

FILE COPY

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

JOSEPH MULLINS,

Plaintiff

CIVIL ACTION
NUMBER: _____

18 A 02659-8

VS.

BEASLEY MEDIA GROUP, LLC, AUSTIN RHODES,
THE METROPOLITAN SPIRIT, INC. d/b/a
METRO SPIRIT and JOE WHITE d/b/a Metro Spirit,

Defendants

SUMMONS

SUMMONS TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Plaintiff's attorney, whose name and address is:

Stephen P. Fuller
CKR Law, LLP
10475 Medlock Bridge Road
Suite 820
Johns Creek, Georgia 30097

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 27 day of March, 2018.

Richard T. Alexander, Jr.
Clerk of Superior Court of Gwinnett County

By: Alexis Juman
Deputy Clerk

IN THE SUPERIOR COURT OF GWINNETT COUNTY

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

STATE OF GEORGIA

2018 MAR 27 AM 8:50

JOSEPH MULLINS,

Plaintiff,

vs.

BEASLEY MEDIA GROUP, LLC, AUSTIN
RHODES, THE METROPOLITAN SPIRIT,
INC. d/b/a Metro Spirit and JOE WHITE
d/b/a Metro Spirit,

Defendants.

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RICHARD ALEXANDER, CLERK

COMPLAINT FOR DAMAGES

Plaintiff, Joseph Mullins (hereinafter "Mullins") by and through his attorneys, files this Complaint against Defendants BEASLEY MEDIA GROUP, LLC, AUSTIN RHODES, THE METROPOLITAN SPIRIT, INC. d/b/a Metro Spirit and Joe White d/b/a Metro Spirit (hereinafter "Defendants"), sets forth and alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for defamation based on false, damaging and highly inflammatory statements by Defendants about Plaintiff through radio broadcast, an online news publication and social media. The radio broadcast (defamacast) of Plaintiff was broadcast through the airwaves on WGAC (AM 580 and FM 95.1) by radio show host Austin Rhodes on "The Austin Rhodes Show" on Beasley Media Group, LLC. Defamatory statements were also published and republished by Austin Rhodes on the radio show as well as the online newspaper The Metropolitan Spirit, Inc. d/b/a Metro Spirit or the MetroSpirit on metrospirit.com of which Joe White is the publisher and editor. Austin

Rhodes also defamed Plaintiff through social media on Facebook.com on his Austin Rhodes Show page.

2. Plaintiff seeks an award for compensatory and punitive damages for the harm to his personal and professional reputation, current business interests and impairment of business opportunities that resulted from the blatantly false and defamatory statements and implications about him that were published by Defendants.

3. Defendants acted in concert as joint tortfeasors through the actions of Rhodes by his public radio broadcast post on Facebook with respect to his public radio broadcast and written articles, online written publications and reference to the online publications through his radio broadcast all of which were published through the defamacast and online written defamatory statements in conjunction.

PARTIES AND JURISDICTION

4. Plaintiff Joseph Mullins (herein "Mullins") is an individual who resides in Flagler County, Florida.

5. 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 40 Technology Parkway South, #300, Norcross, Gwinnett County, Georgia 30092 as a joint tortfeasor in the broadcasting of the defamation of Plaintiff. Defendant Beasley is therefore subject to the jurisdiction of this Court.

6. 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 Defendant

Beasley Media Group, LLC. Defendant Rhodes, by his defamation of Plaintiff on Beasley, The Austin Rhodes Show, Facebook Page and his articles in The Metropolitan Spirit, Inc. (herein "Metro Spirit") is a joint tortfeasor 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.

7. Upon Plaintiff's information and belief, Defendant Metro Spirit, Inc. is a printed newspaper/magazine called Metro Spirit with an online publication MetroSpirit.com. Defendant Metro Spirit, may be served through its registered agent J. David Vantrease at 2725 Walton Way, Augusta, Georgia 30909. Metro Spirit, as publisher of the defamation of Defendant Rhodes and anonymous writers (i.e. "The Insider"), is a joint tortfeasor and subject to jurisdiction of this Court.

8. Upon Plaintiff's information and belief, Defendant Joe White (herein "White") is the new owner of Defendant Metro Spirit, Inc. or does business as Metro Spirit individually. White is responsible for its editing and publication of the defamation of Plaintiff in the Metro Spirit (metrospirit.com). As such, he is subject to the jurisdiction of this Court. Defendant White may be served with process as C.E.O. at the business address of Metro Spirit: 3124 Washington Road, Augusta, Georgia 30907.

