UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAUREEN FOODY,
KYLE FRANKOVICH

Plaintiffs,

v.

BENNY JOHNSON,
BENNY MEDIA LLC

Defendants.

No. 26-cv-12104

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Maureen Foody and Kyle Frankovich (collectively "Plaintiffs") bring this action to hold Defendants Benny Johnson and Benny Media LLC accountable for the knowingly false, defamatory, and intentionally harmful statements made about Plaintiffs in a series of videos and social media posts beginning October 3, 2025. In support of this action, Plaintiffs allege as follows:

NATURE OF THE ACTION

1. On October 3, 2025, Plaintiffs Ms. Foody and Mr. Frankovich attended a peaceful rally at the Broadview ICE Processing Center in Broadview, Illinois ("Broadview") to exercise their First Amendment rights to protest Operation Midway Blitz—a large-scale federal incursion into the Chicago metropolitan area by immigration agents and officials to carry out President Trump's mass deportation agenda.

2. But rather than respect those First Amendment rights, Secretary of Homeland Security Kristi Noem watched as Border Patrol Chief Greg Bovino led a team of federal law

enforcement officers into the crowd, where agents used force against nonviolent protesters. They shoved, struck, and forced people to the ground before illegally detaining several individuals, including Plaintiffs here.

3. Alongside Secretary Noem and Chief Bovino that day was noted media personality Benny Johnson and his camera crew. Mr. Johnson filmed Plaintiffs lined up on the street with their hands bound behind their backs, while Mr. Johnson narrated a purported accurate firsthand eyewitness account of Plaintiffs' actions that day.

4. It was anything but that.

5. In a series of videos produced by Mr. Johnson and Benny Media LLC and posted on social media by Mr. Johnson—one of which was later broadcast on Fox News to millions of viewers during an appearance by Mr. Johnson—Defendants maligned and defamed Plaintiffs.

6. Mr. Johnson referred to Plaintiffs as violent, and claimed to have seen Plaintiffs acting violently.

7. Mr. Johnson referred to Plaintiffs as criminals, and claimed to have seen Plaintiffs engaging in criminal activity.

8. Mr. Johnson referred to Plaintiffs as domestic terrorists, and claimed to have seen Plaintiffs engaging in terroristic activity.

9. And Mr. Johnson said that Plaintiffs had attacked and assaulted law enforcement, and claimed to have seen Plaintiffs do so.

10. All of this was false, which Mr. Johnson knew.

11. Plaintiffs are not violent and did not engage in violence on October 3rd.

12. Plaintiffs are not criminals and did not engage in criminal activity on October 3rd.

13. Plaintiffs are not domestic terrorists and did not engage in terroristic activity on October 3rd.

14. And Plaintiffs have not, and did not on October 3rd, attack or assault law enforcement.

15. Ms. Foody and Mr. Frankovich stood peacefully in the area demarcated by authorities for First Amendment activity. They sang songs, participated in prayers, held signs, and recorded official activity. They were unjustly seized by law enforcement, injured, and detained for hours before being released without charges.

16. Mr. Johnson was there and knows that his portrayals were false. But he did not care.

17. Instead, Mr. Johnson made defamatory accusations repeatedly—on consecutive days and multiple platforms—to engage and grow his social media following and further his political agenda.

18. In the past year, his videos and posts have been viewed and shared millions of times and remain accessible today.

19. Plaintiffs Ms. Foody and Mr. Frankovich bring this action to set the record straight and to recover compensatory and punitive damages.

PARTIES

20. Ms. Foody is an Illinois resident who works as an independent contractor court reporter. On October 3, 2025, she attended the protest at Broadview where she participated peacefully, within the zone demarcated for protesters, holding a small cardboard sign and taking part in songs and prayers. Ms. Foody is 5'11", has bright blonde hair, and wears large, recognizable sea foam green glasses almost every day, and has for several years. Ms. Foody saw Mr. Johnson and his crew filming where she was protesting.

21. Mr. Frankovich is an Illinois resident who works remotely as a data scientist at Harvard University. On October 3, 2025, he attended the protest at Broadview where he participated peacefully, within the zone demarcated for protesters, while filming events on his phone. Mr. Frankovich is 5'11". He also has many recognizable tattoos. Among them, Mr. Frankovich has a collection of Darwin's finches with flowers on his right arm. And on his left arm, he has a sailing ship, a horseshoe, a skull with a top hat, and a woman in profile with a headdress. Mr. Frankovich and his tattoo artist custom-designed all of his tattoos, which are thus distinctive to him. Upon information and belief, Mr. Johnson and his crew were filming no more than twenty to thirty feet away from where Mr. Frankovich was protesting.

22. Defendant Benny Johnson is a media personality and influencer based in Florida. On October 3, 2025, Mr. Johnson accompanied Secretary Noem and senior DHS officials to the ICE Processing Center in Broadview, Illinois. He shot video footage of federal law enforcement and protesters that he later repackaged into a series of video clips, videos, and posts that he posted on many of his social media profiles—all to feed his business model, which relies on generating engagement with his social media posts.

23. Defendant Benny Media LLC is a company registered in Tampa, Florida. Benny Johnson is the CEO of Benny Media LLC. Upon information and belief, no member of Benny Media LLC is a resident of Illinois. *Camico Mut. Ins. Co. v. Citizens Bank*, 474 F.3d 989, 992 (7th Cir. 2007). Upon information and belief, the videos at issue in this case were produced by Benny Media LLC and any revenue generated as a result of these videos accrued to Benny Media LLC.

JURISDICTION & VENUE

24. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship among the parties and the amount in controversy exceeds $75,000, excluding interest and costs.

25. This Court has personal jurisdiction over Defendants because Plaintiffs' causes of action arise from Defendants' acts of having caused tortious injury in Illinois to Illinois residents by acts and omissions occurring in Illinois, including but not limited to the fact that both the creation of the content and the subject of the video and posts occurred in Illinois. This Court also has personal jurisdiction over Defendants because they regularly do or solicit business, engage in persistent courses of conduct, and derive substantial revenue from services performed in Illinois.

26. Venue is proper in this District because Defendants are subject to personal jurisdiction in this District and a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

FACTUAL ALLEGATIONS

President Trump's Mass Deportation Efforts and Operation Midway Blitz

27. During his 2024 presidential campaign, President Donald Trump promised to carry out what he repeatedly described as "the largest deportation operation in American history." He pledged to remove millions of undocumented and criminal immigrants, using emergency and wartime authorities if needed.

28. That effort began immediately upon the start of his second administration. On day one, and in the several weeks that followed, President Trump signed multiple executive orders directing a sweeping expansion of immigration enforcement. Among other things, he directed DHS to expand immigration detention and to dramatically increase the pace of arrests and removals nationwide.

