

### NAILAH K. BYRD CUYAHOGA COUNTY CLERK OF COURTS

1200 Ontario Street Cleveland, Ohio 44113

#### **Court of Common Pleas**

New Case Electronically Filed: COMPLAINT September 9, 2020 15:58

By: AARON MINC 0086718

Confirmation Nbr. 2068861

MINC LLC CV 20 937026

VS.

**Judge:** EMILY HAGAN MELISSA FARMER

Pages Filed: 21



### Common Pleas Court of Cuyahoga County, Ohio

#### DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Aaron M. Minc, Esq.	Case Number:		
Plaintiff	Date: 09/09/2020		
√s.			
Melissa A. Farmer			
Defendant			
Has this case been previously filed and	dismissed? Yes No 🔳		
Case #:	Judge:		
Is this case related to any new cases no	ow pending or previously filed? Yes 🗌 No 🔳		
Case #:	ludge.		
CIVIL CLASSIFICATIONS: Place an (X) In C	ONE Classification Only.		
Professional Torts:	Foreclosures:		
1311 Medical Malpractice	Utilize Separate Foreclosure Designation Form		
☐ 1315 Dental Malpractice	Commercial Docket:		
☐ 1316 Optometric Malpractice☐ 1317 Chiropractic Malpractice	☐ 1386 Commercial Docket		
1317 Chiropractic Maipractice     1312 Legal Malpractice	1387 Commercial Docket with Foreclosure		
1313 Ctegal Malpractice     1313 Other Malpractice	2 1307 Commercial Docket With Foredosale		
1313 Other Marpractice	Administrative Appeals:		
Product Liability:	1540 Employment Services		
1330 Product Liability	☐ 1551 Other		
Other Torts:	Other Civil:		
1310 Motor Vehicle Accident	1500 Replevin/Attachment		
1314 Consumer Action	1382 Business Contract		
■ 1350 Misc. Tort	1384 Real Estate Contract		
	1388 Consumer Debt		
Workers Compensation:	☐ 1390 Cognovit		
1550 Workers Compensation	1391 Other Contracts		
$\square$ 1531 Workers Comp. Asbestos	☐ 1490 Foreign Judgment		
	1491 Stalking Civil Protection Order		
	☐ 1501 Misc. Other		
	☐ 1502 Petition to Contest Adam Walsh Act		
	1503 Certificate of Qualification for Employment		
Amount of Controversy:	Parties have previously attempted one of the		
□ None Stated	following prior to filing:		
☐ Less than \$25,000	following prior to filing:  Arbitration		
Prayer Amount \$ 25,000	a Larry Neutral Evaluation		
	☐ Mediation		
	■ None		
I certify that to the best of my knowledge the within a Minc LLC	case is not related to any now pending or previously filed, expect as noted above. Aaron M. Minc		
Firm Name (Print or type)			
Firm Name (Print or type) 200 Park Ave, Suite 200	Attorney of Record (Print or Type) 0086718		
Address	Supreme Court #		
Orange Village, Ohio 44122	aminc@minclaw.com		
Address (216) 273 7706	Email Address		
(216) 373-7706			
Phone	Siánature		

#### COURT OF COMMON PLEAS

#### **CUYAHOGA COUNTY, OHIO**

AARON M. MINC, ESQ.	)	CASE NO.
200 Park Avenue, Suite 200	)	
Orange Village, Ohio 44122	)	
	)	JUDGE:
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT FOR</b>
	)	<b>DEFAMATION AND FALSE</b>
MELISSA A. FARMER	)	<u>LIGHT</u>
426 West Belmont Ave, Apt 1206	)	
Chicago, IL 60657-4705	)	JURY TRIAL REQUESTED

Defendant.

