

Movant: Creditor Aaron Minc

2. Notice is given to the Debtor and trustee (*if any*)(Responding Parties), their attorneys (*if any*), and other interested parties that on the date and time and in the courtroom stated above, Movant will request that this court enter an order granting relief from the automatic stay as to Debtor and Debtor's bankruptcy estate on the grounds set forth in the attached Motion.
3. To file a response to the motion, you may obtain an approved court form at www.cacb.uscourts.gov/forms for use in preparing your response (optional LBR form F 4001-1.RFS.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. When serving a response to the motion, serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above.
5. If you fail to timely file and serve a written response to the motion, or fail to appear at the hearing, the court may deem such failure as consent to granting of the motion.
6. ☒ This motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1(d). If you wish to oppose this motion, you must file and serve a written response to this motion no later than 14 days before the hearing and appear at the hearing.
7. ☐ This motion is being heard on SHORTENED NOTICE pursuant to LBR 9075-1(b). If you wish to oppose this motion, you must file and serve a response no later than (date) _____ and (time) _____; and, you may appear at the hearing.
- a. ☐ An application for order setting hearing on shortened notice was not required (according to the calendaring procedures of the assigned judge).
- b. ☐ An application for order setting hearing on shortened notice was filed and was granted by the court and such motion and order have been or are being served upon the Debtor and upon the trustee (if any).
- c. ☐ An application for order setting hearing on shortened notice was filed and remains pending. After the court rules on that application, you will be served with another notice or an order that specifies the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

Date: 11/6/20

Minc LLC

Printed name of law firm (if applicable)

Aaron M. Minc

Printed name of individual Movant or attorney for Movant


Signature of individual Movant or attorney for Movant

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AS TO NONBANKRUPTCY ACTION

1. In the Nonbankruptcy Action, Movant is:

- a. ☒ Plaintiff
- b. ☐ Defendant
- c. ☐ Other (specify):

2. The Nonbankruptcy Action: There is a pending lawsuit or administrative proceeding (Nonbankruptcy Action) involving the Debtor or the Debtor's bankruptcy estate:

- a. *Name of Nonbankruptcy Action:* Aaron Minc v. Melissa Farmer
- b. *Docket number:* CV-20-937026
- c. *Nonbankruptcy forum where Nonbankruptcy Action is pending:*
Court of Common Pleas, Cuyahoga County, Ohio
- d. *Causes of action or claims for relief (Claims):*
Libel, Libel Per Se, False Light

3. Bankruptcy Case History:

- a. ☒ A voluntary ☐ An involuntary petition under chapter ☒ 7 ☐ 11 ☐ 12 ☐ 13
was filed on (date) 08/18/2020.
- b. ☐ An order to convert this case to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13
was entered on (date) _____.
- c. ☐ A plan was confirmed on (date) _____.

4. Grounds for Relief from Stay: Pursuant to 11 U.S.C. § 362(d)(1), cause exists to grant Movant relief from stay to proceed with the Nonbankruptcy Action to final judgment in the nonbankruptcy forum for the following reasons:

- a. ☐ Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate.
- b. ☐ Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- c. ☐ Mandatory abstention applies under 28 U.S.C. § 1334(c)(2), and Movant agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- d. ☒ The Claims are nondischargeable in nature and can be most expeditiously resolved in the nonbankruptcy forum.
- e. ☒ The Claims arise under nonbankruptcy law and can be most expeditiously resolved in the nonbankruptcy forum.

f. ☐ The bankruptcy case was filed in bad faith.

(1) ☐ Movant is the only creditor, or one of very few creditors, listed or scheduled in the Debtor's case commencement documents.

(2) ☐ The timing of the filing of the bankruptcy petition indicates that it was intended to delay or interfere with the Nonbankruptcy Action.

(3) ☐ Multiple bankruptcy cases affect the Nonbankruptcy Action.

