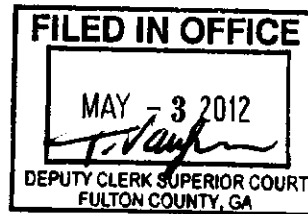


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IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA



TV

RASHAD RICHEY)

vs.)

CIVIL ACTION NUMBER

ANDRE WALKER individually and in)
 his capacities as owner of and webmaster)
 of GEORGIA POLITICS)
 UNFILTERED, GEORGIA POLITICS)
 UNFILTERED, MELANIE GOUX)
 individually and in her capacities as)
 owner and webmaster of BLOG FOR)
 DEMOCRACY, BLOG FOR)
 DEMOCRACY, JANE BRADSHAW,)
 JOHN DOES 1-5, and JANE DOES 1-5.)

2012CV214700

**VERIFIED COMPLAINT FOR DEFAMATION, SLANDER, SLANDER PER SE,
LIBEL, AND LIBEL PER SE**

COMES NOW, Rashad Richey, by and through his attorneys, Quinton G. Washington, and Reginald J. Lewis allege the following complaint against the Defendants Andre Walker individually and as the webmaster and/or owner of Georgia Politics Unfiltered, Georgia Politics Unfiltered, Melanie Goux individually and as a webmaster and/or owner of Blog for Democracy, and John Does 1-5 who shall be determined at a later date, as well as Jane Does 1-5 who may be determined at a later date:

JURISDICTION, VENUE, and PARTIES

1.

PARTIES

Defendants Jane Bradshaw, Andre Walker, individually and as the webmaster and/or owner of Georgia Politics Unfiltered, Georgia Politics Unfiltered, Melanie Goux individually and as a webmaster and/or owner of Blog for Democracy, and John Does 1-5 who shall be determined at a later date, as well as Jane Does 1-5 (the "Defendants"), are all residents of Fulton County. To the best of the Plaintiff's knowledge and belief, Defendant(s) John and Jane Doe(s) are other individuals that were acting in concert with the Defendant(s) referenced above to cause injury and damage to the Plaintiff, but whom have yet to be properly or formally identified. Service of process will be made upon these Defendant(s) in a timely fashion when their identities are revealed more fully through discovery, and they are properly added to the lawsuit. Each individual and each corporate entity may be served, pursuant to O.C.G.A. § 9-11-4.

2.

VENUE

Venue properly lies in this Court with respect to all Defendants and their corporate entities pursuant to Ga. Const. Art. VI, § II, ¶¶ III and VI, and O.C.G.A. § 9-10-30 et seq., in that all parties individually and corporately are located in Fulton County as evidenced by the addresses of their owners. Defendant Andre Walker resides at 300 Pointer Court, College Park, Georgia 30349. Defendant Melanie Goux resides at 1714 Defoors Walk NW, Atlanta, Georgia 30318. Defendant Jane Bradshaw resides at 822 Dixie Avenue NE, Atlanta, Georgia 30307.

3.

Jurisdiction is also proper in Fulton County as the offenses which shall be further explained occurred in Fulton County, Ga as Mr. Richey works in Fulton County. As the tortious acts have occurred here in Fulton County, Georgia, the Fulton County Superior Court is the proper court to hear this action.

4.

Venue is also proper in Fulton County Superior Court as the relief sought must be equitable and punitive as the Defendants have clearly published knowingly false information to the public concerning Mr. Richey. The false statements knowingly published were not only blatantly untrue but also malicious in nature and continuous, in that they have republished them over and over and over in cyberspace to attempt to malign Plaintiff's character and credibility as a private citizen.

5.

This conscious disregard for the truth is punishable by Georgia law by the granting of punitive damages in Superior Court.

6.

Blog for Democracy and Georgia Politics Unfiltered are not companies, as they are not registered with the Georgia Secretary of State, so for the purposes of this complaint they must be considered sole proprietorships. Thus these entities may be served in the following manner: Blog for Democracy at 1714 Defoors Walk NW Atlanta, Georgia 30318 and Georgia Politics Unfiltered may be served at 300 Pointer Court, College Park, Georgia 30349. However, the

corporation is not registered with the Georgia Secretary of State and does not have a designated representative for service of process.

CAUSE OF ACTION FOR DEFAMATION: LIBEL AND LIBEL PER SE

7.

All relevant parts of paragraphs 1-6 are reincorporated as necessary.

8.

Georgia Law under O.C.G.A. § 51-5-1 provides that “libel is defined as false and malicious defamation of another expressed in print, writing, pictures, or signs tending to injure the reputation of a person and exposing him to public hatred, contempt or ridicule.”

9.