For his Complaint against Defendant Melissa Farmer ("Defendant"), Plaintiff Aaron M. Minc ("Plaintiff") alleges as follows:

#### **PARTIES, JURISDICTION, & VENUE**

- 1. Plaintiff is an attorney licensed to practice law in Ohio and owns and operates a law firm, Minc LLC. Plaintiff is located at the above captioned address. Plaintiff operates an account on the social media platform Twitter with the username @RepLawyer.
- 2. Defendant is a sex and pain researcher with a PhD in Clinical Psychology and resides in Chicago, IL. Defendant operates a Twitter account with the username @Farmer\_MindBody.
- 3. Nicole R. Prause is a California resident. Prause operates an account on Twitter with the username "Liberos" and/or "@NicoleRPrause." Prause filed for bankruptcy on August 18, 2020 under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Case No. 2:20-bk-17828-NB. Plaintiff is in the process of obtaining leave from the Bankruptcy Court to include her as a defendant in this lawsuit. When

Plaintiff obtains such permission, Plaintiff intends to request leave to amend his Complaint pursuant to Ohio Civ. R. 15 to add Prause as a co-defendant.

- 4. This Court has subject matter jurisdiction pursuant to O.R.C. § 2305.01.
- 5. This Court has personal jurisdiction over Defendant pursuant to O.R.C. § 2307.382(A)(6) and venue is proper under Ohio R. Civ. P. 3(C)(3) and (6).

#### **FACTUAL ALLEGATIONS**

- 6. Plaintiff's law firm currently represents a third party in a lawsuit against Prause. Throughout the course of this lawsuit, Prause has continuously used her Twitter account to attack the reputation of people involved in the lawsuit. Prause has thousands of followers on Twitter. Plaintiff has had little to no personal involvement in the litigation.
- 7. On or about July 28, 2020, Prause published a series of public tweets on her Twitter account claiming she feared for her safety because Plaintiff had directly sent Prause's home and work addresses, which are presumably private and confidential, to a group of people that have been threatening to kill her for years. Prause's Tweet included an image message from one of the hate group members that said, "[I'll] kill that bitch any time if you'd like me to. Fuck those people." A true and accurate copy of Prause's twitter posts are attached hereto as Exhibit A 1-4 ("Prause's Tweets).
- 8. Plaintiff replied to Prause's Tweets denying the allegations because they are patently false. Prior to July 28, 2020, Plaintiff barely even knew who Prause was. Plaintiff has no knowledge of Prause's addresses. Plaintiff has never sent Prause's home or work addresses to anyone. Plaintiff has no knowledge about any death threats by anyone against Prause. Plaintiff also has no knowledge of anyone else disseminating Prause's addresses. Plaintiff has no knowledge regarding any of Prause's allegations.

- 9. Prause additionally claimed that she had contacted the LAPD, who were investigating the matter. When Plaintiff continuously denied her allegations, Prause directed Plaintiff to "Talk to LAPD."
- 10. Prause encouraged her twitter followers to repeat her claims, harass Plaintiff by commenting and liking all of the responses she received in support of her claims. One of Prause's twitter followers with the username "Chanell @nellyy" responded to Plaintiff's denial by saying, "What a piece of shit!"
- 11. Two of Prause's other twitter followers shared the Prause Tweet with the twitter accounts @womenofsextech and @CAgoldberglaw. @CAgoldberglaw is the twitter account of Carrie Goldberg, a sexual assault victims' advocate and attorney based in New York, from whom Plaintiff receives client referrals. The Prause Tweet has negatively impacted this business relationship.
- 12. Notwithstanding Plaintiffs explicit denial, on or about July 30, 2020, Defendant publicly republished Prause's Tweets and directly messaged and/or shared them with the Ohio State Bar Association, Cleveland Metropolitan Bar Association, and the Ohio Supreme Court's twitter accounts. The Defendant's twitter post ("Defendant's Tweet") is attached as Exhibit B.
- 13. Defendant's Tweet claimed that Plaintiff was "engaging in ethics violations that endanger [a] third party (Ohio Rules of Prof. Conduct Rule 4.4." Defendant's Tweet attached a screenshot image of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court website. Defendant's claims and allegations are false and defamatory per se.

