

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Olabinjo Osundairo and)	
Abimbola Osundairo, Individually,)	
)	Case No.
Plaintiffs,)	
)	Judge
v.)	
)	Magistrate Judge
Mark Geragos, Tina Glandian,)	
and Geragos & Geragos Law Firm,)	JURY DEMAND
)	
)	
Defendants.)	

COMPLAINT

NOW COME Plaintiffs Olabinjo Osundairo and Abimbola Osundairo (hereinafter “Plaintiffs” or “Osundairo brothers”), by and through their attorneys, Gregory E. Kulis & Associates, Ltd., the Law Offices of James D. Tunick, and the Gloria Law Group, and for their complaint against Defendants Tina Glandian, Mark Geragos, and the Geragos & Geragos Law Firm, state as follows:

PARTIES

1. Plaintiff Olabinjo Osundairo (hereinafter “Mr. Ola Osundairo”) is an individual who is a United States citizen, born and raised in Chicago, and continues to reside in Chicago, Illinois.

2. Plaintiff Abimbola Osundairo (hereinafter “Mr. Bola Osundairo”) is an individual who is a United States citizen, born and raised in Chicago, and continues to reside in Chicago, Illinois.

3. Defendant Tina Glandian is an attorney employed by Defendant Geragos & Geragos Law Firm and is a resident of New York City, New York.

4. Defendant Mark Geragos is a partner at Defendant Geragos & Geragos Law Firm and is a resident of Los Angeles, California.

5. Defendant Geragos & Geragos Law Firm is a private law firm with its principal place of business in Los Angeles, California, with business in Las Vegas and New York.

JURISDICTION AND VENUE

6. The Court has personal jurisdiction over Defendants since they have availed themselves of Illinois law in numerous ways. First, they conducted business in the State of Illinois. Defendants transacted as criminal counsel for Chicago actor Justin “Jussie” Smollett (hereinafter “Mr. Smollett”), defending his Illinois criminal case and often acting as de facto public relations representatives while in Illinois. Second, Defendants also committed torts within the State of Illinois by making public defamatory statements against Plaintiffs, which were published broadly in Illinois by major news outlets such as the Chicago Sun-Times, the Chicago Tribune, and WGN Radio. Moreover, these tortious statements involve a hoax conducted in Illinois and orchestrated by Mr. Smollett. Finally, and importantly, these statements also impacted the reputation of Plaintiffs, who are employed and live in Illinois. Pursuant to the Illinois Long Arm Statute and federal law, Defendants have maintained minimum sufficient contacts with the State of Illinois to establish personal jurisdiction. 735 ILCS 5/2-209.

7. Venue is proper under 28 U.S.C. §1391(b)(2), as a substantial part of the events or omissions giving rise to the claim, as discussed in the previous paragraph, occurred in Chicago, Illinois.

8. This Court also has subject matter jurisdiction because the amount in controversy exceeds \$75,000.00 for each Plaintiff, exclusive of interests and costs, and is between citizens of different states, per 28 U.S.C. §1332(a).

CHOICE OF LAW

9. This complaint will allege violations of the torts of defamation and false light, established under the Illinois common law. This is because Illinois choice-of-law principles hold that the Illinois forum court must apply the substantive laws of the state where the case has “the most significant contacts.” *Snead v. Forbes*, 275 N.E. 2d 746, 748-49 (1st Dist. Ill. 1971) *citing* Restatement of Law, Second, Conflicts of Law §150. For the torts of defamation and false light, this is the state in which the defamed plaintiff was domiciled at the time the tortious comments were made, as plaintiff’s state of residence is “the place of greatest potential injury to the reputation of plaintiff”. *Id.* For Plaintiffs, that state is Illinois.

FACTUAL ALLEGATIONS

10. On or around the morning of January 29, 2019, it was virally reported that actor Justin “Jussie” Smollett was attacked in Chicago’s Streeterville neighborhood while walking home.

11. Mr. Smollett had reported to Chicago Police that two men in ski masks pulled a noose around his neck, poured an unknown liquid on his body, and battered him with their hands and feet. Mr. Smollett also reported that the masked men yelled “this is MAGA country!” – referring to President Trump’s campaign slogan “Make America Great Again” – along with various racist and homophobic slurs.