(4) ☐ The Debtor filed only a few case commencement documents. No schedules or statement of financial affairs (or chapter 13 plan, if appropriate) has been filed.

g. ☐ Other (*specify*):

5. **Grounds for Annulment of Stay.** Movant took postpetition actions against the Debtor.

a. ☐ The actions were taken before Movant knew that the bankruptcy case had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.

b. ☐ Although Movant knew the bankruptcy case was filed, Movant previously obtained relief from stay to proceed in the Nonbankruptcy Action in prior bankruptcy cases affecting the Nonbankruptcy Action as set forth in Exhibit. _____.

c. ☐ Other (*specify*):

6. **Evidence in Support of Motion: (*Important Note: declaration(s) in support of the Motion MUST be signed under penalty of perjury and attached to this motion.*)**

a. ☒ The DECLARATION RE ACTION IN NONBANKRUPTCY FORUM on page 6.

b. ☐ Supplemental declaration(s).

c. ☐ The statements made by Debtor under penalty of perjury concerning Movant's claims as set forth in Debtor's case commencement documents. Authenticated copies of the relevant portions of the Debtor's case commencement documents are attached as Exhibit. _____.

d. ☒ Other evidence (*specify*):
Complaint and Exhibits filed in the Nonbankruptcy Action.

7. ☒ **An optional Memorandum of Points and Authorities is attached to this Motion.**

Movant requests the following relief:

1. Relief from the stay pursuant to 11 U.S.C. § 362(d)(1).

2. ☒ Movant may proceed under applicable nonbankruptcy law to enforce its remedies to proceed to final judgment in the nonbankruptcy forum, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or property of the Debtor's bankruptcy estate.

3. ☐ The stay is annulled retroactively to the bankruptcy petition date. Any postpetition acts taken by Movant in the Nonbankruptcy Action shall not constitute a violation of the stay.

4. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified, or annulled as to the co-debtor, on the same terms and condition as to the Debtor.
5. ☐ The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
6. ☐ The order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Nonbankruptcy Action.
7. ☐ The order is binding and effective in any future bankruptcy case, no matter who the debtor may be, without further notice
8. ☒ Other relief requested.

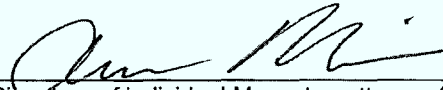
Date: 11/6/20

Minc Law

Printed name of law firm (if applicable)

Aaron M. Minc

Printed name of individual Movant or attorney for Movant



Signature of individual Movant or attorney for Movant

DECLARATION RE ACTION IN NONBANKRUPTCY FORUM

I, (*name of Declarant*) Aaron M. Minc, declare as follows:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding (Nonbankruptcy Action) because:

- ☒ I am the Movant.
☐ I am Movant's attorney of record in the Nonbankruptcy Action.
☐ I am employed by Movant as (*title and capacity*):
☐ Other (*specify*):

2. I am one of the custodians of the books, records and files of Movant as to those books, records and files that pertain to the Nonbankruptcy Action. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.

3. In the Nonbankruptcy Action, Movant is:

- ☒ Plaintiff
☐ Defendant
☐ Other (*specify*):

4. The Nonbankruptcy Action is pending as:

- a. *Name of Nonbankruptcy Action*: Aaron Minc v. Melissa Farmer
b. *Docket number*: CV-20-937026
c. *Nonbankruptcy court or agency where Nonbankruptcy Action is pending*:
Court of Common Pleas, Cuyahoga County, Ohio

5. **Procedural Status of Nonbankruptcy Action:**

- a. The Claims are:
Libel, Libel Per Se, False Light

- b. True and correct copies of the documents filed in the Nonbankruptcy Action are attached as Exhibit A.

- c. The Nonbankruptcy Action was filed on (*date*) 09/09/2020.

- d. Trial or hearing began/is scheduled to begin on (*date*) N/A.

- e. The trial or hearing is estimated to require N/A days (*specify*).