#### **COUNT I: LIBEL AND LIBEL PER SE**

14. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

- 15. The Defendant published tweets containing false statements of fact of and concerning Plaintiff claiming that Plaintiff had violated attorney ethical rules by directly disseminating Prause's confidential home and work address to people that want to kill her.
  - 16. Defendant published the false statements without any privilege to do so.
- 17. Defendant published her false statements with malice, reckless disregard, and/or at least a negligent level of intent.
  - 18. The false statements in Defendant's Tweets are defamatory per se.
- 19. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount of which will be proven at trial.
- 20. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

#### **COUNT 2: FALSE LIGHT**

- 21. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.
- 22. Defendant's Tweets publicly cast Plaintiff in a false light to the Ohio State Bar Association, Cleveland Metropolitan Bar Association, the Ohio Supreme Court, as well as a vast audience of Twitter users.
- 23. The false light Defendant placed Plaintiff in is highly offensive to a reasonable person.
- 24. Defendant published her Tweet with at least reckless disregard as to the falsity of the facts contained in the Tweet and the false light in which Plaintiff would be placed.

25. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional

distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount

of which will be proven at trial.

26. Plaintiff additionally requests a permanent injunction against Defendant declaring

that these allegations are false, defamatory, and that Defendant is prohibited from creating or

publishing the same or similar defamatory statements about Plaintiff or his business in the future.

WHEREFORE Plaintiff prays for judgment against Defendant in conformity with the

allegations set forth above and asks this Court to award compensatory, special, actual, and punitive

damages amounting to at least \$25,000 with the exact amount to be proven at trial, attorneys fee's

and court costs, a permanent injunction against Defendant declaring that these allegations are false,

defamatory, and that Defendant is prohibited from creating or publishing the same or similar

defamatory statements about Plaintiff or his business in the future, and for any and all other relief

at law or in equity as the Court deems equitable, just, and proper.

Respectfully submitted,

/s/ Aaron M. Minc

Aaron M. Minc (0086718)

Minc LLC

200 Park Ave., Suite 200

Orange Village, Ohio 44122

Phone: (216) 373-7706

Fax: (440) 792-5327

Email: aminc@minclaw.com

**JURY DEMAND** 

Plaintiff hereby demands a trial by jury pursuant to Ohio Civ. R. 38.

/s/ Aaron M. Minc

Aaron M. Minc (0086718)

# **Page Vault**

Document title: (2) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical

location to this group that offered to kill me multiple times. https://

t.co/2W2EBUdiP7" / Twitter

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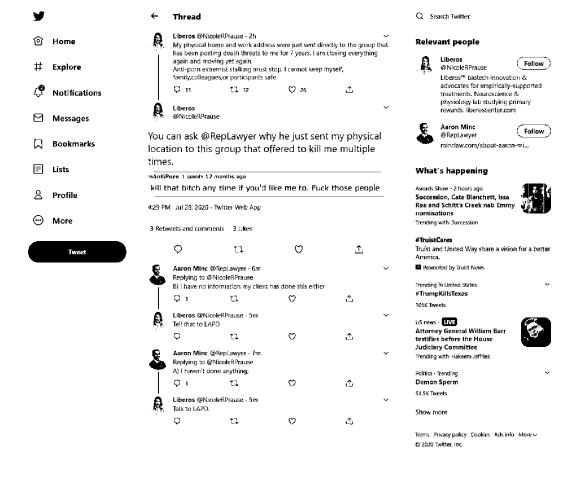
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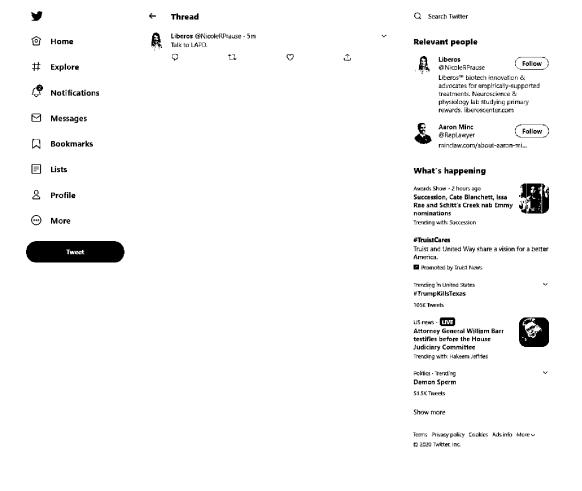
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## **Page Vault**