29. President Trump's immigration efforts reached the Chicago area in the fall of 2025. On September 8, 2025, DHS announced "Operation Midway Blitz," an immigration-enforcement surge concentrated in Illinois and the Chicago metropolitan area, which the administration framed as a crackdown on "criminal illegal aliens" in "sanctuary" Illinois.

30. The operation brought hundreds of federal agents into the region, prompting sustained public protest across the Chicago area.

31. On September 30, 2025, federal agents carried out one of the defining operations of Operation Midway Blitz: a militarized raid on a 130-unit residential apartment complex in Chicago's South Shore neighborhood. At approximately 1:00 a.m., roughly 300 federal officers descended on the building, with agents rappelling from Black Hawk helicopters onto the roof, using flashbang grenades, and breaking through apartment doors. Residents, including children and U.S. citizens, were rounded up at gunpoint and zip-tied. Families were separated. And some U.S. citizens were detained for hours.

32. The South Shore raid drew widespread condemnation and swelled the ranks of peaceful protesters at Broadview, where protests had been happening for weeks.

33. Plaintiffs were among those who joined the protests at Broadview to peacefully exercise their First Amendment rights and register their disagreement with Operation Midway Blitz and the South Shore raid.

The October 3 Protest

34. On October 3, 2025, Plaintiffs showed up at Broadview to protest with approximately 100 others. Plaintiffs stood in the area specifically demarcated for protesters. They held signs, engaged in song and prayer, and documented what happened on their phones.

35. That morning, DHS Secretary Noem made an unannounced visit to Broadview. She watched as Border Patrol Chief Bovino led a swarm of federal agents into the crowd of protesters—even though protesters, including Plaintiffs, were behaving peacefully and within the "free speech" zone designated by the Illinois State Police. Protesters were pushed back, causing them to fall against one another, and some, including Plaintiffs, were thrown to the ground, hands bound, and illegally detained for hours.

36. One federal agent grabbed Kyle Frankovich, tripped him, and threw him to the pavement while he stood on the grass recording with his phone. After Mr. Frankovich got up, another agent shoved him and threw him down again. Agents pressed their weight into his back and bound his wrists with painfully tight zip ties.

37. An Illinois State Police officer shoved Ms. Foody to the ground, and when she reached for a cooler to help herself stand, a federal agent slapped her hand away. Four federal agents then tackled her and handcuffed her so tightly that her wrists hurt.

38. Agents held Plaintiffs outside with other detainees as Secretary Noem passed by with cameras filming, then confined them in the Broadview facility for approximately eight hours. Plaintiffs were eventually transported to a gas station about a mile away, and released without charges.

39. What was particularly notable about October 3 was that media personality Benny Johnson accompanied Secretary Noem to Broadview to document what transpired.

40. Mr. Johnson and his media company Benny Media LLC took video footage that they later edited into a twelve-minute film and various shorter clips.

41. Upon information and belief, images and video footage shot by Defendants were also used by DHS in recruitment materials—including several posts[1] of a picture of Plaintiff Mr. Frankovich (identifiable by his distinctive tattoos) with his hands bound behind his back being escorted away by federal agents.

Benny Johnson and His Media Enterprise

42. Defendant Johnson is a right-wing media personality, influencer, Youtuber, and podcaster who is an outspoken supporter of President Donald Trump and his "Make America Great Again" movement.

43. Mr. Johnson hosts The Benny Show, a weekday podcast and video program distributed through YouTube and all major podcast platforms, and publishes political videos and commentary through his @bennyjohnson account on X and other social media accounts.[2]

[1] U.S. Dep't of Homeland Sec. (@DHSgov), X (Oct. 6, 2025 12:58 PM), https://x.com/dhsgov/status/1975259412635001170?s=46 [https://perma.cc/CX36-QGZP].

[2] Press Release, Cumulus Media, *The Benny Show Joins the Cumulus Podcast Network* (Oct. 2, 2024), https://www.cumulusmedia.com/2024/10/02/the-benny-show-joins-the-cumulus-podcast-network/ [https://perma.cc/BJ2S-YBUY].

44. Mr. Johnson has made a career of packaging politics for mass online consumption. He has worked at, or provided content to, BuzzFeed, TheBlaze, National Review, The Daily Caller, Tenet Media, and Newsmax, and has served as a contributor to Turning Point USA. His website promotes him as the "Godfather of the Conservative Internet" and boasts that his political videos have attracted billions of views.

45. His audience is a commercial asset. On October 2, 2024, Cumulus Media announced an agreement to distribute, market, and monetize *The Benny Show* through its podcast network, touting Mr. Johnson's combined 12 million subscribers across platforms.[3] His booking agent similarly touts that Mr. Johnson has an "Audience Reach" of 11.9 million people, right below a button to click "BOOK BENNY JOHNSON."[4] And at the time of the events in question, in October 2025, Mr. Johnson received an average of roughly 20 million views on YouTube per week.[5]

46. Because his content is monetized through its reach, Mr. Johnson's business depends on capturing viewers and holding their attention. Mr. Johnson has made that dependence explicit in marketing his videos. "We are 100% independent news," he tells his audience, "But we can't do it without you. We can't keep going without your help. All we ask is that you click like, and subscribe, and share this video. It's free, and it keeps us going. It keeps us growing."[6]

47. The product Mr. Johnson sells is political combat dressed up as news. *The Benny Show*'s own description says he "hits back in the culture wars" and casts his career as a "bare-

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[3] *Id.*

[4] https://mn2s.com/booking-agency/talent-roster/benny-johnson/.

[5] *See* Stuart A. Thompson, *The MAGA Media Machine Is Fracturing*, N.Y. Times, July 31, 2026, https://www.nytimes.com/2026/07/31/us/politics/trump-iran-economy-media-critics.html.

[6] Benny Johnson, *Benny Johnson TPUSA AmericaFest 2021 Phoenix, AZ | Full Speech*, YouTube (Dec. 27, 2021), https://www.youtube.com/watch?v=u970amGxdzw [https://perma.cc/GU5P-2HP7] (32:05)

knuckles brawl for the future of America," while promising his viewers "breaking news and raw commentary."[7]

48. Mr. Johnson invites his audience to trust his factual assertions delivered in service of an openly ideological mission, positioning himself against "establishment corporate media" that he claims have been "manipulating the truth in America."[8]

49. Mr. Johnson has described his business model in his own words. In an interview with Sean Hannity, he explained that people "love that debate energy, and so that's what we do."[9] He goes on to make clear that his "news" program is designed to validate his audience's political views:

> Ultimately, what people want is to see their side victorious, validated, win. It's the Colosseum. It's just like a global Colosseum that has nine billion people in it. And they want to watch their fighter and they want to watch them go out and they want to watch them win. And these things, man, [referring to social media apps on phones] … are more than anything a mirror. People want to be able to look there and see their views validated. They want to know they're not alone. It's almost like a therapy session when they can open up their phone and they can look at social media and they can say like, "Wow, I'm not crazy."[10]

50. Mr. Johnson says that vindicating the views of his targeted audience is "easy."[11] "You don't have to really convince anyone of anything…. You just have to tell them that this trillion dollar propaganda machine that is so loud in their ears—that they're wrong."[12]

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[7] The Benny Show, BennyJohnson.com, https://www.bennyjohnson.com/thebennyshow (last visited October 1, 2026) [https://perma.cc/C43H-W64D].

