

21-7845-431

CAUSE NO. _____

**TIFFANY DIEROLF, CALI CAMPBELL,
JACY CAMPBELL**
Plaintiffs,

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IN THE DISTRICT COURT

____ **JUDICIAL DISTRICT**

v.

JESSICA LUTHER RUMMEL
Defendant.

DENTON COUNTY, TEXAS

PLAINTIFFS’ ORIGINAL PETITION

COME NOW Tiffany Dierolf, Cali Campbell, and Jacy Campbell (“Plaintiffs”) to complain of Jessica Luther Rummel (“Defendant”).

SUMMARIZING, this case is the second case filed to resolve damages actions involving Briana Breedlove (“Breedlove”) and defamation concerning fabricated racist communications.

The first suit concerned Breedlove directly, who fabricated racist communications in which she portrayed Plaintiffs as racists in an unsuccessful attempt to have them arrested. That previous suit found Breedlove, her mother Christina Lacey, and family friend Shakyla McKinzie liable for defamation and resulting damages (Cause No. 20-10694-158, hereinafter “Dierolf I”).

This second suit concerns Jessica Luther Rummel, who used her social media accounts to conduct a campaign of defamation and false business reviews against Plaintiffs and those closely connected to them, including the undersigned, who represented Plaintiffs in Dierolf I. This suit seeks to stop the defamatory campaign by Rummel, who appears to enjoy making up narratives that assist her to attract social media attention. A.S. Dierolf Concrete, LLC (“Dierolf Concrete”), a business belonging to Tony Dierolf, Warren Norred, and Norred Law, PLLC have assigned their claims to Tiffany Dierolf for the purposes of this case. Exhibit C12 and U1.

An appendix of Exhibits in support of this Petition is filed concurrently.

I. DISCOVERY CONTROL PLAN

1. Plaintiffs will seek an order by this Court for discovery under Level 3. Until such an order is issued, they will employ Level 2 discovery.

II. PARTIES

2. Plaintiff Tiffany Dierolf is a resident of Denton County and may be contacted through her attorney of record, the undersigned.

3. Plaintiff Cali Campbell is a resident of Denton County and may be contacted through her attorney of record, the undersigned.

4. Plaintiff Jacy Campbell is a resident of Denton County and may be contacted through her attorney of record, the undersigned.

5. Defendant Jessica Luther Rummel (“Rummel”) is a resident of Denton County and may be served at 7400 N Locust St., Denton, TX 76207-4118 or wherever she may be found.

6. Non-parties, Anthony Dierolf, A.S. Dierolf Concrete, LLC., Norred Law, PLLC, Warren Norred, and Annette Norred have assigned their claims to Tiffany Dierolf, who is obligated to pay the costs of this litigation.

III. JURISDICTION & VENUE

7. The subject matter and damages sought in this case are within this Court’s jurisdiction.

8. Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney’s fees.

9. Venue in Denton County is proper under Tex. Civ. Prac. Rem Code § 15.002 et seq. as Denton County is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred and Plaintiffs reside in Denton County.

IV. JURY DEMAND

10. Plaintiffs herewith tender the proper jury fee and respectfully request a jury trial.

V. FACTUAL BACKGROUND

A. Factual Summary

11. In the summer and fall of 2020, Briana Breedlove fabricated racist text messages, sent them to herself, used the Pinger app (see <https://apps.apple.com/app/id444741112?mt=8>) to make the messages appear as though they had come from a phone number associated with the Campbells, filed a false report to the police, and publicly defamed Tiffany, Jacy, and Cali on multiple social media platforms while enlisting the aid of online activists to magnify her efforts. Plaintiffs sued Breedlove and obtained judgment in suit titled 20-10694-158 (Dierolf I).

12. Beginning on January 3, 2021, Defendant used her social media accounts to amplify these defamatory statements made by Breedlove and made a host of new defamatory statements against Plaintiffs causing serious reputational damage leading to substantial economic damages.

13. Defendant also specifically sought to deliberately damage the reputation of Norred Law, encouraging others to post negative reviews about Norred Law. Defendant's campaign caused Norred Law to employ assistance and counter-measures to combat Defendant's campaign.

B. Detailed Background

14. Briana Breedlove defames Plaintiffs

15. On July 4, 2020, Plaintiff Cali Campbell ("Cali") posted a photo on Instagram of herself and her boyfriend on Independence Day. In the photo, Cali's boyfriend is wearing a Trump/Pence shirt, as shown in Figure 1.



Figure 1 - Independence Day Photo

16. In response to the July 4 photo, Breedlove, a former classmate of Cali's, responded under the Instagram username "xobrimosa" with accusations of racism and other insults, as shown in Figure 2.



Figure 2 - Initial Accusations and Insults

17. Jacy and Breedlove discussed the comments in private, direct messages. Breedlove then posted a picture of the message exchange on her own Instagram story with a caption about President Trump, as shown in Figure 3, to the right.



Figure 3 – Continued Accusations

18. On July 6, 2020, Breedlove posted a video on Snapchat (screen shot to the right) stating:

“I don’t think ya’ll understand in your tiny, puny, racist, inbred, as, Trump-supporting brains, how much suppressed anger and violence I have from my childhood, that will cause me to fucking murder all of these racists. So ya’ll need to let Cali and her little sister...her lil’ [sic] <chortling/cooing noises> sister that speaks for her, know right here, right now, I’ll curb stomp that bitch and make her sister eat her teeth. Don’t try it cause I’m not gonna [sic] <inaudible>.”

19. As a result of this Snapchat video, Breedlove was arrested by Corinth police and charged with terroristic threat. Breedlove spent about a day in jail before released.

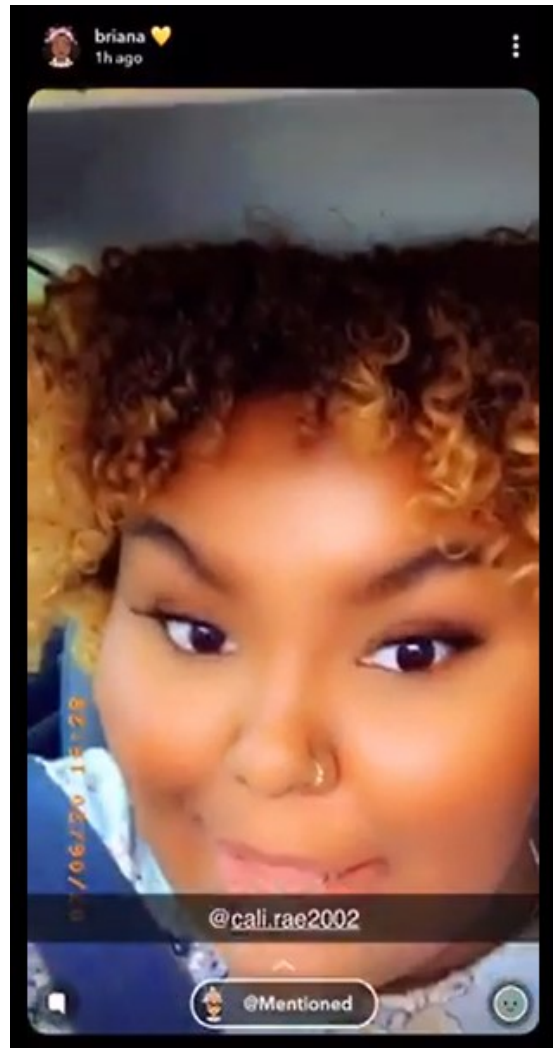


Exhibit A1 - Threat Video

23. Breedlove further alleged on Facebook that Plaintiffs' family would seek to have Breedlove killed. (See Figure 5, to the right, which was originally posted to Snapchat and then posted on Facebook.)

24. In this statement, Breedlove continued to allege that Plaintiffs had made racist comments towards her in the fabricated text message conversation.