- f. Other plaintiffs in the Nonbankruptcy Action are (*specify*):
N/A

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

g. Other defendants in the Nonbankruptcy Action are (*specify*):

Melissa A. Farmer

6. **Grounds for relief from stay:**

- a. ☐ Movant seeks recovery primarily from third parties and agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- b. ☐ Mandatory abstention applies under 28 U.S.C. § 1334(c)(2), and Movant agrees that the stay will remain in effect as to enforcement of any resulting judgment against the Debtor or the Debtor's bankruptcy estate, except that Movant will retain the right to file a proof of claim under 11 U.S.C. § 501 and/or an adversary complaint under 11 U.S.C. § 523 or § 727 in this bankruptcy case.
- c. ☐ Movant seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate. The insurance carrier and policy number are (*specify*):

d. ☒ The Nonbankruptcy Action can be tried more expeditiously in the nonbankruptcy forum.

(1) ☐ It is currently set for trial on (*date*) _____.

(2) ☐ It is in advanced stages of discovery and Movant believes that it will be set for trial by (*date*) _____. The basis for this belief is (*specify*):

(3) ☒ The Nonbankruptcy Action involves non-debtor parties and a single trial in the nonbankruptcy forum is the most efficient use of judicial resources.

e. ☐ The bankruptcy case was filed in bad faith specifically to delay or interfere with the prosecution of the Nonbankruptcy Action.

(1) ☐ Movant is the only creditor, or one of very few creditors, listed or scheduled in the Debtor's case commencement documents.

(2) ☐ The timing of the filing of the bankruptcy petition indicates it was intended to delay or interfere with the Nonbankruptcy Action based upon the following facts (*specify*):

(3) ☐ Multiple bankruptcy cases affecting the Property include:

(A) Case name:

Case number:

Chapter:

Date filed:

Date discharged:

Date dismissed:

Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

(B) Case name:

Case number:

Chapter:

Date filed:

Date discharged:

Date dismissed:

Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

(C) Case name:

Case number:

Chapter:

Date filed:

Date discharged:

Date dismissed:

Relief from stay regarding this Nonbankruptcy Action ☐ was ☐ was not granted.

☐ See attached continuation page for information about other bankruptcy cases affecting the Nonbankruptcy Action.

☐ See attached continuation page for additional facts establishing that this case was filed in bad faith.

f. ☒ See attached continuation page for other facts justifying relief from stay.

7. ☐ Actions taken in the Nonbankruptcy Action after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).

a. ☐ These actions were taken before Movant knew the bankruptcy petition had been filed, and Movant would have been entitled to relief from stay to proceed with these actions.

b. ☐ Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with the Nonbankruptcy Action enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit ____

c. ☐ For other facts justifying annulment, see attached continuation page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/6/20
Date

Aaron M. Minc
Printed name


Signature

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362 (with supporting declarations) (ACTION IN NONBANKRUPTCY FORUM)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Debtor: Nicole Prause, [REDACTED]

Attorney for Debtor: Michael Jay Berger [REDACTED]

Trustee: Elissa Miller, [REDACTED]

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

1 Aaron M. Minc (Ohio State Bar No. 0086718)
2 Minc LLC
3 200 Park Ave., Suite 200
4 Orange Village, Ohio 44122
5 [REDACTED]
6 [REDACTED]

7 UNITED STATES BANKRUPTCY COURT
8 CENTRAL DISTRICT OF CALIFORNIA

9 In re: Nicole Prause,

10 *Debtor.*

) Case No. 2:20-bk-17525-NB

)

) Chapter 7

)

) Judge Neil W. Bason

)

) MEMORANDUM IN SUPPORT OF

) AARON MINC'S MOTION FOR

) RELIEF FROM STAY

13 Creditor, Aaron Minc ("Minc") hereby submits the following memorandum of
14 points and authorities in support of his Motion for Relief from Stay in the bankruptcy of
15 Nicole Prause ("Prause"), Case No. 2:20-bk-17525-NB.
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1 **I. INTRODUCTION**

