

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

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CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FL
OCALA, FLORIDA

EDGAR COUNTY WATCHDOGS, INC,)
KIRK ALLEN, JOHN KRAFT, AND)
ALYSSIA BENFORD,)
Plaintiffs,)
V.)

CASE NO. 5:21-cv-302-JSM-PRL

BONNIE KUROWSKI, IL REPORTER,)
LLC, A FLORIDA LLC, FIGHT FOR IL,)
INC. A FLORIDA NOT-FOR-PROFIT)
CORPORATION, AND ERIK PHELPS)
Defendants)

JURY TRIAL DEMANDED

**COMPLAINT FOR COMMERCIAL DISCRIMINATION, DEFAMATION BY
IMPLICATION, LIBEL AND INFLICTION OF EMOTIONAL DISTRESS**

NOW COMES, EDGAR COUNTY WATCHDOGS, INC., KIRK ALLEN, JOHN KRAFT and ALYSSIA BENFORD with their complaint against BONNIE KUROWSKI, IL REPORTER, LLC, a Florida LLC, FIGHT FOR IL, INC., a Florida Not-for-Profit Corporation, and ERIK PHELPS (Collectively "Defendants") for Commercial Discrimination, Defamation, Defamation by Implication and Appropriation of Commercial Likeness.

Parties Citizenship and Residence

1) Edgar County Watchdogs, Inc. (hereinafter "ECW") is an Illinois Corporation with its principal place of business in Illinois and is engaged in the business of publishing articles on Government and accountability of public officials and those espousing to obtain the public trust as well as publication of other items of the general public interest.

2) ECW has been credited with uncovering public corruption and investigative reporting by the following publications: Forbes, the Chicago Tribune, Fox News, NBC News, CBS News, the National Review, Capital Fax, JDSupra Legal News, Peoria Public Radio, the Peoria Journal

Ex B

Star, CT Mirror, the Daily Caller, Illinois Review, Belleville News Democrat, WAND-TV, RTV6 The Indy Channel, Fox channel 59, CBS4 Indianapolis, the Herald Bulletin, WISH TV, , Industry Magazine World Sweeper, Daily Herald (Paddock Publications), Kankakee Daily-Journal, Washington Time, State Policy Network (SPN) News, Sauk Valley News, Lens of Liberty, Independent Journal Review, Better Government Association “BGA”, Illinois Times, Cook County Record, DuPage Policy Journal, Daily Caller News Foundation, News-Gazette, Patch, Herald-News, ChicagoNow.com, “In The Loop” – PBS-Chicago, Forbes, Examiner Publications, Fox32 Chicago, and National Law Review. Even the United States Department of Transportation cited to ECW in its own DOT News Briefing.

3) Plaintiffs Kirk Allen and John Kraft are the primary authors for articles published by ECW.

4) The Chicago Tribune credited the work of ALLEN, KRAFT and ECW to expose corruption associated with Frank Mautino whom ECW exposed questionable expenditures while Mr. Mautino served as the state senator, Mautino is now the Illinois Auditor.

5) WCBU, a joint service of Bradley University and Illinois State University published an article on April 29, 2020 crediting the work of ECW with the exposure of unlawful stay at home orders of Illinois Governor J.B. Pritzker.

6) Plaintiff, Kirk Allen (hereinafter ALLEN) is an Illinois citizen and resides in Illinois.

7) Plaintiff, John Kraft (hereinafter KRAFT) is an Illinois citizen and resides in Illinois.

8) Plaintiffs ALLEN and KRAFT are private individuals and not public figures.

9) Plaintiff Alyssia Benford (hereinafter BENFORD) is a Certified Public Account, who is a Citizen of Illinois and Resident of Illinois.

10) The Defendant, BONNIE KUROWSKI, (hereinafter KUROWSKI) is a citizen of the State of Florida and a resident of the State Florida residing at 3033 Santa Maria Ave. Clermont, FL 34711, within the Middle District of Florida.

11) The Defendant, ERIK PHELPS, (hereinafter "PHELPS") is a citizen of the State of Florida and a resident of the State Florida residing at 3033 Santa Maria Ave. Clermont, FL 34711, within the Middle District of Florida.

12) The Defendant IL REPORTER, LLC, is a Florida LLC with its principal place of business located at 3033 Santa Maria Ave. Clermont, FL 34711, within the Middle District of Florida.

13) The Defendant, FIGHT FOR IL, INC is a Florida not-for profit Corporation with its principal place of business located at 3033 Santa Maria Ave. Clermont, FL 34711, within the Middle District of Florida.

14) Defendants FIGHT FOR IL, INC. and IL REPORTER LLC are Florida entities in which defendants KUROWSKI and PHELPS control. These entities are used by KUROWSKI and PHELPS to disseminate false statements concerning Plaintiffs.

Jurisdiction and Venue

15) This Court has jurisdiction over the matters in controversy in this case based upon Diversity Jurisdiction pursuant to United States Code 28 U.S.C. 1332(a) because there is complete diversity of citizenship between Plaintiffs and Defendants, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

16) Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims in this Complaint occurred in this District and, as discussed above, because Defendants are subject to the Court's personal jurisdiction in this District.

