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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

GARRETT M. SMITH,)
)
Plaintiff,)
)
v.)
)
DELBERT J. CHARLES, individually and)
as Independent Administrator of the Estate)
of Abnerd Joseph, deceased, BRYAN)
BIEN-AIME, ASHLEY JOSEPH,)
JEANNA JOSEPH KELLY, NICK)
JOSEPH, the individual(s) who operate or)
control the “justice4abnerd” Instagram)
account, and the individual(s) who operate)
or control the “justice4abnerd” TikTok)
account,)
Defendants,)
)
and)
)
WENDY BIEN-AIME, SHANTAE)
“RAYNE” BELCHER, JOSHUA WATTS,)
META PLATFORMS, INC, and)
TIKTOK, INC.,)
)
Respondents in Discovery.)

The Hon. Charles Beach
Case No. 2024-L-010547
Calendar E
Plaintiff Demands a Jury Trial

FIRST AMENDED COMPLAINT

Plaintiff Garrett M. Smith (“Smith”), through his undersigned counsel, for his complaint against Defendants Delbert J. Charles (“Charles”), Bryan Bien-Aime (“Bryan”), Ashley Joseph (“Ashley”), Jeanna Joseph Kelley (“Jeanna”), Nick Joseph (“Nick”), the individual(s) who operate or control the “justice4abnerd” Instagram account, and the individual(s) who operate or control the “justice4abnerd” TikTok account (collectively, the “Defendants”), states as follows:

NATURE OF THE CONTROVERSY

This action arises in the aftermath of an incident on September 14, 2023 at 60 East Monroe Street in Chicago. That evening—for reasons that are presently unknown—Abnerd Joseph, a resident at the building, was in the midst of a physically violent rampage. Joseph, upon information and belief, threatened residents in the building with serious bodily harm and death, including Plaintiff Garrett Smith whose unit Joseph attempted to enter by force. At that time, Smith called 911 for assistance and to report the verbal attack and attempted break-in by an individual later identified as Abnerd Joseph. After Joseph left the floor on which Smith resided, Smith went to the lobby to report Joseph’s aggressive and threatening behavior to building management. Thereafter, Smith, another resident, and the building security guard escorted an elderly couple to their unit on the 48th floor, at the couple’s request, because the couple thought they had forgotten to lock their door. After they exited the elevator, Joseph savagely attacked the other resident, beating him to the ground and incapacitating him. Joseph then attacked and injured the building security officer. Joseph then turned his attention towards Smith and the elderly couple. The older gentleman fell to the floor and Smith, while backing up towards the elevator, warned Joseph that he had a gun. Joseph, undeterred, ran at and assaulted Smith. Smith—fearing that he and others were in imminent danger of serious bodily injury and possibly death—shot Joseph in self-defense and in the defense of others. Joseph later died of his injuries.

In the aftermath of the incident, rather than methodically gathering the facts to understand what had actually occurred that evening, including what led to Joseph’s violent assaults and the self-defense shooting, Joseph’s siblings, including Defendants Delbert “Jay” Charles, Bryan Bien-Aime, Ashley Joseph, Jeanna Joseph, Nick Joseph, and the individual(s) who operate or control the “justice4abnerd” Instagram and “justice4abnerd” TikTok social media accounts, rushed to

judgment and began an aggressive media campaign against Smith full of false and defamatory statements which cast Smith in a false light for the sole purpose of prejudicing the public against Smith, trying to influence the Cook County States' Attorney to file criminal charges against Smith, and destroying Smith's reputation. This action seeks to redress those wrongs.

PARTIES

1. Plaintiff Garrett M. Smith resides in Cook County, Illinois.
2. Upon information and belief, Defendant Delbert Charles is resident of Fulton County, Georgia. Charles is sued in his individual capacity and in his capacity as the Independent Administrator of the Estate of Abnerd Joseph.
3. Upon information and belief, Defendant Bryan Bien-Aime is a resident of Hillsborough County, Florida.
4. Upon information and belief, Defendant Ashley Joseph is a resident of Hillsborough County, Florida.
5. Upon information and belief, Defendant Jeanna Joseph Kelley is a resident of Hillsborough County, Florida or Orange County, Florida.
6. Upon information and belief, Defendant Nick Joseph is a resident of Hillsborough County, Florida.
7. Upon information and belief, the "justice4abnerd" Instagram account is operated or controlled by individuals located in Fulton County, Georgia, and Hillsborough County, Florida.
8. Upon information and belief, the "justice4abnerd" TikTok account is operated or controlled by individuals located in Fulton County, Georgia, Hillsborough County, Florida, and/or Orange County, Florida, including but not limited to Defendant Delbert J. Charles.

