

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

JAMES S. FALLER, II

Plaintiff,

Civil Action No: _____

v.

**BEASLEY MEDIA GROUP, LLC., AUSTIN RHODES,
THE AUSTIN RHODES SHOW,
and UNKNOWN CONTRIBUTORS**

Defendant(s),

**VERIFIED COMPLAINT
for
DAMAGES**

Plaintiff, Rev. James S. Faller, II (hereinafter "Faller") by and through his attorney, filed this Complaint against Defendants BEASLEY MEDIA GROUP, LLC., AUSTIN RHODES, THE AUSTIN RHODES SHOW and UNKNOWN CONTRIBUTORS (hereinafter "Defendants",) sets forth and alleges as follows;

PRELIMINARY STATEMENT

1. This is an action for defamation and libel based upon false, misleading, damaging and highly inflammatory statements by the Defendants about Plaintiff through radio broadcast an online news publication, phone calls and social media. The radio broadcast ("defemacast") of Plaintiff was broadcast through airwaves on WGAC (AM 580 and FM 95.1) by radio show host Austin Rhodes on the daily "*The Austin Rhodes Show*" on Beasley Media Group, LLC. Defamatory statements were also published and republished by Austin Rhodes on the radio as well as on the Facebook page of "*The Austin Rhodes*

Show." Furthermore, Austin Rhodes made multiple direct phone calls and sent text messages to multiple people, including individuals to warn them *"about this idiot."* Rhodes further used his position and unsupervised access to national radio waves, internet and online media resources to interfere with the civil rights of Faller, as further addressed herein. During acts of the tortfeasors, Unknown Defendants (advertisers) knowingly contributed to and supported *The Austin Rhodes Show*, knowing full well of the controversial, false and often nefarious, slanderous and discriminatory nature of the broadcast and publications of the Defendants. The actions of the known and unknown tortfeasors, by their defamation and interference of the Plaintiff through the stated means are joint tortfeasors. Defendants BEASLEY MEDIA GROUP, LLC., AUSTIN RHODES, THE AUSTIN RHODES SHOW and UNKNOWN CONTRIBUTORS are joint tortfeasors and may be served with process at WGAC's main studio address at 4501 Jimmie Dyess Parkway, Augusta Georgia 30909. Defendant Austin Rhodes is a joint tortfeasor and is therefore subject to the jurisdiction of this Court.

2. This is also an action for intentional interference with civil rights, otherwise guaranteed by the Constitution of the State of Georgia and various State of Georgia statutes.
3. The Plaintiff was made aware that Rhodes was preparing to *"do a number on Faller"* because Faller had *"taken that woman out,"* who Rhodes has a relationship with.
4. The Plaintiff contacted Rhodes and asked Rhodes to review all that he (Faller) had that showed Faller is a victim of high crimes by government officials. Faller advised Rhodes that he (Faller) had been falsely indicted (7) seven times and the most recent case would be thrown out. Faller asked Rhodes to please hear him out before he *"did a number on Faller and told everyone his story,"* according to Rhodes. Rhodes stated *"I don't talk to*

you. I'm done talking to you. I told you what I'm what I'm going to do that. Nobody's going to want to hear the story. They all know it,"

5. Rhodes confronted Faller with the false charges that were indicted (Nov. 3, 2020) in the Western District of Kentucky.
6. Faller offered substantial proof, multiple witnesses to Rhodes and Rhodes began threatening Faller that Faller *"You don't date women without telling them. You're a federal. Felony."*
7. Rhodes threatened Faller *"You've been meeting people and engaging people with in having no idea is to your background. That's that's a con artist my friend. You need to hold on. Jim. You need to do yourself and all of these Republicans that you seem to like a favor. And until you put about 10 years of constructive error-free life between you and your jail time. You need to keep your nose out of politics."*
8. Rhodes threats included; *"But you know what? I'm wondering if you're allowed to be around [the] Vice President of the United States."*
9. In addition to the radio broadcast (defemacast) of Plaintiff, Defendant Rhodes, through his affiliations with multiple public officials and others made numerous calls to said officials in an effort to *"warn them about this idiot', a conman."*
10. Rhodes began his broadcast in conjunction with and facilitated by the other Defendants by telling his audience; *"My couple of friends who were concerned about a guy who has been showing up at Columbia County GOP."*
11. Rhodes began his defemacast where Rhodes broadcast about the Plaintiff; *"we're talking about flat, out fraud."*

