

FILED
10-28-2022
George L. Christenson
Clerk of Circuit Court
2022CV006894
Honorable Kristy Yang-47
Branch 47

STATE OF WISCONSIN	CIRCUIT COURT CIVIL DIVISION	MILWAUKEE COUNTY
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MARY MACCUDDEN

7425 Milwaukee Ave
Wauwatosa, WI 53213

Plaintiff,

v.

Case No.: _____

Case Code: 30106

SCARLETT JOHNSON

10935 N. Wyngate Trace
Thiensville, WI 53092

Defendant.

SUMMONS

THE STATE OF WISCONSIN, to each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within (45) forty-five days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Clerk of Civil Court, Milwaukee County Courthouse, 901 North Ninth Street, Milwaukee, Wisconsin 53202 and to Plaintiff's attorney, whose address is James L. McAlister, Deutch Law Offices, S.C., 7670 N. Port Washington Road, Suite 200, Milwaukee, Wisconsin 53217. You may have an attorney help or represent you.

If you do not provide a proper answer within (45) forty-five days, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 28th day of October 2022.

DEUTCH LAW OFFICES, S.C.
Attorneys for Plaintiff

electronically signed by James L. McAlister

Alan H. Deutch
State Bar No.: 1013249
James L. McAlister
State Bar No.: 1023242

P.O. ADDRESS

DEUTCH LAW OFFICES, S.C.
7670 North Port Washington Road, Suite 200
Fox Point, Wisconsin 53217
(414) 247-9958 (Telephone)
(414) 247-9959 (Facsimile)
Alan.deutch@deutch.com
Jim.mcalister@deutch.com

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SCARLETT JOHNSON

Defendant

COMPLAINT

NOW COMES the above-named Plaintiff, by her attorneys, Deutch Law Offices, S.C., for causes of action against the Defendant(s) hereby alleges and shows to the Court as follows:

PARTIES

1. Plaintiff, **MARY MACCUDDEN**, is an adult citizen of the State of Wisconsin currently residing at 7425 Milwaukee Avenue in Wauwatosa, Wisconsin.
2. Defendant, **SCARLETT JOHNSON**, is an adult citizen of the State of Wisconsin, currently residing at 10935 N. Wyngate Trace, Thiensville, Wisconsin.

JURSDICTION AND VENUE

3. Since the acts or omissions of Defendant was conducted in the State of Wisconsin, this Court has jurisdiction pursuant to Wis. Stats. §801.05(3).
4. Venue in Milwaukee County is proper as that is the county where the Plaintiff's claims arose pursuant to Wis. Stats. §801.50(2).

FACTS

5. At all times material hereto, Mary MacCudden does not personally know Scarlett Johnson. Johnson's actions, as described herein, were done without the consent of MacCudden.

6. On or about October 6, 2022, Johnson created a tweet on Twitter and created a post on Facebook that used the image and likeness of Mary MacCudden. Immediately above Mary MacCudden's picture and a copy of MacCudden's LinkedIn work experience, Johnson made derogatory and defamatory statements.

7. The statements made by Johnson in her Tweet and in her Facebook post included the following:

- a. Johnson circled in red that part of MacCudden's LinkedIn profile which stated that MacCudden worked as a "Social Justice Coordinator" at Homestead High School. Johnson then wrote, "Why the hell am I paying for a 'Social Justice Coordinator' in my school district?"
- b. Johnson wrote MacCudden was "just what @mtschools needs; more woke, white women w/ a god complex."
- c. Johnson wrote "Thank you, white savior" in addressing MacCudden.

8. A few days after the aforementioned Tweet and Facebook post, Johnson acknowledged that MacCudden was not at Homestead High School; and was no longer employed or paid by the Mequon-Thiensville School District (the school district that Johnson called "my school district").

9. Although at that time Johnson knew the truth, on or about October 11, 2022, Johnson re-tweeted (i.e., sent again) her "original" Tweet with Johnson's derogatory and

defamatory message as detailed in paragraph 7 above. Although at that time Johnson knew the truth, on or about October 11, 2022, Johnson re-shared in her Facebook story the derogatory and defamatory message as detailed in paragraph 7 above.

10. The defamatory statements were broadcast to all third parties who accessed Johnson's Facebook page. Anyone with a Facebook account could read Johnson's post about MacCudden. By October 13, 2022, Johnson's defamatory Facebook post had been shared 15 times and had received between 19 and 30 comments.

11. The defamatory statements were broadcast to all third parties who followed Johnson on Twitter. As of October 13, 2022, Johnson had 11,200 Twitter followers. Anyone with a Twitter account (even non-followers) could read Johnson's post about MacCudden. By October 13, 2022, Johnson's defamatory tweet had been retweeted 258 times. By October 13, 2022, Johnson's tweet had been "liked" 867 times and had received 110 comments.

12. All acts of Johnson were done without the knowledge and consent of MacCudden.

13. Scarlett Johnson has been sued before for defamation. An entity called Bridge the Divide, Inc. sued Johnson in Ozaukee County Civil Court in 2021. Legal counsel represents Johnson in that ongoing case. Therefore, before making the above statements Johnson knew or should have known what constituted defamatory words and language.

FIRST CAUSE OF ACTION: DEFAMATION

14. All information disseminated to the public and third parties by Johnson by her Tweet and Facebook post was done with the intent to defame MacCudden.

15. Johnson's statements, detailed in paragraph 7 above, were false and had no basis in fact. Furthermore, Johnson knew or should have known that one or more of her statements were false.

16. All statements by Johnson were made with express malice and with the intent of causing harm to Mary MacCudden.

17. That as a result of the defamatory and baseless statements made by Johnson, MacCudden sustained pecuniary losses; she sustained attorney fees; and she has sustained emotional distress.

18. That as a result of the defamatory and baseless statements made by Johnson, MacCudden's reputation among students, their parents, MacCudden's fellow teachers, and administrators in the Mequon-Thiensville School District was devalued.

19. That as a result of the defamatory and baseless statements made by Johnson, and as a result of the malice intended by those statements, MacCudden is entitled to punitive damages against Johnson in an amount to be determined by a jury.

SECOND CAUSE OF ACTION: PUNITIVE DAMAGES

20. Reallege and incorporate by reference paragraphs 1-19 above.

21. At all times material, by her words, actions, and language, Scarlett Johnson acted in an intentional disregard of the rights of Mary MacCudden.

WHEREFORE, the Plaintiff demands judgment as follows:

a. Against Defendant for a sum of money in a fair and reasonable amount to compensate the Plaintiff for her general damages covering impairment to Plaintiff's

reputation/standing in the community, Plaintiff's personal humiliation, and mental anguish and suffering;

b. Against Defendant for an award of punitive damages in an appropriate amount;

c. For the costs and disbursements, including but not limited to all actual attorney fees, and actual costs and disbursements; and

d. For such other relief as the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY A TWELVE PERSON JURY

Dated this 28th day of October 2022.

DEUTCH LAW OFFICES, S.C.
Attorneys for Plaintiff

Electronically signed by James L. McAlister

Alan H. Deutch

State Bar No.: 1013249

James L. McAlister

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