[8] The Benny Show, BennyJohnson.com, https://www.bennyjohnson.com/thebennyshow (last visited October 1, 2026) [https://perma.cc/C43H-W64D]; *see also* Benny Johnson, *Benny Johnson TPUSA AmericaFest 2021 Phoenix, AZ | Full Speech*, YouTube (Dec. 27, 2021), https://www.youtube.com/watch?v=u970amGxdzw [https://perma.cc/GU5P-2HP7] (00:35) ("Corporate media have failed us. They do not tell the truth.").

[9] Sean Hannity, *Benny Johnson: The Left's Cultural Collapse & 2028 | Hang Out With Sean Hannity*, YouTube (July 28, 2026), https://www.youtube.com/watch?v=m8TfuutAN4Q [https://perma.cc/7XKQ-HPG9] (01:37:02).

[10] *Id.* (01:37:09).

[11] *Id.* (01:39:06).

[12] *Id.*

51. And he is similarly candid about his objective: "What's the point of it if you don't have any more Americans, if you don't have young people, believing what we believe strongly and then going out and acting on it…. What are we doing here if we're not inspiring that?"[13]

52. Mr. Johnson also boasts of his skill. Asked what liberals get wrong about him, he answered: "That I'm actually better at this game than them. We're so fundamentally better at social media and audience and gathering audience."[14]

53. Over the past year—and, in particular, following the September 10, 2025, death of Charlie Kirk—Mr. Johnson has centered his message on a singular theme: that the "left" is "violent." Across speeches, interviews, social media posts, and episodes of The Benny Show, Mr. Johnson repeatedly describes the political left as "domestic terrorist[s],"[15] stating, among other things:

a. "They're going to keep killing"[16];

b. "The left just wants to silence your speech…. The real enemy is the left who stopped debating and started killing"[17];

c. "Your enemy is the Marxist"[18];

d. "[The left] got their guns and they started killing…. I'm sick of the violence from the left. . . . It's demonic. It's evil"[19];

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[13] *Id.* (01:58:25).
[14] Benny Johnson, *Why Benny Johnson Thinks Conservatives Dominate Social Media*, YouTube (July 6, 2026), https://www.youtube.com/shorts/4JGx7hNBq8Q [https://perma.cc/4L5J-E6JQ] (01:17).
[15] Benny Johnson, *Remembering Charlie Kirk One Year Later … America's Christian Martyr*, YouTube (Sept. 10, 2026), https://www.youtube.com/watch?v=dEDzjU8OGEk [https://perma.cc/4P9R-MG8Y] (17:48).
[16] *Id.* (17:52).
[17] Benny Johnson, *The REAL Threat to America*, YouTube (Dec. 20, 2025), https://www.youtube.com/watch?v=uNQEpAlLZFs [https://perma.cc/4AJ3-PJ88] (at 00:01, 01:02).
[18] Right Side Broadcasting Network, *Full Speech: Host Benny Johnson Addresses CPAC 2026*, YouTube (Mar. 26, 2026), https://www.youtube.com/watch?v=3wShzNx6RVg [https://perma.cc/Q4SP-RREX] (07:50).
[19] *Id.* (09:02).

e. "The violent, radical, demonic left is our enemy. They want to kill us."[20]

54. Mr. Johnson has used that message to garner financial support for the Republican Party, calling on "Republican billionaires" to contribute "because it is an actual war out here and they want to take us out."[21] Referring to what he claims is a violent left "trying to throw molotov cocktails through the windows from outside," he declared, "I'm going to shoot those people first."[22]

55. In his own words: "I will never sleep, and I will never stop until this Marxist, bloodthirsty, radical left-wing movement is ripped root and stem from our American republic and thrown into the fire."[23]

56. These statements reflect the openly combative, us-against-them agenda that Mr. Johnson brought to his coverage of Broadview.

Defendants' "Ride Along" on October 3

57. On October 3, 2025, Defendants accompanied Secretary Noem as she visited Broadview to document the administration's immigration crackdown from inside its enforcement operations. That access placed them alongside senior officials as agents confronted the protesters and allowed them opportunities to shoot footage that Defendants later edited and distributed to Mr. Johnson's audience.[24]

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[20] *Id.* (18:38).

[21] Susan Moss, *Benny Johnson: "There Are Left Wing Billionaires Funding Militant Groups To Come and Kill Us"*, Facebook (Oct. 10, 2025), https://www.facebook.com/watch/?v=1322376685949230 [https://perma.cc/CYG3-WJAG] (00:13).

[22] Sean Hannity, *Benny Johnson: The Left's Cultural Collapse & 2028 | Hang Out With Sean Hannity*, YouTube (July 28, 2026), https://www.youtube.com/watch?v=m8TfuutAN4Q [https://perma.cc/7XKQ-HPG9] (01:46:38).

[23] Benny Johnson, *American Martyr: Remembering Charlie Kirk | FBI Reveals New Footage of Assassin, Trump's Eulogy*, YouTube (Sept. 11, 2025), https://www.youtube.com/watch?v=Y4IDxwq7Ud0 [https://perma.cc/8U99-ZA84] (24:33).

[24] Benny Johnson (@bennyjohnson), X (Oct. 5, 2025 7:04 PM), https://x.com/bennyjohnson/status/1974989080778662027 [https://perma.cc/43PG-UY9N].

58. In particular, Defendants produced a twelve-minute video (the "Broadview Video") purporting to be a factual firsthand eyewitness account of what occurred that day.

59. It was nothing of the kind. Rather than documenting what happened, the Broadview Video recast it—transforming peaceful protesters into the violent criminals and terrorists that Mr. Johnson's political agenda required them to be.