12. Mr. Smollett’s report led to international outrage, with near unanimous calls for the Chicago Police (hereinafter “CPD”) to find and prosecute Mr. Smollett’s attackers. On February 15, 2019, CPD’s investigation led them to the Osundairo brothers, the Plaintiffs in this case, upon which they were taken into custody and questioned. On February 15, 2019, Plaintiffs were promptly released without charges, as there was verification and in-depth corroboration that the

“attack” was a hoax entirely conceived and directed by Mr. Smollett.

13. CPD and the public at large grew increasingly skeptical about the circumstances of Mr. Smollett’s attack. As the Osundairo brothers were extras on Mr. Smollett’s television show “Empire,” occasionally socialized with Mr. Smollett, and are also Black men, the suggestion that they committed a brutal hate crime against Mr. Smollett raised the proverbial eyebrow.

14. The media soon circulated CPD’s theory of what actually occurred: Mr. Smollett paid Plaintiffs a sum of money to stage the attack to benefit himself.

15. In short, Mr. Smollett used his clout as a wealthy actor to influence Plaintiffs, who were in a subordinate relationship to him and were aspiring to “make it” in Hollywood.

16. On January 25, 2019, Mr. Smollett told Plaintiffs, in private, that he needed a favor from them: they were to help him stage a social media hoax and pretend to attack him. Mr. Smollett’s motivation was simple. He wanted his employer and the public to notice and appreciate him as a successful Black, openly gay actor. So, Mr. Smollett directed every aspect of the attack, including the location and the noose.

17. On February 20, 2019, Plaintiffs testified truthfully before a grand jury regarding the facts of what happened on or around January 29, 2019.

18. On March 7, 2019, Mr. Smollett was indicted for 16 felony counts of a false report of offense pursuant to Illinois criminal statute 720 ILCS 5/26-1(a)(4). He was represented by Defendants.

19. In a controversial move, the Cook County State’s Attorney dropped his charges almost immediately, less than three weeks after charging Mr. Smollett.

20. The swiftness and manner with which Mr. Smollett’s charges were handled is notably unheard of in Cook County. Yet, the State’s Attorney seemed satisfied by Mr. Smollett’s

\$10,000.00 payment in bond and his “community service” which he apparently already served as a prominent Chicago figure.

21. Mr. Smollett’s charges were dropped on or around March 26, 2019.

22. What followed was mass public outcry, including dismay from the media, several district attorney bar associations, police unions, and the federal government. Many argued the Cook County State’s Attorney botched the prosecution of Mr. Smollett’s case. Some suggested that the State’s Attorney cut him a deal due to his affluence and celebrity.

23. Mr. Smollett’s attorneys, faced with an outraged public, did not retreat after their success. Instead they doubled down, not simply affirming that Mr. Smollett was a wholly innocent victim, but that (among other accusations) Plaintiffs unequivocally led a criminally homophobic, racist, and violent attack against Mr. Smollett. Defendants made these comments knowing they were untrue to distract from Mr. Smollett’s farce and to promote themselves and the Geragos & Geragos Law Firm. This vitriol against Plaintiffs is tortious and comprises the substance of the following allegations.

DEFENDANT TINA GLANDIAN

COUNT I
COMMON LAW DEFAMATION PER SE

I. Statements Accusing Plaintiffs of Committing a Hate Crime, Perjury, and Conspiring to Make False Statements to Chicago Police

24. On or around March 27, 2019, Defendant Tina Glandian appeared on Good Morning America, aired by the American Broadcasting Corporation (“ABC”). On or around March 28, 2019, Ms. Glandian appeared the Today show, aired by the National Broadcasting Company (“NBC”). In both appearances, Ms. Glandian discussed her client, Mr. Smollett, and his

criminal case. The following statements were echoed in numerous other publications, including the podcast *Reasonable Doubt*.

25. All the statements alleged below were in concert and coordination with Defendant Mark Geragos and Defendant Geragos & Geragos Law Firm.

26. Ms. Glandian insisted Mr. Smollett was innocent of making a false police report and falsely added that Plaintiffs criminally attacked Mr. Smollett.

27. Ms. Glandian then falsely submitted that Plaintiffs may have been wearing “whiteface” while attacking Mr. Smollett – again stating Plaintiffs battered Mr. Smollett and adding the implication that this battery was a hate crime.