JURISDICTION AND VENUE

9. Jurisdiction is proper pursuant to 735 ILCS 5/2-209(a)(2) because the defendants committed tortious acts in Illinois.

10. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101 because the transactions, or some parts thereof, out of which this cause of action arose, occurred in Cook County.

FACTS COMMON TO ALL COUNTS

The Events of September 14, 2023

11. On September 14, 2023, Abnerd Joseph was in a psychotic, violent rage. Joseph, who lived down the hall from Smith at a residential condominium building located at 60 East Monroe Street in Chicago, attempted to enter Smith's apartment by force while simultaneously threatening Smith with serious bodily injury and death. Smith called 911 to report Joseph's conduct and threats of violence.

12. After Joseph moved on from Smith's unit, Smith made his way to the building lobby to report the matter to building security. By the time Smith arrived in the lobby, the building's security officer had received reports that Joseph was terrorizing other residents on different floors of the building.

13. Upon information and belief, the building's security officer had already called 911 to report Joseph's behavior but was told by a dispatcher that police would not come to the building.

14. In addition to Smith, two elderly residents in the building had similarly left their unit and fled to the building lobby to report Joseph's aggressive and threatening conduct. After waiting some time for the police to arrive, the elderly residents—fearing that they had left their unit open and unlocked—wished to return to their floor to secure their residence.

15. The building security officer, Smith, and another resident rode the elevator with the elderly residents back to their unit on the 48th floor. As the elderly couple were being escorted back to their unit, the entire group—the building security officer, the other resident, Smith, and the elderly couple—encountered Joseph. Joseph violently beat and incapacitated the resident. Joseph then turned his rage on the building security officer and, while laughing maniacally, beat him repeatedly, including several blows to the head that left him defenseless.

16. Immediately after attacking, beating, and disabling those two men, Joseph turned his attack in the direction of Smith and the elderly couple. Smith had no readily available safe place to hide and warned Joseph that he was carrying a gun.

17. Undeterred, Joseph lunged at and assaulted Smith and, concurrently, Smith—reasonably believing that he and two other elderly residents in the hallway behind him were in grave danger and likely to suffer imminent death or great bodily injury—discharged his gun. He did so justifiably and in defense of himself and others. He also did so while being physically knocked to the ground by Joseph.

18. At no point during Joseph's vicious attack on the resident, the building security officer, or Smith, did Joseph raise his hands, stop his attack, or indicate that he needed medical attention.

19. Smith fully cooperated in the investigation by the police following the incident, and answered all questions asked of him by the officers involved in the investigation. No criminal charges have been filed against Smith in the year since the incident.

The Baseless and Defamatory Social Media Campaign

20. Upon information and belief, Joseph was under the influence of narcotics and/or a controlled substance at the time of the attack.

21. Upon information and belief, the Defendants and Joseph's other family members were aware that Joseph had pre-existing mental health issues.

22. Soon after Joseph's death, the Defendants began making vitriolic and false statements about the September 14, 2023, incident, including by, among other means, posting messages and videos about Joseph on a public Instagram account and public TikTok account, both having the account name "justice4abnerd."

23. Though the Defendants did not witness the attack and, upon information and belief, did not speak to any of the witnesses after the attack, they nonetheless began posting baseless messages on the "justice4abnerd" Instagram and TikTok accounts, including video clips in which they repeatedly asserted the false statements that Smith had "murdered" Joseph and that Smith was a "murderer."

24. The Defendants' statements have no basis in fact and, upon information and belief, were made for the sole purpose of inciting public opinion against Smith and injuring Smith's good name and reputation in the community.

25. Upon information and belief, the "justice4abnerd" public Instagram account is operated or controlled by one or more of the Defendants.

26. Upon information and belief, the "justice4abnerd" public TikTok account is operated or controlled by one or more of the Defendants.

27. On or about September 24, 2023, at a public memorial event for Joseph with many third parties in attendance, Charles stated to a room full of people that Smith "murdered" Joseph. Charles also stated to the same room full of people that Smith was "a thief and a murderer."

28. On or about September 29, 2023, video of the memorial event with Charles' statements was published online by the Defendants by way of the "justice4abnerd" Instagram account.