60. The Broadview Video opens with Mr. Johnson inviting his audience to "Come along with us as we show you what a day in the life of an ICE agent inside one of America's most Democrat left-wing cities is actually like."[25]

61. What follows is not reporting but staged spectacle. The Broadview Video shows federal agents in military gear, whom Mr. Johnson says look "like a team that is ready to conquer Baghdad," preparing to descend on "a bunch of left-wing orcs."[26] Mr. Johnson narrates that Secretary Noem "walk[ed] the building raising the esprit de corps" of the troops before "sen[ding] out the big boys, the skull crackers, the military vehicles," as a cinematic orchestral score builds in the background.[27] As the agents prepare to "move out," Mr. Johnson points to the protesters—the "left-wing terrorists"—and, turning to the camera, says: "So, I guess we're gonna find out … If you f around hard enough, will you find out?"[28]

62. The Broadview Video then shows federal agents moving into the crowd, pinning protesters to the ground, and leading many away with their hands bound behind their backs. Mr. Johnson narrates that the agents were breaking up "the terrorist element," and asserts: "Many of them assaulted police."[29]

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[25] *Id.* (00:12).
[26] *Id.* (01:36).
[27] *Id.* (02:38, 04:49).
[28] *Id.* (04:12, 04:33, 04:43).
[29] *Id.* (04:53).

63. He then turns the camera back on himself and taunts the crowd, waving at protesters and declaring, "We're so proud. Actually, these are exactly the kind of people that we want to be pissing off," and telling the protesters, "It's your tears that keep us going."[30]

64. Then the video cuts to a close-up of Plaintiffs. Each Plaintiff is visible and identifiable, shown with their hands bound behind their backs, in a line, as federal agents and police officers stand guard. Over that footage, Mr. Johnson states: "Probably about a dozen left-wing **terrorists** arrested for **attacking police officers and ICE officers**."[31] The camera records both Plaintiffs as Mr. Johnson describes his version of events: "These individuals **assaulted ICE officers** as they were trying to clear out the area … where the engagement was. There were protesters blocking the entire lane here. Thankfully it looks like they have been cleared out by authorities."[32]

65. The remaining six minutes of the video continue in the same vein as it began—a dramatized portrayal of a valiant federal government subduing "illegal," "criminal," and "violent" "terrorists."

66. As alleged below, the Broadview Video's portrayal of Plaintiffs is false and defamatory. And Defendants knew as much.

67. The Video—contextualized as an accurate firsthand eyewitness account—made Plaintiffs the supposed proof of Mr. Johnson's broader political and commercial message: that Democrats are the party of violence, a view he has cultivated and promoted among his followers.

[30] *Id.* (05:43).
[31] *Id.* (05:55).
[32] *Id.* (06:01).

68. Mr. Johnson may be entitled to his political view. But he is not entitled to make specific, factual assertions about Plaintiffs that are false, and that he knows to be false, in an effort to substantiate his view and profit from it.

69. Mr. Johnson's false portrayal of what happened on October 3 was neither a one-time lapse nor an honest mistake. Rather, his conduct at Broadview, and how he posted about it afterwards, reflect a consistent method that he used throughout this period to bolster his influencer-status and business.

70. Just days after his Chicago ride-along, Mr. Johnson traveled to Portland, Oregon, where he again accompanied Secretary Noem and documented her visit to the Portland ICE facility that, like Broadview, has regularly featured protesters outside the facility. On October 7, 2025, using the same language as in the Broadview Video, Mr. Johnson wrote on social media that "violent terrorists" were running the city.[33] And that same day, Defendants posted a video from the Portland ICE facility praising Secretary Noem for "star[ing] down" what he described as an "army of Antifa."[34] In reality, the "army of Antifa" depicted in Mr. Johnson's own video consisted of roughly a dozen reporters and protesters—including one person in a chicken costume—and no evidence indicates that any violence occurred.

71. Mr. Johnson took the same approach toward two Minneapolis residents who in January 2026 were shot and killed by federal agents. He publicly called Renee Good a "terrorist"[35]

[33] Anna Griffin & Aaron West, *How Right-Wing Influencers Are Shaping the Guard Fight in Portland*, N.Y. Times, Oct. 10, 2025, https://www.nytimes.com/2025/10/10/us/politics/right-wing-influencers-portland.html.
[34] Benny Johnson (@bennyjohnson), X (Oct. 7, 2025, 3:40 PM), https://x.com/bennyjohnson/status/1975662466874175498 [https://perma.cc/JWF8-AYMK].
[35] Benny Johnson, *ICE ATTACKED With Car, Woman Shot*, Facebook (Jan. 7, 2026), https://www.facebook.com/watch/?v=1417783079917497 [https://perma.cc/6BTS-U7RE] (1:17).

and asserted that Alex Pretti was going to commit "mass murder."[36] Both characterizations have been contradicted by verified video and eyewitness accounts.

72. Upon information and belief, Mr. Johnson's political and commercial interests reinforced one another in his coverage of Broadview. Portraying the protesters as violent criminals vindicated an immigration and anti-protest operation he supported and discredited its critics. It also furnished inflammatory content for the audience his business sought to attract and retain. Those interests gave Defendants a motive to publish false statements about the Plaintiffs and to fit their detention into a preconceived story of federal officers defeating dangerous left-wing enemies.

Defendants Published Defamatory Statements About Plaintiffs

73. As alleged above, Defendants Mr. Johnson and his company Benny Media LLC produced and published several videos from the video footage they shot at Broadview on October 3, 2025.

74. In those videos, Defendants make false and defamatory statements about Plaintiffs. Mr. Johnson then shared those videos in a series of social media posts on X, Facebook, YouTube, Instagram, and Rumble.

75. Each post makes additional defamatory statements.

76. On October 3, 2025, Mr. Johnson posted a short video, that he and Benny Media LLC shot and edited, on X to 4.1 million followers showing Plaintiffs in a line of about eleven detained protesters, with their hands bound behind their backs and guarded by law enforcement. The post states: "LIB LINEUP: I saw dozens of Democrat domestic terrorists arrested today for VIOLENT ASSAULT on federal law enforcement. **Every activist here** attacked ICE agents in

[36] Media Matters Staff, *Benny Johnson on Alex Pretti Shooting: A Left-Wing Protester Attempted to Pull this Sig Sauer Handgun on Federal Officers and Commit a Mass Murder*, Media Matters for Am. (Jan 26, 2026), https://www.mediamatters.org/benny-johnson/benny-johnson-alex-pretti-shooting-left-wing-protester-attempted-pull-sig-sauer [https://perma.cc/L48K-9ZQY].

broad daylight for enforcing American law. No one is above the law. Democrats are the party of violence…" (hereinafter the "October 3 LIB LINEUP" post).[37]

77. On October 3, 2025, Mr. Johnson posted the same short clip on X as a reply to another of his posts. The reply stated: "Rep. Eric Swalwell does NOT want you to see this video of all his fellow Democrats arrested and handcuffed for VIOLENT ASSAULT on federal law enforcement today. Would be a shame if you shared it…" (hereinafter the "October 3 VIOLENT ASSAULT" post).[38]

78. On October 3, 2025, Mr. Johnson posted another video, that he and Benny Media LLC shot and edited, on both X[39] to 4.1 million followers and Instagram[40] to 2 million followers showing a similar clip, again showing Plaintiffs with their hands tied behind their backs and guarded by law enforcement (hereinafter the "October 3 Dozen Arrests" posts). Mr. Johnson asks Secretary Noem: "Secretary, what's your message to the protesters?" She replies, as the video clip shows the lineup of detained protesters: "There's consequences for breaking the law and for jeopardizing our law enforcement while they're doing their work." Mr. Johnson then asks: "You've got a dozen arrests over here. … What's your message to the overall leftists who want to be violent?" As he asks that, the video zooms in on Plaintiffs Ms. Foody and Mr. Frankovich. Defendants selected, edited, and published the sequence to pair Secretary Noem's accusation of lawbreaking with close-up images of Plaintiffs and Mr. Johnson's question about people who "want to be violent."