12. Rhodes went further on *"The Austin Rhodes Show"* Facebook page where he wrote; *"I was contacted yesterday about a man described as a weirdo."*
13. Rhodes' false and inflammatory narrative included statements such as; *"because he was telling some spinning, some crazy tales about his past, and about his present, and about his lofty, political position, among the very top people in the country and how he was assisting. Trump's legal team, just up the pile of BS to the ceiling."*
14. *"because women were the ones that had complained about him or they didn't even curious about his background."*
15. Rhodes went on; *"He was lying through his teeth."*
16. In Rhodes defemacast he concluded and made clear that the Plaintiff was engaging in false use of Facebook; *"The guy had to Facebook pages with almost identical friend list, but they were there."*
17. Further, Defendant Rhodes broadcast that he, engaged in so many calls that Rhodes *"ran his phone dead"* to *"warn them"* about the Plaintiff.
18. Rhodes was clear in his narrative of defemacast, literally bragging how he attacks his targets, by use of his codefendant's facilities and resources, clearly without the first effort to verify his lies and manipulation; *" He needs to stay the hell away from people who don't know, this full story public people who don't know his full story and he damn well better not hold up. His rudimentary acquaintance with him, some type of testimony that he's a good guy. That's crap. There is no pardon coming for this guy. There never was a pardon come for the, pick-em up for this guy and he was not done wrong by the feds. He was not, he was convicted in prison. He's now under Federal release of federal supervised release. And as that, you know, you're listening out there. This is me going*

after somebody just like I go after the Democrats, when they can cozy up to felons. This is what I do. I've done it for 28 years, and I don't I don't play favorites."

19. Rhodes further worked to marginalize Faller; *"I've wanted to know who you were talking about when you said you should be afraid of someone around the Republican party or that you said they should stay away from the Republican Party. Who are you talking about? There's a man who I was contacted about named Jim Faller. I have his prison, his Federal conviction notice. Sit at the Austin. Road show page, he spent three years in the federal. Penitentiary. He was released not too long ago and he has been, I believe, misleading people."*
20. Rhodes went on to publish on the WGAC and Facebook page, like and kind libelous entries for the sole purpose of marginalizing Faller.
21. As the defemacast continued for more than (3) three hours, Rhodes began receiving calls from witnesses and officials who tried to speak on the show to correct Rhodes and inform him and the public that Faller is in fact a victim of government misconduct.
22. On May 14th, 2021 Faller made a demand via certified mail to the Defendants to correct or retract the nefarious 3 hour defemacast of Rhodes on Faller. None was taken.
23. On October 13th, 2021, the 7th indictment of Faller was dismissed at the request of the government WITH PREJUDICE because the charges were patently false.
24. In October of 2021 Rhodes attempted to broadcast a 10 minute cover up of his previous false 3 hour broadcast.

PARTIES AND JURISDICTION

25. Plaintiff James S. Faller, II is a Highly Specialized *Autodidact-lawyer* who works with Justices, Judges, Lawyers, Law Enforcement, Government and clients in the fight against corruption and is a resident of Columbia County Georgia.
26. Defendant Beasley Media Group, LLC (Herein Beasley) is a foreign limited liability company doing business in Georgia. Defendant Beasley may be served process through its registered agent Corporation Service Company at 2 Sun Court, Suite 400, Peachtree Corners, Georgia, Gwinnett County, 30092 as a joint tortfeasor in the broadcasting defamation and libelous publications of Plaintiff. Defendant Beasley is therefore subject to the jurisdiction of this Court.
27. Defendant Austin Rhodes is a radio talk show host whose radio show, "*The Austin Rhodes Show*" is broadcast through Beasley Media Group, LLC's radio station WGAC (AM 580 and FM 95.1) (herein "*Broadcasting Station*".) On information and belief, Defendant Austin Rhodes (herein "*Rhodes*") is an employee of or acts through Defendants Beasley Media Group, LLC. Defendant Rhodes also is enabled and works by the resources provided by Defendants **Unknown Contributors**. Defendant Rhodes, is a joint tortfeasor and may be served at WGAC's main studio address at 4501 Jimmie Dyess Parkway, Augusta Georgia 30909. Defendant Austin Rhodes is a joint tortfeasor and therefore subject to the jurisdiction of this Court.
28. Upon Plaintiff's information and belief, multiple *Unknown Contributors* have knowingly been contributing directly and through advertising revenue to *The Austin Rhodes Show*, enabling Rhodes to engage in a continual pattern of conduct necessary to carry out the illicit acts against Faller and others, without restraint. The identities of these joint

tortfeasors will be obtained in discovery and this Complaint will be amended pursuant to the G.R.C.P. The *Unknown Contributors* are joint tortfeasors with the other Defendants and are therefore subject to the jurisdiction of this Court.