29. This video included a statement by Charles that:

That man who killed Abnerd, his name is Garrett Smith. That's the guy who killed my brother, Garrett Smith. He stayed four doors down from my brother. Four doors down. He chased my brother to the 48th floor, and he murdered him. That man murdered him.

30. Smith did not learn of, and had no reason to otherwise be aware of, Charles' statements until after they were published on the Instagram account "justice4abnerd."

31. On September 30, 2023, the Defendants posted another video to the "justice4abnerd" Instagram account depicting four of Joseph's siblings commenting on Joseph's death, including a statement by Joseph's brother Bryan Bien-Aime ("Bryan") that Smith "chased [Abnerd] up eighteen flights of stairs and murdered [Abnerd] in cold blood."

32. On October 4, 2023, Ashley posted the following to her Facebook account: "an #UNARMED #black Assistant #principal was shot & killed by a white tenant (#GarrettSmith) in his own sky rise #condo. The Murderer, Garrett Smith—was released & is free to go!"

33. On or about October 6, 2023, Charles and Joseph's sister, Jeanna Joseph Kelley, appeared on the "Roland Martin Unfiltered Daily Digital Show" during which Charles repeated his claim that his "brother was murdered." Charles admitted in this interview that he did "not know anything" about what transpired. Jeanna stated that "we" have an Instagram account, "justice4abnerd," to connect with supporters. Jeanna also admitted in this interview that she did not know details about what transpired and stated they had to "go to extreme lengths in order to get these answers."

34. On October 7, 2023, Ashley posted the following to her personal Facebook account: “oh! So we’re #killing #unarmed #black principals now?! #QuestionOfTheDay: #Why do you think #GarrettSmith was #released and #uncharged after #following, shooting & killing an #unarmed, #Assistant #Principal #AbnerdJoseph...”

35. On October 9, 2023, Ashley posted the following to her personal Facebook account: “...With enough signatures, they WILL HAVE NO CHOICE but to arrest Abnerd’s killer— “Garrett Smith”! We need to have him ARRESTED, put on trial, & convicted! Right now, he’s at home in his condo, feet up, watching Netflix—PROUD of what he did! Let’s get him in a 1bdm prison cell with Big Debo instead [...] PLEASE HELP US GET HIM!”

36. On about November 10, 2023, the Defendants posted a video to the “justice4abnerd” Instagram account depicting another of Joseph’s siblings, Bryan, stating:

On September 14, 2023, Abnerd was murdered in his high-rise condo. He was shot seven times and the shooter was never charged. I am asking justice to be served and the shooter to be arrested.

37. On January 15, 2024, Joseph’s family held a rally in Atlanta, Georgia, with numerous third parties in attendance.

38. During that rally, Nick made several statements to numerous third parties in attendance, including, among others, “my brother [Abnerd] was murdered,” “he was murdered by his neighbor,” Joseph was “murdered in cold blood,” and “arrest Garrett Smith now.”

39. Nick encouraged attendees of the rally to “follow us at justice4abnerd,” an Instagram and TikTok account handle. Upon information and belief, “us” referred to Joseph’s siblings in attendance at that rally, who included the Defendants.

40. During that rally, Jeanna was photographed and video recorded holding a sign that read, “Assistant Principal ABNERD JOSEPH was MURDERED by his white NEIGHBOR!” next to a sign held by Ashley that read “Arrest Garrett Smith NOW!!”

41. Video of this event was published online by the Defendants to the “justice4abnerd” Instagram account on January 15, 2024.

42. The video included Charles’ statement that:

. . . my brother deserved to be safe. He didn’t deserve to be murdered, unarmed in his robe, in his boxers. One of the bullet fragments was his ring finger, so that indicates to me that he had his hands up when he was actually shot and murdered.

43. The video included Nick’s statements, including, among others, “my brother [Abnerd] was murdered,” “he was murdered by his neighbor,” Joseph was “murdered in cold blood,” and “arrest Garrett Smith now.”

44. The video included images of Jeanna holding a sign that read, “Assistant Principal ABNERD JOSEPH was MURDERED by his white NEIGHBOR!” next to a sign held by Ashley that read “Arrest Garrett Smith NOW!!”

45. On about January 16, 2024, a still image of Jeanna holding a sign that read, “Assistant Principal ABNERD JOSEPH was MURDERED by his white NEIGHBOR!” was published online by the Defendants to the “justice4abnerd” Instagram account.