17) Pursuant to Local Rule 1.02(c) this cause is filed in the Ocala Division because it has the greatest nexus with the cause, giving due regard to the place where the claim arose and the residence or principal place of business of the parties, and specifically Defendants residence and place of business are all in Lake County, Florida.

Short Statement of the Case

18) This case concerns the concerted willful and intentional conduct of KUROWSKI and PHELPS to knowingly and repeatedly publish defamatory statements concerning each of the Plaintiffs in this case. Central to the efforts of KUROWSKI and PHELPS to disparage Plaintiffs, they have recently formed two legal entities in Florida to acquire a website entitled “edgarcountywatchdog.com” so as to confuse the public as to the true and long standing website of Edgar County Watchdogs, Inc. entitled “edgarcountywatchdogs.com”. The difference in names being that Defendants merely deleted the “s” from “watchdogs” in the domain name of the website in naming the Defendants new website. Further, the Defendant’s website purports to offer assistance to government officials and then maligns Plaintiffs with false statements as part of a scheme to defame Plaintiffs and others. Defendants, further published numerous defamatory statements on social media, all with a malicious intent to harm the reputations of each of the plaintiffs. The defamatory statements set forth in this complaint were all made with the intent to expose each of the plaintiffs to hatred, ridicule, or contempt. Amongst many of the false and disparaging statements by Defendants are publications alleging that plaintiffs are engaged in criminal conduct or professional misconduct, were convicted of criminal conduct or are under indictment for state and federal crimes. Defendants use the entities of FIGHT FOR IL, INC and IL REPORTER LLC, to defame Plaintiffs. Plaintiffs final count is for Intentional infliction of Emotional Distress (“IIED”).

Factual Background

A. Domain Name Subterfuge.

19) Plaintiff, Edgar County Watchdogs, Inc. (hereinafter “ECW”) was incorporated on January 10, 2013 and has been in continuous operation since the date of incorporation. ECW has maintained a web site since at least 2013 or thereabouts using the domain name “edgarcountywatchdogs.com”.

20) ECW’s reports on misconduct by public officials, candidates for public office and matters of public interest with a focus on investigating and reporting on abuses in government. ECW publishes articles depicting abuse of power, public corruption, misconduct by public officials and articles related to matters of public interest associated with the operation of units of government and is renowned to be an effective promoter of honest and open government. ECW’s primary tool for disseminating articles on local government is its website “edgarcountywatchdogs.com”.

21) On or about January 1, 2021, KUROWSKI purchased a domain name from GoDaddy by the name of “bolingbrookreporter.org” using the email address of “baddecisiongal@gmail.com”.

22) On or about January 8, 2021, KUROWSKI purchased a domain name from GoDaddy by the name of “edgarcountywatchdog.com” using the email address of “bonniekurowski1@gmail.com” Note that the domain name of “edgardountywatchdog.com” is identical to the long standing web site of Plaintiff, ECW, with the exclusion of the letter “s” from the ECW domain name.

23) On or about February 5, 2021, KUROWSKI purchased a domain name from GoDaddy by the name of “fightforil.com” using the email address of “baddecisiongal@gmail.com”.

24) On or about February 8, 2020, Defendant Bonnie Kurowski registered with the State of Florida, and Limited Liability Company by the name of “IL Reporter, LLC”.

25) On or about February 22, 2021, Defendants Bonnie Kurowski, and Erik Phelps, registered a not for profit corporation with the State of Florida by the name of “FIGHT FOR IL INC”. within said registration Defendants Bonnie Kurowski and Erik Phelps are listed along with an Eowyn Correl as the directors.

B. Defamatory Statements on web page “edgarcountywatchdog.com”

26) Defendants use of the “edgarcountywatchdog.com” website operated by Defendants (hereinafter said web site is referenced simply as (“Defendants’ Website”)) commences with a “First Aid Kit for Elected Officials”. Beneath the reference to a “Kirst Aid Kit” is the image of Kirk Allen and John Kraft with a statement that reads: “have you seen these men? If you have seen these men attend you meeting or submit a FOIA, this page is for you. Stop what you are doing read this send it to your attorney, and get ready for a long road ahead.”

27) Within Defendant’s Webitse, there is a section labeled “Information”. After posting a photograph of Kirk Allen and John Kraft (plaintiff’s Allen and Kraft’s likeness) there is a section entitled “What they say they do?” followed by a section entitled “what they really do”. The text under what they really do falsely reads in pertinent part:

We are alleging that they are really an antigovernmental militia covered under the RICO Act who keeps growing and targeting far right-wing extremists to join their cause so they can create the insurgency needed and requests needed for ECW to get their hands on all government documents to sue. Their acts have included interfering in interstate commerce, elections, participating in insurgency, bullying and harassment and fake news.

They will stop at nothing to get their hands on documents, including weaponizing the FOIA laws, getting their accountant in as auditors, getting people elected who will leak info to them and defaming elected officials under secrecy of anti-slapp laws so that elected officials cannot protect themselves

We believe that they use these documents to commit fraud upon the courts as vexatious litigators, rotating 3 attorneys and their group to cover their tracks as serial suers in order to profit of large taxpayer funds in both settlements and shakedowns.

