

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

C. P. HARRIS, :
Plaintiff, : CIVIL ACTION FILE NO:
v. : 2016CV270434
N. D. WILBURN, :
Defendant. :

COMPLAINT FOR DEFAMATION, SLANDER AND LIBEL

COMES NOW, C. P. Harris, Plaintiff in the above-styled action, and files this, her Complaint for Defamation, Slander and Libel against Defendant, N.D. Wilburn, as follows:

JURISDICTION AND VENUE

1.

Defendant is a resident of Fulton County, Georgia, and is subject to the jurisdiction and venue of this Honorable Court. Said Defendant may be served with a Summons and a copy of this Complaint at his resident address, or at any place where he may be personally served.

INTRODUCTION

2.

This Complaint arises from several publications made by Defendant over the past one (1) year of multiple false and defamatory statements of and concerning Plaintiff and private family law matters related to the Parties' minor child (hereinafter the "Minor Child").

3.

Both Plaintiff and Defendant are both public figures with successful careers in the entertainment industries.

4.

Plaintiff and Defendant are the parents of Minor Child who is the subject of a custody and child support action in another State, outside of the State of Georgia.

5.

At various times over the past year, Defendant has published numerous false and defamatory statements regarding Plaintiff, which contain several misrepresentations regarding the conduct and character of Plaintiff. Defendant knowingly and deliberately made countless false statements against Plaintiff despite the repercussions that said statements will have on Plaintiff's livelihood.

6.

The false and defamatory accusations made by Defendant were published online via radio broadcast, via online printed publications, and via Defendant's Twitter account (*a social media platform*). Said false and defamatory accusations made by Defendant, were published to increase interest and publicity concerning Defendant's upcoming musical endeavors, namely the release of his upcoming album and tours. Said false and defamatory accusations were purposefully published by Defendant to disparage Plaintiff's character, to destroy Plaintiff's reputation as a good mother, to diminish Plaintiff's brand, and to impair Plaintiff's professional career in the entertainment industry.

7.

Defendant's false and defamatory statements were clearly published with *actual* malice.

8.

Plaintiff respects and recognizes Defendant's right to free speech as provided in the First Amendment to the United States Constitution. However, said right is not without limitations. Specifically, there is no unfettered right or privilege to defame public figures by publishing false and defamatory statements with actual malice.

9.

Accordingly, Defendant's false and defamatory statements are not protected by the First Amendment and are actionable pursuant to O.C.G.A. §§ 51-5-1 through 51-5-5.

10.

A valid claim for defamation made by a public figure, such as Plaintiff, consists of the following elements: "(1) a false and defamatory statement concerning Plaintiff, (2) an unprivileged communication to a third party, (3) fault by the defendant amounting actual malice;¹ and (4) special harm or the actionability of the statement irrespective of special harm." Infinite Energy, Inc v. Pardue, 310 Ga.App. 355, 356 (2011).

11.

Statements that express or imply defamatory facts that are "capable of being proved false..." are actionable as defamation. Id. at 357-58. Similarly, statements of opinion can constitute actionable defamation if the opinion can reasonably be interpreted, *according to the context of the entire writing in which the opinion appears*, to state or *imply* defamatory facts about the Plaintiff. Id.

¹Negligence is the general level of fault required to be proven by Plaintiffs who are private persons bringing defamation claims. Id. at 356.

12.

As a result of Defendant's false and defamatory statements made with actual malice, Plaintiff is entitled to general and special damages pursuant to O.C.G.A. § 51-5-4(b).

13.

Plaintiff is entitled to punitive damages against Defendant based upon Defendant's willful, malicious, wanton, and oppressive conduct pursuant to O.C.G.A. § 51-12-5.1.

FACTUAL BACKGROUND

14.

Plaintiff hereby incorporates Paragraphs 1-13 set forth hereinabove as if each paragraph were fully stated herein.

15.