46. On about February 1, 2024, the Defendants again posted the following statement from Charles on the “justice4abnerd” Instagram account:

That man who killed Abnerd, his name is Garrett Smith. That’s the guy who killed my brother, Garrett Smith. He stayed four doors down from my brother. Four doors down. He chased my brother to the 48th floor, and he murdered him. That man murdered him.

47. On about February 3, 2024, the Defendants posted a video to the “justice4abnerd” Instagram account with Charles’ statements from the January 15, 2024, rally that:

. . . my brother deserved to be safe. He didn’t deserve to be murdered, unarmed in his robe, in his boxers. One of the bullet fragments was his ring finger, so that indicates to me that he had his hands up when he was actually shot and murdered.

48. On about February 27, 2024, the “justice4abnerd” TikTok account posted a statement that: “Abnerd was fatally shot 7xs in his Condo building on Sept 14. Those involved falsely accused Abnerd of assault and attempting to break in doors.”

49. On about February 28, 2024, the interview of Charles and Joseph’s sister, Jeanna Joseph Kelley, on the “Roland Martin Unfiltered Daily Digital Show” from October 6, 2023, was reposted on the “justice4abnerd” TikTok account. During the interview, Charles repeated his claim that his “brother was murdered.”

50. The statement that Smith “murdered” Joseph is false and was known to be false when made.

51. The statement that Smith “murdered [Abnerd] in cold blood” is false and was known to be false when made.

52. The Defendants had no reasonable basis to believe the statements were true when they were made and, in fact, at least Charles and Jeanna have publicly admitted not knowing what happened on September 14, 2024.

53. At all relevant times, the “justice4abnerd” Instagram account was a public account and its content was accessible to anyone online.

54. At all relevant times, the “justice4abnerd” TikTok account was a public account and its content was accessible to anyone online.

55. The statements posted online by the Defendants and/or the individual(s) who operate or control the “justice4abnerd” Instagram account have no basis in fact and, upon information and belief, were made for the sole purpose of inciting public opinion against Smith and injuring Smith’s good name and reputation in the community.

56. The statements posted online by the Defendants and/or individual(s) who operate or control the “justice4abnerd” TikTok account have no basis in fact and, upon information and belief, were made for the sole purpose of inciting public opinion against Smith and injuring Smith’s good name and reputation in the community.

57. By making these false statements publicly and publishing them online to an unknown number of third parties, the Defendants have defamed Smith and injured his good name and reputation in the community.

58. By posting these statements to Instagram and TikTok, the Defendants have published the statements to numerous third parties.

***Charles’ Lawsuit Further Defames Smith
and Intentionally Casts Smith in a False Light***

59. Beyond the false and defamatory statements Charles made in his individual capacity, Charles, in his capacity as the Independent Administrator of the Estate of Abnerd Joseph, filed a wrongful death lawsuit against Smith in the Circuit Court of Cook County on May 15, 2024. Attempting to leverage the legal process to his advantage, Charles repeated his false and defamatory statements about Smith.

60. Charles stated in his complaint that “two tenants and a security guard stalked” Joseph to the 48th floor and, even though Joseph “had not harmed anyone and had not posed a risk of harm to others,” Smith “confronted” Joseph and “kill[ed] him in the hallway.”

61. Charles further stated in his complaint that Smith and another tenant “decided to take matters into their own hands” and, “rather than wait for Chicago Police Officers to arrive,” “opened fire on [Joseph]” whom Smith, the building security officer, and another resident had “tracked down, confronted, and provoked.” These statements are false and defamatory, and Charles had no good faith basis to assert them.

62. The same day that he filed his complaint, and in an effort to further stoke the public sentiment against Smith, Charles and his counsel, Bryan, and Jeanna made extrajudicial statements immediately after filing his lawsuit. Specifically, Charles and his counsel held a press conference at which Charles’ counsel claimed:

[W]e know that at a certain point, [Joseph’s] hands were up in the air. It was the symbol to stop, to wait. Abnerd himself was telling us with his hands to wait and deescalate the situation. He was surrendering. Instead, what happened? He was . . . executed in his own building with building management and security standing by while vigilante justice was executed on Abnerd Joseph.

63. There is no factual support for these statements, and they are, indeed, false.

64. Upon information and belief, the statements were made for the sole purpose of casting Smith in a false light to sully and destroy Smith’s good name and reputation in the community and to prejudice the public, a potential jury, and future employers against him.