· They are heavily involved in getting extremists into elected office so they can get open access to docs unredacted and confidential which harms our government and protections of the People.

28) The false implication is the inference that Plaintiffs are engaged in unlawful racketeering.

Continuing, Defendants published the following false statements on Defendant's Website:

If you are an elected official, you will lose your reputation, be accused of false things, be doxed, asked to resign and pressure put on family, friends and children. Most elected officials are in office to do good deeds but when it impacts their families and other jobs they will quit. ECW plans on this model.

If you are a taxpayers, realize that once your town is visited by them, its going to cost possibly over a million in legal alone, an the damage inflicted on the local government bodies is like a grenade, destroying the ability to function as a board, excessive back end work and more.

29) Defendant's Website continues with the following false statements under "What can I expect, outside of FOIAs?":

Scams involving demanding audits, then their accountant and her friends put in bids. Removal of Documents then a request for them (as they know you will have lost it and they can sue). They participated in Zoom Bombings, claiming they couldn't hear the meetings over their guys chineses music and then sued. They have rushed podiums in anger, swinging arms at elected officials talking. They bring others there to meetings to cause issues. They are constantly trying to find reasons to stop the meetings. They are not aware of ACTUAL laws and still write stories stating laws that were broken with no judge or jury to rule on it. (In fact none are ever accurate once in court.) ... they drove out to Florida and stood o her sidewalk to take pictures of her house then posed in a doxing story about her. There is too much to share!.

30) Defendants Website has a section entitled "Key Players - Who has been part of this Racket?" The false implication is the inference that Plaintiffs are engaged in unlawful racketeering.

31) Within the section to identify the key players of the racket are purported "minions" which include Plaintiff, BENFORD. There, Defendants falsely state the following with respect to BENFORD:

Accounting and CPA – she is NOT a FORENSIC auditor yet has done services, collected pay but not turned in the audits. Former Censured elected official, many losses, and reported to the professional Business Regulations of IL.

32) Plaintiff BENFORD has never charged for audits not conducted. Defendant, KUROWSKI, prior to publishing the statement concerning BENFORD as having been reported to the “professional Business Regulations of IL” filed her own request for investigation even though BENFORD has never had KUROWSKI as a client.

33) The Defendant’s website, by its design, is intended to place hatred, ridicule, or contempt for each of the plaintiffs, and attacks the reputation of Plaintiffs.

34) Defendants promote their services on Defendants Website, have go fund me pages to raise money to continue the campaign against Plaintiffs.

C. Defamatory Statements on Social Media

35) On or about October 21, 2020, KUROWSKI published to Facebook the following false statements:

“Your writer/tipper Benford has been found guilty in a lengthy investigation costing over \$12k of taxpayer money, and now there are consequences”

“Benford is guilty on all charges and its recommended for action”

“She is guilty. It has been confirmed Benford is guilty on many charges in the ongoing investigation coverup”.

36) On or about November 1, 2020, KUROWSKI posted a false statement on Facebook “asking” is one of the ECWd was “dating her” (Benford) and another posting “asking” if BENFORD was KRAFT’s lover. KRAFT is married to a woman that is not BENFORD.

37) On or about November 17, 2020, KUROWSKI posted a false statement on Facebook stating that BENFORD “was found guilty of 11 charges and one more recent allegation regarding her extensive confidential information leaks”. BENFORD is not and has not been convicted of any crimes.

38) On or about December 4, 2020, KUROWSKI posted a false statement on Facebook stating that Benford “was found guilty of 12 counts of bullying, harassment and more”.

39) On or about December 6, 2020, KUROWSKI posted false statement on Facebook claiming ECW “donations were rerouted” and “asking” if KRAFT or ALLEN were “sleeping with or having an affair” with BENFORD.

40) On or about December 9, 2020, KUROWSKI posted false statement on Facebook stating that KRAFT abused drugs “Maybe you should sleep instead of post on all those drugs” and also, as a Doctor she stated that Kraft was “medically insane”.

41) On or about December 15, 2020, KUROWSKI posted false statement on Facebook stating that “the Edgar County Watchdogs are under Federal Investigation for cyberstalking and harassment” and “in the last few board meetings they attacked the Township Trustees and in Shelby County people had to jump in between them and a woman in the audience”

42) On or about December 15, 2020, KUROWSKI posted false statement to an article on the ECW website stating that “These men are awful men who hate women. They have affairs on their wives...”

43) On or about January 3, 2021, KUROWSKI made her first written statement on the “bolingbrookreporter.org” website, making the false statement:

“Edgar County Watchdogs is not an actual watchdog site. It prints stories based on assumptions made by what they can find on Google, their assumptions are never followed up, no supporting docs are posted unaltered, and if you disagree with them they will google you, write stories about your personal info, harass you, call your employer, and support corrupt politicians.”

44) On or about January 3, 2021, KUROWSKI made a statement on the “bolingbrookreporter.org” website, making the false statement of: “Not only lawsuits, but they

have filed for a DUNN Number so that their side company, a videography company, could do government business.”

45) On or about January 9, 2021, KUROWSKI made her first statement on the “edgarcountywatchdog.com” website, making the false statements of “ECW is a team of far right wing Patriots who involve themselves” . . . and “when in fact they are Patriot supporters linked to the DC Seige” and “They are scary people, mentally unstable, and have now been attached to the hostile takeover of our Nations Capitol.”

