

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JIENNAH MCCOLLUM, ROICE JOLEEN
MCCOLLUM, AND CHEYENNE
MCCOLLUM,

Plaintiffs,

- against -

ALEC BALDWIN

Defendant.

Case No. _____

COMPLAINT

(Jury Trial Demanded)

Plaintiffs, Jiannah McCollum (“JIENNAH”), Roice Joleen McCollum (“ROICE”), and Cheyenne McCollum (“CHEYENNE”), (“Plaintiffs”), by and through their undersigned counsel, as and for their Complaint against Defendant Alec Baldwin (“BALDWIN” and/or “Defendant”), respectfully allege as follows:

BACKGROUND

1. Twenty-year-old Marine Lance Corporal Rylee J. McCollum (“LCPL MCCOLLUM”) was killed in action on August 26, 2021, in Kabul, Afghanistan when a suicide bomber attacked his unit while he was processing Afghanistan refugees. His widow, JIENNAH, gave birth to their daughter, LRRM, in 2021. In addition to his wife and child, LCPL MCCOLLUM is survived by his father, Jim McCollum, and his sisters, CHEYENNE and ROICE.

2. ALEC BALDWIN is an actor and political activist with a history of verbal threats and combative, confrontational behavior with many individuals, including members of his own family. As detailed below, Defendant’s publication of false allegations against PLAINTIFFS to his **2.4 million** Instagram followers constitutes, at minimum, an egregious violation of Plaintiffs’ right to privacy by false light and intrusion upon seclusion, defamation, defamation per se,

defamation by implication, negligence, gross negligence, and intentional infliction of emotional distress.

3. Plaintiffs file this suit against BALDWIN seeking actual and punitive damages set forth below.

JURISDICTION & VENUE

4. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 because Plaintiffs and Defendant are citizens of different states. This Court also has subject matter jurisdiction the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

5. As set forth immediately below, Plaintiffs JIENNAH, ROICE, and CHEYENNE, are and at all times relevant to this action have been, private American citizens.

6. BALDWIN is an individual residing in New York, New York.

7. Venue is proper in the United States District Court for the District of Wyoming pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to these claims occurred in Jackson, Teton County, Wyoming.

PARTIES

Plaintiffs

8. Plaintiff JIENNAH MCCOLLUM is an individual, the widow of Lance Corporal Rylee McCollum, the biological mother of their child, LRRM, and is currently residing in the State of California in the process of moving to the State of Wyoming.

9. Plaintiff ROICE MCCOLLUM is the surviving sister of Rylee McCollum and an individual residing in the State of Wyoming.

10. Plaintiff CHEYENNE MCCOLLUM is the surviving sister of Rylee McCollum and an individual residing in the State of Wyoming.

Defendant

11. Defendant ALEC BALDWIN is an individual residing in the State of New York. He may be served with process at his residence at the Devonshire Building at 28 East 10th Street, New York, New York 10003 or wherever he may be found.

FACTUAL ALLEGATIONS

Alec Baldwin

12. BALDWIN is one of the most recognized celebrities in the United States. He has been in the public eye since 1980 and has unapologetically used his notoriety to voice his political views and to forward his own agenda. During his career BALDWIN has appeared in many feature films, television series, and commercials. Currently, he is widely known for his unflattering parody of President Donald Trump on *Saturday Night Live* in addition to his anti-conservative political views. He is a very outspoken liberal Democrat who routinely voices his despidal of the Republican party and, in particular, President Trump to his supporters via social media and anywhere else he can find an audience. BALDWIN's fame has allowed him to amass a fortune estimated at \$60 million dollars. He currently resides in New York where he splits time between the multiple apartments he owns in the Devonshire Building in Manhattan and his beach home in The Hamptons.

13. BALDWIN has a long history of combative behavior with the press, the law, his ex-wife, his family, his children, politicians, and virtually anyone who crosses him. He has assaulted multiple people physically and verbally and is as well-known for his impulsivity and quick temper as he is for any role he has played.

14. BALDWIN has 2,400,000 followers on Instagram and regularly posts videos and pictures featuring his political opinions, musings, anecdotes, and family outings. His Instagram

account is @alecbaldwininsta. He is active on other platforms such as Twitter and has a podcast entitled “Here’s the Thing with Alec Baldwin.” BALDWIN also regularly uses these platforms to encourage and incite his followers to support various causes and to be politically and socially active.

The McCollum Family

15. LCPL Rylee McCollum was born in Riverton, Wyoming and moved to Jackson, Wyoming at the age of six with his father, Jim, and his sisters, CHEYENNE and ROICE. On his 18th birthday, Rylee fulfilled a lifelong dream by enlisting in the United States Marine Corps. He graduated Marine Corps boot camp in December of 2019 and married JIENNAH on February 14, 2021. Rylee was deployed to Jordan in April of 2021 with the 2nd Battalion, 1st Marines. He was killed by an improvised explosive device on August 26, 2021, in Kabul, Afghanistan while his unit processed Afghan refugees. He never met and will never meet his daughter, LRRM, a beautiful and healthy girl who was born on September 13, 2021.

16. LCPL McCOLLUM’s sisters, ROICE and CHEYENNE, reside in Wyoming. ROICE, 22, is beginning her career as a life and wellness coach. CHEYENNE, 29, is a mother of a two-year old daughter and an office manager for a local Ob/Gyn. All three McCollum siblings shared a love of the outdoors and spent quality time together at their grandfather’s cabin. Both sisters were very close to their brother and were and continue to be devastated by his death and the void in their lives caused his absence. In short, LCPL McCOLLUM is the McCollum family’s hero, and the pain of his death will never heal.

17. All members of the McCollum family share a deep and abiding love of the United States of America. Jim McCollum, the family patriarch, instilled his love of country into his children from birth. Like many people in Wyoming, the members of the family share conservative

values as their core beliefs and believe strongly in the United States Constitution and the freedoms it guarantees. Jim, Roice, and Cheyenne could not have been prouder of their son and brother when he enlisted in the Marines. Jiannah was honored to be the wife of a Marine. That pride continues to this day in spite of their loss.

Facts Preceding Baldwin's Abhorrent Conduct

18. On or about January 3, 2022, Plaintiff ROICE posted a photo of a crowd of demonstrators at the Washington Monument on her Instagram page in anticipation of the January 6, 2022, one-year anniversary of her attendance at the Washington, D.C. demonstration to protest what many people viewed as the fraudulent election of Joseph Biden as President of the United States. It is well-publicized that the demonstration, which was attended by hundreds of thousands of people, included unlawful rioting and entry into the United States Capitol Building by a couple of thousand people. The prosecution of those persons is ongoing. However, the majority of individuals that attended the demonstration did so in a peaceful, law-abiding manner, including ROICE.

19. While she was present at the demonstration, ROICE did not take part in, nor did she support or condone the rioting that erupted. During the rioting, she was stuck in place outside the Capitol Building next to multiple police officers for hours after the rioting began due to the fact that so many people were around her and the area had been locked down. Later, a neighbor who was unhappy that ROICE attended the demonstration turned her in to the authorities. ROICE was interviewed by the FBI after the event and was cleared of any wrongdoing. She was never detained, arrested, accused of or charged with any crime. Like the overwhelming majority of attendees, ROICE, a politically conscious 22-year-old, went to Washington, D.C. to exercise her First Amendment rights of free assembly and free speech, nothing more. Neither CHEYENNE

nor JIENNAH was present in Washington, D.C. on January 6, 2021.