Document title: (4) Liberos on Twitter: "My physical home and work address were just sent directly

to the group that has been posting death threats to me for 7 years. I am closing everything again and moving yet again. Anti-porn extremist stalking must stop. I

cannot keep myself, family,colleagues,or participants safe." / Twitter

Capture URL: https://twitter.com/NicoleRPrause/status/1288140697703333888

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Capture timestamp (UTC): Thu, 30 Jul 2020 15:36:02 GMT

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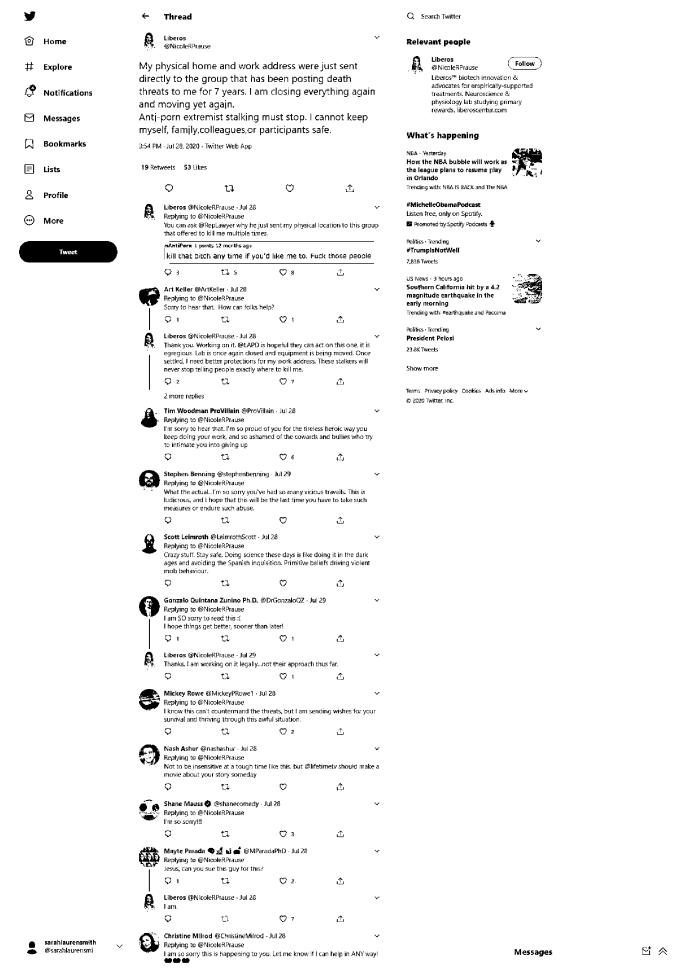
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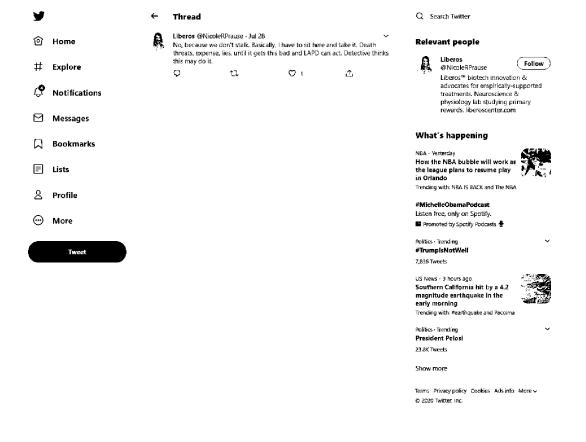
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## **Page Vault**