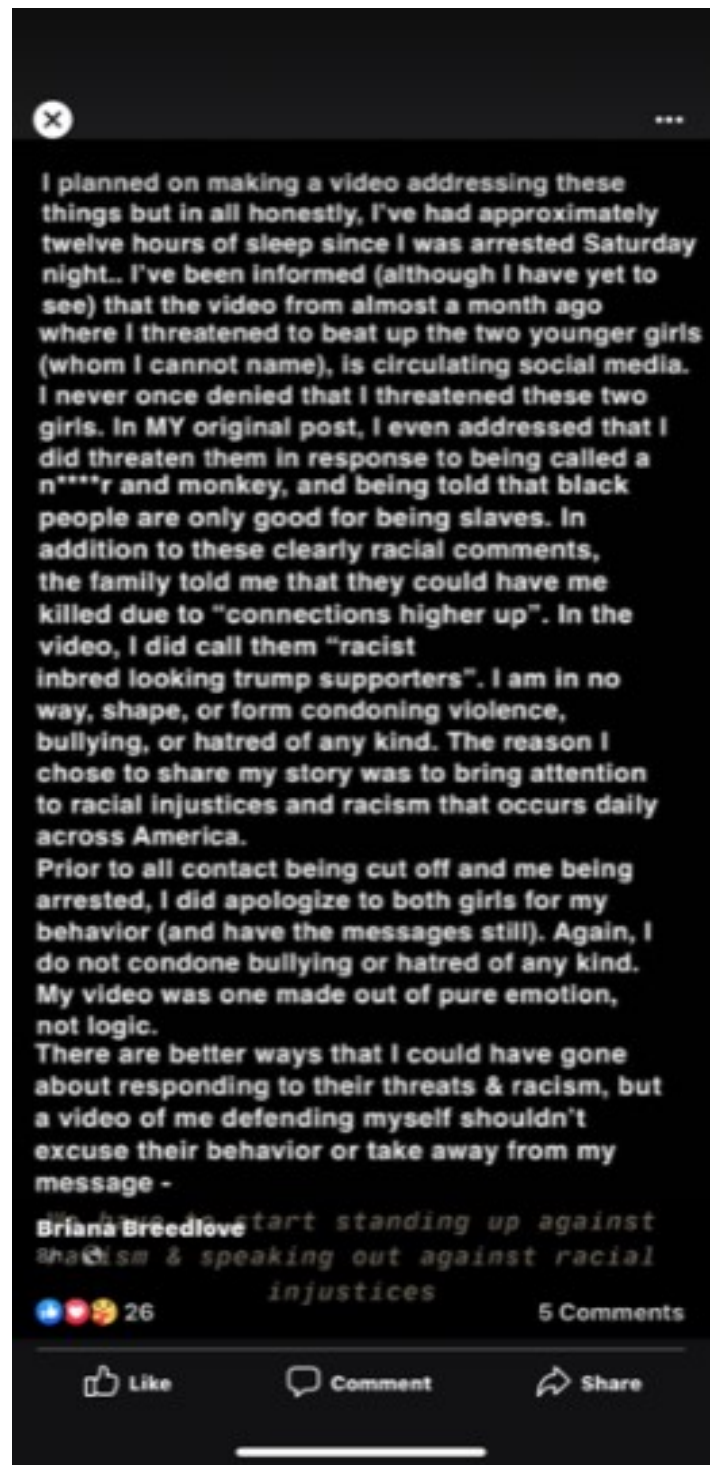


Figure 5 - Breedlove's Defamatory Non-Apology

25. In response to Breedlove’s arrest, her mother Christina Lacey (“Lacey”) and social media supporter Shakyla “Kyla” McKinzie (“McKinzie”) both began posting defamatory statements on social media. Lacey re-posted the counterfeit texts, attributing them to Jacy and/or Cali:



Figure 6a (left) and Figure 6b (right)- Christina republishes the defamation and adds additional fabrications

26. Lacey’s relevant statements include (grammar and spelling preserved from the originals):

- a) “. . . now they are saying they kill behind their racism.”
- b) “Also she knew what I had posted on my private page so she’s STALKING my page and is using a false alias to do so! This is what racism looks like in our country!”
- c) “. . . and then the girl hops on and says ‘ black ppl need to get over it they are treated like that bc of how they act not the color of their skin..they are thugs, rapists, murders, have several kids with several women, don’t take care of their kids’ then it Escalades . . .”
- d) “. . . & her MOM hops in and says just face it your a dirty n****r and that’s all ur ever gonna be. . .”
- e) “then the MOM responds with well ‘you can train any circus monkey if you try hard enough.’”

27. McKinzie contributed to the defamation on Twitter and Facebook. As shown in Figure 7 to the right, under the handle “@_MammaK” McKinzie posted the following defamatory

statements on Twitter on July 27, 2020:

- a) “These people are racist !”
- b) “They have been harassing a little black girl, they threatened her life and she threatened back they went to the cops and had her arrested”

28. The post received over 27,000 retweets.



Figure 7 - McKinzie's defamatory Twitter post

29. McKinzie republished her statement on Twitter at least thrice more:

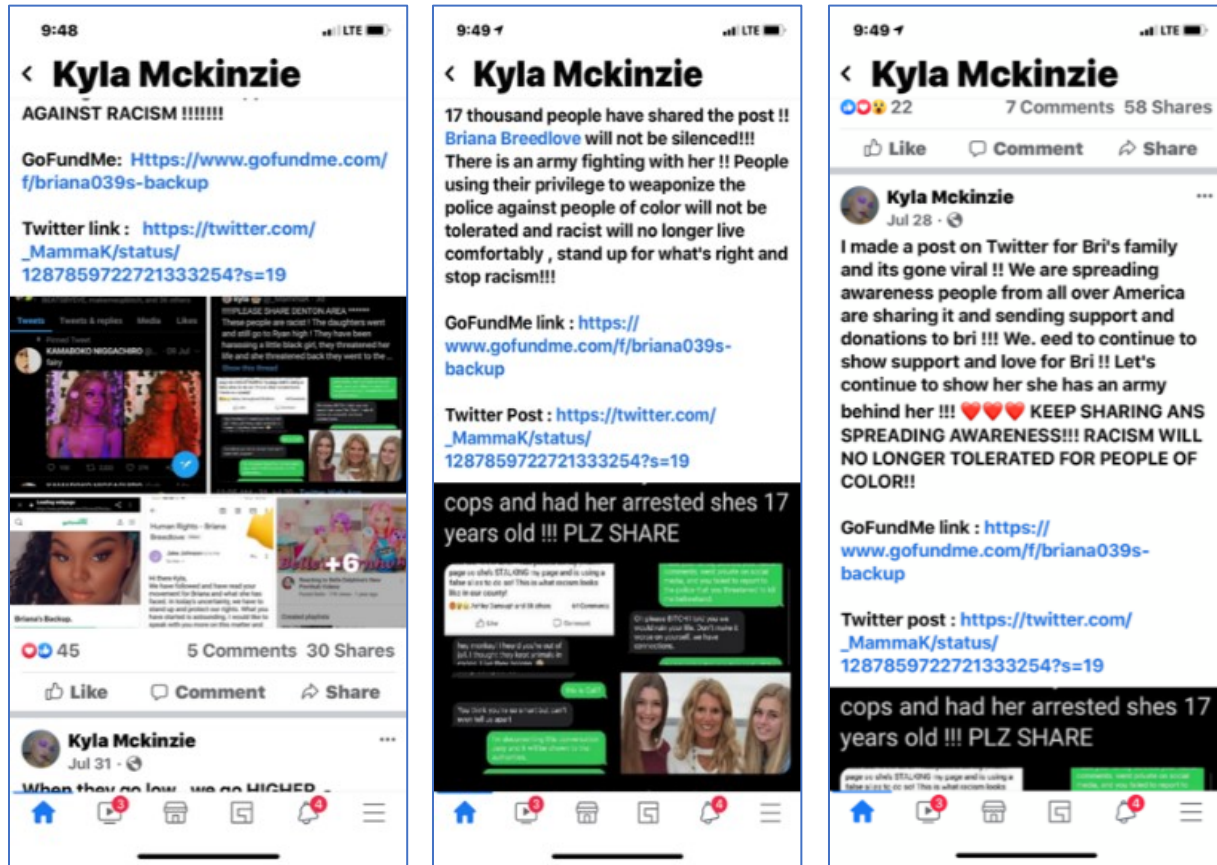


Figure 8 - McKinzie's Republished Defamations

31. McKinzie made several more posts identifying and publicizing Mr. Dierolf's business, Jacy's babysitter work profile, and Tiffany's employer's contact information:

32. In response to a demand letter requesting retraction of defamatory statements, McKinzie posted a video to Snapchat on November 21, 2020, where she reiterated her allegations of racism against all three Plaintiffs, calling them "colonizers." See Exhibit B, the "Colonizers Video", is available upon request.

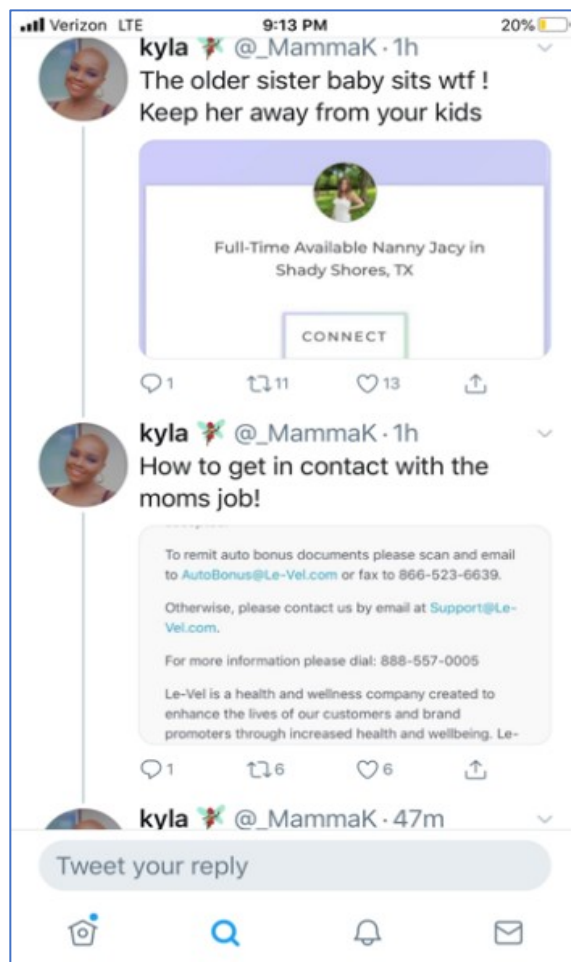
33. The total war defamation tactics undertaken by the defamers were successful. Tiffany and both Campbells suffered actual damages: Jacy lost her babysitting job.