46) On or about January 11, 2021, KUROWSKI posted to “bolingbrookreporter.org” stating falsely that “for more information, please see ongoing investigations in IL at edgarcountywatchdog.com.” while implying that BENFORD, ALLEN, and KRAFT are part of the Patriot movement, far right wing extremists movement that includes the Capitol siege, and hijacking zoom meetings of local government.

47) On or about January 13, 2021, KUROWSKI posted a false statement on Facebook stating that “Her [Benford] and her team bombing the zoom meeting . . . this included ECW and Antonio.”

48) On or about January 15, 2021, KUROWSKI posted on Facebook promoting a link to her bolingbrookreporter.org and edgarcountywatchdog.com websites.

49) On or about January 24, 2021, KUROWSKI posted a false statement on Facebook stating “the leader of the Sedition and Insurgent movement is John Kraft and Kirk Allen” and “they are far right wing extremists who lie and say they are media” and “they are singlehandedly trying to convert IL Township Governments under their control and are puppet masters” and They are insurgents bullying their way to change our Government and destroy it”.

50) On or about February 5, 2021, KUROWSKI posted a false statement on Facebook stating “[Benford and ECW] are “a team of domestic terrorists” and “Satan Alysisa aka ECW Terrorists”.

51) On or about February 6, 2021, KUROWSKI posted a false statement on Facebook stating John Kraft . . . current leader of the insurgency extremist movement in Illinois”.

52) On or about February 7, 2021, KUROWSKI posted a false statement on Facebook stating “They [ECW] are far right wing extremists who have been arranging coups across IL, which falls under the current title of domestic terrorism. Leaders of a hate group” and “they are a hate group”.

53) On or about February 17, 2021, KUROWSKI posted a false statement on Facebook stating “For those inquiring on hate groups who will travel to stop and threaten reporters, here is the info. John Kraft, or ECW, who touts he follows and reports on corruption, boarded a plane to threaten and harass a journalist. . . these extreme hate groups are not just scary but even more”.

54) On or about February 19, 2021, KUROWSKI posted a false statement on Facebook stating “Edgar County Watchdogs IRS status is “for Political purposes” “along with a photo of Proud Boys in the Capitol.”

55) On or about February 19, 2021, KUROWSKI posted a false statement on Facebook stating “State’s Attorney gets involved in journalist being stalked. When a reporter covers local extremist hate groups such as ECW, and its leaders and members physically stalk the reporter, it’s a felony” and “They have not only violated criminal laws, they are no longer in compliance with their IRS filing status and therefore no longer a media company”.

56) On or about February 21, 2021, KUROWSKI posted a false statement on Facebook stating ECW “fraudulently sell services “training watchdogs” and ”saw them drive from IL to FL to find and harass her” and “they intentionally lie about people to get their candidates a step up”.

57) On or about February 23, 2021, KUROWSKI posted a false statement on Facebook stating “they [ECWd] are the mob figures hit men”.

58) On or about March 3, 2021, KUROWSKI posted a false statement on Facebook stating “Now we can confirm her [Benford] employment with ECW”.

59) On or about March 4, 2021, KUROWSKI posted a false statement on Facebook stating:

“Multiple law enforcement jurisdictions involved to protect Bonnie form threats, physical threats of violence, stalking and harassment perpetrated by Kirk Allen and John Kraft. Hate groups are on the rise and locally we exposed a group called Edgar County Watchdogs. Two days ago we posted Kirk Allen’s threat against me, the lead reporter”

and

“These men incite violence to their hate group . . . the picture they used was taken in Florida on Thursday. Videos captured the incident> The week before this they stated they went all the way to Florida to find me. They are literally on my doorstep trying to stop me from exposing them”.

60) On or about March 4, 2021, KUROWSKI posted a false statement on Facebook stating “it shows they are an Alysia owned company” and “ECW is a paid hit for candidates to use for defamation and elections and have escalated to violence by stalking reporters, driving to Florida, and posting incitement against reporters and others”

61) Upon information and belief KUROWSKI also contacted the Southern Poverty Law Center and requested that the Southern Poverty Law Center name ECW as a hate group.

C) CONFERENCE FOR DEFAMATORY PURPOSES

62) On or about May 3 through May 5, 2021, ILLINOIS REPORTER LLC and FIGHT FOR IL, INC held a conference at the Double Tree Hilton Lisle/Naperville Hotel (located in Lisle

Illinois). During the conference, the following false statements were published by its agents to those in attendance in a section devoted to Plaintiffs, ALLEN, KRAFT and ECW:

“We claim they [ECW] are a white supremacist, anti-government, militia who keeps growing and targeting far right-wing extremists to join their cause so they can create the insurgency needed, and requests needed, for ECW to get their hands on documents. They will stop at nothing to get their hands on documents, including weaponizing FOIA laws. We are alleging they use these documents to commit fraud upon the courts as vexatious litigants, rotating 3 attorneys and the group to cover their tracks as serial suers”.

“They are heavily involved in getting extremists into elected office so they can get open access to docs unredacted and confidential, which harms the government and protections of the people.”