2 Pursuant to 11 U.S.C. § 362(d)(1), Minc seeks this Court's permission to join Prause as a
3 defendant in litigation currently pending in an Ohio state court, *Aaron Minc v. Melissa Farmer*,
4 Case No. CV-20-937026 (Ct. Comm. Pl. Cuyahoga Cty, Sept. 9, 2020)(the "Libel Action"). A
5 copy of the complaint filed in the Cuyahoga County Court of Common Pleas is attached as Exhibit
6 1. As detailed herein, the Libel Action is based on defamatory posts published by Prause and
7 another defendant named Melissa Farmer ("Farmer"). Minc filed the Libel Action against Farmer
8 on September 9, 2020. He intended to name Prause in the lawsuit. However, because the Libel
9 Action was filed two weeks after Prause filed for Bankruptcy, Minc is currently precluded from
10 joining Prause as a defendant in the Libel Action.

11 Minc, therefore, respectfully requests this Court to grant him relief from stay under 11
12 U.S.C. § 362(d)(1) for cause because Minc's claims against Farmer and Prause involve the same
13 facts and legal issues, and judicial economy dictates that they should be tried together. Allowing
14 the Ohio state court to decide Minc's claims is appropriate because the Libel Action only involves
15 state law personal injury claims (including injunctive relief) that are non-dischargeable in nature,
16 and a ruling by the Ohio court will resolve all issues related to Prause's bankruptcy. Minc will
17 suffer significant prejudice if this request is denied. A copy of the proposed amended complaint,
18 joining Prause as a defendant in the Libel Action, is attached hereto as Exhibit 2.

19 **I. FACTUAL BACKGROUND**

20 Minc is an attorney licensed to practice in the state of Ohio. *See* Continuation of Decl. of
21 Aaron M. Minc Re Action in Nonbankruptcy Forum, Ex. 3, ¶ 1. He owns and operates a law firm,
22 Minc LLC, which primarily handles cases involving online defamation. Minc's firm was retained
23 by a client, Alexander Rhodes, to sue Prause for repeatedly defaming him online (the "Rhodes
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1 Lawsuit”). *Id.* at ¶ 4. Prause’s legal defense in the Rhodes Lawsuit is being paid for under a policy
2 of insurance. *Id.* During the Rhodes Lawsuit, Prause utilized her Twitter account to attack Rhodes
3 and others who support him, including Minc’s firm. *Id.* at ¶ 5.

4 On July 28, 2020, Prause published a series of public posts on Twitter claiming that she
5 feared for her safety because Minc had directly sent Prause’s home and work addresses to a hate
6 group who had threatened to kill her. *Id.* at ¶ 6. Tagging Minc’s personal Twitter account, Prause
7 stated: “You can ask [Minc] why he just sent my physical location to this group that offered to kill
8 me multiple times.” She included an image of a message from one of the hate group members that
9 said, “[I’ll] kill that bitch any time if you’d like me to. Fuck those people.” (hereinafter the “Twitter
10 Post”). *Id.* Minc replied to the Twitter Post denying the allegations as patently false. Minc did not
11 know Prause’s location, much less sent it to a hate group. *Id.* at ¶ 7. Minc has had very little
12 personal involvement with the Rhodes Lawsuit.

13 Notwithstanding Minc’s explicit denial, Prause directed Minc to “Talk to the LAPD” and
14 encouraged her Twitter followers to repeat the allegations in her Twitter Post and harass Minc. *Id.*
15 at ¶ 8. One of those Twitter followers, Melissa Farmer, republished the allegations and shared it
16 with the Ohio State Bar Association, Cleveland Metropolitan Bar Association, and the Ohio
17 Supreme Court, claiming Minc was “engaging in ethical violations that endangered [a] third party
18 (Ohio Rules of Prof. Conduct 4.4).” *Id.* at ¶ 11-12; *See also* Ex. 1, ¶ 12-13. She included a
19 screenshot of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court
20 website. Ex. 3, ¶ 12.