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[37] Benny Johnson (@bennyjohnson), X (Oct. 3, 2025 4:07 PM), https://x.com/bennyjohnson/status/1974219713514250294 [https://perma.cc/8DXF-9GKL] (emphasis added).
[38] Benny Johnson (@bennyjohnson), X (Oct.3, 2025 3:14 PM), https://x.com/bennyjohnson/status/1974206466660630830 [https://perma.cc/R6G5-CT75].
[39] Benny Johnson (@bennyjohnson), X (Oct. 3, 2025) (1:36 PM), https://x.com/bennyjohnson/status/1974181657327644851?s=20 [https://perma.cc/84PF-86WL].
[40] Benny Johnson (@bennyjohnson), Instagram (Oct. 3, 2025), https://www.instagram.com/reel/DPWx-s8iob5 [https://perma.cc/X7S2-BLTJ].

79. On October 4, 2025, Mr. Johnson posted to X a segment from Lara Trump's Fox News show in which he appeared and in which a video shot and edited by Mr. Johnson and Benny Media LLC is played (hereinafter the "October 4 Fox News" post).[41] The video shows Plaintiffs in a line of about eleven detained protesters, with their hands bound behind their backs and guarded by law enforcement. He describes that during his "ride along earlier this week with Secretary Kristi Noem … I witnessed in their Broadview ICE facility multiple physical assaults of Border Patrol agents. There were a dozen arrests that happened right in front of me with violent left wing protesters assaulting ICE, slashing their tires, throwing rocks, bricks, throwing fireworks." The post itself states: "Thank you to Lara Trump and Fox News for having me on to expose the horrors I witnessed alongside ICE and Secretary Kristi Noem in Chicago. I personally watched ICE agents in Chicago come under all-out assault. Tires slashed, bricks and rocks thrown, fireworks exploding around them."

80. On October 5, 2025, Mr. Johnson posted on his website,[42] YouTube page,[43] and Rumble page[44] the full twelve-minute video account of his ride-along with Kristi Noem. It was entitled "I Went on an ICE Raid and Arrested Illegals in Chicago | What Happened Next is INSANE…" (i.e. the "Broadview Video"). That video shows Plaintiffs[45] sitting with their hands bound in a line of about eleven detained protesters guarded by law enforcement. Mr. Johnson

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[41] Benny Johnson (@bennyjohnson), X (Oct. 4, 2025 9:39 PM), https://x.com/bennyjohnson/status/1974665771889426785?s=20 [https://perma.cc/GUW3-PKA9].

[42] Benny Johnson, *I Went On An ICE Raid and Arrested Illegals in Chicago | What Happened Next Is INSANE*, BennyJohnson.com (Oct. 5, 2025), https://www.bennyjohnson.com/benny-content/i-went-on-an-ice-raid-and-arrested-illegals-in-chicago-what-happened-next-is-insane [https://perma.cc/5VWV-4Q97].

[43] Benny Johnson, *I Went On An ICE Raid and Arrested Illegals in Chicago | What Happened Next Is INSANE*, YouTube(Oct. 5, 2025), https://youtu.be/PgXpkoxD-Z4?si=0kyf8aTogs6KCUkN [https://perma.cc/D3PZ-UK42].

[44] Benny Johnson, *I Went On An ICE Raid and Arrested Illegals in Chicago | What Happened Next Is INSANE*, Rumble (Oct. 5, 2025), https://rumble.com/v6zxxew-i-went-on-an-ice-raid-and-arrested-illegals-in-chicago-what-happened-next-i.html [https://perma.cc/CM2N-PYGR].

[45] Plaintiff Ms. Foody appears at 00:19, 5:55, 6:28, 10:54, and 11:50. and Plaintiff Mr. Frankovich appears at 00:26, 6:05, 6:18, 6:27, and 11:50.

describes them as "left-wing terrorists arrested for attacking police officers and ICE officers," and says "[t]hese individuals assaulted ICE officers as they were trying to clear out the area."[46]

81. On October 5, 2025, Mr. Johnson posted the Broadview Video on X.[47] The post stated: "I rode with DHS Secretary Kristi Noem and ICE on intense raids across left-wing violence ridden Chicago. From tunnels under Trump Tower to the most targeted ICE facility, we faced violent Antifa, chaos, and criminals on the run."

82. All of the shared videos portray Mr. Johnson embedded with DHS, at times wearing a Border Patrol vest, standing beside the Secretary of Homeland Security at the scene and presenting what he holds out to be a firsthand eyewitness account.

83. The statements in each of these videos and posts are false. Plaintiffs are not "domestic terrorists," "criminals," or "violent." They did not engage in violence at the October 3 protest. They did not "attack[]" or "violent[ly] assault" law enforcement. They are not violent Antifa, or criminals on the run. And they did not slash tires, or throw rocks, bricks, or fireworks.

84. Nor did Mr. Johnson "witness" or "personally watch" any of that—contrary to his explicit claim in the October 4 Fox News appearance, and contrary to the eyewitness account the videos purport to present.

85. Each of the Plaintiffs is identifiable at the moment in the videos when the false and defamatory statements are made. Ms. Foody is recognizable by her face, blonde hair, and distinctive sea foam green glasses. Mr. Frankovich is recognizable by his face and distinctive tattoos. And both Ms. Foody and Mr. Frankovich were recognized in these posts by members of their communities. Ms. Foody was recognized by her partner and a friend. Mr. Frankovich was

[46] *Id.* (5:55-6:07).
[47] Benny Johnson (@bennyjohnson), X (Oct. 5, 2026 7:04 PM), https://x.com/bennyjohnson/status/1974989080778662027?s=20 [https://perma.cc/3JBA-QQ8M].

recognized by his partner and several friends and co-workers. One coworker remarked, without prompting, that anyone at Mr. Frankovich's work would be able to recognize him if they saw the posts.

