

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

TINA THOMPSON)
)
 Plaintiff,)
)
)
 v.)
)
)
 JOHN DOE)
 a/k/a "SHAWTY SHAWTY,")
 "SHAWTY THE COMEDIAN," and)
 "SHAWTY CHAMPAGNE")
)
 Defendant.)

CIVIL ACTION FILE NO.

2010CV183037

FILED
MAR 19 2010
D. John
Dg

**COMPLAINT FOR LIBEL, FALSE LIGHT, INTENTIONAL INTERFERENCE
WITH BUSINESS RELATIONS, INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS, AND INJUNCTIVE RELIEF**

COMES NOW, Plaintiff Tina Thompson, by and through her counsel, and files this Complaint showing this Honorable Court the following:

INTRODUCTION

1.

Plaintiff is an exotic dancer who performs under the stage name "Nairobi." She relocated to Georgia two years ago with the hopes of establishing herself as a premier adult entertainer in Georgia. She secured employment at Pleasers Adult Entertainment in Atlanta, Georgia in May of 2009, and, until recently, flourished in her occupation.

2.

On or about March 3, 2010, Defendant, with a few keystrokes, destroyed Plaintiff's reputation and image by posting a false message accessible to his 2,500 Twitter followers. The post alleged that Plaintiff is a male posing as a female.

3.

Given the pervasive nature of the internet and his fame and status within the local community, Defendant has convinced untold numbers of people within the Atlanta community, and perhaps worldwide, that Plaintiff is in fact a man. Consequently, Plaintiff has received threats of bodily harm, and has lost nearly all of her clientele and income. Plaintiff accordingly seeks compensatory damages for Defendant's actions.

PARTIES

4.

Plaintiff is a Georgia resident, and for purposes of this action, considered a private figure under Georgia law.

5.

Defendant is a rapper, comedian and actor operating under the stage names of "*Shawty Shawty*," "*Shawty the Comedian*," and "*Shawty Champagne*." The true name of Defendant is currently unknown to Plaintiff. However, pursuant to O.C.G.A. § 9-11-10, Plaintiff will seek leave of this Court to amend this Complaint to allege the true name of Defendant when the same has been ascertained. Upon information and belief, Defendant is a resident of Fulton County, Georgia.

FACTUAL BACKGROUND

6.

Plaintiff re-alleges herein by this reference each and every allegation contained in Paragraphs 1-5 of the Complaint as if fully set forth herein.

7.

Plaintiff has been employed exclusively as an exotic dancer performing under the stage name "Nairobi," for the last four years. "Nairobi" is an image and persona that has taken years of hard work and creativity to perfect.

8.

In May of 2009, Plaintiff began working at Pleasers in Atlanta, Georgia. From approximately May of 2009 to early January, Plaintiff established a base of nearly fifty male clients who consistently requested Plaintiff by name.

9.

Recently, Plaintiff began to notice that her client base had drastically declined and that former clients now requested other dancers at the club. Plaintiff sensed that her clients were no longer comfortable with her, but did not understand the change in demeanor.

10.

Some of Plaintiff's colleagues eventually told her that "Shawty Shawty" (Defendant) posted a message on his personal Twitter page which basically stated that Plaintiff was a male posing as a female. Defendant frequently patronizes Plaintiff's

place of employment. However, Plaintiff has never had any personal interaction with Defendant.

11.

Confused as to why someone she did not personally know would post such a statement, Plaintiff accessed Defendant's Twitter page at www.twitter.com/shawtycomedian. She found a posting from March 3, 2010 which states:

:Pass this on. There is a nigga dancing at Pleasers. Its name is Nairobi and it looks like a female. Ass and titties and pussy! Be careful!

(See March 3, 2010 Twitter post, attached hereto as **Exhibit "A"**).

12.

While the word "*nigga*" is historically a derogatory term used to refer to persons of African decent, the word has also been used to refer to persons of the male sex, as is demonstrated in other posts by Defendant. (See December 31, 2009 Twitter caption and photo, attached hereto as **Exhibit "B,"** and March 12, 2010 Twitter post, attached hereto as **Exhibit "C"**).

13.

Since the posting of the false statement, Plaintiff's client base has become virtually nonexistent and Plaintiff has sustained a significant drop in income. Former customers who once requested Plaintiff by name now go out of their way to avoid her and treat her as if she is a leper.

14.

Plaintiff also now fears bodily harm as at least one customer has told Plaintiff that if he ever finds out that the statement posted about on her online is true, "it would not be good for [her]". Other customers have grabbed Plaintiff by the neck to check for the presence of a protruding Adam's apple or have grabbed her bottom to check for male genitalia.

