

IN THE COUNTY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

ELIZABETH MARTIN

PLAINTIFF

V.

NO. 26-2291

PATRICIA MARSHALL

DEFENDANT

COMPLAINT

Plaintiff, Elizabeth Martin, files this her Complaint for Discovery and Other Relief against the Defendant, Patricia Marshall, and in support thereof would show unto the Court the following:

1. Plaintiff, Elizabeth Martin, is an adult resident citizen of Jackson, Mississippi whose address is 405 Tombigbee Street, Jackson, Mississippi 39201.

2. Defendant, Patricia Marshall, is an adult resident citizen of Fresno, California whose address is 6002 W. Fallon Ave., Fresno, California 93722.

3. The Defendant, Patricia Marshall, is a non-resident of the State of Mississippi but has committed a tort in the State of Mississippi against a resident of the State of Mississippi and as a result thereof may be served with process pursuant to the Mississippi Rules of Civil Procedure.

COUNT I

4. Plaintiff, Elizabeth Martin, to the best of her knowledge, has never met the Defendant, Patricia Marshall, and has had only limited involvement with Patricia Marshall.



Elizabeth Martin has generally lived her life in a peaceful manner and has not ever disparaged the lives or reputations of any individuals.

5. Plaintiff would show that she suffered damages as a result of the continuing disparaging remarks made by Patricia Marshall without any known reason or justification. Plaintiff has suffered damages as a result of the disparagement of her name and reputation.

6. Despite the fact that Elizabeth Martin does not know Patricia Marshall, and had only limited involvement with Patricia Marshall, on numerous occasions (beginning in January 2018 and continuing through May 29, 2020), posted disparaging and libelous remarks about Plaintiff on several social media platforms online. Defendant, Patricia Marshall, posted photos of Plaintiff online on numerous occasions, violating her right to privacy and causing Elizabeth Martin intentional infliction of emotional distress. Defendant posted a manipulated photo of Plaintiff on Defendant's Tumblr blog on November 11, 2019. Defendant created an Instagram account on January 3, 2020 entirely for the purpose of further defaming Plaintiff. On this Instagram account, Defendant posted photos of Plaintiff and various social media posts of Plaintiff without Plaintiff's permission, the intent of which was to defame Plaintiff's character. On May 29, 2020, Defendant posted screen shots of Plaintiff's Twitter account onto Defendant's Twitter, along with insulting, disparaging, and racially-charged remarks, further harassing Plaintiff and violating her right to privacy. The posting of these photos violated the Terms of Service and Community Guidelines for each respective social media platform.

7. Defendant also attempted to bring harm to Plaintiff by posting Plaintiff's personal information online with the intent to further defame Plaintiff and encourage others to do her (Plaintiff) harm. On February 7, 2018, Defendant posted Plaintiff's full name, age, undergraduate

college name, and degree path on Twitter, requesting that another Twitter account “expose” Plaintiff. The Twitter post also contained photos of Plaintiff similarly used without Plaintiff’s permission. This intentional infliction of emotional distress caused Plaintiff worry, fear for her (Plaintiff’s) safety, and concern for possible interference with her (Plaintiff’s) legal career.

8. Defendant called Plaintiff’s mother and sent a message to Plaintiff’s father on November 16, 2019. Defendant obtained Plaintiff’s parents’ private cell phone numbers and repeatedly called Plaintiff’s mother on November 16, 2019. Upon answering the phone, Plaintiff’s mother was subjected to an onslaught of verbal abuse from Defendant. In the phone call, the Defendant made numerous profanities, and threatened to get Plaintiff “kicked out of her school in Mississippi.” This intentional infliction of emotional distress and violation of Plaintiff’s right to privacy caused Plaintiff worry, fear for her (Plaintiff’s) safety, fear for Plaintiff’s parents’ safety, and concern for possible interference with her (Plaintiff’s) legal career.

9. Defendant posted libelous and defamatory statements about Plaintiff’s character online on August 30, 2019, March 8, 2018, February 7, 2018, and numerous other occasions. On August 30, 2019, Defendant posted private conversations involving Plaintiff online with intent to defame Plaintiff’s character. On numerous occasions, Defendant attempted to defame Plaintiff through social media posts, several of which included Plaintiff’s private personal information. This intentional infliction of emotional distress and violation of Plaintiff’s right to privacy caused Plaintiff worry and emotional distress.