At all times relevant hereto, Plaintiff has been and continues to be a well-known and successful, recording artist, songwriter, producer, performer, entertainer, and actress in the entertainment industries for more than ten (10) years. She has released six (6) studio albums and has been featured on several major motion pictures and television shows. Plaintiff has a huge fan base, crossing multiple genres, throughout the United States and the World.

16.

Plaintiff has received numerous awards and recognitions in the entertainment industries.

17.

Plaintiff is recognized as a pillar of her community as she is extremely active in community service and philanthropy. Plaintiff is also known to be a great mother.

18.

Defendant is a world renowned recording artist, songwriter, producer and entertainer with a sizeable fan base throughout the World.

19.

The Parties were in a highly publicized romantic relationship given their celebrity status.

20.

In 2014, Plaintiff gave birth to a male child (hereinafter referred to as, "Minor Child"). Defendant is the father of said Minor Child.

21.

The parties' romantic relationship ended on or about September, 2014, shortly after the birth of Minor Child.

22.

After *numerous* attempts to arrange custody, child support and visitation with Defendant, Plaintiff initiated a claim for child support in another State.

23.

Following the parties' break-up, both Plaintiff and Defendant embarked on new personal relationships. However, it is important to note that given Plaintiff's celebrity status, her relationship with her current significant other became highly publicized in April, 2015, and has been a subject of media attention since that time. Plaintiff's new significant other is also a public figure.

COUNT I
SLANDER PER SE

24.

Plaintiff hereby incorporates Paragraphs 1-23 set forth hereinabove as if each paragraph were fully stated herein.

25.

On several occasions during the pendency of the parties' custody and support case, Defendant has made false and defamatory statements to journalists and members of the media which have been re-published to millions of listeners, readers and viewers throughout the World.

26.

After Plaintiff's current relationship became a popular topic in the media in or around April, 2015, Defendant began a media campaign around or about June, 2015, to promote his upcoming album, which included various interviews. Unfortunately, in promoting his new album, Defendant took the opportunity to exploit the Minor Child, the Plaintiff, and her new romantic relationship by making false and defamatory accusations to the media.

27.

Specifically, on July 13, 2015, Defendant began his efforts to inappropriately and maliciously defame Plaintiff, as well as disparage Plaintiff's character, name, professional reputation, and brand during a live interview on HUFFPOSTLIVE, which is published and available for viewing through the website www.huffingtonpost.com.

28.

During said interview, Defendant inappropriately divulged details of the parties' personal lives during their previous relationship to the interviewer and millions of average

viewers and listeners. Defendant's statements were false and defamatory. Furthermore, Defendant knew that his comments were untrue when he made them. Said remarks made by Defendant during that July 13, 2015, interview were made in response to an **unrelated** interview wherein Plaintiff's current significant other stated that he and Plaintiff were abstaining from sex until marriage in accordance with their religious beliefs.

29.

Days later, on July 16, 2015, Defendant participated in an interview on a radio show called "The Breakfast Club," which is a nationally syndicated show recorded in New York on WWPR "Power 105.1". The show is also filmed and available for viewing online at www.power1051fm.com. The filmed version of the interview was also re-published on various media websites.

30.

During said July 16, 2015 recorded video interview, Defendant again discussed the parties' personal lives on air with no regard for how his inappropriate behavior would have on the parties' Minor Child, or the fact that Defendant's interview could be seen by the parties' Minor Child in the future. Plaintiff has always sought to keep the parties' private family matters private and out of the public eye. It is clear now, however, that Defendant does not share in Plaintiff's sentiment and desire to keep their private family law matters private and confidential for the sake of their Minor Child.

31.

Defendant took the opportunity to defame Plaintiff once again by implying that Plaintiff "need[s]" her current significant other and that Plaintiff had deliberately used the Minor Child in a "publicity stunt". With regard to a photo taken showing Plaintiff's current significant other pushing the Minor Child in a stroller alongside Plaintiff, Defendant made the following false

and defamatory statements regarding Plaintiff: ***“She probably set him up. You got nannies, you got assistants around you, anybody could’ve pushed that stroller. You letting them catch that photo. I’m not for the publicity stunts. Leave my son out of all the publicity stunts.”***

32.