34. All three Plaintiffs suffered mental and emotional anguish from these false accusations.

35. When local authorities investigated Breedlove's threats, Breedlove again made allegations of racist messages which she said had been made by Plaintiffs.

36. Plaintiffs provided their phones to police, who verified that there existed no evidence indicating that any of the phones or connected social media accounts had any evidence of the alleged text messages or any other evidence supporting Breedlove's allegations.

37. While Plaintiffs offered up their phones freely to law enforcement, Breedlove refused to provide her phone to police for examination.



11. Figure 9 - McKinzie deliberately urging others to damage Plaintiffs

38. After Briana was arrested for making false statements to the Denton Police, Defendant Jessica Luther Rummel began making defamatory statements about Plaintiffs on or around January of 2021 on Twitter, YouTube, TikTok, Facebook, Instagram, and Gofundme.com.

39. On January 3, 2021, in a video addressed to the general public Defendant published first on TikTok, and then on YouTube and cross-posted on Instagram and Facebook proffering the following false statements:

40. Defendant states she is “done with these racist folks in Denton, Texas” and names Tiffany Dierolf, Cali Campbell, Jacy Campbell, and the ‘Attorneys at Norred Law’”.

41. Defendant accused Cali and Jacy of being “rich, white, female classmates” who engaged in “persistent racist harassment”, directed at Briana Breedlove.

42. Defendant also falsely claimed that Tiffany reached out to a “family member LEO [law enforcement officer] to press false charges” against Briana Breedlove.

43. Defendant directs her audience to pause the video and read the series of fabricated text messages falsely and maliciously attributed to Jacy and Cali Campbell. (See Exhibit D, an image from the video.)

44. On January 5, 2021, Norred Law, PLLC, released a statement on its blog titled, “Briana Breedlove’s Defamation Suit & Social Media Response.” Exhibit C1. The statement averred that “Norred Law did not cause Breedlove to be put in jail. Police arrested Breedlove for harassment this summer after she posted a video threatening the Campbells with, ‘I’ll curb stomp that bitch and make her sister eat her teeth.’”

45. The statement further attempted to explain that Breedlove was the guilty party:

The Denton Police Department again arrested Breedlove in December 2020 for making a false report to police when the department determined that Breedlove fabricated text messages from the Campbells that contained racial slurs. When police asked my clients to provide their phones for examination, they did so immediately, but Breedlove refused. The Denton Police Department made their own determination that the texts were faked using the Pinger phone application. The source of these messages was Breedlove's physical address.

46. The statement further explained that fake race claims were misguided:

Tiffany Dierolf, Jacy Campbell, and Cali Campbell continue to receive severe online harassment due to these fake text messages from online activists. People continue to re-post these fake texts in a misguided campaign to "cancel" these innocent victims, but this kind of internet vigilantism, even if well-intentioned, does not serve justice and is harmful to all parties involved.

and

I urge caution to those who have been led to believe the many falsehoods surrounding this case; many well-meaning people are being used.

To answer some of the questions received:

- My clients are not family friends of anyone at my firm.
- My clients are not related to any police officer or fire fighter.
- Briana Breedlove has been at least 18 years old since her birthday in September. (This is a correction.)
- The Pinger application allows spoofing and can be tracked by IP address.
- You can see the bond record by going to this [link](#), clicking on "Jail Bond Records, and using "Breedlove" and "Briana" in the fields. You should get the screen shown below.

47. On January 9, 2021, the City of Denton responded to a Public Information Request, made by Norred Law, seeking records of the Denton Police Department's investigation into Breedlove's allegations that the Campbell girls had sent racist text messages to Breedlove.

48. Police determined that the Pinger TextFree App was used to create the text messages. The Pinger app allows a person to send a message while appearing to do so from another person's phone number. Exhibit C4 Citation Incident Report p. 6-7, 50. The police investigation ultimately found that Briana Breedlove sent the Pinger-generated fake text messages using the

Wi-Fi at the address where she lived. The officers noted that the texts were sent over Wi-Fi, through the Pinger app. They were able to match the IP Address whence the texts were sent to Briana Breedlove's address by comparing the IP address of her Instagram Records for her subscriber account Xobrimosa:

Date: 10/01/2020 08:36 *Officer: MILLER, PAMELA*
On September 30, 2020, DENTON POLICE DEPARTMENT (DPD) Crime Analyst (CA) Pamela MILLER reviewed and analyzed the Instagram Records for subscriber account xobrimosa, Briana BREEDLOVE's account, which were returned in compliance to DPD Search Warrant No: 462-08122020-006.
CA MILLER queried the Instagram search warrant return for BREEDLOVE's Instagram account for an IP address: [REDACTED]. The IP address [REDACTED] was pertinent to this investigation as it was the IP address that was used to send text messages via the Pinger Text Free application.
CA MILLER found no results for this IP address in BREEDLOVE'S Instagram IP log history.

49. The address associated with the Pinger texts, and the address Briana provided to DPD were identical:

Date: 10/13/2020 14:07 *Officer: MILLER, PAMELA*
On October 12, 2020, DENTON POLICE DEPARTMENT (DPD) Crime Analyst (CA) Pamela MILLER was briefed by DPD Detective Tommy POTTS regarding the subpoena request dated Thursday, September 24, 2020 to Charter Communications. The subpoena requested the account history for Charter Communication Inc IP Address 71.12.41.9 for the date of July 27, 2020 in the time frame 07:40:00 UTC and 08:00:00 UTC as well as subscriber information, bill information, and physical address. The significance of this IP Address was established in the [Pinger](#) search warrant response.
The information provided by Charter Communications was that the IP Address [REDACTED] on July 27, 2020 GMT was registered to subscriber Beverly ZEMCIK at 3500 E McKinney St, Apt 2102, Denton, TX 76209-7566. CA MILLER was requested to determine any associations between this address and the individuals involved in this investigation. Those individuals included: Jacy CAMPBELL, Cali CAMPBELL, Tiffany DIEROLF, and Briana BREEDLOVE.
On July 28, 2020, BREEDLOVE contacted DPD and reported a terroristic threat received via text message. BREEDLOVE reported her home address as 3500 E McKinney St, Apt 2102, Denton, TX 76209 to DPD Communications. On July 31, 2020, DPD Detective POTTS and DPD Detective James BEARDEN contacted BREEDLOVE and Beverly ZEMCIK at 3500 E McKinney St, Apt 2102, Denton, TX 76209 for an interview related to this investigation. During the interview, Beverly ZEMCIK stated she was BREEDLOVE's grandmother.
CA MILLER reviewed databases and found that Beverly ZEMCIK is listed as the current account holder user for utilities at 3500 E McKinney St, Apt 2102, Denton, TX 76209.
CA MILLER reviewed open source information for a GoFundMe account which was created by Christina STRATFOR

The GoFundMe fundraiser is titled "Briana's Backup" and is referenced in social media screenshots in conversations between Jacy CAMPBELL and Tiffany DIEROLF. The information on the website regarding the purpose for the fundraising is:

"I am a friend of Briana's mother, Christina, and Bri holds a piece of my heart so I'm doing all that I can to see justice for my girls! Let's come together and assist with attorney fees, lessen a little bit of stress for Christina, Bri, and family! Briana Breedlove was a victim of abuse of power, wealth, and privilege. After being called multiple racial slurs such as "monkey" and "n****r" and having her life threatened, a harassment charge was filed against Briana when she was simply defending herself across social media. A warrant was issued for her arrest and she was arrested at her job, a truly embarrassing thing for a child to experience. Her bail was set at 5k despite this being her first offense. This seventeen year old girl has never previously been in trouble with authorities or even in school. She volunteers in the community, is part of a multitude of school organizations and plans on attending college in fall of '21 to further her passion for writing. Please donate and/or share to help assist her family in legal funds. We have to come together as a community to help end racial injustices for all people of color."