10. Since January 2018, Defendant has continuously harassed, threatened, defamed, and violated Plaintiff’s right to privacy with no indication of stopping. On December 3, 2019, Plaintiff’s attorney mailed Defendant a cease and desist letter insisting and demanding that the

Defendant cease the malicious and libelous conduct. Despite Plaintiff's attorney's letter, the Defendant continued with the defamatory conduct and intentional infliction of emotional distress. The instances of harassment on January 3, 2020 and May 29, 2020 both occurred after Defendant received the cease and desist letter, and Defendant shows no intention of ceasing her malicious and defamatory conduct.

11. As a direct result of Defendant's intentional infliction of emotional distress and malicious and willful conduct, Plaintiff has suffered emotional distress, worry, inability to sleep, fear for her (Plaintiff's) safety, fear for her (Plaintiff's) parents' safety, damages on her (Plaintiff's) legal career, and other substantial injuries and damages.

12. Plaintiff, as a direct result of Defendant's acts and omissions, gross and willful conduct, defamatory statements, leaking of personal information, and the other causes of action more specifically set out above, has suffered and will suffer damages in the amount in excess of \$100,000.00 in the future.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands Judgment of and from the Defendant, Patricia Marshall, for Plaintiff's actual damages in an amount in excess of \$100,000.00, and punitive damages in the amount of \$500,000.00, or a sum sufficient to deter Patricia Marshall from such oppressive conduct in the future; plus prejudgment interest; post judgment interest; and all costs.

Respectfully submitted, this the 9th day of JUNE, 2020.

PLAINTIFF

By:


WAYNE E. FERRELL, JR.

OF COUNSEL:

WAYNE E. FERRELL, JR.
Mississippi Bar No. 5182
Attorney at Law
Law Offices of Wayne E. Ferrell, Jr., PLLC
405 Tombigbee Street
Post Office Box 24448
Jackson, Mississippi 39225-4448
(601) 969-4700

COVER SHEET Case # 02291-LCS Document # 1-1 Filed 06/09/2020 Page 1 of 1
 Court Identification Docket # 257 1 00 Case Year 2020 Docket Number 2291
Civil Case Filing Form
 (To be completed by Attorney/Party Prior to Filing of Pleading)
 County # 06 Judicial District 09 Court ID 210 (CH, CI, CO)
 Month 06 Date 09 Year 20 Local Docket ID
 Mississippi Supreme Court Form AOC/01
 Administrative Office of Courts (Rev 2009) This area to be completed by clerk Case Number if filed prior to 1/1/94

In the COUNTY Court of HINDS County Judicial District

Origin of Suit (Place an "X" in one box only)
 Initial Filing Reinstated Foreign Judgment Enrolled Transfer from Other court Other
 Remanded Reopened Joining Suit/Action Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form
 Individual MARTIN Last Name ELIZABETH First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV
 ___ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of
 ___ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency

Business
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
 ___ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A

Address of Plaintiff 405 TOMBIGBEE ST. JACKSON, MS 39201

Attorney (Name & Address) WAYNE E. FERRELL, JR., 405 TOMBIGBEE ST. JACKSON, MS 39201 MS Bar No. 5182
 ___ Check (x) if Individual Filing Initial Pleading is NOT an attorney
 Signature of Individual Filing: *Wayne E. Ferrell, Jr.*

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form
 Individual MARSHALL Last Name PATRICIA First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV
 ___ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of
 ___ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency

Business
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated
 ___ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A

Attorney (Name & Address) - If Known MS Bar No.

Damages Sought: Compensatory \$ Punitive \$ ___ Check (x) if child support is contemplated as an issue in this suit.*
 *If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other <u> </u> Appeals <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other <u> </u>	Business/Commercial <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other <u> </u> Probate <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other <u> </u>	Children/Minors - Non-Domestic <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other <u> </u> Civil Rights <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <u> </u> Contract <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <u> </u> Statutes/Rules <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other <u> </u>	Real Property <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other <u> </u> Torts <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Other <u>Invasion of Privacy</u>
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IN THE COUNTY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

ELIZABETH MARTIN

PLAINTIFF

V.