Because Plaintiff is a public figure, and her significant other is also a public figure, in August, 2015, paparazzi captured photographs showing Plaintiff and Minor Child interacting with Plaintiff’s significant other at a pre-season NFL football training camp.

33.

Shockingly, instead of ceasing from his egregious behavior in attacking the mother of one of his children in the media, Defendant continued to make several other false and defamatory remarks about the Plaintiff. During yet another interview featured in the article entitled, “Future the Trap King”, which was the cover story in the Fall 2015 edition of *XXL Magazine*, Defendant made statements regarding his disapproval of Plaintiff’s current significant other having involvement with the Minor Child in public. In said interview, Defendant made several defamatory remarks and statements regarding Plaintiff, including the following:

Why wouldn’t you want me to meet the person that’s going to be around my son, first? Is there some flaws that you don’t want me to detect, you feel like I’m not going to like them? Is it something you’re hiding from me?

I feel like a lot of moves are just made out of just being evil, basically. Because, you know, the success of my album and you still want to make certain moves to take the spotlight off me a little bit and shed light on a negative situation. Why would you want to put light on a negative situation? Even if I didn’t care about it, the people have a way of looking at it. Why would you want to give these people an opinion on our kid? Why won’t we just let our child be a child? Why would you put him in the spotlight, paparazzi taking pictures for the rest of his life and then when he come to a point of his life where there’s adversity right in his face, he don’t know how to take it because he feel like somebody’s going to be there to save him? You done put him in a situation where he feel like he gotta reach out, he can’t get himself through this.

Why would you want to taint our moments? Why would you want to put any negative energy even if we was happy? Even if I met dude and we was like, "Man, it's cool." I would've said, "It's not good to be photographed within like, the first year." You gotta think about it man, we was together for a year or two years and it didn't happen and now we have a child together and you done moved into a relationship and have the child in your new relationship. ***It's like, what's the logic behind that?***

If you want love or you looking for somebody to just take care of you and you feel like, "Man, to take care of me wholeheartedly, I'm willing to give everything. ***I'll sacrifice my son, cameras, these interviews. I don't give a fuck. I need you. I need to be at your practice. I need the stability. I need to show you that, man, I'm here for you.***" And I understand, for a female, when you in a vulnerable situation, you need to find out what's your next big step for you as a person. So you make certain decisions that might affect not only me, but affect our son, and affect our family, affect my family and the way they look at you.

34.

Defendant's statements were re-published in the printed Fall 2015 edition of *XXL Magazine*, and republished millions of times by various websites. Defendant's statements can also be found on the magazine's website www.XXLmagazine.com in an article with the same title which was published on September 28, 2015, and is currently still available for viewing. Numerous other websites have cited this article.

35.

Defendant accused Plaintiff of a debasing act which may exclude her from society with his publication of said false and defamatory statements made during the above-referenced interviews. The false statements published by the Defendant are defamatory *per se*, and damages to the reputation and brand of the Plaintiff are presumed as a matter of law.

36.

Defendant made charges against Plaintiff in reference to her reputation as a good mother that Defendant knows will directly affect Plaintiff's profession which were calculated to injure her therein with his publication of false defamatory statements made during the above-referenced interviews. Defendant's statements have adversely affected potential professional

opportunities which directly relate to Plaintiff's involvement with children and her parenting of the Minor Child.

37.

By publishing the false and malicious statements contained in the above-referenced interviews, Plaintiff's name, professional reputation, reputation as a good mother and brand have been significantly injured, and Plaintiff has been exposed to public contempt and ridicule, just as Defendant intended.

38.