Baldwin Gets Triggered

20. After LCPL McCOLLUM was killed in Afghanistan, a GoFundMe account was started on behalf of JIENNAH and her soon-to-be-born daughter. BALDWIN apparently became aware of her identity and sent ROICE a check for JIENNAH and her child for \$5,000.00 as (in his words) “a tribute to a fallen soldier.” On January 3, 2022, BALDWIN’s seemingly benevolent overtures turned into a nightmare for the McCollum family when BALDWIN went on an Instagram rant about LCPL McCOLLUM’s sister (ROICE) who, on January 3, 2022, posted a photograph of people surrounding the Washington Monument at the “Make America Great Again” protest in Washington D.C. on her Instagram feed. BALDWIN commented on ROICE’s post “Are you the same woman that I sent the \$ to for your sister’s husband who was killed during the Afghanistan exit?” (Exhibit 1, *Selected Instagram Posts*, p. 1)¹

Baldwin Seeks Revenge

21. Upon confirmation from ROICE that she was, in fact, the sister of LCPL McCOLLUM and the sister-in-law of JIENNAH, BALDWIN began to privately message her accusing her of being an “insurrectionist” and telling her to “own it.”

22. The final private message in the chain is, *inter alia*, as follows:

Baldwin: When I sent the \$ for your late brother, out of real respect for his service to this country, I didn’t know you were a January 6th rioter.

Roice: Protesting is perfectly legal in the country and I’ve already had my sit down with the FBI. Thanks, have a nice day!

Baldwin: I don’t think so. Your activities resulted in the unlawful destruction of government property, the death of a law enforcement officer,

¹ These selected posts are representative of hundreds of similar, vile posts received by Plaintiffs. All non-party Instagram handles have been redacted.

an assault on the certification of the presidential election. I reposted your photo. Good luck.

(Exhibit 1, p. 2) (emphasis added).

23. BALDWIN is no stranger to legal troubles or social media hatred and bullying.² When he is not doling it to the grieving families of deceased Marines, BALDWIN has actually *been* the victim of the social media mob. In late 2020, his wife, Hilaria Baldwin, was outed because she had been holding herself out for years as a native of Mallorca, Spain; even going so far as to use a false Spanish accent during interviews, outings, and television appearances. When it was revealed that she was born and raised in Boston, Massachusetts and named Hillary Lynn Hayward-Thomas to an American mother who was a physician and assistant professor at Harvard Medical School and an American father who worked as an attorney, both BALDWIN and his wife were heavily trolled on social media. After BALDWIN had the temerity to insult the English accent used by American actress Gillian Anderson in her portrayal of Prime Minister Margaret Thatcher, the social media firestorm became too much for even BALDWIN to handle. He temporarily left social media stating in an Instagram post:

BALDWIN: I noticed that someone said that this actress [Gillian Anderson] — who I won't mention — had switched accents during the press for her show, from her accent from another country to an American accent. And I just wrote, 'Oh that's interesting.' And of course you can't do any irony on Twitter, you can't do irony in the United States anymore because the United States is such an uptight, stressed-out place and such an unpleasant place right now.³

24. As weak as that explanation seemed at the time, it would seem especially flaccid when BALDWIN tried the same pathetic excuse to justify his posts to ROICE. He posted on the

² <https://meaww.com/alec-baldwin-past-arrests-legal-troubles-history-rust-accident-551445>

³ <https://ew.com/celebrity/alec-baldwin-quits-twitter-gillian-anderson/>

public feed to ROICE @roice_wyogirl attempting to downplay the chaos he started:

BALDWIN: @roice_wyogirl. . . Irony was my point. The irony of sincerely wanting to honor your brother and the fact that you are in insurrectionist. Irony: “the use of word that mean the opposite of what you really think especially in order to be funny.” (Merriam Webster).

(Exhibit 1, p. 4)

25. In spite of his condescending explanation, Plaintiffs are informed and believe and allege that BALDWIN’s past betrays his intent. BALDWIN experienced first-hand a social media mob out for vengeance and reacted by deleting his account. Plaintiffs are informed and believe and allege that BALDWIN not only knew what he was doing when he posted ROICE’s feed with JIENNAH and CHEYENNE’s information on it, he also knew full well what consequences would ensue.

26. Plaintiffs are informed and believe and allege that his intent was memorialized in private messages to ROICE that BALDWIN intended to cause her (and her family) harm by posting a false allegation that she was a “January 6th rioter” who participated “unlawful destruction of government property, the death of a law enforcement officer, an assault on the certification of the presidential election.” (Exhibit 1, p. 2). BALDWIN plainly ignored ROICE’s denial of rioting and the assertion that she was cleared by the FBI for participating in any of the conduct BALDWIN chose to falsely attribute to her via his massive following. In fact, BALDWIN was so far off base that he failed to confirm that the “your photo” he posted was not even a picture of ROICE; rather a picture she had taken of the crowd in front of her near the Washington Monument. (Exhibit 1, p. 1).

27. After the private messages with ROICE, BALDWIN published the following message to his **2.4 million** Instagram followers:

@alecbaldwininsta I will take this down tomorrow. Lots of Trumpsters chiming in here with the current cry that the attack on the Capitol was a protest, (a more peaceful form of which got a lot of other protestors imprisoned) and an exercise in democracy.

That's bullshit.

The party that has reflexively rallied on behalf of Law enforcement-Support the Troops-Jesus watched the Capitol police get beaten, one killed, and called it their right.

I've said it before. The Republican that can lead the GOP away from this maniac [Trump] will go down in history as a hero.

There's an interesting story here...

So, I read in The Times, I believe, the story about the soldiers that died at the Kabul airport.

I did some research. I found, on IG, that this woman [Roice McCollum] is the brother (sic) of one of the men who was killed. I offered to send her sister-in-law [Jiannah McCollum] some \$ as a tribute to her late brother, his widow and their child.

Which I did. As a tribute to a fallen soldier.

Then I find this.

Truth is stranger than fiction.

(Exhibit 1, p. 3)(emphasis added).

28. "This" in BALDWIN's post to his 2.4 million followers was ROICE's Instagram feed, @roice_wyogirl, including BALDWIN's "insurrectionist" and "rioter" name-calling. Plaintiffs are informed and believe and allege that in a move signaling his true intentions, BALDWIN then messaged ROICE letting her know he forwarded the chain to his followers. He wrote, "[y]our activities resulted in the unlawful destruction of government property, the death of a law enforcement officer, an assault on the certification of the presidential election. **I reposted your photo. Good luck.**" (Exhibit 1, p. 2)(emphasis added).