28. Ms. Glandian’s statements that Plaintiffs committed a hate crime against Mr. Smollett and donned whiteface were published to third parties everywhere as they were broadcast by ABC and NBC, and were republished in numerous newspapers, blogs, and periodicals.

29. Ms. Glandian’s statements explicitly identify Plaintiffs as the subject of her accusations, as she was responding directly to questions about the Osundairo brothers.

30. Ms. Glandian’s statements indicating Plaintiffs actually criminally battered Mr. Smollett without his consent are patently false and defamatory, as Mr. Smollett originated, planned, and orchestrated the attack.

31. Ms. Glandian, in stating that Plaintiffs criminally battered Mr. Smollett, implicitly proffered that Plaintiffs are guilty of perjuring themselves during the February 20, 2019 grand jury proceedings, and she specifically stated such in media appearances.

32. Ms. Glandian, in stating that Plaintiffs criminally battered Mr. Smollett, implicitly proffered that Plaintiffs are guilty of conspiring to give false statements and/or giving false statements to Chicago Police, and she specifically stated such in media appearances.

33. Ms. Glandian's statements that Plaintiffs donned "whiteface" on the day of Mr. Smollett's alleged attack are patently false and defamatory, as neither wore "whiteface" or pretended in any way to be Caucasian.

34. Ms. Glandian's statements were made after the close of Mr. Smollett's criminal case, did not serve any legal function, and was not a requirement of her job as a defense attorney.

35. Instead, these statements were unnecessarily made on national media to advance Mr. Smollett's and Ms. Glandian's reputation and fame at high cost to Plaintiffs.

36. Indeed, Ms. Glandian's statements have caused considerable damage to Plaintiffs' careers, as they have lost talent agent contracts and career opportunities.

37. Thus, Ms. Glandian's statements have caused Plaintiffs irreparable financial damage.

38. As a result of Ms. Glandian's comments, Plaintiffs have suffered significant emotional distress and feel unsafe and alienated in their local Chicago community. This is because Ms. Glandian, a very famous attorney, falsely and publicly stated Plaintiffs have committed a gruesome hate crime, lied under oath, and intentionally misled CPD.

39. Ms. Glandian's statements have caused Plaintiffs severe emotional damage.

40. Ms. Glandian, in falsely accusing Plaintiffs of committing a hate crime, perjuring themselves, and making false statements to a police officer, has acted with fault clearly amounting to negligence and/or actual malice.

41. Ms. Glandian's comments, in falsely accusing Plaintiffs of committing a hate crime, perjuring themselves, and making false statements to a police officer, are defamatory per se under Illinois common law.

42. As a result of Ms. Glandian's false and defamatory statements, Plaintiffs suffered and will continue to suffer damage, including economic damages, damages to their reputations, and/or damage to current and prospective business relations.

II. Statements Harming Plaintiffs in their Profession and Implying a Lack of Integrity in Plaintiffs' Professional Duties

43. On or around April 6, 2019, Defendant Tina Glandian further discussed Plaintiffs on the *Reasonable Doubt* podcast.

44. Ms. Glandian's statements were made after the close of Mr. Smollett's criminal case, did not serve any legal function, and were not a requirement of her job as a defense attorney.

45. Ms. Glandian knew that Plaintiffs were partially self-employed, as creators and promoters of their brand "Team Abel". Team Abel advises and demonstrates how to strengthen and build muscle while maintaining a healthy, steroid-free diet and fitness regimen.

46. Ms. Glandian falsely stated that Plaintiffs are involved in "illegal" Nigerian steroid trafficking, and that these steroids help clients lose weight.

47. Ms. Glandian added, scoffing, that Plaintiffs' "platform. . . is all about being steroid-free . . . Their whole thing is, you know, all-natural bodybuilding. It's ridiculous."

48. Plaintiffs do not use or distribute illegal Nigerian steroids.

49. Ms. Glandian's comments are patently false and defamatory.

50. These statements were unnecessarily made publicly to numerous third parties to advance Ms. Glandian's reputation and fame and to undoubtedly ruin Plaintiffs' business.

51. Ms. Glandian's statements have caused considerable damage to Plaintiffs' careers, causing Plaintiffs irreparable financial damage, losing business and the opportunity of business.