21 On September 9, 2020, Minc filed the Libel Action in the Cuyahoga County Court of
22 Common Pleas alleging libel, libel per se, and false light claims based on the statements made by
23 Prause and Melissa Farmer. *Id.* at ¶ 14. Minc’s libel and false light claims allege that Prause
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engaged in intentional and malicious conduct. Minc is seeking damages amounting to at least \$25,000 and a permanent injunction to prohibit Prause or Farmer from publishing the same or similar statements in the future. Ex. 1, ¶ 26. Because Prause filed for bankruptcy with this Court on August 18, 2020, only two weeks before Minc filed his lawsuit against Farmer, Minc has so far been unable to join Prause as a defendant in the Libel Action. Ex. 3, ¶ 13.

II. LAW AND ARGUMENT

Minc hereby requests relief from the automatic stay to join Prause as a defendant in the Libel Action. This Court should grant Minc relief from stay to pursue his defamation claims against Prause because: the interests of judicial economy favor granting relief; Minc's claims are non-dischargeable in nature and do not involve the bankruptcy; granting leave will resolve all issues related to the bankruptcy; and Minc will suffer significant prejudice if he is not able to proceed with his claims in state court. Once the state court has entered final judgements on Minc's claims, Minc will file a subsequent motion with this Court regarding the enforcement of that judgment.

A. Standard of Review

A creditor may obtain relief from the automatic stay "for cause, including the lack of adequate protection of an interest in property of such party in interest." 11 U.S.C. § 362(d)(1). Because the Bankruptcy Code does not define what constitutes "cause," courts determine cause on a case by case basis. *In re Kronemyer*, 405 B.R. 915, 921 (9th Cir. BAP 2009); *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1166 (9th Cir. 1990). The creditor seeking relief must first establish a prima facie case that cause for relief exists and then the burden shifts to the debtor to establish that relief is unwarranted. *In re Am. Spectrum Realty, Inc.*, 540 B.R. 730, 737 (Bankr. C.D. Cal. 2015). Bankruptcy courts have broad authority to determine the appropriate forum for dispute resolution,

1 considering the many interests to be weighed and protected. *In re Merriman*, 616 B.R. 381, 394
2 (9th Cir. BAP 2020).

3 When considering whether to allow state court proceedings to continue in that forum,
4 courts should consider the interests of judicial economy, the expertise of the state court, prejudice
5 to the parties, and whether exclusively bankruptcy issues are involved. *Id.* at 387 (citing *In re*
6 *Kronemyer*, 405 B.R. at 921). Courts in this district consider twelve (12) non-dispositive factors
7 when permitting pending litigation to continue in another forum. *In re Curtis*, 40 B.R. 795 (Bankr.
8 D. Utah 1984); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559-560 (Bankr. C.D. Cal.
9 2004) (adopting the *Curtis* factors analysis). The factors relevant to this case are¹: (1) the lack of
10 any connection with or interference with the bankruptcy case; (2) whether relief will result in a
11 partial or complete resolution of the issues; (3) the interests of judicial economy and the
12 expeditious and economical determination of litigation for the parties; and (4) the impact of the
13 stay on the parties. *Id.* at 559. While these factors are beneficial to a court's analysis, courts are
14 not required to make findings as to each factor when granting or denying relief from stay. *In re*
15 *Merriman*, 616 B.R. at 389. Notably, courts have held that the moving party need not show that
16 their claims are likely to prevail in state court litigation. *Id.* at 390.