29. Plaintiffs are informed and believe and allege that BALDWIN knew or should have known that his name-calling and accusations were false when he sent them. ROICE had said as much in her private message to him. This did not matter to BALDWIN. He had no information confirming that any Plaintiff had “participated in the insurrection” or had attempted to overthrow the United States government. The only fact that BALDWIN sought to confirm was that ROICE was related to LCPL McCOLLUM. With that confirmation, BALDWIN felt entitled to use his massive social media following to shame and attack ROICE and, by extension, JIENNAH and CHEYENNE, the rest of the McCollum family, and the name of a fallen Marine. At all times relevant, ROICE and CHEYENNE were all physically in Wyoming when the following events occurred. JIENNAH had traveled to South Carolina for the holidays with extended family and was set to have surgery in early January during the time of these events.

30. Within 20 minutes of BALDWIN’s post, ROICE began to get hostile, aggressive, hateful messages from BALDWIN’s followers. Plaintiffs are informed and believe and allege that unlike other passive forms of media such as billboards or commercials, social media is unique in that people choose to “follow” other people, such as celebrities or “influencers,” as they are known. Presumably, the choice to follow someone on social media conveys, at the very least, a desire to read that person’s posts or, more likely, some alignment with that person’s beliefs. In this case, BALDWIN is a very outspoken person with very strong political beliefs. Plaintiffs are informed and believe and allege there is no question that BALDWIN is patently aware that the vast majority of his 2.4 million Instagram followers are “fans” who care to listen to what he has to say about his life in addition to his politics. In short, he is aware that the vast majority of his followers are sympathetic to his political affiliation.

31. Plaintiffs are further informed and believe and allege that unlike other entertainers

who keep their political beliefs private and are followed for their art or music, for instance, a large part BALDWIN's social media presence is the vocalization of his political beliefs. For example, a person may follow a country artist who happens to be conservative because that fan is interested in the artist's music. In that case, the artist's political beliefs are incidental. In BALDWIN's case, however, it is apparent that politics are a big part of his platform. In other words, BALDWIN's followers are far more likely to be as politically active and as opinionated as he is on the issues; a fact of which BALDWIN is undoubtedly aware. Plaintiffs are informed and believe and allege that even a shallow dive into his posts on his social media platforms confirms this statement.

32. By way of example, among the hundreds upon hundreds of hateful messages ROICE began to receive one read, "*Get raped and die, worthless c*nt (kiss emoji). Your brother got what he deserved.*" (Exhibit 1, p. 6). Upon receiving this message, ROICE forwarded it to BALDWIN sarcastically "thanking" him for posting her Instagram feed. (Exhibit 1, p. 5). This unbelievably callous message from a woman who goes by the name "Antifa Ally." Incredibly, even after reading it, BALDWIN actually followed Antifa Ally on Instagram. (Exhibit 1, p. 21). BALDWIN then continued to chime in on the increasingly hostile feed saying that ROICE "participated in the insurrection" and that she was an "insurrectionist." (Exhibit 1, p. 7). He continued to engage his followers. In doing so, Plaintiffs are informed and believe and allege that he fueled the firestorm of hatred that he started.

33. The following is an example of BALDWIN's engagement (and continued incitement) with his followers not just towards ROICE, but towards JIENNAH (LCPL McCOLLUM's widow):

So, you're saying you would deny a dead man's family help due to your political view????? People like you is why I lost all faith in Democrats.

BALDWIN: @ex*** but I didn't say that. I gratefully supported the**

gofundme campaign while simultaneously not knowing the woman I approached [JIENNAH MCOLLUM] is an insurrectionist. I think that's...remarkable.

shut up. [Alec Baldwin] has no obligation to send his money to anyone in the first place—to find out he sent money to someone who holds responsibility for the death of others would be gutting. She doesn't deserve his kindness.

(Exhibit 1, p. 8)

34. BALDWIN's message labelled JIENNAH an "insurrectionist" and clearly communicated the fact that she was not only at the January 6, 2021, demonstration but that she took place in the rioting. The truth is that not only was JIENNAH not present at the January 6, 2021, event, she was not yet married to LCPL McCollum, nor was she pregnant with their child at that time. Plaintiffs are informed and believe and allege that BALDWIN's irresponsible and reckless comments clearly placed JIENNAH in his followers' paths. BALDWIN lit the match and blew on the fire. Plaintiffs are informed and believe and allege that BALDWIN cannot subsequently disclaim responsibility for the conflagration that ensued.

35. Within hours of BALDWIN's publication of his post to his followers, Plaintiffs CHEYENNE and JIENNAH also began receiving hateful messages and even death threats from BALDWIN's followers who had seen the posts. By way of example, CHEYENNE @chi_wyomom22 received the following messages after futile attempts to defend JIENNAH saying that she was not present at the January 6, 2021, events:

@chi_wyomom22: Honey, I'm having trouble reading your reply because it is poorly written. What I see that you're trying to say is that your sister-in-law has no connection to what your sister did at the capital (sic). I know that, BUT they are on the same boat because it seems like [ROICE and JEINNAH] have a (sic) similar political stands (sic) and some people who don't agree with your family on politics just wouldn't want to support that kind of people. Especially if they took part in terrorism.

Now answer the question: if you found out that the money you donated went to a mother and child whose husband was part of ISIS and that now widowed

mother and their family stand with ISIS you wouldn't feel right to donate to them?

(Exhibit 1, p. 18)

That repugnant comparison was followed by:

@chi_wyomom22 your brother fought for oil. #HopeThisHelps

(Exhibit 1, p. 18)

36. Plaintiffs are informed and believe and allege that Baldwin did nothing to remedy what he had started. These messages included the vilest allegations accusing Plaintiffs of “white supremacy,” of dishonoring LCPL McCOLLUM’s legacy, equating them with ISIS, calling them traitors, calling them Nazis, telling them that their brother died in vain, and imploring BALDWIN to “get a refund” of the money he “anonymously” donated to JIENNAH and her daughter, LRRM. (Exhibit 1, p. 9, 10, 12-21).

37. Plaintiffs are informed and believe and allege that at no time did BALDWIN discourage these posts even though he was copied on many of them. At no time did he request that his followers cease from attacking the McCollum family. At no time did he correct his false assumptions and accusations or attempt to bring civility into the exchanges. In fact, as demonstrated above, he continued to refer to them as insurrectionists and allowed the attacks on the family of a dead Marine to continue unabated. (*See, e.g.,* Exhibit 1, p. 7, 8).

Baldwin Knows Better

38. BALDWIN has been a celebrity since 1980. He is well-aware of the effect and impact of his celebrity status on his fans and his ability to sway public opinion. BALDWIN was politically vocal and active prior to the advent of social media and has used his celebrity persona in support of dozens of causes. Plaintiffs are informed and believe and allege that BALDWIN has endorsed political candidates and used his fame and notoriety across various media for decades in

order influence his fan base and push his ideology. In short, BALDWIN is keenly aware of the unique platform his fame affords him and actively uses it communicate to millions of people to further his beliefs and interests. Plaintiffs are informed and believe and allege that BALDWIN unequivocally understood that by forwarding ROICE's Instagram feed to 2.4 million like-minded followers and posting his commentary would result in the onslaught of threats and hatred that it did.