Pursuant to O.C.G.A. § 51-5-4(b), Defendant's actions constitute slanderous conduct *per se* which entitles Plaintiff to an inference of damages in an amount based upon the conscience of an enlightened jury, but in no event less than Five Million and 00/100 Dollars (\$5,000,000.00).

COUNT II
SLANDER

39.

Plaintiff hereby incorporates Paragraphs 1-38 set forth hereinabove as if each paragraph were fully stated herein.

40.

During the above-referenced interviews, Defendant made several expressly and impliedly false and defamatory statements about Plaintiff. All said statements were made by Defendant with actual malice.

41.

Defendant's false and defamatory statements made during the above-referenced interviews were disparaging and have produced damage to Plaintiff, and to Plaintiff's name, character, reputation as a good mother, and brand, which flow naturally from said statements.

42.

Defendant's actions constitute slander, and as such, Plaintiff is entitled to special damages. Specifically, Plaintiff has incurred special damages in an amount to be proven at trial. Accordingly, Plaintiff is further entitled to such additional special damages as to be shown by the evidence presented at a trial.

COUNT III
LIBEL PER SE

43.

Plaintiff hereby incorporates Paragraphs 1-42 set forth hereinabove as if each paragraph were fully stated herein.

44.

Despite Defendant ranting and raving about Plaintiff, Plaintiff elected not to respond to same in hopes that the parties could move forward with co-parenting the Minor Child together. Instead, Defendant opted to continue his media blitz against Plaintiff. On January 4, 2016 Defendant made the most recent egregious, false and defamatory statements against Plaintiff to date directly from his social media account on TWITTER.COM .

45.

Defendant maintains an account on TWITTER.COM under the username "@1future." Said account has over Two Million (2,000,000) followers who have access to view each statement or "tweet" issued by Defendant. Defendant's account is also public and can be easily

accessed by both TWITTER account holders and readers who do not actively follow Defendant's TWITTER account.

46.

Twitter allows its users to publicly release, or "tweet" written statements that contain 140 characters or less in each statement or message called a "tweet".

47.

On January 4, 2016, Defendant issued a series of four (4) statements consecutively within a span of eight (8) minutes via his TWITTER.COM account (a true and correct copy of the Defendant's public tweets are attached hereto as Exhibit "A" attached hereto and incorporated herein by this reference). Said statements are as follows:

"This bitch got control problems..."

"I gotta go through lawyers to see babyfuture...the fuckery for 15k a month"

"I jus[t] want babyfuture that's all."

"I been silent for a year & a half..I ran outta patience".

48.

Defendant deliberately published said four (4) tweets back to back to convey a grossly inaccurate, false impression of the Plaintiff. Defendant had actual knowledge that the accusations that he made against the Plaintiff on Twitter were false prior to publication.

49.

Specifically, Defendant's tweets conveyed to the general public that Plaintiff withheld the Minor Child from Defendant for a year and a half, that Plaintiff had control problems and that the parties did not communicate except through their attorneys. The tweets further implied that Plaintiff was receiving Fifteen Thousand and 00/100 Dollars (\$15,000.00) per month from Defendant in child support.

50.

The tweeted statements made by Defendant on his TWITTER.COM account when reasonably interpreted according to the context of the entire writing in which the tweets appear, state or imply defamatory facts that can be proven false and were made with actual malice on the part of Defendant.

51.

The tweeted statements made by Defendant on his TWITTER.COM account stated and implied defamatory facts and were false and made with *actual malice* on the part of Defendant. Tweeting about Plaintiff allegedly having “control problems” and having to deal with “...fuckery for 15k a month” were so completely false that Defendant had to know the damage he would cause Plaintiff with his fabricated tweets. For example, Defendant has never paid the Plaintiff “15k a month” for child support *ever*, but he made this statement deliberately to cast the Plaintiff in a negative and disparaging light.

52.