19 ¹ The other *Curtis* factors include: (1) whether the foreign proceeding involves the debtor as a
20 fiduciary; (2) whether a specialized tribunal has been established to hear the particular cause of
21 action and whether that tribunal has the expertise to hear such cases; (3) whether the debtor's
22 insurance carrier has assumed full financial responsibility for defending the litigation; (4)
23 whether the action involves third parties and the debtor functions only as a bailee or conduit for
24 the goods or proceedings in question; (5) whether litigation in another forum would prejudice the
25 interests of other creditors, the creditors' committee and other interested parties; (6) whether the
26 judgment claim arising from the foreign action is subject to equitable subordination under
Section 510(c); (7) whether the movant's success in the foreign proceeding would result in a
judicial lien avoidable by the debtor under Section 522(f); and (8) whether the foreign
proceedings have progressed to the point where the parties are prepared for trial. These factors
are not at issue and, therefore, weigh in favor of granting relief.

Each of the relevant *Curtis* factors weighs in favor of granting Minc relief from stay to pursue his claims against Prause in the Ohio court.

B. The Interests of Judicial Economy Favor Granting Relief.

1. Minc's Claims Pending in his Libel Action Against Farmer are Inextricably Intertwined and Involve the Same Facts and Legal Issues as his Claims Against Prause. Judicial Economy Dictates They be Tried Together.

Minc's claims in the Libel Action against Melissa Farmer are based on his claims against Prause and arise from the same operative facts. *See* Complaint ¶¶ 7, 12-13. In fact, whether Prause's statements about Minc are defamatory will directly determine whether Farmer's statements about Minc are defamatory since they are directly based off of and rely on Prause's statements.

When a case involves claims against multiple defendants based on the same facts and issues that will be litigated with or without a debtor's involvement, judicial economy dictates that the matter be tried in one forum. *See In re Merriman*, 616 B.R. at 388 ("Mr. Merriman is one of six defendants in the State Court Action, so the case would have to be tried in state court, without Mr. Merriman; judicial economy dictates that the matter be tried in one forum."). Like in *Merriman*, Prause is one of two defendants, and the case against Farmer is already currently underway. For reasons of judicial efficiency, it does not make sense to try these claims separately by two different Courts in different jurisdictions, especially given how connected they are.

If this Court does not grant relief from stay, it is possible that the state court case against Farmer and the court adjudicating the claims against Prause could reach inconsistent judgments, which does not serve the interests of justice. *See Hydro Sys. v. Aqu-Care United States*, 2015 U.S. Dist. LEXIS 190465, at *7-8 ("the interests of justice may be served, for instance, by ensuring

1 speedy trials, trying related litigation together, and having a judge who is familiar with the
2 applicable law try the case”). Accordingly, because the claims against Farmer and Prause are
3 entwined, judicial economy dictates that they be overseen and tried together.

4 ***2. Minc’s Claims Against Prause Involve State Law Personal Injury Claims that are***
5 ***Non-Dischargeable in Nature and Should be Decided by an Ohio Court.***

6 Minc’s claims against Prause involve Ohio state law issues only. The interests of judicial
7 economy favor that state law personal injury claims, arising from conduct targeted to an Ohio
8 audience, and which involve novel issues of Ohio defamation law, should be tried in an Ohio court.
9 *See In re Merriman*, 616 B.R. at 387 (upholding a grant of relief from stay where the non-
10 bankruptcy action exclusively involved state law claims).

11 Additionally, Minc’s claims allege malicious and intentional misconduct by Prause,
12 making them non-dischargeable under 11 U.S.C. § 523(a)(6). *Thomas Maloney & Sons, Inc. v.*
13 *E.W. Scripps Co.*, 43 Ohio App. 2d 105, 107 (8th Dist. App. 1974) (“In Ohio, libel is defined as a
14 false and malicious publication made with the intent to injure a person’s reputation or expose him
15 to public hatred...”); *Welling v. Weinfeld*, 113 Ohio St. 464 (2007) (“one who gives publicity to a
16 matter... in a false light is subject to liability if... the actor had knowledge or acted in reckless
17 disregard as to the falsity of the publicized matter....”). If Prause is found liable for Minc’s
18 defamation or false light claims, they will likely qualify for non-dischargability in the bankruptcy
19 proceedings after damages have been liquidated by the state court.² *In re Berlin*, 513 B.R. 430,
20 463 (Bank. E.D.N.Y. 2014); *In re Tiscareno*, 551 B.R. 1, 20 (Bankr. N.D. Cal. 2016). Likewise,
21 if Prause is found not liable in the state court action, there will be no need for the bankruptcy court
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24 ² This Court can provide in any order to lift its stay that Minc must litigate the dischargeability
25 issue in this Court after the state court issues its ruling.

