

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 23-95

SHADRACK TUCKER WHITE

DEFENDANT

COMPLAINT

COMES NOW, Plaintiff, Brett Lorenzo Favre (“Favre” or “Plaintiff”), by and through the undersigned legal counsel, and files his complaint against Defendant, Shadrack Tucker “Shad” White (“White” or “Defendant”). In support thereof, Favre alleges as follows:

JURY TRIAL DEMAND

Pursuant to Miss. R. Civ. P. 38 and Miss. Const. Art. 3, § 31, Favre asserts his constitutional right to trial by jury.

NATURE OF THE CASE

1. Shad White, the State Auditor of Mississippi, has carried out an outrageous media campaign of malicious and false accusations against Brett Favre—the Hall of Fame quarterback and native son of Mississippi—in a brazen attempt to leverage the media attention generated by Favre’s celebrity to further his own political career. By shamelessly and falsely attacking Favre’s good name, White has gained national media attention he previously could have only dreamed of, including appearances on television shows on CNN and HBO, a popular ESPN podcast, as well as interviews for print and online media. None of these national media outlets would have paid White the slightest attention had he not been attacking Favre. White himself acknowledged this, admitting that his own wife was “shocked” by his appearance on the ESPN Daily Podcast.

2. In his media appearances, White has made egregiously false and defamatory statements accusing Favre of “steal[ing] taxpayer funds” and knowingly misusing funds “designed to serve poor folks.” There is no basis for these offensive falsehoods, which White made knowing that they were false or, at a minimum, with reckless disregard for the fact that they were false.

3. This is apparently not the first time White has sought to advance his political career by defaming private citizens. The Mississippi Attorney General’s Office is defending him in another lawsuit, one brought three years ago by a University of Mississippi faculty member, who alleges that White, to further his political career, defamed him in interviews and public statements. Not only is this a waste of Mississippi’s resources and taxpayers’ money, but as White well knows, the court in that lawsuit flatly rejected his argument that his government position—his job was to audit the spending of the very funds he has been falsely defaming Favre about—afforded him immunity from the lawsuit, because his governmental duties do not include defaming private citizens. Unfortunately, White did not learn his lesson.

4. Before filing this complaint, Favre sent Defendant White a letter demanding that White retract and apologize for his defamatory statements and cease and desist from making further defamatory falsehoods against Favre. White has failed and refused to do so.

5. Favre therefore brings this action against White—in his individual capacity—in order to clear his good name and to redress the injury to his reputation caused by White’s false and defamatory statements. Favre does not seek the payment of any taxpayer money, but seeks only to hold White personally accountable for his false statements.

6. Knowing or with reckless disregard for the fact that the statements were false, White accused Favre of committing serious crimes, and has refused to retract or apologize for these statements. His false and malicious statements about Favre constitute defamation *per se* and

entitle Favre to compensatory damages for the harm he has suffered and punitive damages for White's reprehensible conduct.

PARTIES

7. Plaintiff, Brett Lorenzo Favre, is a private citizen and resident of Sumrall, Lamar County, Mississippi.

8. Defendant, Shad White, is an elected public official of the State of Mississippi who is being sued in his individual capacity for the defamatory statements he made against Favre. Defendant White may be served at his office on the 8th floor of the Woolfolk State Office Building, Jackson, Hinds County, Mississippi.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this case pursuant to Miss. Const. Art. VI, § 156.

10. Venue is proper in this Court pursuant to Miss Code Ann. § 11-11-3(1)(a)(i) because a substantial event that caused the injury occurred in this County.

STATEMENT OF FACTS

A. Background

11. Favre was born and raised in Mississippi, and attended Hancock North Central High School in Kiln, Mississippi, graduating from The University of Southern Mississippi ("Southern Miss") in 1990.