Since December 2014, Defendant has seen and visited with the Minor Child on *at least* nineteen (19) different occasions. Some of those occasions spanned several days. Plaintiff has gone out of her way to bring the Minor Child to Georgia to spend time with Defendant. Plaintiff has made the Minor Child available to Defendant in Los Angeles and in other cities where both Plaintiff and Defendant have been at the same time. Plaintiff has never withheld the Minor Child from Defendant and has offered numerous dates for visitation that Defendant has declined.

53.

Defendant communicates regularly with Plaintiff via text message. In fact, the parties were messaging one another as Defendant's infamous tweets were published on January 4, 2016.

54.

The false and defamatory statements tweeted by the Defendant were published online for the purpose of assassinating the name, reputation, and character of the Plaintiff, Plaintiff's reputation as a good mother, diminishing the value of Plaintiff's brand, and impairing the Plaintiff's career as an entertainer.

55.

Defendant's tweets were republished millions of times by various websites, and have been discussed on TV shows and radio shows across the United States and the World. Defendant's false and defamatory statements about Plaintiff were conveyed to the millions of listeners, viewers or readers. One of the most damaging republications and expansions on Defendant's defamatory tweets appeared in an article entitled "Ciara's a Bitter Woman Who Ruined My Christmas" published on January 5, 2016 by TMZ.COM, which is one of the leading and most popular celebrity news organizations in the World (See, Exhibit "B" attached hereto and incorporated herein by this reference). In said article, an unnamed source told a TMZ.com journalist that Defendant has planned an event for all of his children for Christmas, that Plaintiff had originally agreed to the Minor Child's attendance, then refused to communicate with Defendant and did not allow the Minor Child to attend the event. Said article went further to state that "sources close to the [Defendant]" stated that the parties have not spoken for a year. All of the statements conveyed by Defendant in his tweets and the

subsequent expansion on Defendant's tweets by "sources" close to Defendant are false and defamatory.

56.

As a direct result of such patently false statements, Defendant's tweets, filled with his personal and unfounded disdain for the Plaintiff, went viral on the Internet, and have been mentioned millions of times.

57.

As a result of his outrageous and egregious conduct, the Defendant waived his First Amendment right to free speech by tweeting actionable defamation of the Plaintiff, a public figure, for which the Defendant must be held legally accountable.

58.

Defendant accused Plaintiff of debasing acts, including withholding the Minor Child from Defendant, which may exclude her from society due to Defendant's publication of said false and defamatory statements made in the above-referenced tweeted statements.

59.

Defendant made charges against Plaintiff in reference to her profession which were calculated to injure her professional reputation and brand with his publication of false and defamatory tweeted statements.

60.

By publishing the false and malicious statements contained in the above-referenced tweets viewed in their totality, Defendant has significantly injured Plaintiff's good name, professional reputation, and brand, exposing Plaintiff to public contempt and ridicule.

61.

Defendant's tweeted statements have been covered by millions of media outlets worldwide. The contents of said media coverage evidence the intended nature of the false and defamatory statements tweeted by Defendant.

62.

In their entirety, the January 4, 2016 tweets by the Defendant accuse the Plaintiff of being a mother who withholds her minor child from the child's father.

63.

In their entirety, the January 4, 2016 tweets by the Defendant include both entirely false accusations as well as complete misrepresentations.

64.

The gist of the January 4, 2016, tweets by the Defendant, in their entirety, was to publish intentionally false remarks about the Plaintiff, which were purposefully calculated to defame the Plaintiff as a public figure, and to convey a false and defamatory impression of the Plaintiff. The goal was to injure the Plaintiff's professional reputation as well as to damage her brand.

65.

Defendant's tweets are defamatory and injurious to Plaintiff's name, reputation and brand on their face, and can be so understood without reference to any additional or extrinsic facts. Defendant's defamatory and injurious public tweets are still accessible to the World publicly as of the date of the filing of this Complaint.

66.