39. Plaintiffs are informed and believe and allege that Defendant BALDWIN's foregoing actions were done with the full intent of causing irreparable harm to each of the Plaintiffs. His foreboding words to ROICE - "Good Luck" - establish his malicious intent. Plaintiffs are informed and believe and allege that BALDWIN's use of the words, "I will take this down tomorrow," in his initial post show that BALDWIN is aware that his post would violate Instagram's terms of service; however, he wanted that post up as long as possible. (Exhibit 1, p. 3).

40. Alternatively, BALDWIN's conduct was negligent and reckless as he should have known that making the allegations he did against Plaintiffs to his millions of followers would cause Plaintiffs harm. BALDWIN's comments were false, outrageous, defamatory, irresponsible, vindictive, and caused - and continue to cause - Plaintiffs severe emotional distress. Instead of being able to focus on grieving LCPL McCOLLUM's death and raising his newborn daughter, Plaintiffs and their family are now fearful for their lives. Plaintiffs have suffered from headaches, nausea, inability to sleep, severe anxiety, severe mental distress, fear for their lives and the life of LRRM, and continue to suffer as a result of BALDWIN's conduct.

Plaintiffs' Damages

41. In order to fully compensate Plaintiffs for their damages and to punish, deter, and

teach BALDWIN a lesson that he frankly should have learned years ago, this lawsuit seeks money damages in excess of Twenty-Five Million Dollars (\$25,000,000.00) in actual and punitive damages.

JIENNAH MCCOLLUM FIRST CAUSE OF ACTION
(Invasion of Privacy – False Light and Intrusion Upon Seclusion)

42. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

43. Plaintiff JIENNAH McCollum has reviewed the Instagram posts question and has positively identified herself as the person about whom and to whom the posts were made. JIENNAH is not and has never been a rioter, insurrectionist, or terrorist. JIENNAH was not present at and did not participate in the January 6, 2021, rioting, invasion of the Capitol Building, or any other illegal conduct perpetrated by the small minority of individuals in attendance in Washington D.C. and/or the Capitol Building on that day. BALDWIN's accusations are patently false and unreasonably placed JIENNAH in a false light before the public. The posts from his followers in response to his are direct evidence of this false light. Shortly after BALDWIN's "good luck" post, all Plaintiffs were accused of being associated with ISIS, being terrorists, rioters, anti-American, and the list continues. (Exhibit 1, p. 9, 10, 12-21). Plaintiffs are informed and believe and allege that when BALDWIN started this by posting, he knew or should have known it would happen, and he sat back in his Manhattan penthouse and watched it unfold.

44. As set forth herein, Defendant violated the law by invading Plaintiff JIENNAH's right to privacy by publishing his false allegations to his 2.4 million like-minded followers on Instagram. The allegation constitutes such a major misrepresentation of the Plaintiff's character, history, activities, and beliefs that serious offense may reasonably be expected to be taken by any reasonable person in the Plaintiffs' position.

45. BALDWIN violated the law by invading Plaintiffs' right to privacy by publishing private information in addition to providing information in the message chain that easily allowed 2.4 million of his rabid followers to track down other private information about the lives of the Plaintiffs putting them in fear for their safety and security.

46. JIENNAH also suffered damages based upon BALDWIN's invasion of privacy by intrusion into her private affairs. BALDWIN intentionally intruded upon the solitude or seclusion, private affairs or concerns of JIENNAH. BALDWIN's intrusion was substantial, and of a kind that would be highly offensive to an ordinarily reasonable person; and the intrusion caused JIENNAH to sustain injury, damage, loss or harm.

47. Due to Defendant's violation of Plaintiffs' rights of privacy by committing the tort of Invasion of Privacy by intrusion upon seclusion and false light under Wyoming law, Plaintiffs have been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), exclusive of punitive and exemplary damages.

48. In addition, Plaintiffs hereby requests an award of punitive damages, in an amount to be determined at trial, due to Defendant's knowing and intentional violation of their rights to privacy.

**JIENNAH MCCOLLUM SECOND CAUSE OF ACTION
(Defamation, Defamation Per Se, and Defamation by Implication)**

49. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

50. JIENNAH is a private figure who never voluntarily injected herself into any public controversy. As detailed throughout this Complaint, Defendant published false allegations pertaining to JIENNAH. BALDWIN made this false and defamatory communication concerning JIENNAH via an unprivileged publication to third parties; namely, his 2.4 million Instagram

followers. JINNEAH is informed and believes and alleges that at the time of the publication BALDWIN knew that his statements were false or acted in reckless disregard as to their falsity. Alternatively, BALDWIN acted negligently in failing to ascertain whether the communication was false.

51. Defendant's publication constitutes a representation that Plaintiffs were "January 6 rioters," "insurrectionists," and "participated in the insurrection." As evidenced by the followers' responses to BALDWIN's allegations, the implication in this false statement is that Plaintiffs are rioters, traitors, racists, or white supremacists who sought to overthrow the United States democracy. They are accused of being "terrorists" who "made a mockery of [LCPL McCollum's] sacrifice." (Exhibit 1, p. 9, 10, 12-21).

52. As BALDWIN put it: "Your activities resulted in the unlawful destruction of government property, the death of a law enforcement officer, an assault on the certification of the presidential election. I reposted your photo. Good luck." (Exhibit 1, p. 2).

53. After BALDWIN's social media mob began attacking, BALDWIN doubled down: "I gratefully supported the gofundme campaign while simultaneously not knowing the woman I approached [JIENNAH MCOLLUM] is an insurrectionist. I think that's...remarkable." (Exhibit 1, p. 8).⁴

54. Plaintiffs are informed and believe and allege that BALDWIN in publishing ROICE'S Instagram feed and the exchange between her and BALDWIN, it was Defendant's intention to create a false impression to the general public that Plaintiffs were guilty of a crime against their country, that they wanted the United States government overthrown, and that they

⁴ To be accurate, although Baldwin says he supported the GoFundMe campaign, he actually sent a check to Roice intended for Jiannah and LRRM. He did not donate directly to the GoFundMe account. Plaintiffs believe that this difference is likely semantic in Baldwin's mind, however.

committed violent acts on January 6, 2021, at the United States Capitol Building. These beliefs and conduct were actually imputed to JIENNAH by implication as evidenced by BALDWIN's followers' vile messages. Plaintiffs are informed and believe and allege that BALDWIN true to BALDWIN'S intentions and motive, his followers in fact believed him, followed his lead, and began a vile onslaught of Plaintiffs.

55. BALDWIN's statement that JIENNAH is an "insurrectionist" imputes a criminal offense; namely, participation in a rebellion and uprising against the United States Government. (Exhibit 1, p. 8). This offense under 18 U.S. Code § 2383 carries a fine, prison sentence of not more than 10 years, or both, and precludes any person guilty of the offense from holding any office under the United States. This crime is regarded in public opinion as involving moral turpitude; that is inherent baseness or vileness of principle in the human heart and shameful wickedness and such an extreme a departure from ordinary standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of the community. BALDWIN'S statement is defamatory on its face and, therefore, actionable without proof of special damages.