12. Favre went on to a highly successful career in the NFL, playing for over 20 years, primarily as quarterback for the Green Bay Packers. During his career, he had two Super Bowl appearances, including a victory in Super Bowl XXXI. He also earned three straight NFL Most Valuable Player Awards. Since retiring, Favre was inducted into the Pro Football Hall of Fame in 2016 and continued to be sought after by multiple companies, including Wrangler and CopperFit, to endorse and appear in television commercials for their products. Favre has also co-hosted a

regular radio show on SiriusXM, “The SiriusXM Blitz With Brett Favre and Bruce Murray,” and has made paid appearances at autograph signing and speaking events.

13. Favre has also focused on his charitable endeavors, including efforts to support his alma mater, Southern Miss, as well as his work with the Favre 4 Hope Foundation, which he and his wife Deanna founded in 1995 and through which he has contributed millions of dollars to charities across his home state of Mississippi and elsewhere, including such charities as Make-A-Wish Foundation of America, Hope Haven, and Ribbon of Hope. Favre also has supported various causes, including the development of medication to treat and prevent concussions, an all-too-common football injury.

B. White’s Egregious Falsehoods About Favre

14. White was appointed to the role of the State Auditor of Mississippi in 2018 by then Governor Phil Bryant. Following that appointment, he was elected (unopposed) in 2019 to a four-year term. White is currently running for re-election.

15. In 2020 and 2021, after learning for the first time that a nonprofit for whom he had agreed to do publicity work may have improperly paid him with government funds, Favre voluntarily repaid all the funds. During that period, in May 2020, White, through his Office of the State Auditor, issued the following statement: “I want to applaud Mr. Favre for his good faith effort to make this right and make the taxpayers and TANF families whole. To date, we have seen no records indicating Mr. Favre knew that TANF was the program that served as the source of the money he was paid.” White had seen no such records indicating that Favre knew that MCEC used TANF funds to pay him, because none exist.

16. White, without any basis, reversed course a year later, seeking press attention for his forthcoming re-election campaign. White attempted to capitalize on public interest in Favre by engaging in a defamatory media campaign against Favre.

17. White appeared for interviews on various media outlets, including CNN, ESPN, *WORLD*, and others to talk about Favre.

18. Clips from White's interviews have been published online on Facebook, Twitter and Apple Podcasts, garnering thousands of views on each platform.

19. On September 15, 2022, during an interview with CNN's Kate Bolduan, White falsely accused Favre of serious crimes, stating:

- "[W]e know that Mr. Favre not only knew that he was receiving money from this non-profit which was funded by taxpayer dollars. We know that the funding for that was a sham, and we know that he knows that too."

20. In addition to CNN's television broadcast, this interview was published on Facebook and Twitter, receiving thousands of views on both platforms.

21. Two weeks later, on September 29, 2022, White, in an interview on the ESPN Daily Podcast listened to by approximately seventy thousand people on Apple Podcasts, repeated these false claims, stating that:

- "[Favre] knew that the money was flowing through a nonprofit which was designed to serve poor folks, designed to serve a public interest."

22. White, during an interview published online by the Christian news outlet, *WORLD*, accused Favre of:

- "[S]teal[ing] taxpayer funds and commit[ting] white-collar fraud."

23. On February 6, 2023, counsel for Favre sent White a letter demanding that he retract and apologize for his defamatory statements. White did not respond to the letter and failed and refused to retract his false statements.

24. White's false statements that Favre "[stole] taxpayer funds" and "knew that he was receiving money from this non-profit which was funded by taxpayer dollars" "designed to serve poor folks" are malicious lies that injured Favre's reputation and caused Favre financial harm by, among other things, diminishing Favre's ability to generate income through endorsements, appearances at events or on radio and television programs, or hosting his own radio or television program.

25. White must be held accountable for his lies and compelled to pay Favre for the damage he has caused, as well as punitive damages for his reprehensible conduct.

CAUSE OF ACTION
(Defamation and Defamation Per Se)

26. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

27. The foregoing statements by White of purported fact referring specifically to Favre, by name, were published on CNN's television broadcast, online on the *WORLD's* website, Twitter and Facebook, and on the ESPN Daily Podcast, which is available for download by the public on Apple Podcasts, as well as on Spotify and TuneIn.