Clearly the actions of Defendant Walker toward Plaintiff have met this definition of both libel and libel per se, as on or about April 18, 2012 through May 02, 2012 (Plaintiff’s Exhibit 1) he began a false and malicious attack against Plaintiff on his blog, Georgia Politics Unfiltered, in which he stated the following:

1. “Rashad Richey, the person in charge of making political decisions for Georgia Democratic Party, has a history of making poor personal decisions.” Georgia Politics Unfiltered, April 18, 2012.
2. “The money raised from this event will help keep Rashad Richey the Recidivist on the Democratic payroll for a long time”. Georgia Politics Unfiltered, April 28, 2012.
3. “We now know what Ali Rashad Richie used all that cash for....Bail money. Georgia Politics Unfiltered, April 17, 2012.
4. “So, a criminal is in charge of directing Democratic politics across Georgia.” Georgia Politics Unfiltered, April 17, 2012.

5. "Ali Rashad Richie, political director for Georgia's Democratic Party is a jail bird. Rashad Richie is a recidivist. Georgia Politics Unfiltered, April 19, 2012.

10.

These comments were sent to an unquantifiable number of people who follow Defendant Walker's blog, Georgia Politics Unfiltered. These allegations clearly meet the definition of publication as noted in the (b) subpoint of the libel statute, O.C.G.A. § 51-5-1.

11.

Defendant Goux republished these statements from Defendant Walker's blog on her blog, Blog for Democracy. Defendant Goux is liable for the publication of these defamatory statements which harmed the Plaintiff.

12.

Defendant Bradshaw republished these statements from Defendant Walker's blog in emails sent to numerous individuals via her email address, jcb5858@yahoo.com. Defendant Bradshaw also organized multiple meetings of individuals in her further attempts to publicize these defamatory statements about Mr. Richey. Defendant Bradshaw is liable for the publication of these defamatory statements which have harmed the Plaintiff.

13.

Further, under *Hood v. Dun & Bradstreet Inc.*, 486 F.2d 25 (5th Cir. 1973), false and defamatory statements made in regard to another in "his trade, office, or profession calculated to injure him therein" also constitutes an action for libel.

14.

This information was also understood by readers of Blog for Democracy and Georgia Politics Unfiltered to be defamatory towards Plaintiff as several people commented that Mr. Richey should be “fired” from his employment based on the statements published in the respective blogs.

15.

The direct intention of this was to cause Plaintiff to be fired from his job and to injure him personally and professionally.

16.

This libelous act may be continuing and ongoing as the cyberspace universe is infinitely vast in its reach and exposure, and each and every separate act is a separate cause of action as noted in *Peacock v. Retail Credit Co.*, 302 F.Supp. 418 (N.D. Ga 1969).

17.

This action for libel is proper under Davis v. Hospital Authority., 154 Ga.App. 654 (1980) as it is brought contemporaneous with the harm that has been perpetrated by the Defendant.

CAUSE OF ACTION FOR SLANDER AND SLANDER PER SE

18.

All relevant parts of paragraphs 1-17 are reincorporated as necessary.

19.

The relevant parts of O.C.G.A. § 51-5-4 define slander as “imputing to another a crime punishable by law...making charges against another in reference to his trade, office, profession, calculated to injure him there in; or uttering any disparaging words productive of special damage which flows naturally therefrom.”

20.

The facetious allegation that Plaintiff is a “recidivist” is slanderous and meets the criteria of prong one of the statute. Further, this allegation meets the criteria of alleging a crime punishable by law. The State of Georgia’s recidivist statute as codified under O.C.G.A. § 17-10-7 reads as follows:

“any person convicted of a felony offense in this state or having been convicted under the laws of any other state or of the United States of a crime which if committed within this state would be a felony and sentenced to confinement in a penal institution, who shall afterwards commit a felony punishable by confinement in a penal institution, shall be sentenced to undergo the longest period of time prescribed for the punishment of the subsequent offense of which he or she stands convicted, provided that, unless otherwise provided by law, the trial judge may, in his or her discretion, probate or suspend the maximum sentence prescribed for the offense.”

21.

Plaintiff is not a convicted Felon and Defendant Walker, Defendant Goux, and Defendant Bradshaw were all aware that Plaintiff was not a convicted Felon when these statements were published and republished by them in cyberspace.

22.

Additionally, prong three of the statute is met as Defendants have continually made allegations in cyberspace which have been injurious to Plaintiff’s trade and profession.

23.

The allegations made by the Defendants also meet the threshold criteria of prong four of O.C.G.A. § 51-5-4 in that they were “disparaging words productive of special damage.”

24.

The manner in which Defendants allege and refer to Plaintiff as “Rashad Richey the Recidivist” is not innocent language but rather language that is specific enough to cause there to be substantial inferences and innuendo about his business practices as noted in *Montgomery v. Pacific, & S.Co.*, 131 Ga.App. 712 (1974).

25.

That Defendant is responsible for that language as it was under his direct control. “Recidivist” as a term is not only inflammatory on its face, but has a particularly adverse meaning when used in the political arena, as Defendants are well aware.

26.

Clearly these actions meet the statutory requirements to be not only slander but slander per se where damages do not need to be proven.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

27.

Plaintiff restates and reincorporates Paragraphs 1 through 26 of this Complaint as though they were fully set forth herein.

28.