29. Rhodes is liable in this action for making false, malicious and defamatory statements of Faller, expressed in print, phone calls, online electronic form and broadcast to the national public through radio and internet broadcasting which were published and designed to injure the reputation and wellbeing of Faller and expose him to public hatred, contempt and ridicule.
30. Rhodes, having been warned of the false nature of his intended broadcasts, phone calls and published materials continued to make radio broadcasts, calls and publications making public statements imputing false allegations against Faller to crimes punishable by law, imputing that Faller is a conman, liar and being guilty of debasing acts which exclude Faller from society, making charges with reference to his trade, conduct, and diminishing the victimization of Faller and his family, calculated to injure Faller, exclude him from public officials, exclude him from aid in a time of crisis and interfering with Faller's constitutional rights of access guaranteed under the Georgia Constitution as a right to redress by uttering and publishing words producing special damages which flow naturally therefrom.
31. The use of official documents as reliance on thereto as a defense to the aforestated and afterstated tortious acts by Defendants has been reckless, malicious and with intentional malice and not in any valid promotion for which privilege or defense may exist.
32. Beasley, as the broadcaster, is the owner, license or of the broadcasting station which has a limited market in Augusta Georgia, but is available over the internet, worldwide.

33. Beasley is liable as Rhodes acted as an operator, agent and or employee thereof and further Beasley failed to take due care to supervise Rhodes and to prevent the publication of the slanderous statements made by Rhodes. These statements have occurred within a year of filing this complaint.
34. *Unknown Contributors* are the financial support who specifically advertise on "*The Austin Rhodes Show*" knowing that Rhodes often broadcasts his defamatory and hate inducing content designed to injure whatever target Rhodes may have at the time. Unknown Contributors have failed to cause limits to the type and kind of content of the Austin Rhodes Show broadcasts, therefore supporting the type and kind of defamation and libel as complained of herein.
35. Joint tortfeasors Rhodes, Beasley and Unknown Contributors are jointly and severally liable for the publication of the false and malicious information on the WGAC website and the Facebook Page of "*The Austin Rhodes Show*."
36. Prior to the filing of this action, Defendants Rhodes and Beasley have been given the opportunity to remove and retract the defamatory and libelous content broadcasted and published by Rhodes and Beasley.
37. Rhodes has made other false, misleading and inflammatory broadcasts and calls to "*friends*" making knowingly false and misleading statements to conceal and excuse his prior false publications, written and broadcast within a year of filing this Complaint.
38. Rhodes has made multiple contacts to officials and principles in an effort to obstruct and interfere with Faller's civil rights, within a year of filing this Complaint.

FACTUAL ALLEGATIONS

39. On or about January 14th, 2021, Defendant Rhodes, individually and through his radio show on Defendant Beasley's made the following comments regarding Plaintiff:

- a. Published a Facebook page alleging that the Plaintiff is a weirdo.
- b. Published and stated that the Plaintiff is a conman.
- c. Comparing the Plaintiff to a murderer and a mafia hit-man.
- d. Making multiple calls to more than 30 officials and individuals to warn them about the Plaintiff.
- e. Broadcasting and publishing an indictment that contained knowingly false allegations against the Plaintiff.
- f. Alleging the Plaintiff was engaged in using multiple Facebook pages to conceal his background.
- g. Alleging that the Plaintiff was concealing his "criminal background."
- h. Alleging that the Plaintiff was engaged in multiple crimes and his "stories" of government abuse are "BS."
- i. Publishing multiple false statements, including *"If (politicians) they know all there is to know about Mr. Faller than the God bless him standing next to him proudly."*
- j. Mr. Faller, and again, folks cautionary, tale be careful who you friend on Facebook. Be careful who you pose and with pictures.
- k. Making multiple statements that Faller had engaged in fraud on persons.
- l. Refusing to do any form of due diligence, even after being offered open access to witnesses and evidence.