“First step: Finding a community to infiltrate for Fraud. Typically, they take one of these 3 steps to start:

1. . . . Since their fraudulent website states that is a service, people stumble on them and connect. Many of these people are conspiracy theorists who perceive their government to be doing bad things. This is the group ECW seeks. Their website is the lead.
2. They conduct a “How to be a watchdog” meeting in the community, which grows insurgency, not watchdogs, to locate more of these far-right wing hate group candidates.
3. They entice a far-right wing candidate into running for office, by promises of support and help.”

“Step 2: Create a level of insurgency in the community.

1. They attend meetings and act out of control, even threatening and zoom bombing. Anything so government cannot conduct business. Then what they have done, they use against them in a court of law (see step 3). AN example is playing Chinese music during a zoom meeting, claiming they cannot hear, then suing for not hearing a meeting.
2. Writing non-factual articles about current elected officials in hopes to pressure them so much they quit, and they can force their person on the board-by-board vote.
3. Start Facebook pages locally so they can harass and attack the elected officials. An example, in DuPage Township there were over 5,000 posts made across over 6 Bolingbrook Facebook groups in four months and they started their own group too.”

“Step 3: Pattern of Racketeering – We are alleging this is a money-making scheme against the government and this is how it operates:

1. They need the followers they gathered to attack as a group. Each of them participates. In the cases below of Cindy, Theresa, and Becky, they actually travel across the state with the ECW team, thus not just the locals.
2. They, as a team request excessive FOIA's without reason i.e. full hard drives and in some cases over 400 FOIA requests in one government body and across different cities. So FOIA's appear to come from many people, not just ECW, yet ECW gets all the results.
3. After defaming the elected officials claiming wrongdoing, they demand an Audit and recommend their auditor, while publicly claiming they do not know her. She is not licensed for forensic audits but does them anyways. See Algonquin Township last month, charging \$26K for a forensic audit.
4. Finish by filing lawsuits, Vexatious litigants, on one of 4 different things. They rotate the group members to not appear vexatious.
 - a. Weaponizing the FOIA act by suing because the government missed a timeline on FOIA return because of excessiveness (setting up to fail approach)
 - b. Suing because they contest the FOIA's responses they received.
 - c. Suing for something they find in fishing expeditions of large quantities such as hard drive requests dating back to the 1990's.
 - d. Suing because the elected officials are stopping them.”

“Their Goals (Money making time):

1. Settle out of court for money, since most elected officials and attorneys do not know about the scam of this group working together as vexatious litigants.
2. Defame Elected Officials right before election, so that their candidate wins.
3. Move their own candidates into office so that they have full access to all documents without FOIA. Then open all books to them for lawsuit grabs (unredacted in violation of rights of citizens) See Algonquin Township, Pecatonica Township and DuPage Township where nonredacted information was sent then posted by ECW for doxing reasons.
 1. Run hundreds of lawsuits using the same attorneys, thus the attorneys are aware of the money they get working for ECW.
 2. The Accountant gets a sure win on forensic audit bids because the level of harassment bullies the officials to choose their candidate offered, to shut them up, because they know their books are fine. It is not about her charging \$26k an audit, fixing the numbers to give ECW a reason to sue, but also to get access to all documents.”

“Laws they are breaking by this RICO ACT:

1. Civil defamation
2. Vexatious litigants Rotating 3 attorneys to cover up for filing excessive lawsuit/Serial Suers

3. Unlicensed practice of law in a different state – unlicensed in Florida
4. IRS fraud
5. Interstate Commerce Laws
6. Selling Forensic audits
7. Fraud upon Florida Courts and shakedown
8. Harming the Government/ False claim Act also called the “Lincoln Law”, is an American federal law that imposes liability on persons and companies who defraud governmental programs. It is the federal Government’s primary litigation tool in combatting fraud against the Government.
9. Insurgency+ inciting to insurrections. A person commits the offense of inciting to insurrection when he incites others to overthrow or attempt to overthrow the representative and constitutional form of government of the state or any political subdivision thereof and he or they commit any violent act in furtherance thereof.
10. Harming Taxpayers – Reckless lawsuits and settlements are costing taxpayers millions of dollars in Illinois due to their frivolous filings.
11. Whistleblower Laws
12. Fraudulent advertising”

“ECW Enterprise:

1. Alyssia Benford
2. Attorneys
3. Cynthia Brzana
4. Becky Gene Becker
5. Theresa Bhoj”

“Fraudulent Companies involved

- Edgar County Watchdogs is not a news source, nor a watchdog. They are a political activist group, supporting right-wing conspiracy driven candidates to get into office with their media support (smear campaigning opponents) so they can get access to books for frivolous and repeated lawsuits.
- Benford and Associates . . .”

63) The aforementioned false statements were announced orally in the meeting and distributed in writing.

64) Defendants false statements imputing the commission of criminal acts include but are not limited to allegations that Defendants violated the Racketeer Influenced Corrupt Organization Act, and engaged in Tax Fraud.

65) Within the seminar put on for economic gain of Defendants, Defendants used the likeness of ALLEN, KRAFT, and BENFORD.

D. NOOSE FLYER

66) Plaintiff Benford is a female African American, who by her own self-reliance, hard work, personal dedication, and academic progress became a Certified Public Accountant.