56. Plaintiffs are informed and believe and allege that BALDWIN at the very least, was negligent in publishing the posts because he knew, or should have known, that JIENNAH was not a rioter or insurrectionist. Plaintiffs are informed and believe and allege that BALDWIN as he has done time and time again in his very public life, made an impulsive, snap to judgment and acted vindictively at the expense people less powerful and influential than him. In this case it was all Plaintiffs.

57. Plaintiffs are informed and believe and allege that BALDWIN despite Defendant's knowledge and awareness of these facts, BALDWIN nevertheless made the decision to publish the Instagram feed so he could massage his ego by signaling that he had "privately" donated money

to JIENNAH and her unborn child while simultaneously unleashing his 2.4 million like-minded followers on Plaintiffs.

58. Defendant's publication constitutes defamation under Wyoming law because said publication falsely accuses JIENNAH of having acted in a manner – *i.e.*, taking part in an “insurrection” - which would and actually did subject JIENNAH to hatred, shame, obloquy, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of JIENNAH in the minds of right-thinking persons, and/or could deprive JIENNAH of confidence and friendly intercourse in society.

59. JIENNAH has indeed suffered hate, shame, ridicule, threats, and lives in fear for her life and the life of her child. Her sense of security and anonymity has been violated. Moreover, JIENNAH has been dragged into these awful circumstances during the worst time of her life; while grieving the loss of her husband and the father of her child, LCPL McCollum. JIENNAH suffers and continues to struggle with the overwhelming grief caused by the killing of LCPL McCOLLUM and BALDWIN's selfish actions have exacerbated and prolonged that pain in a very public, extremely traumatic way.

60. Defendant's publication caused JIENNAH to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand (\$75,000), exclusive of punitive and exemplary damages.

**JIENNAH MCCOLLUM THIRD CAUSE OF ACTION
(Negligence and Gross Negligence)**

61. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

62. Defendant was negligent in his posting of ROICE's Instagram feed, posting allegations that she was “an insurrectionist” and “participated in the insurrection.” BALDWIN

had a duty to refrain from conduct that would cause injury to JIENNAH, yet he violated that duty without hesitation. He further assumed a duty of care when he chose to communicate with all 2.4 million of his followers concerning JIENNAH. He violated that duty by failing to check his facts prior to leveling his allegations and giving his followers implicit instructions to shame and attack JIENNAH.

63. The social media onslaught of hatred and bile that ensued was entirely foreseeable to BALDWIN and any reasonably careful person under similar or the same circumstances as BALDWIN would have anticipated the mental anguish and suffering and the physical manifestation of that mental pain that would result in his conduct. Those violations were the proximate cause of the harm and great emotional pain JIENNAH suffered when she was exposed to the wrath of BALDWIN's Instagram followers.

64. Defendant's continued participation in the Instagram comments served to fire up his most vicious supporters. His participation constitutes ongoing tortious conduct.

65. Pleading further, BALDWIN's conduct constitutes a conscious and voluntary disregard of the need to use reasonable care, which was highly likely to cause foreseeable grave injury or harm to JIENNAH. In short, he acted recklessly in spite of knowing the consequences of his actions.

66. His conduct is extreme when compared to ordinary negligence standards. BALDWIN acted in a grossly negligent manner by posting ROICE's Instagram feed along with his accusation that Plaintiffs were insurrectionists.

67. As a result of Defendant's negligence, JIENNAH has suffered damages in an amount to be determined at trial, but which in all events are in excess of seventy-five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**JIENNAH MCCOLLUM FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)**

68. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

69. Plaintiffs are informed and believe and allege that BALDWIN's extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to JIENNAH.

70. BALDWIN's conduct is beyond all possible bounds of decency, and is atrocious, and utterly intolerable in a civilized community. His conduct caused JIENNAH to suffer highly unpleasant mental reactions, such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea so severe that no reasonable person could be expected to endure it. JIENNAH lost her hero, husband, and the father of her child when she was over eight months pregnant. LCPL McCOLLUM died in the voluntary service of his country and the trauma of that loss is incomprehensible.

71. BALDWIN knew this and, as an adult, presumably would expect the death of a 20-year-old brother, son, husband, Marine, and father-to-be less than four months ago to have far-reaching, deep seated, catastrophic consequences in the lives of his loved ones, including JIENNAH, his widow. In spite of this, he invited 2.4 million people to attack, threaten, and shame the McCollum family. He forced them to relive the death of LCPL McCOLLUM in the most public way possible in today's social media-driven world.

72. Plaintiffs loved, admired, and respected LCPL McCOLLUM and saw him as the embodiment of all of their collective values. JIENNAH's affection for her husband never wavered and, in fact, was strengthened in knowing that he was deployed in a place where American exceptionalism and democracy could take root and grow. BALDWIN's unfounded, cruel, hasty, and patently false accusations he flippantly published to 2.4 million people who he knew or should

have known would be inspired to attack JIENNAH was extreme and outrageous and caused and continues to cause severe emotional distress, anxiety, and fear to JIENNAH. Defendant is guilty of intentionally inflicting emotional distress on JIENNAH.

**CHEYENNE MCCOLLUM FIRST CAUSE OF ACTION
(Invasion of Privacy – False Light and Intrusion Upon Seclusion)**

73. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

74. Plaintiff CHEYENNE McCollum has reviewed the Instagram posts question and has positively identified herself as the person about whom and to whom the posts were made. CHEYENNE is not and has never been a rioter, insurrectionist, or terrorist. CHEYENNE was not present at and did not participate in the January 6, 2021, rioting, invasion of the Capitol Building, or any other illegal conduct perpetrated by the small minority of individuals in attendance in Washington D.C. and/or the Capitol Building on that day. BALDWIN's accusations are patently false and unreasonably placed CHEYENNE in a false light before the public. The posts from his followers in response to his are direct evidence of this false light. Shortly after BALDWIN's "good luck" post, all Plaintiffs were accused of being associated with ISIS, being terrorists, rioters, anti-American, and the list continues. (Exhibit 1, p. 9, 10, 12-21). Plaintiffs are informed and believe and allege that when BALDWIN started this by posting, he knew or should have known it would happen, and he sat back in his Manhattan penthouse and watched it unfold.

75. As set forth herein, Defendant violated the law by invading Plaintiff CHEYENNE's right to privacy by publishing his false allegations to his 2.4 million like-minded followers on Instagram. The allegation constitutes such a major misrepresentation of the Plaintiff's character, history, activities, and beliefs that serious offense may reasonably be expected to be taken by any reasonable person in the Plaintiffs' position.

76. BALDWIN violated the law by invading Plaintiffs' right to privacy by publishing private information in addition to providing information in the message chain that easily allowed 2.4 million of his rabid followers to track down other private information about the lives of the Plaintiffs putting them in fear for their safety and security.

77. CHEYENNE also suffered damages based upon BALDWIN's invasion of privacy by intrusion into her private affairs. BALDWIN intentionally intruded upon the solitude or seclusion, private affairs or concerns of CHEYENNE. BALDWIN's intrusion was substantial, and of a kind that would be highly offensive to an ordinarily reasonable person; and the intrusion caused CHEYENNE to sustain injury, damage, loss or harm.