86. Defendants knew these statements were false when they made them. They were present at the October 3 protest and personally witnessed Plaintiffs and other protesters peacefully exercising their First Amendment rights. Further, Defendants' footage shows federal agents pushing and restraining Plaintiffs and does not show either Plaintiff assaulting officers.

87. Defendants did not see Plaintiffs—or, upon information and belief, anyone else—engage in violent, criminal, or terroristic conduct, attack or assault law enforcement, slash tires, or throw rocks, bricks or fireworks.

88. Defendants saw none of that because none of it happened. Plaintiffs engaged in no such conduct at any time relevant to this Complaint.

89. Rather than report what they did see, Defendants cherry-picked and spliced footage to portray the version of events that better suited Mr. Johnson's agenda and pocketbook. They set out to advance a narrative—that peaceful protesters are violent agitators waging aggression against the United States government and its officers—and did so to feed a social media following hungry for that story, and to align with the messaging of the Trump administration.

90. The comments on Mr. Johnson's posts confirm that his audience understood the statements as fact, and as Defendants intended them to be understood: that Plaintiffs were violent criminals and terrorists who attacked law enforcement.

91. For example, comments on the October 3 LIB LINEUP post include one in which the commenter demanded that Plaintiffs' masks be removed so "the rest of the world can see the faces of the lunatics and terrorists attacking our country."

92. Another called Plaintiffs "domestic enemies."

93. And another called for them to be charged "as terrorists" and sent "to Gitmo."

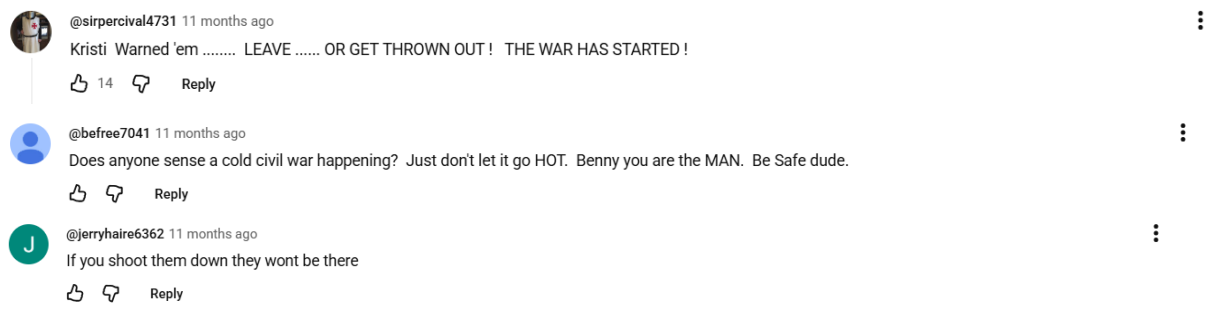
94. Comments on the October 3 VIOLENT ASSAULT post included one that includes an image calling for "Antifa" to be sent to Gitmo.

95. One comment on the October 3 Dozen Arrests posts references Bible verses about lashing enemies. Another calls for troops to be deployed to deal with protesters, like, in Mr. Johnson's portrayal, Plaintiffs.

96. Comments on the October 4 Fox News post also call for military action and violence.

97. Comments on the October 5 X posting of the Broadview Video included one calling for the exile of Plaintiffs, and another telling "these Antifa … RIP."

98. And on the October 5 YouTube post of the Broadview Video:



99. Hostile comments of this sort—calling for violence against Plaintiffs—are the foreseeable result of what Defendants unleashed and have left Plaintiffs in real fear for their physical safety. One comment said: "Can we waterboard them? Not to get information but for fun and some good videos." Another said: "Shoot to kill." Another: "Put the mob down." And another: "If you shoot them down they wont be here."

100. Mr. Johnson knew that his campaign would elicit precisely the sorts of public commentary that it did. He has seen as much play out over and over again in reaction to his posts about violence by the left or Democrats. That's the whole point. He needs followers to engage

with and react to his posts to support his business model. He knew these types of defamatory lies would rile his base, and they performed as expected.

101. No charges were ever filed against Plaintiffs arising from the events at Broadview. There is no evidence that any Plaintiff committed any violence that day, because they did not. Mr. Johnson has nonetheless never retracted his accusations that Plaintiffs were violent terrorists and criminals who attacked law enforcement. The posts remain publicly accessible online and, as alleged further below, continue to harm Plaintiffs.

Plaintiffs have suffered and continue to suffer harm as a result of Defendants' knowingly and demonstrably false statements

102. Defendants' false and defamatory statements made in the purportedly firsthand eyewitness account have caused Plaintiffs substantial and ongoing harm—to their reputations, their emotional and mental well-being, their sense of physical safety, and their job and employment opportunities.

103. Reputationally, Defendants published to an audience of millions the false accusations that Plaintiffs are violent criminals and terrorists who attacked law enforcement. Those statements were viewed and shared *millions* of times and remain accessible online. As a result, Plaintiffs have been branded—among strangers, acquaintances, and their own communities—as dangerous criminals, a characterization that is false and that Plaintiffs are largely powerless to erase from the internet.

104. Ms. Foody's partner and a friend found Mr. Johnson's posts and shared them with her—expressing shock, anger, and incredulity at her likeness being used in such a demeaning and derogatory way.

105. Ms. Foody fears that potential clients will see the defamatory posts and decline to work with her—a particularly acute risk in her profession, where a court reporter's credibility depends on the appearance of neutrality.

106. Mr. Frankovich also fears that someone at either his current or a potential future employer might see these posts. His partner initially found the posts and shared them with him—expressing shock, anger, and fear for their family that Mr. Frankovich would be recognized and targeted. Several friends also recognized him in Defendants' posts. And a coworker remarked that anyone at work would recognize Mr. Frankovich if they saw the posts.

107. Emotionally and mentally, the experience of being publicly and falsely labeled a violent criminal, terrorist, and attacker of law enforcement has taken a serious toll. Plaintiffs have suffered anxiety, persistent distress, and difficulty sleeping, all of which has resulted in tangible impacts on their daily lives.

108. Ms. Foody has been dealing with feelings of panic and anxiety since the incident. She struggles to sleep—often waking in cold sweats from vivid nightmares—and as a result, has had to cut down on her workload. Because she works as an independent contractor, not a salaried employee, that means she has received less income over the past year. She also started seeing a therapist to deal with the acute stress and anxiety caused by this incident.