67) Upon information and Belief, in March 2021, a flyer was mailed within the community in which BENFORD lives, that depicted the Confederate flag and a noose in relationship to BENFORD.

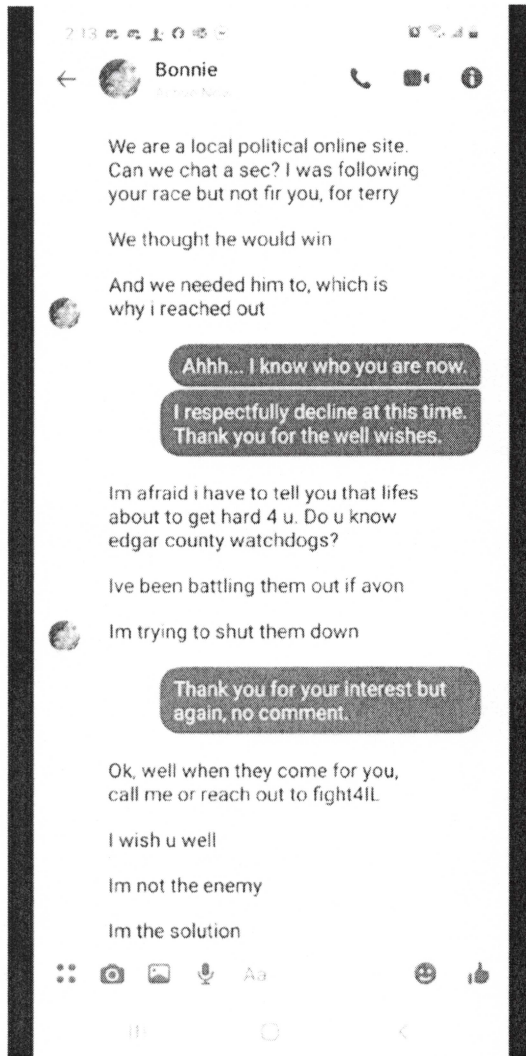
68) Immediately after the publication of the Flyer, KUROWSKI republished the flyer on social media.

69) The purpose of the flyer was to create fear in BENFORD and incite others to perpetuate violence against BENFORD.

70) The re-publication of the flyer on social media was intended to create further fear and emotional distress in Benford and to incite others to perpetuate violence against BENFORD.

E. SOLICITATION OF AVON TOWNSHIP CLERK.

71) On or about April 9, 2021, KUROWSKI sent a text to the newly elected Avon Township Clerk, Kristal Larson. The exchange between them is as follows:



72) The statements in context demonstrate that the statements complained of herein are malicious with the intent to “shut down” ECW. And the purpose is not any legitimate “reporting” because KUROWSKI acknowledges that the false statements on Defendants Website are posted for political reasons as KUROWSKI claims her website is a “political online site”

COUNT I – COMMERCIAL DISCRIMINATION – F.S. §540.08

73) Plaintiff restates paragraphs 1-72 as if fully set forth in this Count I.

74) F.S. §540.08, which has not changed significantly since its enactment, prohibits the publication of an individual's name, photograph, or likeness for any commercial purpose without the individual's express written or oral consent¹. Although various exceptions apply, none of which are present in this case.

75) F.S. § 540.08 provides as follows:

540.08 Unauthorized publication of name or likeness.—

(1) No person shall publish, print, display or otherwise publicly use for purposes of trade or for any commercial or advertising purpose the name, portrait, photograph, or other likeness of any natural person without the express written or oral consent to such use given by:

(a) Such person; or

(b) Any other person, firm or corporation authorized in writing by such person to license the commercial use of her or his name or likeness; or

(c) If such person is deceased, any person, firm or corporation authorized in writing to license the commercial use of her or his name or likeness, or if no person, firm or corporation is so authorized, then by any one from among a class composed of her or his surviving spouse and surviving children.

(2) In the event the consent required in subsection (1) is not obtained, the person whose name, portrait, photograph, or other likeness is so used, or any person, firm, or corporation authorized by such person in writing to license the commercial use of her or his name or likeness, or, if the person whose likeness is used is deceased, any person, firm, or corporation having the right to give such consent, as provided hereinabove, may bring an action to enjoin such unauthorized publication, printing, display or other public use, and to recover damages for any loss or injury sustained by reason thereof, including an amount which would have been a reasonable royalty, and punitive or exemplary damages.

(3) If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term "member of the armed forces" means an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, or Coast

¹ The Florida Legislature removed gender specific references applicable to human beings without substantive changes in legal effect. 1997 Fla. Laws ch. 103, §75.

Guard of the United States, the Florida National Guard, and the United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.

(4) The provisions of this section shall not apply to:

(a) The publication, printing, display, or use of the name or likeness of any person in any newspaper, magazine, book, news broadcast or telecast, or other news medium or publication as part of any bona fide news report or presentation having a current and legitimate public interest and where such name or likeness is not used for advertising purposes;

(b) The use of such name, portrait, photograph, or other likeness in connection with the resale or other distribution of literary, musical, or artistic productions or other articles of merchandise or property where such person has consented to the use of her or his name, portrait, photograph, or likeness on or in connection with the initial sale or distribution thereof; or

(c) Any photograph of a person solely as a member of the public and where such person is not named or otherwise identified in or in connection with the use of such photograph.