78. Due to Defendant's violation of Plaintiffs' rights of privacy by committing the tort of Invasion of Privacy by intrusion upon seclusion and false light under Wyoming law, CHEYENNE has been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), exclusive of punitive and exemplary damages.

79. In addition, Plaintiffs hereby requests an award of punitive damages, in an amount to be determined at trial, due to Defendant's knowing and intentional violation of their rights to privacy.

**CHEYENNE MCCOLLUM SECOND CAUSE OF ACTION
(Defamation, Defamation Per Se, and Defamation by Implication)**

80. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

81. CHEYENNE is a private figure who never voluntarily injected herself into any public controversy. As detailed throughout this Complaint, Defendant published false allegations pertaining to Plaintiffs. BALDWIN made this false and defamatory communication concerning CHEYENNE via an unprivileged publication to a third parties; namely, his 2.4 million Instagram followers. CHEYENNE is informed and believes and alleges that at the time of the publication

BALDWIN knew that his statements were false or acted in reckless disregard as to their falsity. Alternatively, BALDWIN acted negligently in failing to ascertain whether the communication was false.

82. Defendant's publication constitutes a representation that Plaintiffs were "January 6 rioters," "insurrectionists," and "participated in the insurrection." As evidenced by the followers' responses to BALDWIN's allegations, the implication in this false statement is that Plaintiffs are rioters, traitors, racists, or white supremacists who sought to overthrow the United States democracy. They are accused of being "terrorists" who "made a mockery of [LCPL McCollum's] sacrifice." (Exhibit 1, p. 9, 10, 12-21).

83. As BALDWIN put it: "Your activities resulted in the unlawful destruction of government property, the death of a law enforcement officer, an assault on the certification of the presidential election. I reposted your photo. Good luck." (Exhibit 1, p. 2).

84. After BALDWIN's social media mob began attacking, BALDWIN doubled down: "I gratefully supported the gofundme campaign while simultaneously not knowing the woman I approached [JIENNAH MCOLLUM] is an insurrectionist. I think that's...remarkable." (Exhibit 1, p. 8).⁵

85. Plaintiffs are informed and believe and allege that BALDWIN in publishing ROICE'S Instagram feed and the exchange between her and BALDWIN, it was Defendant's intention to create a false impression to the general public that Plaintiffs were guilty of a crime against their country, that they wanted the United States government overthrown, and that they committed violent acts on January 6, 2021, at the United States Capitol Building. These beliefs

⁵ To be accurate, although Baldwin says he supported the GoFundMe campaign, he actually sent a check to Roice intended for Jiannah and LRRM. He did not donate directly to the GoFundMe account. Plaintiffs believe that this difference is likely semantic in Baldwin's mind, however.

and conduct were actually imputed to CHEYENNE by implication as evidenced by BALDWIN's followers' vile messages. Plaintiffs are informed and believe and allege that BALDWIN true to BALDWIN'S intentions and motive, his followers in fact believed him, followed his lead, and began a vile onslaught of Plaintiffs.

86. BALDWIN's statement imputes a criminal offense; namely, participation in a rebellion and uprising against the United States Government. (Exhibit 1, p. 8). This offense under 18 U.S. Code § 2383 carries a fine, prison sentence of not more than 10 years, or both, and precludes any person guilty of the offense from holding any office under the United States. This crime is regarded in public opinion as involving moral turpitude; that is inherent baseness or vileness of principle in the human heart and shameful wickedness and such an extreme a departure from ordinary standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of the community. BALDWIN'S statement is defamatory on its face and, therefore, actionable without proof of special damages.

87. Plaintiffs are informed and believe and allege that BALDWIN at the very least, was negligent in publishing the posts because he knew, or should have known, that Plaintiffs were not rioters, insurrectionists, racists, or white supremacists. He simply assumed that the woman in the original picture posted by ROICE was a picture of Plaintiff ROICE (it was not) and that she was guilty of rioting in the Capitol Building. Plaintiffs are informed and believe and allege that BALDWIN as he has done time and time again in his very public life, made an impulsive, snap to judgment and acted vindictively at the expense people less powerful and influential than him. In this case it was all Plaintiffs.

88. Plaintiffs are informed and believe and allege that BALDWIN despite Defendant's knowledge and awareness of these facts, BALDWIN nevertheless made the decision to publish

the Instagram feed so he could massage his ego by signaling that he had “privately” donated money to JIENNAH and her unborn child while simultaneously unleashing his 2.4 million like-minded followers on Plaintiffs.

89. Defendant’s publication constitutes defamation under Wyoming law because said publication falsely accuses CHEYENNE of having acted in a manner – i.e., taking part in an “insurrection” and being a “January 6 rioter” - which would and actually did subject CHEYENNE to hatred, shame, obloquy, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of CHEYENNE in the minds of right-thinking persons, and/or could deprive CHEYENNE of confidence and friendly intercourse in society.

90. CHEYENNE has indeed suffered hate, shame, ridicule, threats, and lives in fear for her life. Her sense of security and anonymity has been violated. Moreover, CHEYENNE has been dragged into these awful circumstances during the worst time of her life; while grieving the loss of her brother, LCPL McCollum. CHEYENNE suffers and continues to struggle with the overwhelming grief caused by the killing of LCPL McCOLLUM and BALDWIN’s selfish actions have exacerbated and prolonged that pain in a very public, extremely traumatic way.

91. Defendant’s publication caused CHEYENNE to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand (\$75,000), exclusive of punitive and exemplary damages.

**CHEYENNE MCCOLLUM THIRD CAUSE OF ACTION
(Negligence and Gross Negligence)**

92. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

93. Defendant was negligent in his posting of ROICE’s Instagram feed, posting allegations that she was “an insurrectionist” and “participated in the insurrection.” BALDWIN

had a duty to refrain from conduct that would cause injury to CHEYENNE, yet he violated that duty without hesitation. He further assumed a duty of care when he chose to communicate with all 2.4 million of his followers concerning CHEYENNE. He violated that duty by failing to check his facts prior to leveling his allegations and giving his followers implicit instructions to shame and attack CHEYENNE.

94. The social media onslaught of hatred and bile that ensued was entirely foreseeable to BALDWIN and any reasonably careful person under similar or the same circumstances as BALDWIN would have anticipated the mental anguish and suffering and the physical manifestation of that mental pain that would result in his conduct. Those violations were the proximate cause of the harm CHEYENNE suffered when she was exposed to the wrath of BALDWIN's Instagram followers.

95. Defendant's continued participation in the Instagram comments served to fire up his most vicious supporters. His participation constitutes ongoing tortious conduct.

96. Pleading further, BALDWIN's conduct constitutes a conscious and voluntary disregard of the need to use reasonable care, which was highly likely to cause foreseeable grave injury or harm to CHEYENNE. In short, he acted recklessly in spite of knowing the consequences of his actions.

97. His conduct is extreme when compared to ordinary negligence standards. BALDWIN acted in a grossly negligent manner by posting ROICE's Instagram feed along with his accusation that Plaintiffs were insurrectionists.

98. As a result of Defendant's negligence, CHEYENNE has suffered damages in an amount to be determined at trial, but which in all events are in excess of seventy-five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**CHEYENNE MCCOLLUM FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)**

99. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

100. Plaintiffs are informed and believe and allege that BALDWIN's extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to CHEYENNE.