The beneficiary for the donations is Christina ZEMCIK. On August 5, 2020, Christina ZEMCIK posted an update on the website that stated:

"Just wanted to give everyone an update on Briana's case, we wanted to announce that we have hired Temani

Adams. She is a great lawyer with a awesome track record. We truly believe she can bring justice to Briana's case, and shine light on the racial injustices that are still unfortunately present. We would not have been able to do this without everyone who has contributed to her go fund me. No matter the amount that you were able to donate, nothing is too small and we appreciate it so much!! Thank you all I will attach the lawyers website in case anyone is going through something similar and looking for a good attorney! [REDACTED]
Stratford, Christina. "Briana's Backup., Organized by Christina Stratford." Gofundme.com, 27 July 2020,

Exhibit C4 Citation Incident Report p. 60-61.

50. In DPD Detective Tommy Potts' Affidavit of Probable Cause, attached as Exhibit C3, he affirms that on July 29, 2020, he was assigned a Terroristic Threat case which allegedly occurred between July 4, 2020, and July 27, 2020 brought by Breedlove, who reported that she had received multiple racially insensitive text messages from Plaintiffs.

51. Detective Potts gives a portrait of events as alleged by Breedlove to the DPD:

Breedlove explained on or about July 4, 2020, on a social media platform, Breedlove commented on a photograph that had been posted. Breedlove explained the photograph was a picture of a female known to Breedlove. A male was also in the picture. Breedlove reported the male was wearing a Trump shirt. Breedlove explained her comment sparked a political debate over social media with three individuals. Breedlove told officers she made a video, in which Breedlove threatened harm towards two of these individuals. Breedlove explained she was eventually arrested for threatening the individuals by the Corinth Police Department. Breedlove was later released from jail on July 26, 2020 and upon her release, she received the racially insensitive text messages on or about July 27th.

52. Potts goes on to recount that Breedlove filed a police report on July 28, 2020, for Terroristic Threats and that she provided the phone number where she alleged the racist text

messages originated from. Potts states that the reporting officer requested Breedlove send screen shots of the text messages to the officer's email, but Breedlove failed to comply.

53. Potts learned that the racist texts had been made public on Breedlove's and her family members' social media.

54. Potts met with Breedlove on July 31, 2020, at the address provided by her to the reporting officer. Potts requested the text messages from Breedlove and explained the importance of retrieving the evidence contained on her cell phone, but Breedlove refused to provide her phone while she waited to speak to an attorney.

55. Potts later spoke with Breedlove's attorney and was informed that Breedlove would not provide the phone to the police.

56. Detective Potts explains both the course and outcome of his investigation thereafter

Your Affiant applied and received search warrants for numerous social media accounts and phone records for Breedlove and for other individuals accused of sending the messages. Your Affiant determined the phone number associated with sending the racial and threatening messages to Breedlove belong to a cell phone application company. Your Affiant applied and received a search warrant for this company, requesting user information related to the dates in question and any identifying information related to the phone number.

Your Affiant received a username, email address, IP address and the text message conversation between Breedlove's cell phone number and the sender's cell phone number. The results show that the account was created on July 27, 2020, at approximately 0239 hours, which is in the early morning hours the day after Breedlove was released from Denton County Jail. The search warrant returns also contained the content of those text messages, and times the messages were sent and

received, which matched what Breedlove had reported and what your Affiant observed on social media.

Your affiant was able to determine the cell phone application allows a user to select a phone number from a list of multiple phone numbers and asks the user to enter some personal contact information. According to the guidelines your Affiant received from the cell phone application company, the company does not verify the email address, username or the downloading phone number as being factual or fabricated.

Your Affiant took the listed personal information from the cell phone application company and issued search warrants for the listed email address and the IP address used to create the account. Your Affiant later received information advising the email address associated with the cell phone application is not and has not been a valid email address.

Your Affiant also received information that the IP address used to create the account (sender's phone number) is registered to Breedlove's family member. The results from the internet provider showed the internet account holder's name, address, email address and phone number. The listed address is the same address Breedlove listed in her report, as her address, and the same address where your Affiant met with Breedlove and family.

57. Detective Potts also checked Breedlove's allegations against Plaintiffs' phone records:

During the investigation, your Affiant received information from Breedlove as to whom she believed were the sender(s) (suspects) of the racially insensitive remarks and provided your Affiant with the names and contact information of these individuals. Breedlove explained to your Affiant that the sender(s) are the same individuals who had the social media debate with Breedlove on or about July 6th. Your Affiant conducted interviews with these individuals as well as conducted search warrants on the social media accounts for their respective platforms. Your Affiant along with Corinth PD conducted forensic downloads of the cell phones of these individuals. After a thorough search and analysis of the social media accounts and the cell phone downloads, your Affiant did not locate any evidence that the suspected individuals made any racially or threatening remarks toward Breedlove during the time period outlined by Breedlove.

58. Detective Potts' investigation exonerated Plaintiffs and resulted in Breedlove's arrest:

Based on the physical evidence and statements made by Breedlove, your Affiant believes that on July 28, 2020, Briana Marie Breedlove b/f ██████ did then and there commit the offense of False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer, or Jailer. Breedlove, with intent to deceive, knowingly made false statements that are material to a criminal investigation, to a police officer.

59. Briana Breedlove was arrested for a second time on December 29, 2020 and charged with making a False Report to a Peace Officer, documented in Exhibit C2.

60. In sum, Briana Breedlove fabricated racist text messages, sent them to herself, used an app to make the messages appear as though they had come from a phone number associated with the Campbells, filed a false report to the police, and publicly defamed Tiffany, Jacy, and Cali on multiple social media platforms while enlisting the aid of online activists to magnify her efforts.

61. Briana Breedlove, Shakyla McKinzie, and Christina Lacy, failed to answer a defamation suit filed against them by Plaintiffs. Plaintiffs received a default judgment on April 7, 2021.

C. Jessica Luther Rummel amplifies Breedlove’s defamation.

62. On January 11, 2021, Defendant published a YouTube video and cross-posted on Facebook and YouTube, proffering the following false statements:

63. Defendant replayed Exhibit A2, which republished the fake texts.

64. Defendant claimed that Jacy began to “incessantly contact Briana Breedlove on social media”, which is false.

65. Defendant claimed that Jacy “reserve[d] her most despicable racial insults and incitements for Snapchat” which is false since no racial insults or incitements were made by Jacy Campbell to Briana Breedlove.

66. Defendant also claimed there was an “intentional effort on behalf of Cali and her family designed to antagonize Briana into defensive responses, which they were prepared to screen record and use against her”.

67. Defendant also alleged that the family was “determined to teach Briana a lesson for calling out her white female classmate for promoting racial bigotry the Campbell family filed harassment charges”.

68. Defendant's video also refers to Warren Norred as a "far-right extremist" and accuses him of helping to "harass Briana".

69. Defendant claims that the letters sent by Norred Law requesting retraction of defamatory statements by Briana and a local activist amounted to extortion because they demanded \$1,000 in compensation.

70. Defendant also falsely identified Tiffany Dierolf with Dr. Clara Simmons, and quoted her as saying, "[y]ou need to delete your last video now. My family has endured great pain and we're receiving numerous threats. How much would we have to pay for the videos to be taken down?"

71. Defendant also falsely claimed that Warren Norred and his wife defamed Briana Breedlove.

72. Defendant refers to the Dierolf-Campbell family and Norred Law as engaged in calculated, good-old-boy network, and white supremacy in action.

73. Defendant alleges that Warren Norred supports "white domestic terrorism".

74. Defendant falsely conflates "white hat law", a trope from Western films with the "White Caps", a film from 1905 involving racial terrorism. (See Exhibit E, an image from the video.)

75. On January 11, 2021, Defendant posted a video on TikTok and cross posted on Instagram, YouTube, and Facebook, proffering the following false statements:

76. Defendant republished the false text messages wrongly attributed to Jacy and Cali Campbell.

77. Defendant associated Tiffany, Jacy, Cali, and Norred Law with the January 6 attack on the Capital.

78. Defendant included a screenshot of a social media post where she described Plaintiff's efforts to clear their name as a "social lynching campaign against Briana Breedlove!"

79. Defendant accused Norred Law of defamation.

80. Defendant falsely accused Warren Norred of supporting the January 6th incursion into the U.S. Capitol.

81. Defendant falsely accused Warren Norred of being a blatant racist. (See Exhibit F, an image from the video.)

82. Defendant made a public post on Gofundme, on January 7, 2021, stating in relevant part:

As if Briana's initial unlawful arrest wasn't enough, the family of the girls behind the egregious texts sent to her continues to work with local authorities to harass and terrorize Briana, and is now targeting local activists for supporting her efforts to pursue justice!

This family of racists has secured the services of local far right extremist and attorney Warren Norred in order to extort a "public apology" and \$1,000 in "damages" for exposing the racists words and actions of the girls involved, all under the threat of a defamation lawsuit.

See Exhibit G.

83. Defendant made public posts on Twitter on January 3, 2021, falsely stating:

a) "#Denton racists & their attorneys with @NorredLaw harass black teen & activist for speaking out against racism!"