Document title: (2) Aaron Minc on Twitter: "@NicoleRPrause Stop Tweeting at me and go talk to

your lawyer about it. You are a Defendant in a lawsuit my firm is handling. It's completely inappropriate to lob ridiculous accusations publicly at the other sides

legal counsel over twitter in the middle of a lawsuit." / Twitter

Capture URL: https://twitter.com/RepLawyer/status/1288183603126579200

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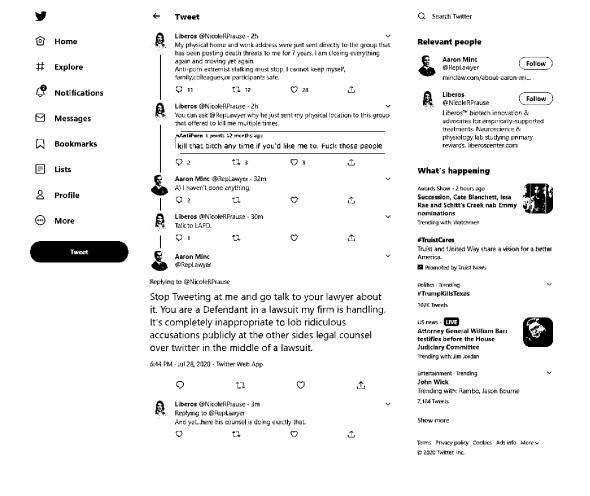
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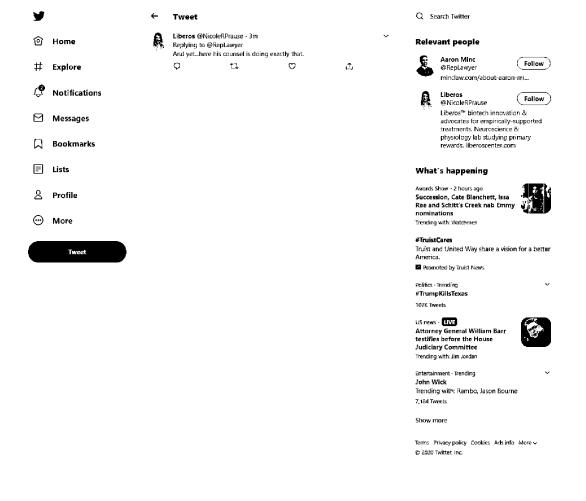
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Messages