9. Rhodes is liable in this action for making false and malicious defamatory statements of Mullins expressed both in print, online electronic form which were published and republished designed to injure the reputation of Mullins and expose him to public hatred, contempt or ridicule.

10. Rhodes further, through his radio broadcasts, has made statements publicly imputing Mullins to a crime punishable by law, imputing Mullins as having a contagious disorder, with being guilty of debasing acts which may exclude him from society, making

charges with reference to his trade, office and profession calculated to injure him, in addition to uttering disparaging words producing special damages which flow naturally therefrom. These publications have continued and been republished preceding the year of the filing of this Complaint.

11. Any alleged use of privilege by Rhodes published against Mullins has been malicious and not in the bonified promotion for which any privilege may exist.

12. Beasley, as the broadcaster, is the owner, license or operator of the Broadcasting Station which has a limited market in Augusta, Georgia, but is available over the internet through podcasts.

13. Beasley is liable as Rhodes acted as an operator, agent or employee thereof and further Beasley failed to take due care to prevent the publication of the slanderous statements made by Rhodes. These statements have occurred within a year of the filing of this Complaint.

14. White and/or Metro Spirit are liable for the publication of the malicious and defamatory statements expressed in print and electronic media made by Rhodes which it has total control as the publisher and editor.

15. Prior to the filing of this action, Rhodes and Beasley have been given the opportunity to remove or retract the defamatory statements and have failed to do so.

16. Prior to the filing of this action, Metro Spirit and White have been given the opportunity to remove or retract the defamatory statements and have failed to do so.

17. Rhodes has made other printed and broadcasted statements which rise to the level of liable and slander through the Broadcasting Station and Metro Spirit which have been republished within a year preceding the filing of this Complaint.

18. Rhodes has made further statements within a year preceding the filing of this Complaint through the Broadcasting Station and Metro Spirit.

19. Defendants have been provided with the appropriate opportunity for retraction and have refused to do so.

FACTUAL ALLEGATIONS

20. On February 27, 2018, Defendant Rhodes individually and through his radio show on Defendant Beasley made the following comments regarding Plaintiff:

- a. "He has been known to pay for affection, I mean favors."
- b. "He's like a floatie, herpes, same thing."
- c. "He is a shady con artist."
- d. "Applecross Apartments – he has done nothing as far as upgrading them . . . has done nothing . . . it's in distress."
- e. "He doesn't have the best reputation for running apartments or anything else."
- f. "Joe Mullins is an absolute slum lord."
- g. "He is trying to hoodwink and con people."
- h. "He has made inquiries on how to buy people off."
- i. "He doesn't have the best reputation as an owner or manager."
- j. "I exposed that rat fink for his dirty and corrupt behavior and real estate deals."

21. On February 27, 2018, Defendant Rhodes individually and through his radio show on Beasley and by speaking about prior articles in the Metro Spirit did thereby republish prior articles he wrote in Defendant Metro Spirit by stating the following:

- a. "Google him."

- b. "I wrote his name forty-five times in an article to keep the article up."

22. What Defendant Rhodes was referring to in his "Google him" and "I wrote his name forty-five times in an article to keep the article up" is Defendant Rhodes' defamatory comments in the Metro Spirit wherein he stated the following regarding Plaintiff:

- a. "Mullins crossing . . . huge successful commercial development . . . insiders say its success has nothing to do with Joe Mullins."
- b. Concerns about Plaintiff's personal behavior, "his track record as a landlord . . . and what is currently under investigation."
- c. That he "looked to establish himself as something of a con artist."
- d. "The truth of the matter is, Cross and Mullins have a relationship that basically works like this: Mullins has money and Cross has political power."
- e. "Perhaps what they say is true, there really is no honor among thieves"
- f. He "behaves like a sociopath."
- g. Has a "ridiculous personal behavior and business record."
- h. His "complete disregard for the law when it comes to residency, property taxes and court disclosure are legendary."
- i. "If he were an attorney and had told such blatant, public lies, I would have seen to it that he be disbarred. But sadly, sociopathic, narcissistic, serial liars like Joe Mullins have no such organization from which to be banished."
- j. ". . . some of Joe Mullins' events have been absolute train wrecks."
- k. ". . . he is a lying S.O.B. of course."

l. "He was recorded by his fellow weasel Joe Mullins, in a now infamous phone call during which all forms of unethical political skullduggery was planned and discussed."

m. "Chairman Cross? No idea where he stands. After his steadfast refusal to remove his lips squarely from the butt of lowlife and erstwhile politician Joe Mullins I really don't care to talk to him."

n. That his family bails him out financially and comparing Plaintiff to "Fredo" on the Godfather movies.