"Send your support in writing & let this racist family as well as their attorneys at Norred Law know that: 'The actions of Tiffany Dierolf, Jacy Campbell, and Cali Campbell toward Briana Breedlove were absolutely racist.'"

Exhibit H.

b) "You can contact Norred Law: facebook.com/NorredLawPllc, norredlaw.com/contact-us, as well as on Twitter and Instagram: @norredlaw. Be sure to donate to Briana's Legal Defense Fund..."

Exhibit I.

- c) Replying to @NorredLaw: “Enjoy being outed as a racist. You are so so so fucked and so are the @DentonCoSheriff officials you worked with to have Briana unlawfully arrested AGAIN. HER PHONE HAS NEVER been turned over to police to identify an origin. Ya’ll picked the wrong one.”

Exhibit J.

- d) “Where did you go @NorredLaw? Don’t you want to discuss the case more? Don’t worry, you won’t go down alone, I’m gonna BLAST the @DentonCountyDA & @DentonCountyTX Sheriff’s Office for pressing fraudulent [sic] charges against Briana & ISSUING A WARRANT FOR HER ARREST the DAY B4 XMAS too.”

Exhibit K.

84. Defendant made public posts on Twitter on January 13, 2021, falsely stating: “@wnorred of @NorredLaw is a #racist #fraud & #con who lies about his legal credentials to facilitate the racial terrorization of a black teen from #Dentontx” Exhibit L.

85. Defendant made public posts on Facebook, two on January 11, 2021, and one on January 13, 2021, spreading further false information: Defendant refers to the Campbell family “harassment” of Breedlove and refers to Warren Norred as a “racist attorney”. Exhibit M.

86. Defendant reposts Exhibit E under the caption, “[t]his is a social lynching campaign against Briana Breedlove!” Exhibit N.

87. Defendant refers to Warren Norred as a “racist” attorney. Exhibit O.

88. Defendant also refer to Warren Norred as a “con-artist” “who should be exposed & mass reported to the state bar for misrepresenting his legal education & his role in the racial terrorization of local Denton teen, Briana Breedlove.” Exhibit O.

89. To answer the thousands of messages received and to step the flow of misinformation, Warren Norred posted a twenty-nine-minute YouTube video rebutting the allegations made against Dierolf and the Campbells on January 15, 2021. Exhibit C13.

90. Plaintiffs received a default judgment against Breedlove, Lacey, and McKinzie, in Dierolf I, on April 7, 2021.

91. On May 27, 2021, Norred Law sent a demand letter, in accordance with Tex. Civ. Prac & Rem Code §§ 73.051-73.062, to Defendant requesting that she cease and retract her defamatory statements about Tiffany Dierolf, Jacy Campbell, Cali Campbell, Warren V. Norred, and Norred Law, PLLC, via a signed written apology, and reimburse Dierolf and the Campbells \$1,000 in attorney's fees.

92. On June 1, 2021, Defendant posted a video to TikTok responding to the demand letter where she again creates a narrative that was false. Defendant claimed that Briana went public about racial harassment she had received from white classmates, naming Cali, Jacy and Tiffany. (Photos of Cali Campbell and Jacy Campbell with their names and Facebook Messenger details are posted in the background.)

93. Defendant stated that Dierolf and the Campbells collectively “conspired to put Briana in jail with murderers during a pandemic after they filed fake harassment reports against her.”

94. Defendant accused Dierolf and the Campbells of torturing Briana with shockingly horrible text messages after she got out of jail. (She posts the fake text messages in the background.)

95. Defendant stated that Dierolf and the Campbells hired “racist attorney Warren Norred.”

96. Defendant posted a picture of Tiffany, Jacy, and Cali, and referred to them as a “racist KKKaren collective”.

97. Defendant called Norred Law's attorneys racists as she ripped up the demand letter. *See* Exhibit P.

VI. ARGUMENTS AND AUTHORITIES

A. Defamation

98. Defamation is defined as the invasion of a person's interest in her reputation and good name. *Hancock v. Variyam*, 400 S.W.3d 59, 63 (Tex. 2013); (see also Texas Civil Practice and Remedies Code §73.001).

99. The elements of defamation include: (1) the publication of a false statement of fact to a third party; (2) that was defamatory concerning the plaintiff; (3) with the requisite degree of fault, and; (4) damages, in some cases. *In re Lipsky*, 460 S.W.3d 579, 593 (Tex. 2015).

100. The requisite degree of fault for defaming private figures is negligence. *WFAA-TV, Inc. v. McLemore*, 978 S.W.2d 568, 570 (Tex. 1998). Negligence is established upon a showing that the publisher knew or should have known that the defamatory statement was false. *HDG, Ltd. v. Blaschke*, 2020 WL 1809140 (Tex. App.—Houston [14th Dist.] Apr. 9, 2020).

101. The Texas Supreme Court has also defined the relationship between differing types of defamation and recoverable damages:

102. “The common law distinguishes defamation claims as either *per se* or *per quod*. Defamation *per se* refers to statements that are so obviously harmful that general damages, such as mental anguish and loss of reputation, are presumed. Defamation *per quod* is defamation that is not actionable *per se*. Defamation *per se* is itself broken down into separate categories of falsehoods. Accusing someone of a crime, of having a foul or loathsome disease, or of engaging in serious sexual misconduct are examples of defamation *per se*. Remarks that adversely reflect on a person's fitness to conduct his or her business or trade are also deemed defamatory *per se*.” *WFAA-TV, Inc.* at 596 (citations omitted).

103. The court explained the appropriate calculation of damages, stating:

“Defamation *per se* refers to statements that are so obviously harmful that general damages may be presumed. General damages include non-economic losses, such as loss of reputation and mental anguish. Special damages, on the other hand, are never presumed as they represent specific economic losses that must be proven. And even though Texas law presumes general damages when the defamation is *per se*, it does not “presume any particular amount of damages beyond nominal damages.” Any award of general damages that exceeds a nominal sum is thus reviewed for evidentiary support.”

Id. at 593 (citations omitted).

104. Thus, if the false and defamatory statement at issue is considered defamatory *per se*, the plaintiff may be awarded nominal damages without proof of actual injury. This is because mental anguish and loss of reputation are presumed based on the statement alone. *See Brady v. Klentzman*, 515 S.W.3d 878, 886 (Tex. 2017).

105. Additionally, the court has held that, “if more than nominal damages are awarded, recovery of exemplary damages are appropriately within the guarantees of the First Amendment if the plaintiff proves by clear and convincing evidence that the defendant published the defamatory statement with actual malice.” *Hancock v. Variyam*, 400 S.W.3d 59, 66 (Tex. 2013).

B. Defamation by Implication

106. In a defamation-by-implication case, the defamatory meaning arises from the statement's text, implicitly. *Dallas Morning News, Inc. v. Tatum*, 554 S.W.3d 614, 627 (Tex. 2018).

107. In a defamation-by-implication claim “a plaintiff can bring a claim for defamation when discrete facts, literally or substantially true, are published in such a way that they create a substantially false and defamatory impression by omitting material facts or juxtaposing facts in a misleading way.” *Id.* at, 627 (Citing *Turner v. KTRK Television, Inc.* 38 S.W.3d at 115).

108. The Texas Supreme Court summarized defamation by implication as a cause of action stipulating that “a defendant may be liable for a ‘publication that gets the details right but fails to

put them in the proper context and thereby gets the story’s ‘gist’ wrong.” *Dall. Morning News, Inc.*, 554 S.W.3d at 627.

109. Under *Musser v. Smith Protective Services, Inc.*, the standard for construing defamatory meaning generally is whether the publication is “reasonably capable” of defamatory meaning. 723 S.W.2d at 655.

110. When the plaintiff claims defamation by implication, the judicial task is to determine whether the meaning the plaintiff alleges arises from an objectively reasonable reading. *See New Times, Inc. v. Isaacks*, 146 S.W.3d 144, 157 (Tex. 2004). (explaining that “the hypothetical reasonable reader” is the standard by which to judge a publication’s meaning).

111. In an implication case, the judicial role is not to map out every single implication that a publication is capable of supporting. Rather, the judge’s task is to determine whether the implication the plaintiff alleges is among the implications that the objectively reasonable reader would draw. *Dall. Morning News, Inc.* 554 S.W.3d at 631.

112. The Texas Supreme Court has held that “a plaintiff who seeks to recover based on a defamatory implication—whether a gist or a discrete implication—must point to ‘additional, affirmative evidence’ within the publication itself that suggests the defendant ‘intends or endorses the defamatory inference.’” *Id.* at 635 (citations omitted).

C. Defamation by Innuendo

113. Innuendo is the extrinsic evidence required in a defamation *per quod* action. Defamation through innuendo occurs when statements do not directly defame a person, but instead, imply defamatory conduct. *Young v. Griffin*, 1998 Tex. App. LEXIS 4560, *6 (Tex. App. Dallas 1998).