65. Charles, through his counsel, perpetuated these false statements in a press release the same day he filed his complaint. The press release referred to Smith as “an armed resident [who] patrol[led] the hallways of the luxury condo high rise” who behaved as a “vigilante resident.”

66. The press release goes further to cast Smith as a criminal. As the press release states, “[t]here is a reason vigilante justice is illegal, and this case demonstrates exactly why.” According

to the press release, Joseph's family "is emphatically urging the Cook County State's Attorney's Office to complete their investigation and file charges in this matter."

67. The press conference and the press release go far beyond merely describing the allegations in the complaint.

68. Later, on August 26, 2024, apparently dissatisfied with the Cook County State's Attorney's investigation, Charles and his counsel held another press conference. At the news conference, according to press reports, Charles said, "I didn't think it would take this long" and "[w]ith so much evidence presented I don't see why the investigation is still ongoing."

69. Consistent with the press conference held in May, Charles and his counsel followed up with a press release on August 26, 2024, doubling down on their false statements and attempts to further cast Smith in a false light.

70. The August 26, 2024 press release claimed that "the staff members [of the building] accompanied the defendant gunman to track Abnerd and 'handle' the situation with tragic consequences," while expressing frustration "that the path to criminal justice has taken more than eleven months."

71. In a statement attributed to Charles's counsel in the press release, he said, "Abnerd needed and deserved help that night but got vigilante justice instead."

72. Thereafter, Charles' counsel expressly called on Cook County State's Attorney' Kim Foxx to "do the right thing before she leaves office and ensure criminal charges are filed in this case."

73. The clear take away from the statements at these news conferences and in the press releases is that Defendants are casting Smith in a false light in the hopes of inciting an unwarranted criminal prosecution against Smith.

74. A YouTube user with the handle “beverlyjames1841,” who appears to know Joseph’s family, commented on a news report by ABC 7 Chicago that “The family is trying to get Garrett Smith. This was premeditated.” See https://www.youtube.com/watch?v=_1L5cw9ID5U, last visited June 17, 2025.

COUNT I
(Defamation *Per Se*—Delbert Charles)

75. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

76. Charles’ statements on September 24, 2023, that Smith “murdered” Joseph are false.

77. Charles’ statement on September 24, 2023, that Smith is a “thief and a murderer” is false.

78. Charles’ statement on September 24, 2023, that Smith “chased my brother to the 48th floor, and he murdered him. That man murdered him” is false.

79. Charles’ statements on September 29, 2023, that Smith “murdered” Joseph are false.

80. Charles’ statement September 29, 2023, that Smith is a “thief and a murderer” is false.

81. Charles’ statement on September 29, 2023, that Smith “chased my brother to the 48th floor, and he murdered him. That man murdered him” is false.

82. Charles’ statement on the “Roland Martin Unfiltered Daily Digital Show” on October 6, 2023, that his brother was “murdered” is false.

83. Charles’ statement on January 15, 2024, that Joseph “had his hands up when he was actually shot and murdered” is false.

84. Charles' statement on February 1, 2024, that Smith "chased my brother to the 48th floor, and he murdered him. That man murdered him" is false.

85. Charles' statement on February 3, 2024, that Joseph "had his hands up when he was actually shot and murdered" is false.

86. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

87. Charles' repeated statements about Smith and his involvement in the incident leading to the death of Joseph were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and statements at a public rally.

88. Charles' repeated statements about Smith identify him by name and/or image and therefore are reasonably understood by third parties to be about or concerning Smith.

89. Charles' repeated false statements about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

90. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant, Delbert J. Charles, and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT II
(Defamation *Per Se*—Bryan Bien-Aime)

91. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

92. Bryan's statement on September 30, 2023, that Smith "chased [Abnerd] up eighteen flights of stairs and murdered [Abnerd] in cold blood" is false.

93. Bryan's statements on November 10, 2023, that Joseph was "murdered" by Smith are false.

94. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

95. Bryan's repeated statements about Smith and his involvement in the incident leading to the death of Joseph were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and statements at a public rally.

96. Bryan's repeated statements about Smith identify him by name and/or image and therefore are reasonably understood by third parties to be about or concerning Smith.

97. Bryan's repeated false statements about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

98. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant, Bryan Bien-Aime, and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT III
(Defamation *Per Se*—Ashley Joseph)

99. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

100. Ashley's statement on October 4, 2023, that Smith is a "murderer" is false.

101. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

102. Ashley's statements about Smith were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

103. Ashley's statements about Smith identify him by name and therefore are reasonably understood by third parties to be about or concerning Smith.