23. Defendant Rhodes led a campaign to smear the personal and business reputation of Plaintiff through his radio show on Beasley and through articles published on Metro Spirit. Plaintiff moved out of the state of Georgia to Florida, but the defamation on behalf of Defendants continued. The radio broadcast of February 27, 2018 was while Plaintiff had already established residency and was living with his family in Florida.

CAUSE OF ACTION (Defamation)

24. Plaintiff realleges and incorporates by reference its allegations as set forth in Paragraph Numbers 1 through 23 above.

25. Under Georgia law, defamation per se is (1) Imputing to another a crime punishable by law; (2) Charging a person with having some contagious disorder or with being guilty of some debasing act which may exclude him from society; (3) Making charges against another in reference to his trade, office, or profession, calculated to injure him therein. O.C.G.A. §15-5-4. Furthermore, the "[m]aking charges against another in reference to his trade, office, or profession, calculated to injure him therein is the "type of defamation that is actionable per se and damage is inferred."

26. Plaintiff was defamed by Defendants Metro Spirit, White and Rhodes (who wrote some of the articles) in its libelous statement when referring to Plaintiff's profession/business/trade calculating to injure him and imputing a crime punishable by law. As for defamation in regard to a trade, profession, or office, the kind of aspersion necessary to come under that phase of the rule of defamation per se must be one that is especially injurious to the plaintiff's reputation because of the particular demands or qualifications of plaintiff's vocation; the words must either be spoken of the plaintiff in connection with his calling or they must be of such a nature such as to charge him with some defect of character or lack of knowledge, skill, or capacity as necessarily to affect his competency successfully to carry on his business, trade, or profession.

27. Defendants Metro Spirit, White and Rhodes stated in such articles that Plaintiff was hiding money, implied criminal activity of Plaintiff (including bribery), that Plaintiff was a "con artist", that his business events were "train wrecks" and that Plaintiff was a serial liar, narcissistic, a sociopath and thief.

28. Defendant Rhodes wrote a story in Metro Spirit about Plaintiff having flirtatious and "intimate" conversations with someone named Jennifer Pascal on Facebook. The account purporting to be Plaintiff's (and perhaps even "Jennifer Pascal's") was fake and Defendant Rhodes (and Metro Spirit) knew it was fake, but ran the story anyway to make it appear Plaintiff could be cheating on his wife. Defendants' reckless disregard for the truth defamed Plaintiff.

29. By reason of the foregoing acts of Defendants Rhodes, White and Metro Spirit, Plaintiff suffered, and will continue to sustain, serious financial and reputational damages to his personal reputation and his profession as a businessman.

30. Plaintiff was defamed per se by Defendants Rhodes and Beasley (defamacast through the Austin Rhodes radio show) by charging Plaintiff with having some contagious disorder or with being guilty of some debasing act which may exclude him from society.

31. Defendants Rhodes and Beasley broadcasted that he did something "hideous" to his first wife, that Plaintiff "has been known to pay for affection, I mean favors" and that Plaintiff is like "herpes."

32. Furthermore, the same defamacast by Defendants Rhodes and Beasley defamed Plaintiff per se in reference to his trade, office, or profession, which were calculated to injure him therein.

33. Namely, Defendants Rhodes and Beasley broadcasted that Plaintiff was a "shady con artist" and was being exposed for his "corrupt behavior and real estate deals." Rhodes repeatedly stated Mullins had a bad reputation in the business community, was "an absolute slum lord" and was trying to con people. Even more, he defamed Plaintiff by stating Plaintiff was trying to "buy people off."