114. Defamatory statements need not name the plaintiff be named if those who know and are acquainted with the plaintiff understand the statement refers to him. *Galveston Co. Fair & Rodeo v. Glover*, 880 S.W.2d 112, 119 (Tex. App.— Texarkana 1994, no writ).

115. Texas employs a legal test to determine whether a statement is defamatory by innuendo. Specifically, courts look to how the statement would be construed by the average reasonable person, or by the general public. *See Simmons v. Ware*, 920 S.W.2d 438, 451 (Tex. App. Amarillo 1996).

D. Business Disparagement

116. To prevail on a business disparagement claim, a plaintiff must establish that (1) the defendant published false and disparaging information about it, (2) with malice, (3) without privilege, (4) that resulted in special damages to the plaintiff. *Forbes Inc. v. Granada Biosciences, Inc.*, 124 S.W.3d 167, 170 (Tex. 2003).

117. The Court has further held that “actual malice” requires proof that the defendant made a statement “with knowledge that it was false or with reckless disregard of whether it was true or not.” *Forbes Inc. v. Granada Biosciences, Inc.*, 124 S.W.3d 167, 171 (Tex. 2003).

VII. CAUSES OF ACTION

A. Claim – Defamation of Tiffany Dierolf

i. Defamation Per Quod

118. Defendant names Tiffany Dierolf among the “racist folks in Denton Texas” and falsely claimed that Tiffany reached out to a family member in law enforcement to press charges against Breedlove, in her January 3, 2021, video published on TikTok, YouTube, Instagram, and Facebook.

119. After Norred Law’s January 5th blog post and the DPD exoneration of Dierolf and the Campbells, Defendant published a YouTube video on January 11, 2021, where she replayed Exhibit A2 and its false statements about Tiffany.

120. She accused Tiffany of being part of an effort to antagonize Briana into a defensive response so that she could be screen recorded. She alleged that Tiffany and her family were determined to teach Briana a lesson for calling out her white female classmate.

121. Defendant also falsely identified Tiffany Dierolf with Dr. Clara Simmons, falsely quoted her as saying “you need to delete your last video...” and accused Tiffany of attempted bribery.

122. On January 11, 2021, Defendant posted a TikTok video, which she cross-posted on Instagram and Facebook where she accused Tiffany and her family of engaging in a “social lynching campaign against Briana Breedlove”.

123. On January 7, 2021, Defendant posted on Gofundme.com stating that Dierolf along with her family was “working with local authorities to harass and terrorize Briana” and “targeting local activists.” She reiterated her allegation that Tiffany is a racist.

124. On January 3, 2021, Defendant posted on Twitter, “Send your support in writing & let this racist family as well as their attorneys at Norred Law know that: ‘The actions of Tiffany Dierolf, Jacy Campbell, and Cali Campbell toward Briana Breedlove were absolutely racist.’”

125. Defendant’s June 1, 2021, TikTok video accused Tiffany of racial harassment and of conspiring to put Breedlove in jail with murderers by filing fake harassment reports and of torturing Briana with disgusting text messages. Defendant also referred to Tiffany and her daughters as the racist KKKaren collective.

126. All the above statements are materially false and all of them were published to third parties via social media.

127. Defendant's statements were not merely negligent but demonstrated actual malice given that most were published after Briana Breedlove's arrest for making false statements to the police and after the January 5th statement by Norred Law demonstrating the false nature of Breedlove's initial allegations.

128. In spite of evidence to the contrary, Defendant continued to defame Dierolf as late as June 1, 2021.

ii. Defamation by Implication

129. In the YouTube video on January 11, 2021, Defendant falsely associated Tiffany Dierolf with the January 6, 2021, attack on the U.S. Capitol Building.

130. Defendant's video created a substantially false and defamatory impression by omitting material facts and juxtaposing facts in a misleading way, by describing Tiffany Dierolf's efforts to clear her name and that of her daughters as "racist" in the opening of the video and playing footage of the storming of the U.S. Capitol. Defendant's statements describing Tiffany as a "racist" used in the context of footage of the capital riot meets the "additional evidence" prong required to show that Defendant unambiguously implied that Tiffany Dierolf participated in or condoned the January 6th riot.

131. Dierolf was not present at the U.S. Capitol on January 6, 2021, and does not condone violence, politically motivated or otherwise.

iii. Damages

132. The statements were motivated by malice and constitute defamation *per se* which caused Jacy to suffer mental anguish, public humiliation, and embarrassment, all amounting to at least \$50,000 in damages.

B. Claim - Defamation of Jacy Campbell

i. Defamation Per Quod

133. Defendant names Jacy Campbell among the “racist folks in Denton Texas” and falsely claims that Jacy engaged in persistent racial harassment of Briana Breedlove and directs her audience to read the fabricated text messages falsely and maliciously attributed to Jacy and Cali Campbell, in her January 3, 2021, video published on TikTok, YouTube, Instagram, and Facebook.

134. After Norred Law’s January 5th blog post and the DPD exoneration of Dierolf and the Campbells, Defendant published a YouTube video on January 11, 2021, where she replayed Exhibit A2 and its false statements about Jacy. Defendant accused Jacy of “incessantly contacting Breedlove on social media,” a false allegation. Defendant claimed that Jacy reserved her most despicable racial insults and incitements for Snapchat, which is false since no racial insults or incitements were made by Jacy Campbell to Briana Breedlove. She accused Jacy of being part of an effort to antagonize Briana into a defensive response so that she could be screen recorded. She alleged that Jacy and her family were determined to teach Briana a lesson for calling out her white female classmate.

135. On January 11, 2021, Defendant posted a TikTok video, that she cross posted on Instagram, YouTube, and Facebook where she republished the false text messages wrongly attributed to Jacy and accused Jacy and her family of engaging in a “social lynching campaign against Briana Breedlove”.

136. On January 7, 2021, Defendant posted on Gofundme.com stating that Jacy along with her family was “working with local authorities to harass and terrorize Briana” and “targeting local activists.” She reiterated her allegation that Jacy is a racist.

137. On January 3, 2021, Defendant posted on Twitter, “Send your support in writing & let this racist family as well as their attorneys at Norred Law know that: ‘The actions of Tiffany Dierolf, Jacy Campbell, and Cali Campbell toward Briana Breedlove were absolutely racist.’”

138. Defendant’s June 1st, 2021, TikTok video accused Jacy of racial harassment and of conspiring to put Breedlove in jail with murderers by filing fake harassment reports and of torturing Briana with disgusting text messages. Defendant also referred to Jacy and her female relatives as the racist KKKaren collective.

139. All the above statements are materially false and all of them were published to third parties via social media.

140. Defendant’s statements were not merely negligent but reflected actual malice given that most were published after Briana Breedlove’s arrest for making false statements to the police and the January 5th statement by Norred Law demonstrating the false nature of Briana’s initial allegations.

141. In spite of contrary evidence, Defendant continued to defame Jacy as late as June 1, 2021.

ii. Defamation by Implication

142. Defendant published a YouTube video on January 11, 2021, where she replayed Exhibit A2 and its false statements about Jacy. She also falsely associated Jacy with the January 6, 2021, attack on the U.S. Capitol Building.

143. Defendant’s video created a substantially false and defamatory impression by omitting material facts and juxtaposing facts in a misleading way, by describing Jacy’s efforts to clear her name as “racist” in the opening of the video and by playing footage of the storming of the U.S. Capitol. Defendant’s statements describing Jacy as a “racist” used in the context of footage of the capital riot meets the “additional evidence” prong required to show that Defendant unambiguously implied that Jacy participated in or condoned the January 6th riot.

144. Jacy was not present at the U.S. Capitol on January 6, 2021, and does not condone political violence.

iii. Damages

145. The statements were motivated by malice and constitute defamation *per se* which caused Jacy to suffer mental anguish, public humiliation, and embarrassment, all amounting to at least \$50,000 in damages.

C. Claim - Defamation of Cali Campbell

i. Defamation Per Quod

146. Defendant names Cali Campbell among the “racist folks in Denton Texas” and falsely claimed that Jacy engaged in persistent racial harassment of Briana Breedlove and directs her audience to read the fabricated text messages falsely and maliciously attributed to Jacy and Cali Campbell, in her January 3, 2021, video published on TikTok, YouTube, Instagram, and Facebook.

147. After Norred Law’s January 5th blog post and the DPD exoneration of Dierolf and the Campbells, Defendant published a YouTube video on January 11, 2021, where she replayed Exhibit A2 and its false statements about Cali. Defendant accused Cali of incessantly contacting Breedlove on social media, a false allegation. Defendant claimed that Cali reserved her most despicable racial insults and incitements for Snapchat, which is false since no racial insults or incitements were made by Cali Campbell to Briana Breedlove. She accused Cali of being part of an effort to antagonize Briana into a defensive response so that she could be screen recorded. She alleged that Cali and her family were determined to teach Briana a lesson for calling out her white female classmate.