In their entirety, the January 4, 2016 tweets by the Defendant convey a grossly inaccurate and false impression about the parties' relationship as parents, and such information,

even if it were true and not misleading, should have never been publicly released by the Defendant at any rate for any reason.

67.

There is simply no logical explanation for the Defendant publicly debasing the Plaintiff, and issuing false and defamatory tweets about the Plaintiff other than to deliberately damage and injure the Plaintiff's professional reputation.

68.

When read as a whole, the Defendant's tweets convey a false and defamatory impression of the Plaintiff.

69.

The January 4, 2016, tweets by the Defendant in their entirety constitute libel *per se* in that they impute actions (or inactions) to the Plaintiff that injure her professional reputation and brand.

70.

The Defendant's tweets, when read in the context of Defendant's twitter feed as a whole, falsely convey that Defendant has not seen the Minor Child in over a year and a half, despite the Defendant paying \$15,000 per month to the Plaintiff in child support. All of which are false statements.

71.

Defendant's tweets impute actions (or inactions) to the Plaintiff that injure her professional reputation and brand.

72.

Defendant published the false and defamatory content of his January 4, 2016 tweet without legal privilege.

73.

The false and defamatory accusations against the Plaintiff published by the Defendant were subsequently republished hundreds of thousands of times on Twitter as well as on other Internet websites worldwide.

74.

Pursuant to O.C.G.A. § 51-5-1 and § 51-5-4(b), Defendant's actions constitute libelous conduct *per se*, which entitles Plaintiff to an inference of damages in an amount to be determined by an enlightened conscience of an impartial jury, but in no event less than Five Million and 00/100 Dollars (\$5,000,000.00).

COUNT IV
LIBEL

75.

Plaintiff hereby incorporates Paragraphs 1-74 set forth hereinabove as if each paragraph were fully stated herein.

76.

Defendant's statements in the above-referenced tweets expressed and implied false and defamatory facts about Plaintiff. All said statements were made by Defendant with *actual malice*.

77.

Defendant's false and defamatory tweets were intentionally disparaging and have produced damage to Plaintiff, which flow naturally from said derogatory and debasing remarks.

78.

Defendant's tweets constitute libel, and as such, Plaintiff is entitled to special damages. Specifically, Plaintiff has incurred special damages in an amount to be proven at trial.

Accordingly, Plaintiff is further entitled to such additional special damages as to be shown by the evidence presented at a trial.

COUNT V
PUNITIVE DAMAGES

79.

Plaintiff hereby incorporates Paragraphs 1-78 set forth hereinabove as if each paragraph were fully stated herein.

80.

On January 4, 2016, Plaintiff's attorney contacted Defendant's attorney to discuss the publication of the defamatory tweeted statements and to request an explanation and retraction (See, email communications dated January 4, 2016 entitled "Parenting time" and December and January Parenting time dates declined by Mr. Wilburn," attached hereto as Exhibit "C" and incorporated herein by this reference). However, Defendant's attorney wholly disregarded Plaintiff's attorney's efforts and request for explanation of Defendant's defamatory statements. Plaintiff's counsel informed Defendant's attorney on January 4th that Defendant's public tweets were false. Additionally, an apology was requested as well as a retraction, and Plaintiff requested that Defendant delete his tweets (See Exhibit "C") Defendant gave no response.

81.

Plaintiff's attorney continued to communicate from January 4, 2016 through January 8, 2016 with two (2) attorneys representing Defendant in an effort to minimize the damage to Plaintiff's reputation and brand by having Defendant remove his tweeted defamatory statements from TWITTER.COM (See, Exhibit "D" attached hereto and incorporated herein by this reference). In said emails, Plaintiff's attorney specifically provided instances in which Defendant has declined to exercise parenting time offered by Plaintiff which evidences the

false and defamatory nature of Defendant's tweets. Plaintiff's attorney also offered sample language for Defendant to utilize in his public apology. No apology was issued, and three (3) of the four (4) tweets remain publicly visible on Defendant's twitter feed. Further, Plaintiff's attorney explained the severity of the damage done to Plaintiff's name, reputation, and brand caused by Defendant's malicious and defamatory statements. Plaintiff's attorney explained to Defendant's second attorney, who is not directly involved in the ongoing custody and child support case, the numerous ways that Plaintiff has been more than cooperative in permitting Defendant to visit with the parties' Minor Child (See, Exhibit "D").