109. Mr. Frankovich was diagnosed with Post Traumatic Stress Disorder ("PTSD") in part due to this incident. His symptoms of anxiety and fogginess were so severe that he was unable to perform his job duties in the months following the incident. That resulted in him receiving a bad performance review that is now a permanent part of his employment record and will be considered in any future raise or promotion decisions. Mr. Frankovich's partner was recently diagnosed with, and is undergoing treatment for, breast cancer. Mr. Frankovich's health insurance that he gets

through his current employer covers that treatment. A threat to his employment—because people at work see the posts themselves or because he received a negative job performance review that resulted from his emotional state following the defamatory posts—is a threat to his and his family's health and well-being. All of that compounds his stress and anxiety. Mr. Frankovich started seeing a therapist after these events transpired to help him cope with the anxiety and PTSD. He also increased his anxiety medication.

110. Defendants' defamatory statements also left Plaintiffs with genuine and continuing fear for their safety. Defendants' posts identified Plaintiffs to a large and often hostile audience as criminals, enemies of the state, and attackers of law enforcement. That has exposed them to a real risk of doxxing, harassment, and physical violence. Plaintiffs now live with ongoing fear, hypervigilance, and paranoia about being recognized, targeted, doxxed, or attacked as a result of Defendants' publications.

111. Ms. Foody started keeping bear spray by her front door and stopped wearing her sea foam green glasses for a period of time, for fear that someone would recognize her. She also wiped her internet presence, including her LinkedIn account where she had sometimes received outreach about potential new business.

112. Mr. Frankovich shares this fear. He and his partner do not take walks alone anymore. He has made his social media private and uses a Google service to flag whenever his address is made available online.

113. Defendants' false statements directly and proximately caused all of Plaintiffs' harms, and they are ongoing. So long as the defamatory publications remain available and continue to circulate, Plaintiffs continue to suffer reputational injury, emotional distress, fear for their safety, and threat of job loss or employment opportunity loss.

COUNT I
DEFAMATION OCTOBER 3 LIB LINE UP POST —
(against all Defendants)

114. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

115. On October 3, 2025, Defendants posted a short video, shot by Mr. Johnson and Benny Media LLC, on Mr. Johnson's X account, showing Plaintiffs in a line of detained protesters, with their hands bound behind their backs and guarded by law enforcement. The post states: "LIB LINEUP: I saw dozens of Democrat domestic terrorists arrested today for VIOLENT ASSAULT on federal law enforcement. Every activist here attacked ICE agents in broad daylight for enforcing American law. No one is above the law. Democrats are the party of violence…"

116. The statements in the post that "every activist" in the video, including all Plaintiffs, are "domestic terrorists," were "arrested for VIOLENT ASSAULT," and had "attacked ICE agents in broad daylight," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, are each false and defamatory.

117. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

118. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

119. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes, including violently assaulting federal officers, and tends to prejudice Plaintiffs in their profession.

120. Each statement was published to a worldwide platform and, as of the date of this filing, has been viewed millions of times.

121. Defendants published each statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

122. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

123. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

124. Defendants were motivated by ill will and inherent bias.

125. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

126. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

127. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

128. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 2
DEFAMATION OCTOBER 3 VIOLENT ASSAULT POST —
(against all Defendants)

129. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

130. On October 3, 2025, Defendants posted a short video on Mr. Johnson's X account, shot by Mr. Johnson and Benny Media LLC, as a reply to another of Mr. Johnson's posts. The video shows Plaintiffs in a line of detained protesters, with their hands bound behind their backs and guarded by law enforcement. The reply stated: "Rep. Eric Swalwell does NOT want you to see this video of all his fellow Democrats arrested and handcuffed for VIOLENT ASSAULT on federal law enforcement today. Would be a shame if you shared it…"

131. The statement in the post that Plaintiffs committed "VIOLENT ASSAULT on federal law enforcement," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, is false and defamatory.

132. The statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

133. The statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

134. The defamatory statement is libelous *per se* in that it imputes that Plaintiffs have committed crimes, including violently assaulting federal officers, and tends to prejudice Plaintiffs in their profession.

135. The post was published to a worldwide platform and, as of the date of this filing, has been viewed hundreds of thousands of times.

136. Defendants published the defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

137. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

138. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

139. Defendants were motivated by ill will and inherent bias.

140. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

141. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

142. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The

statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

143. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 3
DEFAMATION OCTOBER 3 DOZEN ARRESTS X POST —
(against all Defendants)

144. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

145. On October 3, 2025, Defendants posted a video, shot by Mr. Johnson and Benny Media LLC, on Mr. Johnson's X account, showing Plaintiffs with their hands tied behind their backs and guarded by law enforcement. In the video, Mr. Johnson asks Secretary Noem: "Secretary, what's your message to the protesters?" She replies, as the video clip shows the lineup of detained protesters: "There's consequences for breaking the law and for jeopardizing our law enforcement while they're doing their work." Mr. Johnson then asks: "You've got a dozen arrests over here. What's your message to the overall leftists who want to be violent?" As he asks that, the video zooms in on Plaintiffs Ms. Foody and Mr. Frankovich.

146. The statements in the post that Plaintiffs "br[o]k[e] the law," "jeopardiz[ed]" law enforcement, and were "violent," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, are each false and defamatory.

147. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but

instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

148. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

149. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes and tends to prejudice Plaintiffs in their profession.

150. Each statement was published to a worldwide platform and, as of the date of this filing, has been viewed hundreds of thousands of times.

151. Defendants published each defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

152. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

153. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

154. Defendants were motivated by ill will and inherent bias.

155. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

156. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

157. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

158. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 4
DEFAMATION OCTOBER 3 DOZEN ARRESTS INSTAGRAM POST —
(against all Defendants)

159. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

160. On October 3, 2025, Defendants posted a video, shot and edited by Mr. Johnson and Benny Media LLC, on Mr. Johnson's Instagram account, showing Plaintiffs with their hands tied behind their backs and guarded by law enforcement. In the video, Mr. Johnson asks Secretary Noem: "Secretary, what's your message to the protesters?" Defendants edited the video clip to show the lineup of detained protesters, including Plaintiffs, as Secretary Noem said: "There's consequences for breaking the law and for jeopardizing our law enforcement while they're doing their work." Mr. Johnson then asks: "You've got a dozen arrests over here. What's your message to the overall leftists who want to be violent?" As he asks that, the video zooms in on Plaintiffs Ms. Foody and Mr. Frankovich.

161. The statements in the post that Plaintiffs "br[o]k[e] the law," "jeopardiz[ed]" law enforcement, and were "violent," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, are each false and defamatory.

162. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

163. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

164. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes and tends to prejudice Plaintiffs in their profession.

165. Each statement was published to a worldwide platform and, as of the date of this filing, has been viewed hundreds of thousands of times.