- m. Threatening the Plaintiff for taking a female out to dinner believed to be the paramour of Rhodes and not telling her of his (Faller's) background.
 - n. Publishing statements that the Plaintiff is a *"Gadfly," a tax cheat that, cannot re-join society and must spend 10-20 years with his head down, away from public politics to gain the public trust."*
 - o. Rhodes published statements; *"I can't stand this type of GADFLY, and I will be damned if I will quietly sit by while he gets his stink all over our unsuspecting neighbors."*
 - p. Rhodes published statements; *"Jim Faller is apparently not that bright."*
 - q. Rhodes published statements; *"Know who he is, and what he is. You've been warned."*
40. On or about January 12th, 2021 the Plaintiff contacted Rhodes to make him aware that what he was preparing to publish was already in the process of being either dismissed, under negotiation for a settlement and or was patently false. Faller further advised Rhodes that his 2 children had died, a 4 year old child had been raped and all of it was the result of government misconduct because Faller is a whistleblower. Faller specifically offered Rhodes indisputable proof and witnesses. Rhodes called it BS to the public.
41. Rhodes ignored the information and proceeded to insinuate multiple threats that Faller better inform the woman he asked out of his entire background. *"The woman"* is believed to be a paramour of Rhodes.
42. Rhodes went on and made clear his intention to interfere with Faller's civil rights. *"You've been meeting people and engaging people with in having no idea is to your background. That's a con artist my friend. You need to do yourself and all of these Republicans that*

you seem to like a favor. And until you put about 10 years of constructive error-free life between you and your jail time. You need to keep your nose out of politics."

43. In the attempts to get Rhodes to see the truth, his recklessness revealed both racism and intent when he stated the Plaintiff *"was like Charles Walker, A black politician."* Then Rhodes made it clear he was intent on harming the reputation of Faller. *"I'm telling you the whole damn world is going to know your prison record."*
44. At all time relevant, Beasley failed to supervise or restrict Rhodes, despite this complaint being one of many of his incredible misconduct.
45. Plaintiff was defamed by Defendants in reputation, access and solution to egregious prosecutorial misconduct.
46. When Rhodes was faced with multiple offers of proof, he opted to ignore them, make threats to Faller and publish knowingly false information.
47. By reason of the foregoing, *inter alia*, the Plaintiff has suffered and will continue to suffer serious financial and reputational damages to his personal reputation and his profession as a businessman and consultant. Defendant Beasley knew of the defamatory statements and Plaintiff demanded Beasley and Rhodes cease and desist the defamatory publications and statements and to make corrections. The Defendants refused.
48. Defendant Rhodes factually accused Plaintiff of immoral and criminal acts and gave credibility to false allegations and court actions of corruption, with the specific intent to impugn and damage the Plaintiff in all feasible manners.
49. When Rhodes was faced with the first of many "un-sealed" dismissals of false charges against Faller, Rhodes attempted to mitigate the dismissal and has informed others that

"his sources have confirmed that the charges were dismissed to make room for forthcoming additional charges."

50. The actions of the Defendants, both jointly and severally is libel and slander, *per se*.

When answering a call from a witness to *The Austin Rhodes Show*, Rhodes informed the audience that the caller must be nuts and Faller is full of BS.

51. The Defendants were all sent demands for retraction and or correction. Those demands were ignored.

52. The statements published on the Facebook Page of *The Austin Rhodes Show* are in direct support and coordination to the false and malicious statements of Rhodes used in an effort to further damage the Plaintiff.

53. Rhodes took every step possible and bragged that he contacted more than 30 people, mostly officials, to prevent them from assisting Faller and to obstruct Faller's civil rights.

54. Rhode's actions and inactions are defamation, slander and libel, *per se*.

55. Beasley's actions and inactions are defamation, slander and libel, *per se*.

56. *Unknown Contributors* actions and inactions are defamation, slander and libel, *per se*.

57. Since these acts were of definition *per se*, no special damages need be pled.

58. Plaintiff is entitled to damages from the Defendants for defamation *per se* and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

- a) Process be issued and served according to law;

- b) Plaintiff be awarded damages, together with interest and judgment be entered into against Defendants jointly and individually in an amount to be determined upon the trial of the merits of this case;
- c) Plaintiff be awarded and judgment be entered for punitive damages in the amount to be determined by the enlightened conscience of the jury;
- d) The case be tried by a jury; and
- e) Plaintiff has such other and further relief as this Count may deem proper.

Respectfully submitted this 20th day of December, 2021.

By 

REV. JAMES S. FALLER, II
569 Edgecliff Lane
Evans, Georgia 30809

STATE OF GEORGIA
VERIFICATION

Personally appeared before me the attesting officer, duly authorized by law to administer oaths, who after first being duly sworn, deposes and states that the within foregoing VERIFIED COMPLAINT FOR DAMAGES is true and correct to the best of information, knowledge and belief.

This 17th day of December, 2021,



Rev. James S. Faller, II

Sworn to and subscribed before me the 17th day of December, 2021



Notary Public
My Commission Expires: 11/09/2024