82.

As a result of Defendant's refusal to respond to Plaintiff's requests for a retraction of his tweeted defamatory statements, on January 6, 2016, Plaintiff's attorney issued a NOTICE TO CEASE AND DESIST and DEMAND FOR RETRACTION to Defendant's attorney via electronic mail and via courier (See, Exhibit "E" attached hereto and incorporated herein by this reference). In said NOTICE and DEMAND, Plaintiff notified Defendant that his tweeted statements are false and defamatory, and demanded that Defendant cease and desist from making any such further statements. Said NOTICE also demanded a retraction of Defendant's tweeted statements. Additionally, an apology was requested, and Defendant was asked to delete his tweets (See Exhibit "E"). Defendant failed to formally respond.

83.

Plaintiff's attorney participated in a telephone conference on January 7, 2016 with Defendant's attorneys to discuss the false and defamatory nature of Defendant's statements and to demand a retraction. Plaintiff's counsel communicated with two (2) attorney's representing the Defendant on January 7th and January 8th via e-mail, verbally, and via e-mail again wherein,

on behalf of the Plaintiff, Defendant was told, through his attorneys, that his statements were false (See Exhibit "D"). Additionally, an apology was requested as well as a retraction, and Plaintiff requested that Defendant delete his tweets (See, Exhibit "D"). Defendant, through his counsel, has failed to respond, delete his tweets, apologize, or retract his false and defamatory statements as of the filing of this Complaint, thereby totally, and intentionally disregarding and ignoring the Plaintiff's requests, evidencing a reckless disregard for truth or falsity.

84.

Defendant removed the tweet stating "This bitch got control problems..." on or about January 6, 2016, prior to the telephone conference between the attorneys. However, Defendant left all remaining tweeted defamatory statements viewable to his followers and the general public. Further, despite removing said tweet, the damage to Plaintiff, Plaintiff's character, Plaintiff's reputation as a good mother and Plaintiff's brand had already been inflicted as said tweets had been re-tweeted by thousands of TWITTER.COM users and featured by millions of media outlets including TMZ.COM. In fact, TMZ.COM *titled* an entire article "***Ciara: Future is a Controlling Bitch***" directly referencing and highlighting the tweet removed by Defendant (See, Exhibit "F", attached hereto and incorporated herein by this reference). Moreover, to date, Defendant has refused to remove said tweets, retract his false statements or issue a public apology for the false and defamatory tweets despite the multiple requests made by Plaintiff through her attorney.

85.

Defendant published accusations against the Plaintiff in his January 4, 2016 tweets that were so inherently outrageous and improbable on their face as to raise serious doubts about their truth and veracity.

86.

As a direct and proximate result of the defaming tweets published by the Defendant, Plaintiff's reputation as a person and entertainer has been permanently damaged.

87.

As a direct and proximate result of the defaming tweets published by the Defendant, Plaintiff has suffered emotional distress, embarrassment, humiliation, stress, anger, mental pain and suffering.

88.

As a direct and proximate result of the defaming tweets published by the Defendant, Plaintiff's professional reputation and brand has been permanently damaged.

89.

As a direct and proximate result of the defaming tweets published by the Defendant, Plaintiff has suffered public hatred, ridicule, scorn, contempt and scorn.

90.

As a direct and proximate result of the defaming tweets published by the Defendant, Plaintiff has suffered special damages, which are ongoing, in an amount to be proven at trial.

91.