28. The foregoing statements by White were false in their particular details and in their gist and essence in the entire context in which they were made.

29. The foregoing statements by White were defamatory, libelous and slanderous and in making the statements, White acted with actual malice, and with knowledge of the falsity of the defamatory statements, or at a minimum with reckless disregard for their falsity by purposefully avoiding the truth, and, in fact, lying that Favre committed what are serious crimes in the State of Mississippi.

30. The foregoing defamatory statements by White were not protected by any privilege.

31. The foregoing defamatory statements by White constitute defamation *per se* in that they were clearly directed at Favre and clearly and falsely state that Favre committed a crime by stealing from poor Mississippians. The foregoing defamatory statements by White also injured Favre's reputation and exposed him to public hatred, animus, contempt or ridicule, degraded him in society, lessened him in public esteem, or lowered him in the confidence of the community.

32. White made the defamatory statements of purported fact knowing they were false or, at a minimum, with reckless disregard for the fact that they were false.

33. As a proximate result of the publication of these false and defamatory statements, Favre has suffered damages in an amount to be determined at trial.

DAMAGES

34. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

35. Favre is entitled to nominal and general damages from White, in his individual capacity, resulting from White's defamation, including compensation for injury to Favre's character and reputation.

36. Favre is also entitled to actual or special damages from White, in his individual capacity, including specifically the pecuniary loss suffered because of White's defamation.

37. In addition to the damages set forth above, Favre seeks to recover punitive or exemplary damages against White, in his individual capacity, for his conduct, which constitutes malice. Further, White acted with a specific intent to cause injury to Favre or conscious indifference to the rights, safety, or welfare of Favre with actual, subjective awareness that White's conduct involved an extreme degree of risk of harm to Favre. Favre also seeks punitive and exemplary damages in order to punish and deter the outrageous conduct taken in heedless and

reckless disregard for Favre's reputation and as a result of White's conscious indifference in harming his reputation.

38. Favre does not seek the payment of any taxpayer money.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Favre respectfully requests that this Court enter judgment awarding Plaintiff Favre the following relief:

- a. Nominal, general, actual/special, exemplary, and punitive damages as described above, in an amount to be determined at trial;
- b. The costs of litigation, including reasonable legal and consulting fees, expert witness fees, and any other costs deemed reasonable;
- c. Pre- and post-judgment interest at the maximum rate allowed by law;
- d. Such further and other relief, both general and special, at law or in equity, to which Plaintiff Favre may show himself justly to be entitled, or as this Court may deem appropriate; and
- e. Any other damages or other relief deemed just and proper.

RESPECTFULLY SUBMITTED, this the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

By: 
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Counsel for Plaintiff Brett Lorenzo Favre

COVER SHEET
Civil Case Filing Form
*(To be completed by Attorney/Party
Prior to Filing of Pleading)*

Mississippi Supreme Court
Administrative Office of Courts

Form AOC/01
(Revised 1/1/2001)

Court Identification
Docket Number
251197
County # Judicial Court ID
District (CH, CI, CO)

Case Year

Docket Number

2023**95****020923**

Month Date Year

This area to be completed by clerk

Case Number if filed prior to 1/1/94

IN THE CIRCUIT COURT OF HINDS COUNTYShort Style of Case: FAVRE vs. WHITEParty Filing Initial Pleading: Type/Print Name Michael J. ShemperMS Bar No. 100531☐ Check (✓) if Not an Attorney ☒ Check (✓) if *Pro Hac Vice*Signature Michael J. Shemper

Compensatory Damages Sought: \$ _____

Punitive Damages Sought: \$ _____

Is Child Support contemplated as an issue in this suit? ☐ Yes ☐ NoIf "yes" is checked, please submit a completed Child Support
Information Sheet with Final Decree/Judgment**PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM**Individual Favre Brett (_____) L. Jr/Sr/III/IV
Last Name First Name Maiden Name, if Applicable Middle Init.Address of Plaintiff 7698 Highway 98 W. Sumrall, MS 39482☐ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