104. Ashley's false statements about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

105. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Ashley Joseph and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT IV
(Defamation *Per Se*—Jeanna Joseph Kelley)

106. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

107. Jeanna’s statement on January 15, 2024, that Smith “murdered” Joseph is false.

108. Jeanna’s statement on January 16, 2024, that Smith “murdered” Joseph is false.

109. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

110. Jeanna’s statements about Smith were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

111. Jeanna’s statements about Smith identify him by name through a sign held immediately next to her and therefore are reasonably understood by third parties to be about or concerning Smith.

112. Jeanna’s false statements about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

113. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Jeanna Joseph and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT V
(Defamation *Per Se*—Nick Joseph)

114. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

115. Nick's statements on January 15, 2024, that Smith "murdered" Joseph are false.

116. Nick's statements on January 15, 2024, that Joseph was "murdered in cold blood" by Smith are false.

117. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

118. Nick’s statements about Smith were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

119. Nick’s statements about Smith identify him by name and therefore are reasonably understood by third parties to be about or concerning Smith.

120. Nick’s false statements about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

121. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Nick Joseph and award Plaintiff damages as a result of Defendant’s conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

COUNT VI
(Defamation *Per Se*—the individual(s) who operate and/or control
the “justice4abnerd” Instagram account)

122. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

123. The repeated statements posted by the individual(s) who operate or control the “justice4abnerd” Instagram account that Smith “murdered” Joseph are false.

124. The repeated statements posted by the individual(s) who operate or control on the “justice4abnerd” Instagram account that Joseph was “murdered in cold blood” by Smith are false.

125. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

126. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” Instagram account about Smith and his involvement in the incident leading to the death of Joseph were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and statements at a public rally.

127. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” Instagram account about Smith identify him by name and/or image and therefore are reasonably understood by third parties to be about or concerning Smith.

128. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” Instagram account about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

129. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendants, the individual(s) who operate or control the “justice4abnerd” Instagram account, and award Plaintiff damages as a result of Defendants’ conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

COUNT VII
(Defamation *Per Se*—the individual(s) who operator and/or control
the “justice4abnerd” TikTok account)

130. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

131. The repeated statements posted by the individual(s) who operate or control the “justice4abnerd” TikTok account that Smith “murdered” Joseph are false.

132. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

133. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” TikTok account about Smith and his involvement in the incident leading to the death of Joseph were published to numerous third parties through, among others, public social media posts, statements in a lawsuit, statements at press conferences, statements at a public memorial, and statements at a public rally.

134. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” TikTok account about Smith identify him by name and/or image and therefore are reasonably understood by third parties to be about or concerning Smith.

135. The repeated false statements posted by the individual(s) who operate or control on the “justice4abnerd” TikTok account about Smith are obviously and materially harmful in that they wrongfully impute to Smith the commission of a criminal offense for which Smith has not been charged and in which Smith did not engage.

136. Because these false statements wrongly impute the commission of a criminal offense to Smith, they are actionable as defamation *per se* regardless of whether Smith suffered any actual damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendants, the individual(s) who operate or control the “justice4abnerd” TikTok account, and award Plaintiff damages as a result of Defendants’ conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

COUNT VIII
(False Light Invasion of Privacy—Delbert Charles)

137. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

138. Charles' statements on September 24, 2023, that Smith "murdered" Joseph are false.

139. Charles' statement on September 24, 2023, that Smith is a "thief and a murderer" is false.

140. Charles' statement on September 24, 2023, that Smith "chased my brother to the 48th floor, and he murdered him. That man murdered him" is false.

141. Charles' statements on September 29, 2023, that Smith "murdered" Joseph are false.

142. Charles' statement September 29, 2023, that Smith is a "thief and a murderer" is false.

143. Charles' statement on September 29, 2023, that Smith "chased my brother to the 48th floor, and he murdered him. That man murdered him" is false.

144. Charles' statement on the "Roland Martin Unfiltered Daily Digital Show" on October 6, 2023, that his brother was "murdered" is false.

145. Charles' statement on January 15, 2024, that Joseph "had his hands up when he was actually shot and murdered" is false.

146. Charles' statement on February 1, 2024, that Smith "chased my brother to the 48th floor, and he murdered him. That man murdered him" is false.