Despite having e-mails on January 4, 2016, a formal Cease and Desist letter demanding a retraction, an apology and the deletion of tweets venomous tweets, and an e-mail on January 8, 2016, informing the Defendant that the tweets that he published were false and defamatory and demanding that the statements be retracted and correction, *Defendant has failed to retract or correct his false and defamatory statements.*

92.

The conduct of the Defendant demonstrates willful misconduct and an utter want of care that raises a conscious indifference to the consequences of his public tweets.

93.

The false and defamatory accusations were published with malice, thereby entitling the Plaintiff to an award of punitive damages.

94.

Defendant's tortious and malicious conduct coupled with Defendant's refusal to attempt to rectify and remedy the damages caused to Plaintiff evidence such willful, malicious, wanton and oppressive conduct on the part of Defendant as to warrant an award of punitive damages pursuant to O.C.G.A. § 51-12-5.1.

95.

Plaintiff further shows the Court that as a further sanction for Defendant's tortious conduct, Defendant should be ordered to delete his "tweets" and publish a retraction of his "tweets". Further, this Honorable Court should order that Defendant shall be enjoined from publishing any information pertaining to private family matters involving the Minor Child, including, but not limited to, issues relating to co-parenting, child custody, visitation, and child support. The Minor Child will be adversely affected if Defendant continues to publish private family matters to the World.

96.

Plaintiff is also entitled to punitive damages from Defendant in the amount of Ten Million and 00/100 Dollars (\$10,000,000.00) to deter Defendant's unlawful conduct and egregious behavior in the future.

COUNT VI
ATTORNEY'S FEES AND EXPENSES OF LITIGATION

97.

Plaintiff hereby incorporates Paragraphs 1-96 set forth hereinabove as if each paragraph were fully stated herein.

98.

Defendant's false and malicious statements made in bad faith have caused Plaintiff to incur unnecessary expenses.

99.

Defendant's conduct has forced Plaintiff to file the present action. Plaintiff should be awarded reasonable attorney's fees and costs related to the litigation of the present matter in account in an amount to be proven at trial, but in no event less than Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00).

WHEREFORE, Plaintiff demands:

- (a) That process and summons issue against Defendant;
- (b) For a trial by a jury;
- (c) That judgment be entered against Defendant for compensatory damages in the amount of ***Five Million and 00/100 Dollars (\$5,000,000.00)***;
- (d) That Plaintiff be awarded punitive damages in the amount of not less than ***Ten Million and 00/100 Dollars (\$10,000,000.00)*** to deter, penalize and punish Defendant for engaging in such abhorrent conduct;
- (e) That Defendant be ordered to delete his "tweets" and publish a retraction of his "tweets";
- (f) That Defendant be enjoined from publishing any information pertaining to private family matters involving the Minor Child, including, but not limited to, issues relating to co-parenting, child custody, visitation, and child support;

- (g) That Plaintiff be awarded reasonable attorney's fees and costs in an amount not less than *Two Hundred, Fifty Thousand and 00/100 Dollars (\$250,000.00)*;
- (h) That all costs of this action be cast against Defendant; and
- (i) That Plaintiff have such other relief as this Honorable Court deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED, this 19th day of January, 2016.

THE LAW OFFICE OF
TANYA MITCHELL GRAHAM, P.C.
Attorneys for Plaintiff



Tanya Mitchell Graham, Esquire
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C. P. Harris v. N. D. Wilburn
Fulton County Superior Court
Complaint for Defamation, Slander and Libel

FUTURE/FREEBANDZ @1future
I been silent for a year & a half..I ran outta patience
18m
5,810 3,571

FUTURE/FREEBANDZ @1future
I jus want babyfuture that's all.
19m
5,227 4,113

FUTURE/FREEBANDZ @1future
I gotta go through lawyers to see babyfuture...the fuckery for 15k a month
24m
6,604 4,614

FUTURE/FREEBANDZ @1future
This bitch got control problems...
26m
6,941 4,505

FUTURE/FREEBANDZ @1future
2h