(5) No action shall be brought under this section by reason of any publication, printing, display, or other public use of the name or likeness of a person occurring after the expiration of 40 years from and after the death of such person.

(6) As used in this section, a person's "surviving spouse" is the person's surviving spouse under the law of her or his domicile at the time of her or his death, whether or not the spouse has later remarried; and a person's "children" are her or his immediate offspring and any children legally adopted by the person. Any consent provided for in subsection (1) shall be given on behalf of a minor by the guardian of her or his person or by either parent.

(7) The remedies provided for in this section shall be in addition to and not in limitation of the remedies and rights of any person under the common law against the invasion of her or his privacy.

History.—s. 1, ch. 67-57; s. 751, ch. 97-103; s. 2, ch. 2007-164.

76) ALLEN and KRAFT and BENFORD have never consented to any of the Defendants use of any of their likenesses.

77) ALLEN, KRAFT, and BENFORD are not actors to any newsworthy event depicted on Defendant's Website or in Defendants seminar.

78) Defendant's web site, "edgarcountywatchdog.com", seeks financial contributions while depicting an image of United States currency fanned out in a person's hand.

79) Defendants conducted a seminar for purported training in which Defendants shared the names and photographs of PLAINTIFFS. Plaintiffs did not consent to the use of their likeness in Defendants seminar.

PRAYER FOR RELIEF COUNT I

WHEREFORE, Plaintiffs, Alyssia Benford, Kirk Allen and John Kraft pray for judgment against Defendants as follows:

- a. Awarding Plaintiffs \$1,000 for each instance where Defendants used the likeness of any of the Plaintiffs.
- b. Enjoin such unauthorized publication in accord with F.S. § 540.08 (2).
- c. Award Punitive Damages to the maximum allowable.
- d. Awarding Plaintiff attorney fees and costs, and
- e. Granting such other relief as the Court deems appropriate and necessary.

COUNT II - DEFAMATION BY IMPLICATION

80) Plaintiffs incorporate paragraphs 1- 72 as if fully stated within this Count II

The Nature of the False Defamatory Statements

81) Defendants, within the false statements set forth herein above, have falsely stated that each of the plaintiffs have committed numerous felonies and said alleged crimes include Fraud, Tax Fraud, Racketeering under the Racketeer Influenced Corrupt Organization Act ("RICO") 18 USC 1961 et seq, statements against their professions, including claims that BENFORD defrauded clients in conducting audits and allegations that the plaintiffs engaged in the purported publication of false and defamatory statements contrary to the obligation to be truthful.

82) The publication of the False and Defamatory statements directly and proximately caused substantial and permanent damage to Plaintiffs respective reputations.

83) The false and defamatory statements were republished by third-parties and members of the mainstream and social media mob, which was reasonably foreseeable.

84) The false and defamatory statements against Plaintiffs are defamatory per se, as they are libelous on their face without resort to additional facts, and as clearly demonstrated here, Plaintiffs were subjected to public hatred, contempt, scorn, obloquy, and shame.

85) As a direct and proximate result of the false and defamatory accusations, Plaintiffs suffered permanent harm to each of their reputations.

86) Edgar County Watchdogs, Inc specifically suffered an injury to its corporate reputation by the diversion of its readers to the Defendant's Website containing defamatory statements.

87) As a direct and proximate result of the false and defamatory statements concerning plaintiffs, Allen, Kraft and Benford suffered severe emotional and mental distress.

88) As a direct and proximate result of the false and defamatory statements and circulation of a Noose flyer in her community by Defendants, Benford is forced to live in a constant state of concern over her safety and the safety of her family.

89) Defendants published the false and defamatory statements with actual malice and common law malice, thereby entitling Plaintiffs to an award of punitive damages.

90) Defendants publication of the false and defamatory statements concerning the plaintiffs were made with the knowledge of the falsity of the statements or the reckless disregard of the truth.

91) Defendants' conduct was outrageous and willful, demonstrating that entire want of care that raises a conscious indifference to consequences.

92) Plaintiffs are entitled to an award of punitive damages to punish Defendants and to deter Defendants from repeating such egregiously unlawful misconduct in the future.

WHEREFORE, Plaintiffs, Alyssia Benford, Kirk Allen and John Kraft pray for judgment against Defendants as follows:

- d. Awarding Plaintiffs compensatory damages including actual, consequential, incidental damages for malicious tortious concerted conduct, jointly and severally, in an amount to be determined at by a jury at trial for the damages caused, as well as past and prospective financial losses, personally and professionally in an amount not less than \$1,000,000.00.
- e. Award Punitive Damages to the maximum allowable.
- c. Awarding Plaintiff attorney fees and costs, and
- d. Granting such other relief as the Court deems appropriate and necessary.

COUNT III DEFAMATION (LIBEL OR WRITTEN CONTENT DEFAMATION)

93) Plaintiffs repeat paragraphs 1-72 as if fully restated herein in this Count III.

94) KUROWSKI, PHELPS, IL REPORTER LLC and FIGHT FOR IL, INC published THE statements set forth in this complaint with New York Times Malice as well as with common law malice.