NO. 20-2291

PATRICIA MARSHALL

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Patricia Marshall
6002 W. Fallon Ave.
Fresno, CA 93722

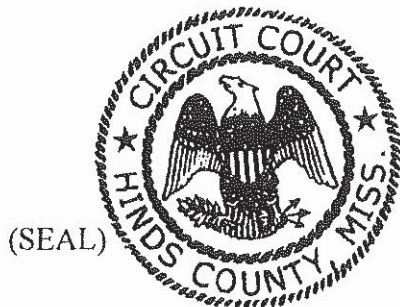
NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT
AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Wayne E. Ferrell, Jr., the attorney for the Plaintiff, whose address is Post Office Box 24448, 405 Tombigbee Street, Jackson, Mississippi 39225-4448. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a Judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response to this Complaint with the Clerk of this Court within thirty (30) days from the date of delivery of this Summons and Complaint.

Issued under my hand and seal of said Court, this the 9 day of June, 2020.



CIRCUIT CLERK


DEPUTY CLERK

ZACK WALLACE, CIRCUIT CLERK
HINDS COUNTY, FIRST DISTRICT
P. O. BOX 327
JACKSON, MS 39205

PROOF OF SERVICE-SUMMONS

TO: Patricia Marshall
6002 W. Fallon Ave.
Fresno, CA 93722

I, the undersigned process server, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

_____ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE.
By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of Notice and Acknowledgment and return envelope, postage prepaid, addressed to the sender.

_____ PERSONAL SERVICE.
I personally delivered copies to _____ on the _____ day of _____, 2020, where I found said person in _____ County of the State of Mississippi.

_____ RESIDENCE SERVICE.
After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons and Complaint on the _____ day of _____, 2020, at the usual place of abode of said person by leaving a true copy of the Summons and Complaint with _____, who is the _____, a member of the family of the person served above the age of sixteen years and willing to receive the Summons and Complaint, and thereafter on the _____ day of _____, 2020, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

_____ CERTIFIED MAIL SERVICE.
By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service, I was at least eighteen years of age and not a party to this action.

This the _____ day of _____, 2020.

PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____
2020.

NOTARY PUBLIC

My Commission expires:

IN THE COUNTY COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI

ELIZABETH MARTIN

PLAINTIFF

V.

NO. 20-2291

PATRICIA MARSHALL

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Patricia Marshall
6002 W. Fallon Ave.
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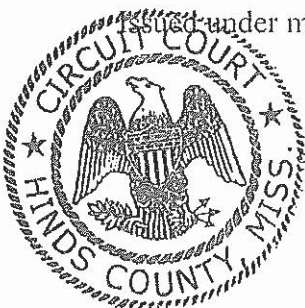
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Issued under my hand and seal of said Court, this the 9 day of June, 2020.



(SEAL)

CIRCUIT CLERK

Zack Wallace
DEPUTY CLERK

ZACK WALLACE, CIRCUIT CLERK
HINDS COUNTY, FIRST DISTRICT
P. O. BOX 327
JACKSON, MS 39205

ATTEST A TRUE COPY

JUN 09 2020

ZACK WALLACE, CIRCUIT CLERK

BY Zack Wallace D.C.

PROOF OF SERVICE-SUMMONS

TO: Patricia Marshall
6002 W. Fallon Ave.
Fresno, CA 93722

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X CERTIFIED MAIL SERVICE.
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At the time of service, I was at least eighteen years of age and not a party to this action.


This the 7th day of July, 2020.

D. Crosby
PROCESS SERVER

SWORN TO AND SUBSCRIBED BEFORE ME, this the 7th day of July, 2020.

J. Hillhouse
NOTARY PUBLIC
STATE OF MISSISSIPPI
ID # 111778
KIM HILLHOUSE
Commission Expires March 18, 2023
HINDS COUNTY

My Commission expires:
3-18-23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>MPA 0-19</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>MPA OVER</i> C. Date of Delivery <i>6/20</i></p>
<p>1. Article Addressed to:</p> <p><i>Patricia Marshall 6002 W Fallon Ave Fresno, CA 93722</i></p>  <p>9590 9402 2505 6306 5378 91</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p> <p>7017 0530 0001 1136 0333</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Deliv <input type="checkbox"/> Certified Mail® <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <p><input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7017 0530 0001 1136 0333

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

ORIGINAL ONE

Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	Postmark Here
Postage \$ _____ Total Postage and Fees \$ _____	
Sent To <i>Marshall</i> Street and Apt. No., or PO Box No. _____ City, State, ZIP+4® _____	

PS Form 3800, April 2016 PSN 7530-02-000-9053 See Reverse for Instructions