166. Defendants published each defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

167. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

168. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

169. Defendants were motivated by ill will and inherent bias.

170. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

171. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

172. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

173. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 5
DEFAMATION OCTOBER 4 FOX NEWS POST —
(against all Defendants)

174. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

175. On October 4, 2025, Defendants posted on Mr. Johnson's X account a segment he did on Lara Trump's Fox News show, in which a video shot by Mr. Johnson and Benny Media LLC is played. The video shows Plaintiffs in a line of detained protesters, with their hands bound behind their backs and guarded by law enforcement. Mr. Johnson describes that during his "ride along … with Secretary Kristi Noem … I witnessed in their Broadview ICE facility multiple physical assaults of Border Patrol agents. There were a dozen arrests that happened right in front

of me with violent left wing protesters assaulting ICE, slashing their tires, throwing rocks, bricks, throwing fireworks." The X post itself states: "Thank you to Lara Trump and Fox News for having me on to expose the horrors I witnessed alongside ICE and Secretary Kristi Noem in Chicago. I personally watched ICE agents in Chicago come under all-out assault. Tires slashed, bricks and rocks thrown, fireworks exploding around them."

176. The statements in the posted video—that Mr. Johnson "witnessed" Plaintiffs "assault" Border Patrol agents, that Plaintiffs were "violent left wing protesters assaulting ICE," that Plaintiffs "slash[ed] their tires, thr[e]w[] rocks, bricks, ther[e]w[] fireworks"—and the statement in the actual post—that Mr. Johnson "personally watched ICE agents in Chicago come under all-out assault" by Plaintiffs with "[t]ires slashed, bricks and rocks thrown, fireworks exploding around them"—are each false and defamatory.

177. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

178. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

179. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes and tends to prejudice Plaintiffs in their profession.

180. Each statement was published to a worldwide platform and, as of the date of this filing, has been viewed hundreds of thousands of times.

181. Defendants published each defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

182. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

183. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

184. Defendants were motivated by ill will and inherent bias.

185. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

186. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

187. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

188. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 6
DEFAMATION OCTOBER 5 BROADVIEW VIDEO ON WEBSITE, YOUTUBE, AND RUMBLE —
(against all Defendants)

189. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

190. On October 5, 2025, Defendants posted on their website, on YouTube, and on Rumble the full twelve-minute edited video account produced by Mr. Johnson and Benny Media LLC of their ride-along with Kristi Noem. It was entitled "I Went on an ICE Raid and Arrested Illegals in Chicago | What Happened Next is INSANE…" That video shows Plaintiffs sitting with their hands bound in a line of detained protesters guarded by law enforcement. Mr. Johnson describes them as "left-wing terrorists arrested for attacking police officers and ICE officers," and says "[t]hese individuals assaulted ICE officers as they were trying to clear out the area."

191. The statements in the video that Plaintiffs are "terrorists," were "arrested for attacking police officers and ICE officers," and "assaulted ICE officers," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, are each false and defamatory.

192. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

193. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

194. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes and tends to prejudice Plaintiffs in their profession.

195. Each statement was published to a worldwide platform and, upon information and belief, has been viewed hundreds of thousands of times.

196. Defendants published each defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

197. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

198. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

199. Defendants were motivated by ill will and inherent bias.

200. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

201. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

202. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

203. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

COUNT 7
DEFAMATION OCTOBER 5 BROADVIEW VIDEO ON X —
(against all Defendants)

204. Plaintiffs repeat, reallege, and incorporate the above paragraphs as though fully set forth herein.

205. On October 5, 2025, Defendants posted on Mr. Johnson's X account the full twelve-minute edited video account, produced by Mr. Johnson and Benny Media LLC, of their ride-along with Kristi Noem. That video shows Plaintiffs sitting with their hands bound in a line of detained protesters guarded by law enforcement. Mr. Johnson describes them as "left-wing terrorists arrested for attacking police officers and ICE officers," and says "[t]hese individuals assaulted ICE officers as they were trying to clear out the area." The post stated: "I rode with DHS Secretary Kristi Noem and ICE on intense raids across left-wing violence ridden Chicago. From tunnels under Trump Tower to the most targeted ICE facility, we faced violent Antifa, chaos, and criminals on the run."

206. The statements in the X post and video that Plaintiffs are "terrorists," "criminals on the run," were "arrested for attacking police officers and ICE officers," and "assaulted ICE officers," as well as the suggestion that Mr. Johnson saw Plaintiffs behave this way, are each false and defamatory.

207. Each statement was intended to convey, and was understood to convey, the false factual assertions that Plaintiffs were not peacefully exercising their First Amendment rights, but instead were engaged in acts of terrorism, violence, and assault against law enforcement, and that Defendants witnessed Plaintiffs engaging in these acts.

208. Each statement is of and concerning Plaintiffs—who are identifiable in the video by their faces and distinctive features and who were recognized by members of their communities.

209. Each statement is libelous *per se* in that each imputes that Plaintiffs have committed crimes and tends to prejudice Plaintiffs in their profession.

210. Each statement was published to a worldwide platform and, upon information and belief, has been viewed hundreds of thousands of times.

211. Defendants published each defamatory statement with actual malice, in that they were aware at the time of publication that the statement was false or, at a minimum, had a high degree of awareness that the statement was probably false.

212. Defendants had seen and documented the protest and thus knew that protesters, including Plaintiffs, were not attacking or assaulting federal agents or police officers. Defendants knew that protesters, including Plaintiffs, were not behaving violently. Defendants knew that protesters, including Plaintiffs, were not engaged in criminal or terrorist activity.

213. Defendants purposefully distorted the truth and abandoned basic journalistic standards, to serve an agenda that would grow Mr. Johnson's audience—the very engine of his business model.

214. Defendants were motivated by ill will and inherent bias.

215. Defendants had no applicable privilege or legal authorization to make these false statements, or if they did, they abused it.

216. As a direct and proximate result of the publication of the defamatory statements in the post, Plaintiffs have suffered significant damages, including economic and reputational damages, as described herein.

217. In the alternative, to the extent any statement alleged in this Count is determined not to be actionable as defamation *per se*, that statement is actionable as defamation *per quod*. The statement was published with the requisite fault as alleged above, and as a direct and proximate result, Plaintiffs suffered the compensatory and special damages specifically alleged above and provable at trial.

218. Defendants' conduct was willful, malicious, intentional, wanton, and reckless, entitling Plaintiffs to punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court award them relief against Defendants as follows:

1. Actual, presumed, and compensatory damages in excess of $75,000, as well as interest, reasonable attorneys' fees, and costs, as allowed by law;
2. Punitive damages, as allowed by law; and
3. Such other and further relief as the Court deems appropriate.

JURY TRIAL DEMANDED

Plaintiffs demand trial by jury for all claims and issues that are so triable.

DATED: October 2, 2026

Respectfully submitted,

s/Sarah Raisch

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