148. On January 11, 2021, Defendant posted a TikTok video, that she cross posted on Instagram and Facebook where she republished the false text messages wrongly attributed to Jacy and accused Cali and her family of engaging in a “social lynching campaign against Briana Breedlove”.

149. On January 7, 2021, Defendant posted on Gofundme.com stating that Cali along with her family was “working with local authorities to harass and terrorize Briana” and “targeting local activists.” She reiterated her allegation that Cali is a racist.

150. On January 3, 2021, Defendant posted on Twitter, “Send your support in writing & let this racist family as well as their attorneys at Norred Law know that: ‘The actions of Tiffany Dierolf, Jacy Campbell, and Cali Campbell toward Briana Breedlove were absolutely racist.’”

151. Defendant’s June 1, 2021, TikTok video accused Cali of racial harassment and of conspiring to put Briana in jail with murderers by filing fake harassment reports and of torturing Briana with disgusting text messages. Defendant also referred to Cali and her female relatives as the racist KKKaren collective.

152. All the above statements are materially false and all of them were published to third parties via social media.

153. Defendant’s statements were not merely negligent but reflected actual malice given that most were published after Briana Breedlove’s arrest for making false statements to the police and the January 5th statement by Norred Law demonstrating the false nature of Briana’s initial allegations.

154. In spite of contrary evidence, Defendant continued to defame Cali as late as June 1, 2021.

ii. Defamation by Implication

155. Defendant published a YouTube video on January 11th, 2021, where she falsely associated Cali with the January 6th, 2021, attack on the U.S. Capitol Building.

156. Defendant's video created a substantially false and defamatory impression by omitting material facts and juxtaposing facts in a misleading way, by describing Cali's efforts to clear her name as "racist" in the opening of the video and by playing footage of the storming of the U.S. Capitol. Defendant's statements describing Cali as a "racist" used in the context of footage of the capital riot meets the "additional evidence" prong required to show that Defendant unambiguously implied that Cali participated in or condoned the January 6th riot.

157. Cali was not present at the U.S. Capitol on January 6, 2021, and does not condone political violence.

iii. Damages

158. The statements constitute defamation per se which and being motivated by malice made caused Cali to suffer mental anguish, public humiliation, and embarrassment, all amounting to at least \$50,000 in damages.

159. Defamation by Innuendo of Tony Dierolf and A.S. Dierolf Concrete, LLC.

160. Defendant's January 11th, 2021, video statements targeting the entire Dierolf family, refers to Tony Dierolf when she stated there was an "intentional effort on behalf of Cali and her family designed to antagonize Briana into defensive responses, which they were prepared to screen record and use against her." Defendant also accused the family of filing "harassment charges" to "teach Briana a lesson for calling out her white female classmate for promoting racial bigotry". Defendant also refers to the family as cooperating with Norred Law in a "calculated, good-old-boy network" and "white supremacy in action".

161. In Defendant's January 7, 2021, Gofundme post she refers to the "family of the girls" as working with "local authorities to harass and terrorize Briana", and asserts that "[t]his family of racists" secured the services of Warren Norred.

162. In Defendant's January 11, 2021, Facebook post, defendant reiterates her accusation of "harassment" of Breedlove by the "family".

163. Although Tony Dierolf and A.S. Dierolf Concrete, LLC. are not named specifically, drawing attention to the family writ large prompted online social media trolls to post negative reviews targeting Tony and his business. Plaintiffs contend that the absence of specific mention of Tony's name or the name of his company does not bar recovery for defamation under a theory of defamation-by-innuendo.

164. Any person witnessing the dispute online would understand that the Defendant's statements referred to Tony Dierolf and the average reasonable person or the general public would invariably conclude that Tony was one of the referenced persons.

165. A.S. Dierolf Concrete, LLC estimates lost profits exceeding \$30,000 due to the disparaging and false allegations made by Defendants and the fake reviews posted about it as a result of those allegations.

D. Defamation of Warren Norred

i. Defamation by Implication

166. On January 11, 2021, Defendant published a YouTube video cross posted on Facebook, where she falsely associated Norred Law with the January 6th attack on the Capitol Building.

167. Defendant's video created a substantially false and defamatory impression by omitting material facts and juxtaposing facts in a misleading way, by describing Warren Norred's involvement in the Breedlove case while opening the video and playing footage of the storming

of the U.S. Capitol. Defendant's statements describing Warren Norred as a "far-right extremist" used in the context of footage of the capital riot meets the "additional evidence" prong required to show that Defendant unambiguously implied that Warren Norred participated in or condoned the January 6th riot.

168. Mr. Norred was not present at the U.S. Capitol on January 6, 2021, he did not take part in the Capitol Riot, nor has he ever endorsed political violence, contrary to Defendant's unmistakable implication.

ii. Defamation Per Quod

169. In the January 11th video Defendant accuses Warren Norred of being a far-right extremist and of harassing Briana Breedlove.

170. Defendant also falsely claimed, in the same video, that Warren Norred supports white domestic terrorism.

171. In her January 11th, TikTok video, Defendant accused Warren Norred of denying the existence of the Covid-19 pandemic.

172. In the same video, Defendant reiterated her claim that Warren Norred supported the January 6th U.S. Capitol riot.

173. In the same video, Defendant accused Warren Norred of being a "blatant racist."

174. On June 1, 2021, Defendant posted a TikTok video alleging that Norred is a racist.

175. All of these statements are false. All of the statements were publicly posted on social media for the world to see. All of these statements were made negligently, at best, and with actual malice, at worst, given that Defendant: 1) ignored Warren Norred's efforts to clarify the record by engaging with her on social media, 2) ignored the January 5th explanation of events published on Norred Law's website, 3) ignored the video published on YouTube comprehensively describing the outcome of the DPD investigation into the Breedlove case and

the exoneration of Norred Law's clients, and 4) ignored the fact that Briana Breedlove was arrested for making false statements to the police in December 2020.

iii. Defamation Per Se

176. In the same video Defendant falsely claimed that Warren Norred was extorting Breedlove by sending her a demand letter as required by law prior to filing suit.

177. In the same video, Defendant falsely claimed that Warren Norred defamed Briana Breedlove.

178. In a January 7, 2021, public post on GoFundMe, Defendant described Warren Norred's demand letter requiring a public apology from Breedlove and \$1,000 in damages as extortion.

179. On January 13, 2021, Defendant made a public post on Twitter describing Warren Norred, "@wnorred" as a "#racist", "#fraud", and "#con" who lies about his legal credentials to facilitate the racial terrorization of a black teen.

180. Defendant's Facebook posts on January 11, 2021, and January 13, 2021, describe Warren Norred as a "racist attorney", and a "con-artist" "who should be exposed & mass reported to the state bar for misrepresenting his legal education & his role in the racial terrorization of local Denton teen, Briana Breedlove".

181. All of Defendants above statements were published to a public mass audience on social media. Defendant acted deliberately, negligently and with malice when she published her statements by 1) ignoring Warren Norred's efforts to clarify the record by engaging with her on social media, 2) ignoring the January 5th explanation of events published on Norred Law's website, and 3) Ignoring the video published on YouTube comprehensively describing the outcome of the DPD investigation into the Breedlove case and the exoneration of Norred Law's clients. These statements are false and made about Warren Norred in his capacity as an attorney and bear on his character and fitness to practice law and constitute fitness to practice a profession

defamation. Additionally, Defendant's statements accusing Warren Norred of extortion, lying about his legal credentials, harassment, and conning his clients, all fall within criminal activity defamation.

iv. Damages

182. Defendant's statements disparaging Warren Norred's professional conduct and accusing him of a crime are presumed to be harmful and general damages, such as mental anguish and loss of reputation, are presumed and require no showing of damages.

183. Regarding special damages sought from the claims for defamation-by-implication, defamation *per quod*, and defamation *per se*, Defendant offers proof of special damages by reference to Exhibit C.

184. Warren Norred estimates the special damages to his legal practice to be at least \$13,250. Exhibit C.

185. Warren Norred estimates his mental anguish and reputational damages to be at least \$100,000.

E. Claim – Defamation of Annette Norred

i. Defamation Per Se

186. On January 11, 2021, Defendant published a YouTube video cross-posted on Facebook, accusing Warren Norred's wife, Annette Norred, Managing Paralegal at Norred Law of defaming Briana Breedlove. Exhibit E.

187. The accusation against Annette was false and defamatory and it was published in a video on social media to innumerable third parties.

188. It was published with actual malice given the fact that Defendant 1) ignored Warren Norred's efforts to clarify the record by engaging with her on social media, 2) ignored the

January 5th explanation of events published on Norred Law's website, and 3) ignored the fact that Briana Breedlove was arrested for making false statements to the police in December 2020..