☐ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:

D/B/A / Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

☐ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:

D/B/A: _____

DEFENDANT - NAME OF DEFENDANT (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL DEFENDANTS ON SEPARATE FORMIndividual WHITE SHADRACK (_____) T. Jr/Sr/III/IV
Last Name First Name Maiden Name, if Applicable Middle Init.☐ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

☐ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:

D/B/A / Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

☐ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A: _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar No. or Name: _____ *Pro Hac Vice* (✓) _____
(If known)

**In left hand column, check one (1) box that best describes
the nature of this suit. In right hand column check all
boxes which indicate secondary claims.**

Business/Commercial

- ☐ Accounting (Business)
☐ Bankruptcy
☐ Business Dissolution - Corporation
☐ Business Dissolution - Partnership
☐ Debt Collection
☐ Employment
☐ Examination of Debtor
☐ Execution
☐ Foreign Judgment
☐ Garnishment
☐ Pension
☐ Receivership
☐ Replevin
☐ Stockholder Suit
☐ Other _____

Domestic Relations

- ☐ Child Custody/Visitation
☐ Child Support
☐ Contempt
☐ Divorce: Fault
☐ Divorce: Irreconcilable Differences
☐ Domestic Abuse
☐ Emancipation
☐ Modification
☐ Paternity
☐ Property Division
☐ Separate Maintenance
☐ Termination of Parental Rights
☐ UIFSA (formerly URESA)
☐ Other _____

Contract

- ☐ Breach of Contract
☐ Installment Contract
☐ Insurance
☐ Product Liability under Contract
☐ Specific Performance
☐ Other _____

Probate

- ☐ Accounting (Probate)
☐ Birth Certificate Correction
☐ Commitment
☐ Conservatorship
☐ Guardianship
☐ Heirship
☐ Intestate Estate
☐ Minor's Settlement
☐ Muniment of Title
☐ Name Change
☐ Power of Attorney
☐ Testate Estate
☐ Will Contest
☐ Other _____

Statutes/Rules

- ☐ Bond Validation
☐ Civil Forfeiture
☐ Declaratory Judgment
☐ ERISA
☐ Eminent Domain
☐ Extraordinary Writ
☐ Federal Statutes
☐ Injunction or Restraining Order
☐ Municipal Annexation
☐ Racketeering (RICO)
☐ Railroad
☐ Seaman
☐ Other _____

Appeals

- ☐ Administrative Agency
☐ County Court
☐ Hardship Petition (Driver License)
☐ Justice Court
☐ MS Employmt Security Comm'n
☐ Municipal Court
☐ Oil & Gas Board
☐ Workers' Compensation
☐ Other _____

Children and Minors - Non-Domestic

- ☐ Adoption - Noncontested
☐ Consent to Abortion for Minor
☐ Removal of Minority
☐ Other _____

Torts-Personal Injury

- ☐ Bad Faith
☐ Fraud
☐ Loss of Consortium
☐ Malpractice - Legal
☐ Malpractice - Medical
☐ Negligence - General
☐ Negligence - Motor Vehicle
☐ Products Liability
☐ Wrongful Death
☒ Other **DEFAMATION**

Mass Tort

- ☐ Asbestos
☐ Chemical Spill
☐ Dioxin
☐ Hand/Arm Vibration
☐ Hearing Loss
☐ Radioactive Materials
☐ Other _____

Real Property

- ☐ Adverse Possession
☐ Ejectment
☐ Eminent Domain
☐ Judicial Foreclosure
☐ Lien Assertion
☐ Partition
☐ Receiver Appointment
☐ Tax Sale: Confirmation/Cancellation
☐ Title, Boundary &/or Easement
☐ Other _____

Civil Rights

- ☐ Elections
☐ Habeas Corpus
☐ Post Conviction Relief
☐ Prisoner
☐ Other _____