52. Ms. Glandian's statements have caused Plaintiffs severe emotional distress.

53. Ms. Glandian, in falsely accusing Plaintiffs of running their all-natural business fraudulently, has acted with fault clearly amounting to negligence and/or actual malice.

54. Ms. Glandian, in falsely accusing Plaintiffs of illegally distributing foreign steroids, has acted with fault clearly amounting to negligence and/or actual malice.

55. Ms. Glandian, in falsely accusing Plaintiffs of professionally defrauding and misleading clients, has committed defamation per se under Illinois law, as those statements call into question whether Plaintiffs have integrity in performing their duties as professionals in their industry.

56. Ms. Glandian, in falsely accusing Plaintiffs of criminally distributing foreign unlawful steroids, has committed defamation per se under Illinois law.

57. As a result of Ms. Glandian's false and defamatory statements concerning Plaintiffs' use and distribution of illegal steroids to their clientele, Plaintiffs suffered and will continue to suffer damage, including economic damages, damages to their reputation, and/or damages to current and prospective business relations.

III. Statements Falsely Accusing Plaintiff of Engaging in Fornication with Mr. Smollett.

58. On or around April 6, 2019, Defendant Tina Glandian further discussed Plaintiff Abimbola Osundairo (hereinafter "Bola Osundairo") on the podcast *Reasonable Doubt*.

59. Ms. Glandian inferred that Bola Osundairo and Mr. Smollett engaged, at least briefly, in homosexual acts together. These statements were made to the third-party press and public.

60. Bola Osundairo is heterosexual and was dating a woman at the time.

61. Bola Osundairo has never engaged in any sexual acts with Mr. Smollett, thus Ms. Glandian's statements are patently false.

62. Bola Osundairo is also Nigerian-American, has family in Nigeria, and enjoys visits to Nigeria.

63. Same-sex sexual activity is illegal in Nigeria, which can result in 14 years of imprisonment. If the accused is married, the punishment is death by stoning.

64. Research by Pew indicates that 99% of Nigerians believe homosexuality should not be tolerated.¹

65. Ms. Glandian's globally broadcasted statements that Bola Osundairo is homosexual endangers him and the lives of his Nigerian family.

66. Ms. Glandian's statements were made after the close of Mr. Smollett's criminal case, did not serve any legal function, and were not a requirement of her job as a defense attorney.

67. Ms. Glandian's statements have caused Plaintiffs severe emotional distress.

68. Ms. Glandian, in falsely accusing Bola Osundairo of fornication with Mr. Smollett, has committed defamation per se under Illinois law.

69. As a result of Ms. Glandian's false and defamatory statements concerning Bola Osundairo's sexual activity, Plaintiff suffered and will continue to suffer damage, including economic damages and damages to his reputation.

WHEREFORE, the Plaintiffs OLABINJO OSUNDAIRO and ABIMBOLA OSUNDAIRO pray for judgment against Defendant TINA GLANDIAN, for the appropriate compensatory damages, punitive damages and costs.

¹ See <https://www.pewresearch.org/fact-tank/2013/06/21/ahead-of-same-sex-marriage-decisions-what-you-need-to-know/>; the study claims Nigeria is the least accepting of homosexuality of all countries surveyed.

COUNT II
COMMON LAW FALSE LIGHT

1-69. The Plaintiffs hereby re-allege and incorporate their allegations of Paragraphs 1-69 of Count I as their respective allegations of Paragraphs 1-69 of Count II as though fully set forth herein.

70. Ms. Glandian made false statements to the third-party press and public that Plaintiffs committed a hate crime, perjured themselves, and conspired to make false statements to CPD.

71. Ms. Glandian made false statements to the third-party press and public that Plaintiffs used “whiteface,” both in the past and while committing a hate crime.

72. Ms. Glandian made false statements that Plaintiffs’ business is misleading to their clientele and is a sham enterprise, as Plaintiffs use and/or provide illegal steroids while stating their business is “all natural.”

73. Ms. Glandian made false statements that Plaintiffs are illegally distributing foreign steroids.

74. Ms. Glandian made false statements that Plaintiff Bola Osundairo engaged in homosexual acts with Mr. Smollett.

75. Statements falsely accusing Plaintiffs of illegal activities, including committing a hate crime, committing perjury, intentionally making false statements to police, and distributing steroids, are objectively offensive.