101. BALDWIN's conduct is beyond all possible bounds of decency, and is atrocious, and utterly intolerable in a civilized community. His conduct caused CHEYENNE to suffer highly unpleasant mental reactions, such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea so severe that no reasonable person could be expected to endure it. CHEYENNE lost her hero and brother. LCPL McCOLLUM died in the voluntary service of his country and the trauma of that loss is incomprehensible.

102. BALDWIN knew this and, as an adult, presumably would expect the death of a 20-year-old brother, son, husband, Marine, and father-to-be less than four months ago to have far-reaching, deep seated, catastrophic consequences in the lives of his loved ones, including CHEYENNE, his sister. In spite of this, he invited 2.4 million people to attack, threaten, and shame the McCollum family. He forced them to relive the death of LCPL McCOLLUM in the most public way possible in today's social media-driven world.

103. Plaintiffs loved, admired, and respected LCPL McCOLLUM and saw him as the embodiment of all of their collective values. CHEYENNE's affection for her brother never wavered and, in fact, was strengthened in knowing that he was deployed in a place where American exceptionalism and democracy could take root and grow. BALDWIN's unfounded, cruel, hasty, and patently false accusations he flippantly published to 2.4 million people who he knew or should have known would be inspired to attack CHEYENNE was extreme and outrageous and caused and

continues to cause severe emotional distress, anxiety, and fear to CHEYENNE. Defendant is guilty of intentionally inflicting emotional distress on CHEYENNE.

**ROICE MCCOLLUM FIRST CAUSE OF ACTION
(Invasion of Privacy – False Light and Intrusion Upon Seclusion)**

104. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

105. ROICE has reviewed the Instagram posts question and has positively identified herself as the persons about whom and to whom the posts were made. ROICE is not and has never been a rioter, insurrectionist or terrorist. ROICE did not participate in the January 6, 2021, rioting, invasion of the Capitol Building, or any other illegal conduct perpetrated by the small minority of individuals in attendance in Washington D.C. and/or the Capitol Building on that day and was cleared of any wrongdoing by the FBI. She was never detained, arrested, charged with or convicted of any crime associated with her attendance at the January 6, 2021, event in Washington, D.C. BALDWIN's accusations are patently false and unreasonably placed ROICE in a false light before the public. The posts in response to his are direct evidence of this false light. Shortly after BALDWIN's "good luck" post, Plaintiffs were accused of being associated with ISIS, being terrorists, rioters, anti-American, and the list continues. (Exhibit 1, p. 9, 10, 12-21). Plaintiffs are informed and believe and allege that when BALDWIN started this, he knew or should have known it would happen, and he sat back in his Manhattan penthouse and watched it unfold.

106. As set forth herein, Defendant violated the law by invading Plaintiffs' right to privacy by publishing his false allegations to his 2.4 million like-minded followers on Instagram. The allegation constitutes such a major misrepresentation of the Plaintiffs' character, history, activities, and beliefs that serious offense may reasonably be expected to be taken by any reasonable person in the Plaintiffs' position.

107. BALDWIN violated the law by invading Plaintiffs' right to privacy by publishing private information in addition to providing information in the message chain that easily allowed 2.4 million of his rabid followers to track down other private information about the lives of the Plaintiffs putting them in fear for their safety and security.

108. Due to Defendant's violation of Plaintiffs' rights of privacy by committing the tort of Invasion of Privacy by intrusion upon seclusion and false light under Wyoming law, Plaintiffs have been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars (\$75,000.00), exclusive of punitive and exemplary damages.

109. In addition, Plaintiffs hereby requests an award of punitive damages, in an amount to be determined at trial, due to Defendant's knowing and intentional violation of their rights to privacy.

**ROICE MCCOLLUM SECOND CAUSE OF ACTION
(Defamation, Defamation Per Se and Defamation by Implication)**

110. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

111. As detailed throughout this Complaint, Defendant published false allegations pertaining to Plaintiffs. ROICE is a private figure who never voluntarily injected herself into any public controversy. As detailed throughout this Complaint, Defendant published false allegations pertaining to Plaintiffs. BALDWIN made this false and defamatory communication concerning ROICE via an unprivileged publication to a third parties; namely, his 2.4 million Instagram followers. ROICE is informed and believes and alleges that at the time of the publication BALDWIN knew that his statements were false or acted in reckless disregard as to their falsity. Alternatively, BALDWIN acted negligently in failing to ascertain whether the communication was false.

112. Alternatively, even if ROICE can be deemed to be a “limited public figure” for purposes of this lawsuit, Plaintiffs are informed and believe and allege that BALDWIN acted with actual malice when he posted what he believed was ROICE’s image on her Instagram feed to his 2.4 million followers and continued labelling her an “insurrectionist.” As BALDWIN put it to ROICE: “Your activities resulted in the unlawful destruction of government property, the death of a law enforcement officer, an assault on the certification of the presidential election. I reposted your photo. Good luck.” (Exhibit 1, p. 2).

113. Defendant’s publication constitutes a representation that ROICE was a “January 6 rioters,” “insurrectionist,” and “participated in the insurrection.” As evidenced by the followers’ responses to BALDWIN’s allegations, the implication in this false statement is that ROICE is a rioter and a traitor who sought to overthrow the United States democracy. All Plaintiffs are accused of being “terrorists” who “made a mockery of [LCPL McCollum’s] sacrifice.” (Exhibit 1, p. 9, 10, 12-21).

114. None of these representations are true. In fact, Plaintiffs are none of those things; however, BALDWIN’s allegation imputes that conduct to all Plaintiffs., including ROICE who received dozens of hateful messages as she simply attempted to defend her family from BALDWIN’s followers.

115. Plaintiffs are informed and believe and allege that BALDWIN in publishing ROICE’S Instagram feed and the exchange between her and BALDWIN, it was Defendant’s intention to create a false impression to the general public that ROICE was guilty of a crime against her country, that she wanted the United States government overthrown, and that she committed violent acts on January 6, 2021, at the United States Capitol Building. These beliefs and conduct were actually imputed to ROICE by implication as evidenced by BALDWIN’s followers’ vile

messages. Plaintiffs are informed and believe and allege that BALDWIN true to BALDWIN'S intentions and motive, his followers in fact believed him, followed his lead, and began a vile onslaught of Plaintiffs.

116. BALDWIN's statement that ROICE is an "insurrectionist" imputes a criminal offense; namely, participation in a rebellion and uprising against the United States Government. (Exhibit 1, p. 4). This offense under 18 U.S. Code § 2383 carries a fine, prison sentence of not more than 10 years, or both, and precludes any person guilty of the offense from holding any office under the United States. This crime is regarded in public opinion as involving moral turpitude; that is inherent baseness or vileness of principle in the human heart and shameful wickedness and such an extreme a departure from ordinary standards of honesty, good morals, justice or ethics as to be shocking to the moral sense of the community. BALDWIN'S statement is defamatory on its face and, therefore, actionable without proof of special damages.