15.

Defendant's actions have served no other purpose but to defame, harass, annoy, and intimidate Plaintiff, and have subjected Plaintiff to public hatred and ridicule.

COUNT I – LIBEL

16.

Plaintiff re-alleges herein by this reference each and every allegation contained in Paragraphs 1-15 of the Complaint as if fully set forth herein.

17.

Defendant's written communication falsely identifying Plaintiff as a man posing as a woman falls squarely within the scope of O.C.G.A. § 51-5-1 and constitute libel *per se*. The words are injurious on their face and can be understood by an ordinary reasonable person to carry only one meaning — that Plaintiff is a man who, by trickery and deception, are leading male clients to believe that he is a woman. This false statement has subjected Plaintiff to public hatred, contempt, ridicule, aversion and humiliation.

18.

In the alternative, Defendant's written communication constitutes libel *per quod*, in that, although not defamatory on its face, when considered with the surrounding circumstances the statement has subjected Plaintiff to public hatred, contempt, and ridicule and has injured Plaintiff in reputation and profession.

19.

The false statement was published to nearly 2,500 followers and perhaps millions of people worldwide who have accessed Defendant's Twitter page. Moreover, followers have the option to "re-tweet" or re-post the statement over and over again on their individual pages.

20.

As the intended, direct, and proximate result of Defendant's statement, Plaintiff has suffered damage to her reputation, public shame, and humiliation. Plaintiff has incurred and continues to incur damages in an amount to be proven at trial.

COUNT II – FALSE LIGHT

21.

Plaintiff re-alleges herein by this reference each and every allegation contained in Paragraphs 1-20 of the Complaint as if fully set forth herein.

22.

Defendant's March 3, 2010 vile and malicious Twitter post falsely portrays Plaintiff as a transsexual male deceiving customers, who are by and large heterosexual

males, into believing that he is a female. Such a portrayal would be highly offensive to a reasonable person.

23.

Defendant knowingly or recklessly published the statement which portrays Plaintiff in a false light.

24.

As a result of this invasion of Plaintiff's privacy, Plaintiff has sustained damages in an amount to be proven at trial.

COUNT III – TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

25.

Plaintiff re-alleges herein by this reference each and every allegation contained in Paragraphs 1-24 of the Complaint as if fully set forth herein.

26.

By posting the false and despicable statement about Plaintiff on his Twitter page, Defendant acted improperly and without privilege.

27.

The very nature of the words used in the post show that Defendant acted maliciously and with the intent to injure Plaintiff and her professional reputation. He specifically cautions his Twitter followers to “[b]e careful!” Thus, Defendant had every intention of convincing club customers to avoid Plaintiff.

28.

Indeed, Defendant's actions have caused existing and prospective customers to discontinue or refrain from requesting Plaintiff at Pleasers.

29.

As a result, Plaintiff sustained significant financial, emotional and physical harm as well as damages in an amount to be proven at trial.

COUNT IV - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30.

Plaintiff re-alleges herein by this reference each and every allegation contained in Paragraphs 1-29 of the Complaint as if fully set forth herein.

31.

In posting the false and contemptible statement about Plaintiff, Defendant intended to defame, harass, annoy and intimidate Plaintiff.

32.

Consequently, Plaintiff is unable to function at work and continues to experience undue stress, anxiety and severe emotional distress beyond that which a reasonable person could be expected to endure. Men who were once loyal customers now grab Plaintiff to feel for male genitalia or threaten her with physical harm.

Accordingly, Defendant's actions are so extreme and outrageous as to go beyond all possible bounds of decency and would be considered utterly intolerable in a civilized society.


WHEREFORE, Plaintiff prays for the following relief:

- (a) that the Court award Plaintiff actual, special, and consequential damages in such amounts to be proven at trial;
- (b) that the Court award Plaintiff reasonable attorney's fees and expenses of litigation;
- (c) that pursuant to O.C.G.A. § 9-11-65, the Court enjoin Defendant from further communicating false and defamatory statements concerning Plaintiff's gender or sex; and
- (d) that the Court award Plaintiff such other relief as this Court deems just and proper under the circumstances.

This 19th day of March, 2010.

Respectfully submitted,

LAW OFFICE OF TALIA J. NURSE, LLC

A handwritten signature in black ink, reading "Talia J. Nurse". The signature is written in a cursive style with a large loop for the letter 'T' and a long horizontal stroke at the end.

Talia J. Nurse

Georgia Bar No.: 142254

Attorney for Plaintiff

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