

FILED

IN THE _____ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2015 JUN 22 PM 4:23

JASON CROSS a/k/a MIKEL KNIGHT, an individual,
AND 1203 ENTERTAINMENT, LLC,

RICHARD R ROOKER, CLERK

CHJ

Plaintiffs,

v.

Case No. 15C2403

FACEBOOK, INC.,
AND JOHN AND/OR JANE DOES 1-10, being an individual or individual(s) who
act as administrator(s) of the Facebook page "Families Against Mikel Knight and
the MDRST"—on which false and defamatory statements were made—and whose
identity is unknown to the Plaintiff at this time but who will be added by
amendment when ascertained.

Defendants.

PETITION FOR PRE-LITIGATION DISCOVERY

This is an action for pre-litigation discovery arising under the inherent powers of
this Court and concerns potential claims for libel and false light invasion of privacy
against Defendant Doe(s).

PARTIES

1. Plaintiff Jason Cross a/k/a Mikel Knight is a citizen and resident of Mt. Juliet, Wilson County, Tennessee.
2. Plaintiff 1203 Entertainment, LLC is a limited liability company formed under the laws of the State of Tennessee with a principal place of business at 1419 Lebanon Road, Suite B, Old Hickory, Davidson County, Tennessee.
3. Plaintiff 1203 Entertainment, LLC is in the business of managing and promoting various artists including Plaintiff Cross.

4. Upon information and belief, Defendant Facebook, Inc. (hereinafter "Facebook") is a corporation formed under the laws of the State of Delaware with a principle place of business at 1601 Willow Road, Menlo Park, San Mateo County, California. Upon information and belief, Facebook's registered agent is Corporation Services Company, which can be found at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, California 95833.
5. Upon information and belief Defendants John and/or Jane Doe 1-10 (hereafter "Defendant Doe(s)") are one or more unknown individuals, organizations, business, and/or entities of unknown form that created, author, organize, operate, and/or manage the Facebook page "Families Against Mikel Knight and the MDRST," available at "<https://www.facebook.com/pages/Families-Against-Mikel-Knight-and-the-MDRST/1533971343525187?fref=ts>" (hereafter "the Facebook page"). The identities and residences of Defendant Doe(s) are unknown to Plaintiffs.

VENUE AND JURISDICTION

6. Venue and jurisdiction are proper pursuant to T.C.A. § 20-4-101(a) and T.C.A. § 20-2-223(3) as the Defendants are causing tortious injury to the Plaintiffs by publishing libelous statements for view in Tennessee thereby giving rise to a cause of action for libel and / or false light invasion of privacy.

STATEMENT OF FACTS

7. Defendant Doe(s) manage and operate the Facebook page. Defendant Doe(s) have organized the Facebook page so as to ensure their personal information is hidden through the use of Facebook security and/or privacy tools. Defendant Doe(s)'s identities and other relevant personal information is not viewable to individuals or entities that are not a part of the Facebook page.
8. Defendant Doe(s) have posted and continue to post false and defamatory statements against Plaintiffs. The false and defamatory statements made by Defendant Doe(s) include, but are not limited to, the following:
 - a. "Don't be caught in his scAm [sic] and surely don't support this monster Mikel Knight." (June 2, 2015)
 - b. "Don't worry about his YouTube views. People like to see what the devil looks like and he can have a billion views and no one will ever buy a ticket for his fake shows or his music on their own." (June 1, 2015)
 - c. "The devil and his organization is only worried about his blood money music video premier. #Satan" (May 31, 2015)
 - d. "Mikel Knight is such a coward he won't even put himself in the front anymore. He is scared. A good video to show his illegal activity with no sales tax or permit sales." (May 30, 2015)
 - e. "Rebelrow helping Mikel Knight with his inhumane slave operation?" (May 27, 2015)

- f. "If you come across a Mikel Knight Van save your money. Buy yourself or family something don't support this crook." (May 23, 2015)
 - g. "Looks like he was giving Safe Haven pennies to save face and pocketing the rest of the money. . . . He says he's going to find another charity to use for his SLAVE LABOR SCAM [sic]." (May 15, 2015)
9. Plaintiffs expect to be parties to an action against Defendant Doe(s) as soon as their identities and/or residencies are discovered. Presently, Plaintiffs are unable to bring claims or actions against Defendant Doe(s) because Plaintiffs are unable to determine the true identities and/or residencies of Defendant Doe(s) without the discovery requested in this action.
 10. Defendant Doe(s)'s false and defamatory statements have, and will continue, to cause irreparable harm to the reputation and business of Plaintiffs until removed from the Facebook page.
 11. Plaintiffs have made attempts to discover the name(s) and other relevant personal information of Defendant Doe(s) by looking at the Facebook page online and searching various Internet sources for information regarding Defendant Doe(s).
 12. Plaintiffs attempted to eliminate the need to make a claim or action by sending a cease and desist letter to Facebook on June 5, 2015 asking Facebook to remove the Facebook page. (copy of cease and desist letter to Facebook attached hereto and incorporated herein as Exhibit "A").
 13. Plaintiffs have yet to receive a response from Facebook in regard to the cease and desist letter.

14. On information and belief, Facebook collects and maintains information about users/administrators of pages on the website and has identifying information about users including names, e-mail addresses, Internet Protocol addresses, and dates and times of access to the Facebook page. Facebook, therefore, likely has sufficient information in its records to identify and provide other relevant personal information regarding Defendant Doe(s) based upon their Facebook accounts.
15. Plaintiffs expect to obtain information from Facebook which will assist in more accurately identifying and/or serving Defendant Doe(s). Plaintiffs request permission to initiate discovery, including, but not limited to, issuing a subpoena to Facebook for the information needed to identify and provide other relevant personal information regarding Defendant Doe(s).
16. Plaintiffs intend to amend their Complaint upon receiving the above-mentioned information regarding Defendant Doe(s).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request as Judgment against Defendants:

1. An order allowing Plaintiffs to take all such action as is necessary to obtain the relevant personal information of Defendant Doe(s) including, but not limited to, issuing a subpoena to Defendant Facebook;
2. A temporary and permanent injunction enjoining Defendant Facebook from further republication of Defendant Doe(s) libelous statements via the Facebook page at issue;

3. Court costs, discretionary costs as allowed by law, and attorney's fees; and
4. For any and all such further relief that this Honorable Court deems appropriate.

Respectfully submitted,



TODD G. COLE, BPR NO. 31078

Attorney for Plaintiffs

Cole Law Group

750 Old Hickory Boulevard

Building Two, Suite 202

Brentwood, Tennessee 37027

Phone: (615) 490-6020

Fax: (615) 942-5914

tcole@colelawgroupnc.com