117. Plaintiffs are informed and believe and allege that BALDWIN at the very least, Defendant was negligent in publishing the posts because he knew, or should have known, that Plaintiffs were not rioters, insurrectionists, racists, or white supremacists. He simply assumed that the woman in the original picture posted by ROICE was a picture of Plaintiff ROICE (it was not) and that she was guilty of rioting in the Capitol Building. Plaintiffs are informed and believe and allege that BALDWIN as he has done time and time again in his very public life, BALDWIN made an impulsive, snap to judgment and acted vindictively at the expense people less powerful and influential than him. In this case it was all Plaintiffs.

118. In the alternative, Plaintiffs are informed and believe and allege that BALDWIN published the messages with actual malice because he knew, or should have known, that doing so would result in an avalanche of violently negative attacks on Plaintiffs. Plaintiffs are informed

and believe and allege that BALDWIN intended the harm he caused because he believes that every person present at the Capitol demonstration on January 6, 2021, is an unrepentant rioter wanting to overturn the United States democracy. BALDWIN fits the pattern of any run-of-the-mill bully: BALDWIN is absolutely certain that he is right, and every demonstrator (even the peaceful ones) are wrong. Plaintiffs are informed and believe and allege that BALDWIN both intended and endorsed the reference to Plaintiffs as insurrectionists and the implications such an accusation would create in his followers' minds. Pleading further, he knew what would happen once he posted ROICE's feed and labelled her an insurrectionist. As he put it, "good luck." (Exhibit 1, p. 2).

119. Plaintiffs are informed and believe and allege that BALDWIN despite Defendant's knowledge and awareness of these facts, BALDWIN nevertheless made the decision to publish the Instagram feed so he could massage his ego by signaling that he had "privately" donated money to JIENNAH and her unborn child while simultaneously unleashing his 2.4 million like-minded followers on Plaintiffs.

120. Defendant's publication constitutes defamation under Wyoming law because said publication falsely accuses Plaintiffs of having acted in a manner – *i.e.*, taking part in an "insurrection" and being a "January 6 rioter" - which would and actually did subject Plaintiffs to hatred, shame, obloquy, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of Plaintiffs in the minds of right-thinking persons, and/or could deprive each Plaintiffs of confidence and friendly intercourse in society.

121. Plaintiffs have indeed suffered hate, shame, ridicule, threats, and live in fear for their lives. Plaintiffs have been confronted by strangers in public places such as grocery stores and parking lots by people accusing them of being "insurrectionists." They continue to receive threats via social media. Their sense of security and anonymity have been violated. Moreover,

Plaintiffs have been dragged into these awful circumstances during the worst time of their lives; while grieving the loss of LCPL McCollum. Plaintiffs suffer and continue to struggle with the overwhelming grief caused by the murder of LCPL McCOLLUM and BALDWIN's selfish actions have exacerbated and prolonged that pain in a very public, extremely traumatic way.

122. Defendant's publication likewise constitutes defamation under Wyoming law because the publication would tend to injure each Plaintiffs in their trades, businesses, and professions.

123. Defendant's publication caused Plaintiffs to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand (\$75,000), exclusive of punitive and exemplary damages.

**ROICE MCCOLLUM THIRD CAUSE OF ACTION
(Negligence and Gross Negligence)**

124. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

125. Defendant was negligent in his posting of ROICE's Instagram feed, posting allegations that she was "an insurrectionist" and "participated in the insurrection." BALDWIN had a duty to refrain from conduct that would cause injury to Plaintiffs, yet he violated that duty without hesitation. He further assumed a duty of care when he chose to communicate with all 2.4 million of his followers concerning the Plaintiffs. He violated that duty by failing to check his facts prior to leveling his allegations and giving his followers implicit instructions to shame and attack Plaintiffs.

126. Those violations were the proximate cause of the harm Plaintiffs suffered when they were exposed to the wrath of BALDWIN's Instagram followers.

127. Defendant's continued participation in the Instagram comments served to fire up

his most vicious supporters. His participation constitutes ongoing tortious conduct.

128. Pleading further, BALDWIN's conduct constitutes a conscious and voluntary disregard of the need to use reasonable care, which was highly likely to cause foreseeable grave injury or harm to Plaintiffs. In short, he acted recklessly in spite of knowing the consequences of his actions.

129. His conduct is extreme when compared to ordinary negligence standards. BALDWIN acted in a grossly negligent manner by posting ROICE's Instagram feed along with his accusation that Plaintiffs were insurrectionists.

130. As a result of Defendant's negligence, ROICE has suffered damages in an amount to be determined at trial, but which in all events are in excess of seventy-five thousand dollars (\$75,000), exclusive of punitive and exemplary damages.

**ROICE MCCOLLUM FOURTH CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)**

131. Plaintiffs hereby repeat and re-allege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

132. Plaintiffs are informed and believe and allege that BALDWIN's extreme and outrageous conduct intentionally or recklessly caused severe emotional distress to Plaintiffs.

133. BALDWIN's conduct is beyond all possible bounds of decency, and is atrocious, and utterly intolerable in a civilized community. His conduct caused Plaintiffs to suffer highly unpleasant mental reactions, such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea so severe that no reasonable person could be expected to endure it. Plaintiffs lost their hero. LCPL McCOLLUM died in the voluntary service of his country.

134. BALDWIN knew this and, as an adult, presumably would expect the death of a 20-

year-old brother, son, husband, Marine, and father-to-be less than four months ago to have far-reaching, deep seated, catastrophic consequences in the lives of his loved ones. In spite of this, he invited 2.4 million people to attack, threaten, and shame the McCollum family. He forced them to relive the death of LCPL McCOLLUM in the most public way possible in today's social media-driven world.

135. Plaintiffs loved, admired, and respected LCPL McCOLLUM and saw him as the embodiment of all of their collective values. ROICE's affection for her brother never wavered and, in fact, was strengthened in knowing that he was deployed in a place where American exceptionalism and democracy could take root and grow. It was that love and affection for her brother and her pride in his service to his country that inspired ROICE to exercise her Constitutional right to free assembly and free speech on January 6, 2021. None of the Plaintiffs are rioters, insurrectionists, or traitors. BALDWIN's unfounded, cruel, hasty, and patently false accusations he flippantly published to 2.4 million people who he knew or should have known would be inspired to attack Plaintiffs was extreme and outrageous and caused and continues to cause severe emotional distress, anxiety, and fear to all Plaintiffs. Defendant is guilty of intentionally inflicting emotional distress on Plaintiffs

DEMAND FOR JURY TRIAL

136. Plaintiffs demand a trial by jury.

PRAYER FOR RELIEF

137. Plaintiffs respectfully request Judgment in their favor and against Defendant as follows:

(a) For substantial compensatory damages in an amount not less than ten million dollars (\$10,000,000.00), relating to Plaintiffs' causes of action;

(b) For punitive damages, in an amount not less than fifteen million dollars (\$15,000,000.00);

(c) For all costs and attorneys' fees incurred by Plaintiffs in the prosecution of this lawsuit;

(d) For such other and further relief as the Court may deem just and proper.

Dated: Austin, Texas
January 17, 2022

Respectfully submitted,

THE CASAS LAW FIRM, P.C.

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