76. Statements falsely accusing Plaintiffs of lacking professional integrity by lying to clientele about the propriety of steroids are objectively offensive.

77. Statements falsely accusing Plaintiff Bola Osundairo of engaging in sexual acts with Mr. Smollett are objectively offensive, especially as Bola Osundairo was dating someone else at the time.

78. Ms. Glandian explicitly identified Plaintiffs in making these offensive, untrue statements. Even when she refers to them as “the brothers” they are still easily identifiable.

79. Ms. Glandian, in making these statements, acted with actual malice and reckless disregard for the truth, knowing these statements were clearly false.

80. Ms. Glandian’s statements were made after the close of Mr. Smollett’s criminal case, did not serve any legal function, and were not a requirement of her job as a defense attorney.

81. As a result of Ms. Glandian’s objectively and highly offensive statements, Plaintiffs have suffered and will continue to suffer extreme emotional distress, humiliation, and anxiety, damages to their reputation, and/or damage to current and prospective business relations.

WHEREFORE, the Plaintiffs OLABINJO OSUNDAIRO and ABIMBOLA OSUNDAIRO pray for judgment against Defendant TINA GLANDIAN, for the appropriate compensatory damages, punitive damages and costs.

DEFENDANT MARK GERAGOS

COUNT III
COMMON LAW DEFAMATION PER SE

1-81. The Plaintiffs hereby re-allege and incorporate their allegations of Paragraphs 1-81 of Count II as their respective allegations of Paragraphs 1-81 of Count II as though fully set forth herein.

82. On the same podcast in which Ms. Glandian made tortious and defamatory statements about Plaintiffs, Defendant Mark Geragos (hereinafter “Mr. Geragos”) also appeared, and occasionally made comments.

83. Mr. Geragos falsely stated that he could not think of anyone else who committed the hate crime against his client, Mr. Smollett, besides Plaintiffs.

84. Mr. Geragos repeatedly indicated that Plaintiffs conspired to criminally attack Mr. Smollett, and by doing so, implied Plaintiffs committed perjury before the February 20, 2019 grand jury and conspired to make false statements to Chicago Police.

85. Moreover, the above defamatory statements in Counts I and II made by Ms. Glandian were made in concert with and approved by Mr. Geragos to promote his law firm and his reputation.

86. Mr. Geragos’s statements were made after the close of Mr. Smollett’s criminal case, did not serve any legal function, and were not a requirement of his job as a defense attorney.

87. Mr. Geragos’s statements have caused the Plaintiffs severe emotional distress and have caused Plaintiffs irreparable financial damage as alleged above.

88. The Plaintiffs feel unsafe and alienated in their local Chicago community. This is because Mr. Geragos, a very famous attorney, falsely and publicly stated they have committed a heinous, racially, and homophobically motivated hate crime, that they lied under oath, and that they lied to CPD.

89. Mr. Geragos, in falsely accusing Plaintiffs of committing a hate crime, perjuring themselves, and conspiring to give false statements to CPD, has acted with fault clearly amount to actual malice.

90. Mr. Geragos's statements, in falsely accusing Plaintiffs of committing a hate crime, perjuring themselves, and conspiring to give false statements to Chicago Police, are defamatory per se pursuant to Illinois law.

91. As a result of Mr. Geragos's false and defamatory statements, Plaintiffs suffered and will continue to suffer damage, including economic damages, damages to their reputations, and/or damage to current and prospective business relations.

WHEREFORE, the Plaintiffs OLABINJO OSUNDAIRO and ABIMBOLA OSUNDAIRO pray for judgment against Defendant MARK GERAGOS, for the appropriate compensatory damages, punitive damages and costs.

COUNT IV
COMMON LAW FALSE LIGHT

1-91. The Plaintiffs hereby re-allege and incorporate their allegations of Paragraphs 1-68 of Count III as their respective allegations of Paragraphs 1-91 of Count IV as though fully set forth herein.

92. Mr. Geragos made false statements to the third-party press and public that Plaintiffs committed a hate crime, perjured themselves before a grand jury, and conspired to make give false statements to CPD.