sarahlaurensmith

# **Page Vault**

Document title: (4) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical

location to this group that offered to kill me multiple times. https://

t.co/2W2EBUdiP7" / Twitter

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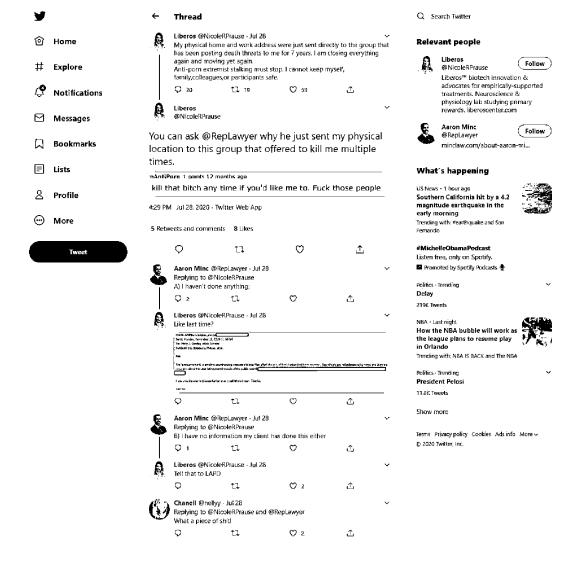
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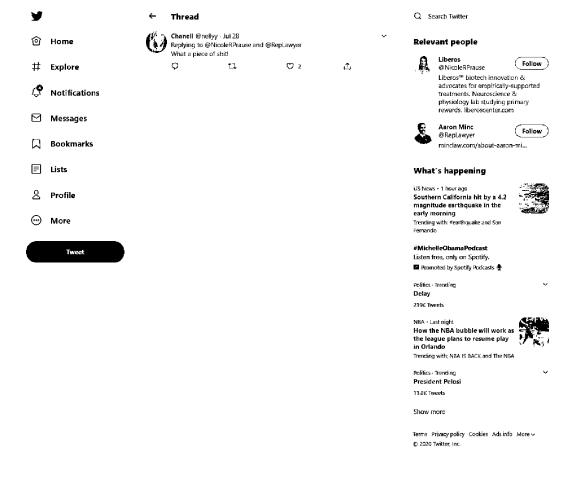
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Document title:	Dr. Melissa A. Farmer on Twitter: "Attention @OSI	BA @CleMetroBar
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@OHSupremeCourt - Ohio lawyer @RepLawyer engaging in ethics violations that

endanger third party (Ohio Rules of Prof Conduct Rule 4.4). https://t.co/

WDPkG2ETcH" / Twitter

Capture URL: https://twitter.com/Farmer\_MindBody/status/1288464606160138241

Captured site IP: 104.244.42.193

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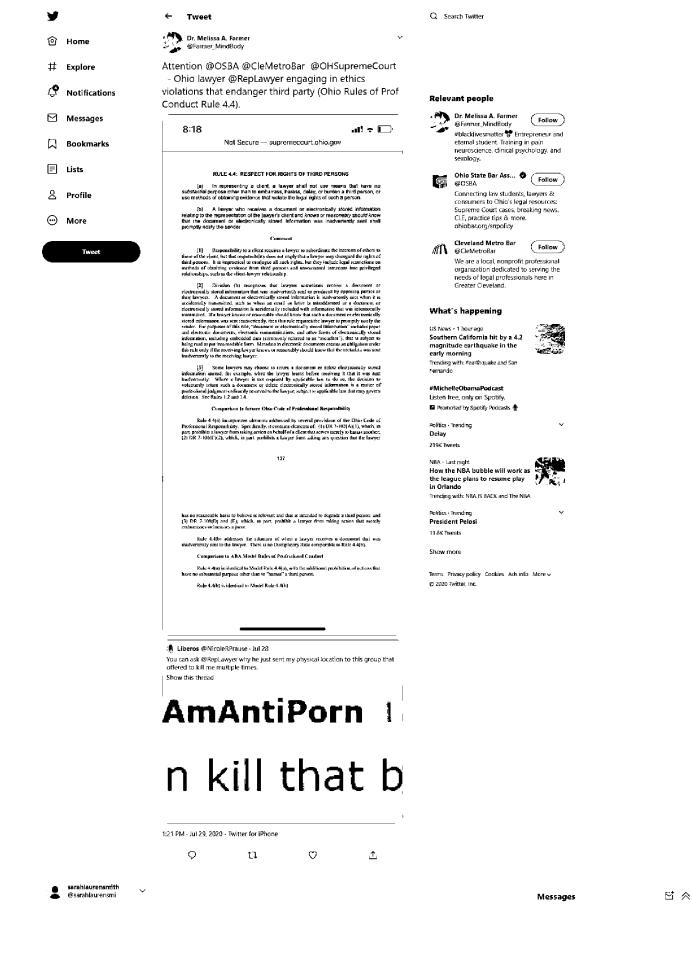
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