and personal integrity were violated when our wedding photo was stolen and used to portray us as treasonous, unpatriotic, and a threat to American troops,” Rick Raymen said. “We have been harassed and humiliated by this hateful ad campaign and by the bigotry and anger it has generated against us nationwide.”

"Our lawsuit is intended to make USA Next and Mark Montini pay for the harm they have caused and to send a message to them that they cannot recklessly play with peoples' reputations and make them targets of hate, as they have done with us," Raymen said. "When we get our judgment, we intend to donate to those who fight the kind of hate and homophobia that USA Next and Montini have demonstrated."

Christopher Wolf, counsel for the Oregon couple, and a partner in the Proskauer Rose law firm, explained the basis of today’s lawsuit in the complaint filed with the court. “When they created and published the advertisement, defendants knew or should have known that the publication of the plaintiffs’ image would subject them to an invasion of privacy and ridicule,” Wolf wrote in the complaint. “As a result of the publication of the advertisement, plaintiffs have suffered embarrassment, extreme emotional distress, and invasion of privacy. In addition, as a result of

the libelous statement communicated by the advertisement about plaintiffs, their reputations as patriotic American citizens has been severely damaged.”

“Our lawsuit seeks to hold the defendants accountable for taking two private citizens and maliciously making them targets for homophobic bigots,” Wolf said today. “Our clients did not volunteer to be models in a right-wing hate campaign. There are serious legal consequences for deploying them against their will.”

Simultaneously with the filing of the complaint, Wolf filed a motion for a temporary restraining order and a preliminary injunction against USA Next and its ad agency to get them to stop using the photo. The motion also seeks the return of all pictures containing the couple's image and an accounting of all places where the photos have been used or sent, in light of the refusal of USA Next to retract or apologize for its ad.

The dispute leading to the lawsuit began a few weeks ago when Raymen and Hansen noticed their wedding photo published on the conservative America Spectator Web site as part of a homophobic USA Next ad meant to slur AARP. Not having given their permission for use of the photo, Raymen and Hansen contacted the copyright holder, the Portland Tribune, and the paper quickly confirmed that it had not sold the photo to anyone and that the image had likely been stolen from its Web site.

In the meantime, the intentionally controversial ad quickly achieved USA Next’s goal of being viral marketed for free to millions of viewers on the Internet, on network television, and in major news publications across the country.

On behalf of Raymen and Hansen, attorney Christopher Wolf wrote USA Next chairman and CEO Charles Jarvis on February 28, 2005, demanding that USA Next immediately stop using photos of the couple and that it publicly apologize for the ongoing harm it is causing. A copy of that letter can be found online here:

<http://www.WiredStrategies.com/lawsuit/letter1.pdf>

While refusing to respond to the letter, USA Next repeatedly told the media that it had lawfully purchased the photo and that Raymen and Hansen were being “silly.” In fact, we now know that USA Next and its surrogates were surreptitiously trying to buy the photo at the same time they were assuring the media that it had already been purchased.

Raymen and Hansen have yet to receive an apology from USA Next.

A copy of the letter to USA Next, the lawsuit, and press releases can be found online here:

<http://www.WiredStrategies.com/lawsuit/home.html>