34. By reason of the foregoing acts of Defendants Rhodes and Beasley, Plaintiff suffered, and will continue to sustain, serious financial and reputational damages to his personal reputation and his profession as a businessman. Defendant Beasley knew of the defamatory statements and Plaintiff's attorneys demanded Beasley cease and desist the defamatory statements broadcasted on their airwaves by Defendant Rhodes. Defendant Rhodes continued with the defamacasts and Beasley knew about the defamacasts, and by not ceasing and desisting, approved them.

35. Defendant Rhodes factually accused Plaintiff of sexual immorality, which is also newspaper libel and slander both of which are defamation per se. When answering

a question on his Austin Rhodes Radio Show Facebook page regarding implied affairs with women, Defendant Rhodes stated, "Which one . . . you have a buffet from which to choose."

36. Defendants Beasley, Rhodes and Metro Spirit were sent cease and desist letters to not only stop their defamation of Plaintiff, but to print and air retractions. This was never done and, therefore, punitive damages are being sought in this complaint as all libel plaintiffs who intend to seek punitive damages must request a correction or retraction before filing their civil action against any person for publishing a false, defamatory statement.

37. Defendant Rhodes has not only continued with defaming Plaintiff on his radio show through Beasley, but republished prior defamation on his Facebook page "Austin Rhodes Radio Show." On February 28, 2018, Rhodes republished the defamatory article originally written by Austin Rhodes on Metro Spirit (metrospirit.com) entitled "Joe Mullins, More Baggage Than the Kardashians on a Long Vacation." In such article, Rhodes states "There have been other concerns voiced about Joe Mullins' personal behavior and his track record as a landlord" Rhodes also republishes defamatory comments of Plaintiff sending a third party nude photographs of his ex-wife which is untrue.

38. On March 7, 2018, Defendant Rhodes continued with his defamatory remarks on his Austin Rhodes Radio Show Facebook page stating the following which is basically repeating the same defamation:

- a. "It has been reported that his family regards him as 'Fredo.' Someone should warn him to avoid remote fishing trips with his kin.
- b. "He actually lives down in Florida now . . . he is trying to outrun his

reputation. (PLEASE don't send him pizzas . . .there are starving people living in the apartment complexes he owns that could use them!)"

c. "Joe has numerous homes. And not too long ago numerous drivers' licenses, voter registrations, and homestead exemptions."

d. "Just like herpes. Even when he disappears he is bound to pop back up eventually. . ."

39. Although radio show hosts and media in general may choose to hide behind what they would call opinion comments, there is no wholesale defamation exception for anything that might be labeled "opinion," and an opinion can constitute actionable defamation if the opinion can reasonably be interpreted, according to the context of the entire writing in which the opinion appears, to state or imply defamatory facts about the plaintiff that are capable of being proved false.

40. In addition, Defendants have made other defamatory statements that rise to the level of defamation per se and, after proper notice, have not issued a retraction.

41. Rhodes committed acts both of libel and slander which fall within the defamation per se.

42. Beasley committed acts through the Broadcasting Station which are defamation per se.

43. White and Metro Spirit committed acts of newspaper libel which are defamation per se.

44. Since these acts were of defamation per se and newspaper libel, no special damages need be plead.

45. Plaintiff is entitled to damages from 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 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) This case be tried by a jury; and
- (e) Plaintiff has such other and further relief as this County may deem proper.

Respectfully submitted this 27th day of March, 2018.

CKR LAW, LLP

By: _____

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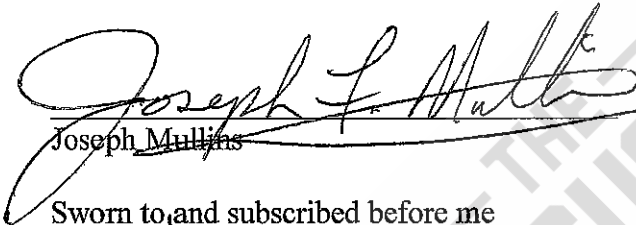
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COUNTY OF FLAGLER

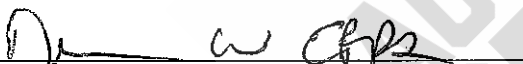
VERIFICATION

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

This the 22 day of March, 2018.


Joseph Mullins

Sworn to and subscribed before me
the 22nd day of March, 2018.


Notary Public

My Commission Expires: 02-06-2021

Jessica Wilson Epps
NOTARY PUBLIC
Columbia County, GEORGIA
My Comm. Expires
02/06/2021