147. Charles' statement on February 3, 2024, that Joseph "had his hands up when he was actually shot and murdered" is false.

148. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes

death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

149. Charles' repeated statements accusing Smith of murder are false accusations that wrongly impute the commission of a criminal offense to Smith.

150. Charles' repeated false statements accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

151. Charles made these repeated false statements with reckless regard for the truth as Charles knew that Smith had not been charged with any crimes related to the death of Joseph.

152. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

153. Smith was placed in false light before the public due to the publication of Charles' false and defamatory statements through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

154. Smith was placed in false light before the public because Charles' false statements impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant, Delbert J. Charles, and award Plaintiff damages as a result of

Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT IX
(False Light Invasion of Privacy—Bryan Bien-Aime)

155. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

156. Bryan's statement on September 30, 2023, that Smith "chased [Abnerd] up eighteen flights of stairs and murdered [Abnerd] in cold blood" is false.

157. Bryan's statement on November 10, 2023, that Joseph was "murdered" by Smith is false.

158. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

159. Bryan's repeated statements accusing Smith of murder and murder in cold blood are false accusations that wrongly impute the commission of a criminal offense to Smith.

160. Bryan's repeated false statements accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

161. Bryan made these repeated false statements with reckless regard for the truth as Bryan knew that Smith had not been charged with any crimes related to the death of Joseph.

162. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

163. Smith was placed in false light before the public due to the publication of Bryan's false and defamatory statements through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

164. Smith was placed in false light before the public because Bryan's false statements impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant, Bryan Bien-Aime, and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT X
(False Light Invasion of Privacy—Ashley Joseph)

165. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

166. Ashley's statement on October 4, 2023, that Smith is a "murderer" is false.

167. In Illinois, "murder" is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a

strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

168. Ashley's statements accusing Smith of murder are false accusations that wrongly impute the commission of a criminal offense to Smith.

169. Ashley's false statements accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

170. Ashley made these repeated false statements with reckless regard for the truth as Ashley knew that Smith had not been charged with any crimes related to the death of Joseph.

171. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

172. Smith was placed in false light before the public due to the publication of Ashley's false and defamatory statements through, among others, public social media posts, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

173. Smith was placed in false light before the public because Ashley's false statements impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Ashley Joseph and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT XI
(False Light Invasion of Privacy—Jeanna Joseph Kelley)

174. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

175. Jeanna’s statement on January 15, 2024, that Smith “murdered” Joseph is false.

176. Jeanna’s statement on January 16, 2024, that Smith “murdered” Joseph is false.

177. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

178. Jeanna’s repeated statements accusing Smith of murder are false accusations that wrongly impute the commission of a criminal offense to Smith.

179. Jeanna’s repeated false statements accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and/or statements at a public rally.

180. Jeanna made these repeated false statements with reckless regard for the truth as Jeanna knew that Smith had not been charged with any crimes related to the death of Joseph.

181. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

182. Smith was placed in false light before the public due to the publication of Jeanna’s false and defamatory statements through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

183. Smith was placed in false light before the public because Jeanna’s false statements impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Jeanna Joseph Kelley and award Plaintiff damages as a result of Defendant’s conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

COUNT XII
(False Light Invasion of Privacy—Nick Joseph)

184. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

185. Nick’s statements on January 15, 2024, that Smith “murdered” Joseph are false.

186. Nick’s statements on January 15, 2024, that Joseph was “murdered in cold blood” by Smith are false.

187. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime

or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

188. Nick's repeated statements accusing Smith of murder and murder in cold blood are false accusations that wrongly impute the commission of a criminal offense to Smith.

189. Nick's repeated false statements accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

190. Nick made these repeated false statements with reckless regard for the truth as Nick knew that Smith had not been charged with any crimes related to the death of Joseph.

191. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

192. Smith was placed in false light before the public due to the publication of Nick's false and defamatory statements through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

193. Smith was placed in false light before the public because Nick's false statements impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendant Nick Joseph and award Plaintiff damages as a result of Defendant's conduct, including but not limited to, compensatory and punitive damages, attorneys' fees, and any other and further relief as the Court may deem just and proper.

COUNT XIII
(False Light Invasion of Privacy— the individual(s) who operate and/or control
the “justice4abnerd” Instagram account)

194. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

195. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” Instagram account that Smith “murdered” Joseph and that Joseph was “murdered in cold blood” are false.

196. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

197. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” Instagram account accusing Smith of murder and murder in cold blood are false accusations that wrongly impute the commission of a criminal offense to Smith.

198. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” Instagram account accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

199. The individual(s) who operate and/or control the “justice4abnerd” Instagram account made these repeated false statements with reckless regard for the truth as the individual(s) who operate or control the “justice4abnerd” Instagram account knew that Smith had not been charged with any crimes related to the death of Joseph.

200. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

201. Smith was placed in false light before the public due to the publication of false and defamatory statements through public social media posts by the individual(s) who operate and/or control the “justice4abnerd” Instagram account.

202. Smith was placed in false light before the public because the individual(s) who operate and/or control the “justice4abnerd” Instagram account made false statements that impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendants, the individual(s) who operate and/or control the “justice4abnerd” Instagram account, and award Plaintiff damages as a result of Defendant’s conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

COUNT XIV
(False Light Invasion of Privacy— the individual(s) who operate and/or control
the “justice4abnerd” TikTok account)

203. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein.

204. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” TikTok account that Smith “murdered” Joseph are false.

205. In Illinois, “murder” is a criminal charge defined as an intentional killing of an individual without justification or mitigating factors. Specifically:

A person who kills an individual without lawful justification commits first degree murder if, in performing the act which causes death: he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

See 720 ILCS 5/9-1(a).

206. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” TikTok account accusing Smith of murder and murder in cold blood are false accusations that wrongly impute the commission of a criminal offense to Smith.

207. The repeated false statements posted by the individual(s) who operate and/or control the “justice4abnerd” TikTok account accusing Smith of criminal conduct have been published to numerous third parties through, among others, public social media posts, statements at press conferences, statements at a public memorial, and statements at a public rally.

208. The individual(s) who operate and/or control the “justice4abnerd” TikTok account made these repeated false statements with reckless regard for the truth as the individual(s) who operate or control the “justice4abnerd” TikTok account knew that Smith had not been charged with any crimes related to the death of Joseph.

209. Falsely accusing an individual of a serious crime, such as murder, is highly offensive to a reasonable person of ordinary sensibilities.

210. Smith was placed in false light before the public due to the publication of false and defamatory statements through public social media posts by the individual(s) who operate and/or control the “justice4abnerd” TikTok account.

211. Smith was placed in false light before the public because the individual(s) who operate and/or control the “justice4abnerd” TikTok account made false statements that impute commission of a criminal offense to Smith, which is *per se* defamatory and actionable as false light invasion of privacy claim regardless of special damages.

WHEREFORE, Plaintiff, Garrett M. Smith, respectfully requests the Court enter judgment in his favor and against Defendants, the individual(s) who operate and/or control the “justice4abnerd” TikTok account, and award Plaintiff damages as a result of Defendant’s conduct, including but not limited to, compensatory and punitive damages, attorneys’ fees, and any other and further relief as the Court may deem just and proper.

RESPONDENTS IN DISCOVERY

Plaintiff Garrett M. Smith incorporates by reference paragraphs 1 through 74 as though each were fully set forth herein and names as respondents in discovery Wendy Bien-Aime, Shantae “Rayne” Belcher, Joshua Watts, Meta Platforms, Inc., and TikTok who, upon information and belief, have knowledge and information essential to the determination of who should properly be named as additional defendants in the action.

RESERVATION OF RIGHTS

Plaintiff Garrett M. Smith reserves unto himself all of those claims in law or in equity as may prove through discovery to be applicable. Smith reserves the right to assert such claims,

counterclaims, third-party claims, or other claims as investigation and discovery may prove applicable, and hereby reserves unto himself all of its rights associated with any such claim or potential claim. Smith further reserves the right to amend his complaint if investigation, discovery, and further information warrant such amendment, and further, to assert any applicable matters of law and equity during the pendency of this action.

JURY DEMAND

Plaintiff Garrett M. Smith demands a trial by jury on all facts and issues so triable at common law, under the Illinois Constitution, and the Constitution of the United States.

Dated: June 22, 2025

GARRETT M. SMITH

By: s/ John J. Scharkey

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– and –

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Counsel for Garrett M. Smith

RULE 222(b) AFFIDAVIT

Pursuant to Supreme Court Rule 222(b), counsel for Plaintiff certifies that Plaintiff seeks money damages in excess of \$50,000.

Dated: June 22, 2025

_____ s/ John J. Scharkey