95) Defendants intent in publishing the false and defamatory statements concerning each plaintiff was to shut down ECW.

96) Defendants objective to shut down ECW is not a legitimate objective of any news reporting entity.

97) Defendants have claimed that they are “reporters” when, in fact, the collective actions of the defendants were designed to injure ECW, by tainting the reputations of individuals writing for ECW and to ensure that outside professionals will not want to be associated with ECW. In fact Defendants objective is to “shut down” ECW.

98) The publication of the false and defamatory statements directly and proximately caused substantial and permanent damage to Plaintiffs respective reputations.

99) The false and defamatory statements were republished by the defendant entities and third-parties and members of the mainstream and participants in social media, which was reasonably foreseeable.

100) The false and defamatory statements of and concerning Plaintiffs are defamatory per se, as they are libelous on their face without resort to additional facts, and Plaintiffs were subjected to public hatred, contempt, scorn, obloquy, and shame.

101) As a direct and proximate result of the false and defamatory statements, Plaintiffs suffered permanent harm to each of their reputations.

102) Edgar County Watchdogs, Inc., specifically suffered an injury to its corporate reputation by the diversion of its readers to the Defendant's Website containing the defamatory information.

103) As a direct and proximate result of the false and defamatory statements of and concerning plaintiffs, Allen, Kraft and Benford suffered severe emotional and mental distress.

104) As a direct and proximate result of the false and defamatory statements and publication the Moose flyer by Defendant, Benford is forced to live her life in a constant state of concern over her safety and the safety of her family.

105) Defendants published its false and defamatory statements with actual malice and common law malice, thereby entitling Plaintiffs to an award of punitive damages.

106) Defendants publication of the false and defamatory statements concerning the plaintiffs were made with the knowledge of the falsity of the statements or the reckless disregard of the truth.

107) Defendants' conduct was outrageous and willful, demonstrating that entire want of care that raises a conscious indifference to consequences.

108) Plaintiffs are entitled to an award of punitive damages to punish Defendants and to deter Defendants from repeating such egregiously unlawful misconduct in the future.

WHEREFORE, Plaintiffs, Alyssia Benford, Kirk Allen and John Kraft pray for judgment against Defendants as follows:

- a. Awarding Plaintiffs compensatory damages including actual, consequential, incidental damages for malicious tortious concerted conduct, jointly and severally, in an amount to be determined at by a jury at trial for the damages caused to their personal, and professional reputations and good will in his trades and professions, as well as past and prospective financial losses, personally and professionally in an amount not less than \$1,000,000.00.
- b. Awarding punitive damages to the maximum allowable
- c. Awarding Plaintiff attorney fees and costs, and
- c. Granting such other relief as the Court deems appropriate and necessary.

Count IV – Intentional Infliction of Emotional Distress

109) Plaintiffs repeat paragraphs 1-72 as if fully restated herein in this Count IV.

110) The conduct of publishing on social media the Noose flyer depicting the Confederate Flag and a Noose within BENDORD's community was extreme, outrageous and highly offensive.

111) Defendant's conduct in communicating that Plaintiffs were having extramarital affairs is extreme, outrageous, and highly offensive.

112) The Third District Court of Appeals has held that a person falsely alleging that another person had committed adultery was sufficient for the cause of action for IIED.

See: *Korbin v. Berlin*, 177 So. 2d 551, 552 (Fla. 3d DCA 1965.)

113) The actions of the Defendants in alleging that Plaintiffs were engaged in adultery were intended or reasonably calculated to cause plaintiffs' severe emotional distress.

114) As a direct and proximate result of the extreme outrageous conduct, each of the non-corporate Plaintiffs suffered emotional and mental distress.

115) As a direct and proximate result of the circulation of the Noose Flyer in her community by Defendants, Benford is forced to live her life in a constant state of concern over her safety and the safety of her family.

116) Defendants conduct was advanced with actual malice and common law malice, thereby entitling Plaintiffs to an award of punitive damages.

117) Defendants' conduct was outrageous and willful, demonstrating that entire want of care that raises a conscious indifference to consequences.

118) Plaintiffs are entitled to an award of punitive damages to punish Defendants and to deter Defendants from repeating such egregiously unlawful misconduct in the future.

WHEREFORE, Plaintiffs, Alyssia Benford, Kirk Allen, and John Kraft pray for judgment against Defendants as follows:

- a. Awarding Plaintiffs compensatory damages including actual, consequential, incidental damages for malicious tortious concerted conduct, jointly and severally, in an amount to be determined at by a jury at trial for the damages caused, as well as past and prospective financial losses, personally and professionally in an amount not less than \$1,000,000.00.
- b. Award Punitive Damages to the maximum allowable.
- c. Awarding Plaintiff attorney fees and costs, and
- d. Granting such other relief as the Court deems appropriate and necessary.

JURY TRIAL DEMANDED

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues so triable in this action.

Respectfully submitted:

/s/Robert T. Hanlon, Esq.
Pro hac vice

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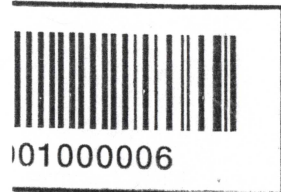
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