93. Additionally, Ms. Glandian's above tortious statements were made in consort and coordination with Mr. Geragos in an attempt to promote his law firm and reputation.

94. Mr. Geragos's tortious statements explicitly identified Plaintiffs in making these untrue statements. Even when he referred to them by pronouns, they are still easily identifiable.

95. Statements falsely accusing Plaintiffs of illegal activities are objectively offensive.

96. Mr. Geragos's statements were made after the close of Mr. Smollett's criminal case, did not serve any legal function, and were not a requirement of his job as a defense attorney.

97. Mr. Geragos, in making these statements, acted with actual malice as he knew these statements were clearly false, and thus acted with reckless disregard for the truth.

98. As a result of Mr. Geragos's objectively and highly offensive statements, Plaintiffs suffered and will continue to suffer extreme emotional distress, humiliation, anxiety, damages to their reputation, and damages to current and prospective business relations.

WHEREFORE, the Plaintiffs OLABINJO OSUNDAIRO and ABIMBOLA OSUNDAIRO pray for judgment against Defendant MARK GERAGOS, for the appropriate compensatory damages, punitive damages and costs.

DEFENDANT GERAGOS & GERAGOS LAW FIRM

COUNT V
RESPONDEAT SUPERIOR

1-98. The Plaintiffs hereby re-allege and incorporate their allegations of Paragraphs 1-98 of Count IV as their respective allegations of Paragraphs 1-98 of Count V as though fully set forth herein.

99. At all relevant times the Defendants Tina Glandian and Mark Geragos were acting within their scope of employment as employee and partner, respectively, of Geragos & Geragos Law Firm.

100. Geragos & Geragos Law Firm is responsible for the actions of its agents.

WHEREFORE, the Plaintiffs OLABINJO OSUNDAIRO and ABIMBOLA OSUNDAIRO pray for judgment against Defendant GERAGOS & GERAGOS, for the appropriate compensatory damages, punitive damages and costs.

JURY DEMAND

Plaintiffs hereby request trial by jury.

Respectfully Submitted,

By: /s/ Gregory E. Kulis

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ILND 44 (Rev. 09/07/18)

CIVIL COVER SHEET

The ILND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (See instructions on next page of this form.)

I. (a) PLAINTIFFS

Olabinjo Osundario and Abimbola Osundario

(b) County of Residence of First Listed Plaintiff Cook
(Except in U.S. plaintiff cases)

(c) Attorneys (firm name, address, and telephone number)

Gregory E. Kulis & Associates, Ltd.
30 N. LaSalle St., Ste. 2140, Chicago, IL 60602
(312) 580-1830

DEFENDANTS

Mark Geragos, Tina Glandian, and Geragos & Geragos Law Firm

County of Residence of First Listed Defendant
(In U.S. plaintiff cases only)

Note: In land condemnation cases, use the location of the tract of land involved.

Attorneys (if known)

II. BASIS OF JURISDICTION (Check one box, only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government not a party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate citizenship of parties in Item III.)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only.)(Check one box, only for plaintiff and one box for defendant.)

- | | | | | | |
|---|---|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Check one box, only.)

CONTRACT	TORTS	PRISONER PETITIONS	LABOR	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 530 General <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Habeas Corpus: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729 (a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAXES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN (Check one box, only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation ☐ 8 Multidistrict Litigation Direct File

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

28 U.S.C. §1332(a) Defamation

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)**VIII. REQUESTED IN COMPLAINT:**

☐ Check if this is a class action Under rule 23, Demand \$
F.R.C.V.P.

Check Yes only if demanded in complaint.
Jury Demand: ☒ Yes ☐ No

IX. RELATED CASE(S) IF ANY (See instructions)

Judge

Case Number

X. Is this a previously dismissed or remanded case? ☐ Yes ☒ No If yes, Case #

Name of Judge

Date

Signature of attorney of record

4/23/19

/s/ Gregory E. Kulis

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority for Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Previous Bankruptcy Matters For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

IX. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

X. Refiling Information. Place an "X" in the Yes box if the case is being refiled or if it is a remanded case, and indicate the case number and name of judge. If this case is not being refiled or has not been remanded, place an "X" in the No box.

Date and Attorney Signature. Date and sign the civil cover sheet.