Plaintiff has suffered, and continues to suffer harm to his reputation and his professional aspirations as he is grossly mischaracterized forever on these Internet websites. These gross mischaracterizations have also caused him mental harm.

29.

Georgia Courts have allowed recovery for negligent infliction of emotional distress on the basis of a non-physical personal injury, such as an injury to the reputation. *Broadfoot v. Aaron Rents, Inc.*, 200 Ga.App. 755, 757, 409 S.E.2d 870 (1991). Furthermore, Georgia case law has established that if the claim for mental pain and suffering is not accompanied by physical injury or pecuniary loss (not including property damage), recovery is allowed if the conduct complained of was malicious, willful, or wanton. *Wellborn v. DeKalb County School Dist.*, 227 Ga.App. 377(3), 489 S.E.2d 345 (1997).

30.

Plaintiff has been damaged by the actions of Defendants and is entitled to recover from Defendants an amount to be determined at trial, including punitive damages.

INTERFERENCE WITH BUSINESS OR EMPLOYMENT RELATIONS

31.

Plaintiff restates and reincorporates Paragraphs 1 through 30 of this Complaint as though they were fully set forth herein.

32.

Plaintiff's occupation is Political Director of the Democratic Party of Georgia and a radio host which are positions of public trust. Prior to the facts and circumstances which gave rise to this Complaint, Plaintiff was as an extremely successful Political Director and is still considered to be one of the best in the country. See Plaintiff's Exhibit 2. As a result of the foregoing, Plaintiff's employer has received calls to for his immediate termination as though he has been less than forthcoming about his background, which is not the case. As these decisions are influenced by more than just the Chair of the Party there is a possibility that he could be terminated. This would be directly attributable to the actions of the Defendants.

33.

"Every individual has the right to pursue a lawful occupation; and to conduct his business according to his own plans and policies, where has does not offend the law, or unlawfully infringe upon the rights of others." *Jones v. E. Van Winkle Gin and Mach. Works*, 131 Ga. 336, 337, 62 S.E.236 (1907). "A person's business is property in the pursuit of which he is entitled to protection from tortious interference by a third person, who, in interfering therewith, is not acting in the exercise of some right." *Williams v. Maloof*, 223 Ga. 640, 157 S.E.2d 479 (1967).

34.

Tortious interference with business relations involves interference with prospective or inchoate property rights that the Plaintiff has, or at least hopes to have, as a result of the operation of his business or pursuit of his occupation. *National Ass'n for Advancement of Colored People v. Overstreet*, 221 Ga. 16, 142 S.E.2d 816 (1965). A claim for tortious interference with business relations may be stated by showing a general malicious intention to harm the Plaintiff's business,

to drive the Plaintiff out of business, or to harm the Plaintiffs future employment. *Bodge v. Sales World, Inc.*, 154 Ga.App. 65, 267 S.E.2d 505 (1980); *Architectual Mfg. Co. of America v. Airetech, Inc.*, 119 Ga.App. 313(4), 509 S.E.2d 378 (1998). One who wrongfully interferes with employment or with employees may be held liable in tort. Examples of such interference include, but are not limited to, predatory tactics, fraud or misrepresentation, and defamation. *West Virginia Glass Specialty Co, Inc., v. Guice and Walshe. Inc.*, 170 Ga.App. 556, 557, 317 S.E.2d 592 (1984); *Witty v. McNeul Agency. Inc.*, 239 Ga.App. 554(4), 521 S.E.2d 619 (1999); *American Bldgs. Co. v. Pascoe Bldg. Systems. Inc.*, 260 Ga. 346, 349, 392 S.E.2d 860 (1990).

35.

Here it is clear that the concerted actions of the Defendants are to get him fired and thus threaten his right to work peaceably.

WHEREFORE, the Plaintiff prays that relief be granted in the following manner:

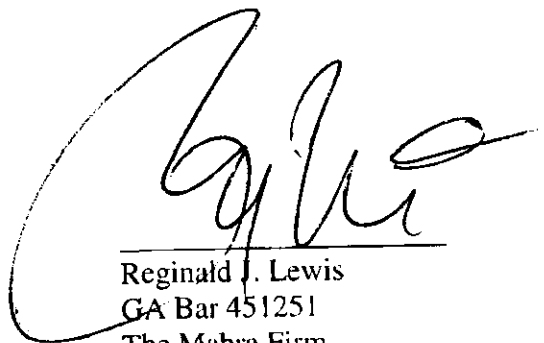
1. Plaintiff be granted civil penalties as allowed by statute for the violations of the laws above as alleged;
2. That the Plaintiff be granted a civil judgment for compensatory damages as to be found at trial;
3. That punitive damages be awarded as the Defendants have shown and continue to show a conscious disregard for the truth and their conduct has been malicious toward the Plaintiff;
4. That attorney fees be granted for the Plaintiff having the file the action;

5. That the Court order Blog for Democracy and Georgia Politics Unfiltered to retract all statements made about Mr. Richey, and remove all content related to this matter from their web respective websites.
6. That the Court grant any other relief as just an equitable.

RESPECTFULLY SUBMITTED,



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