189. The statement constitutes defamation *per se* because it reflected on Annette Norred's work as a paralegal and as a result the statement is presumed to be harmful and general damages, such as mental anguish and loss of reputation, are presumed.

ii. Defamation by Innuendo

190. Defendant's January 11, 2021 video includes statements targeting Annette directly, which although they do not name her, refer to her as Warren Norred's wife. Plaintiffs contend that this does not bar recovery for defamation *per se*, however, if the court finds differently, in the alternative, Annette may recover under a theory of Defamation by Innuendo.

191. By referencing Annette as Warren's wife without naming her, Defendant implies that she is one of the parties allegedly responsible for defaming Breedlove and since the video was posted on social media, any person with an internet connection could ascertain Annette's identity. Any person witnessing the dispute online would understand that the statement referred to Annette and the average reasonable person or the general public would invariably conclude that Annette was the referenced person.

iii. Damages

192. The statements, motivated as they were by malice, constitute defamation *per se* which caused Annette to suffer mental anguish, public humiliation, and embarrassment, all amounting to at least \$50,000 in damages. Exhibit C.

F. Claim – Business Disparagement of Norred Law

193. In a January 3, 2021, in a video addressed to the general public, Defendant published a TikTok video associating the Attorneys at Norred Law with the “racist folks in Denton”.

194. In a January 11, 2021, YouTube video posted on Facebook, Defendant associated Norred Law with the January 6th attack on the Capitol Building and accused Norred Law of being engaged in a “calculated, good-old-boy network” and “white supremacy in action.”

195. In the same video, Defendant falsely associates “white hat law”, a film trope and the title of Norred Law’s podcast, with the 1905 film the “White Caps”, which involved racial terrorism.

196. In a January 11, 2021, TikTok video, Defendant accused Norred Law of defaming Briana Breedlove.

197. In her January 3, 2021, Twitter posts Defendant accused “@NorredLaw” of harassing black teen and activists [sic] for speaking out against racism. Defendant also accused the “attorneys at Norred Law” of supporting the “absolutely racist” actions of its clients.

198. Defendant also posted a Tweet directing her audience-*cum*-mob to contact Norred Law at all of its social media accounts, which sparked a deluge of false reviews of the business and death threats against its employees.

199. In response to efforts by the “@NorredLaw” Twitter account to explain the reality of the situation, Defendant tweeted, “enjoy being outed as a racist.”

200. While Norred Law’s social media accounts were overwhelmed with negative reviews and death threats, Defendant tweeted, “Where did you go @NorredLaw? Don’t you want to discuss the case more?”

201. As demonstrated *supra*, Defendant’s assertions were false, and her comments disparage Norred law by linking it to racism, terrorism, insurrection, and sexism.

202. Defendant made her public comments with malice though she knew that her allegations were untrue and while: 1) ignoring Norred's efforts to clarify the record directly with her on social media, 2) ignoring the January 5th explanation of events published on Norred Law's website, 3) ignoring the public video on YouTube comprehensively describing the police investigation into the Breedlove case and exoneration of Norred Law's clients and 4) ignoring that Breedlove was arrested for making false statements to the police in December of 2020.

203. Statements made without regard to these efforts by Norred Law to correct the record fall within the ambit of actual malice because they reflect reckless disregard for the truth of the statements prior to January 5th, 2021, and actual knowledge of falsehood after that date.

204. All of the statements were made publicly and fall under no legal privilege.

205. The comments resulted in special damage to the attorneys and staff of Norred Law as outlined below. In particular, Plaintiffs received thousands of negative reviews which were not based on any individual experience with Norred Law, but were posted in violation of the reviewing sites, all of which require individual responses and specifically prohibit politically-based reviews designed merely to damage a business.

206. While a defamation claim "seeks to protect reputation interests," a business disparagement claim "seeks to protect economic interests against pecuniary loss" and thus requires proof of special damages resulting from the harm. *Waste Mgmt. of Tex., Inc. v. Tex. Disposal Sys. Landfill, Inc.*, 434 S.W.3d 142, 155 (Tex. 2014).

207. A specific intent by the defendant to cause substantial injury or harm to the claimant creates malice. *See* Civ. Prac. & Rem. § 41.001(7); *see also Bentley v. Bunton*, 94 S.W.3d 561, 602 (Tex. 2002) where evidence that defendant "carried on a personal vendetta against [Plaintiff] without regard for the truth of [her] allegations" showed malice.

G. Claim for Attorney's Fees

208. Plaintiffs seek attorney's reasonable fees recoverable in equity. Texas courts "in the exercise of their equitable powers, may award attorneys' fees when the interests of justice so require." *Knebel v. Capital Nat'l Bank*, 518 S.W.2d 795, 799-801 (Tex. 1974) citing *Hall v. Cole*, 412 U.S. 1, 93 S. Ct. 1943, 36 L. Ed. 2d 702 (1973).

209. Furthermore, when a court awards exemplary damages *see, e.g.*, Tex. Civ. Prac. & Rem. Code § 41.001 *et seq.*, the jury may consider reasonable attorney's fees as an element of exemplary damages or in assessing exemplary damages. *See Allison v. Simmons*, 306 S.W.2d 206, 211 (Tex. Civ. App.—Waco 1957) where attorney's fees were merely included in the definition of exemplary damages given to the jury.

VIII. CONDITIONS PRECEDENT AND STATUTE OF LIMITATIONS

210. Plaintiffs have complied with all conditions precedent to successfully prosecute their claims against Defendants.

211. By statute, a one-year statute of limitations applies to actions for defamation. *See* Tex. Civ. Prac. & Rem. Code § 16.002(a).

IX. DAMAGES

212. The defamatory statements made by Defendant have caused the Plaintiffs Tiffany Dierolf, Jacy Campbell, and Cali Campbell to suffer mental anguish, public humiliation, and embarrassment, each suffering damages which amount to at least \$50,000, or \$150,000 combined.

213. Defendant's statements about A.S. Dierolf Concrete, LLC resulted in damages amounting to at least \$30,000.

214. Defendant's statements about Norred Law, PLLC resulted in damages amounting to at least \$100,000.

215. Plaintiffs seek recovery of general damages, lost reputation damages and mental anguish damages, or alternatively nominal damages, in an amount within the Court's jurisdiction limits.

216. Plaintiffs seek recovery of exemplary damages. Defendant acted with a specific intent to cause injury to Plaintiffs and with conscious indifference to the rights, safety, or welfare of the Plaintiffs with actual awareness that her conduct involved an extreme degree of risk of harm to Plaintiffs, and such behavior did result in threats of injury.

217. Plaintiffs seek recovery of reasonable and necessary attorney's fees;

218. Plaintiffs seek recovery of pre- and post-judgment interest;

219. Plaintiffs seek recovery of all costs of court.

220. Plaintiffs seek all other relief to which they may be justly entitled in both law and equity.

X. PRAYER

221. Plaintiffs respectfully pray that the Defendant be cited to appear and answer, as required by law, and after trial by jury, Plaintiffs be awarded judgment against Defendant for actual damages, general damages, mental anguish, nominal damages in the alternative, reasonable and necessary attorney's fees as damages in equity, pre- and post-judgment interest, court costs, exemplary damages, and any and all other relief to which Plaintiffs may be justly entitled in both law and equity.

Respectfully submitted,

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Exhibits:

Exhibit A Breedlove Threat Video

Exhibit B McKinzie Colonizers Video

Exhibit C Declaration of Warren Norred

C1: Briana Breedlove's Defamation Suit & Social Media Response

C2: Jail Report, Denton Police Department, Briana Breedlove (2 pages)

C3: Affidavit of Probable Cause of Detective Tommy L. Potts

C4: Citation Incident Reports

C5: Scorpion Leads

C6: Google Reviews

C7. Yelp Reviews

C8: Comments on Norred Law Facebook

C9: Comments on Norred Law Twitter

C10: Comments on Norred Law Instagram

C11: Demand Letter to Rummel

C12: Norred Law PLLC and Warren V. Norred Claim Assignment

C13: Norred Law YouTube Explanation Video

Exhibit D: Jan 3 TikTok & YouTube Video

Exhibit E: Jan 11 YouTube Video

Exhibit F: Jan 11 Rummel – Defamation Screenshot

Exhibit G: Jan 7 Gofundme Post

Exhibit H: Jan 3 Tweets

Exhibit I: Jan 3 Tweet Norred Law

Exhibit J: Jan # Norred Law worked to have Briana unlawfully arrested.

Exhibit K: Jan 3 Tweet (Where'd you go Norred Law)

Exhibit L: Jan 13 Norred Law lies about legal credentials.

Exhibit M: Jan 11 Facebook Good Old Boys

Exhibit N: Jan 11 Facebook Social Lynching

Exhibit O: Jan 13 Facebook Warren Norred is racist

Exhibit P: June 1 TikTok

Exhibit Q: Declaration of Tiffany Dierolf

Exhibit R: Declaration of Jacy Campbell

Exhibit S: Declaration of Cali Campbell

Exhibit U: Declaration of Tony Dierolf

U1: Assignment of Anthony Dierolf