1 to hear the dischargability complaints or cross-complaints stemming from the matter, which is
2 judicially efficient. *See In re Ozai*, 34 B.R. 764, 766 (1983).

3 Many courts that have addressed this issue under these circumstances have decided this is
4 the most appropriate course of action. *See e.g., In re Chacon*, 438 B.R. 725, 737-738 (Bankr. N.M.
5 2010); *In re Martinez*, 2010 U.S. Dist. LEXIS 76793 at *3; *In re Nifong*, 2008 Bankr. LEXIS 1608
6 (Bankr. M.D.N.C.) at *4; *In re Smith*, 379 B.R. 315, 330-31 (Bankr. N.D. Ill. 2007); *In*
7 *re Passialis*, 292 B.R. 346, 348 (Bankr. N.D. Ill. 2003); *In re Goidel*, 150 B.R. 885, 888 (Bankr.
8 S.D.N.Y. 1993); *Merriman, supra*, at 388. *See also, Acevedo v. Van Dorn Plastic Mach. Co.*, 68
9 B.R. 495, 498 (Bankr. E.D.N.Y. 1986) (“The court presumes that non-dischargability constitutes
10 ‘cause’ to lift the automatic stay against litigation of a claim”).

11 This Court should follow the bankruptcy court’s approach in *Merriman* and others and
12 allow Minc to litigate the issue of dischargability once the state court has made determinations of
13 law and liquidated damages.

14 **C. Minc’s Claim for Non-Monetary Injunctive Relief Against Prause is Not a “Claim”**
15 **that is Subject to Discharge and has Nothing to do with Prause’s Bankruptcy.**

16 In addition to claims for monetary relief, Minc also seeks to assert claims for non-monetary
17 injunctive relief against Prause, which is also a non-dischargeable claim. The right to equitable
18 relief constitutes a dischargeable claim in bankruptcy if it is an alternative to a right to payment or
19 if compliance with the equitable order will itself require the payment of money. *Kennedy v.*
20 *Medicap Pharms., Inc.*, 267 F.3d 493 (6th Cir., 2001); *In re Hillenbrand*, Case No. 09-75574-R
21 (Bankr. E.D. Mich. Feb. 4, 2010). Minc’s claims for injunctive relief do not require any sort of
22 monetary payment and have nothing to do with Prause’s Bankruptcy proceeding. Accordingly,
23 Minc should be given leave to join them to his lawsuit against Farmer along with his claims for
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monetary relief for the same reasons as articulated above.

D. Minc will Suffer Significant Prejudice as an Impact of the Stay, Whereas Prause will Suffer Little to No Prejudice if the Stay is Lifted.

If Minc is not granted relief from stay, he will be significantly prejudiced because he will have to litigate the same case simultaneously in two different courts on opposite sides of the country. “In analyzing [the impact of the stay on the parties], courts balance the hardships between the movant and the debtor.” *In re Am. Spectrum Realty, Inc.*, 540 B.R. 730, 742 (Bankr. C.D. Cal. Nov. 9, 2015). This outcome is contrary to judicial economy and unduly burdensome to Minc. Prause will have to incur the same litigation costs to defend against Minc’s claims regardless of whether they are tried in Ohio or in this Court. Minc’s costs and time expenditure will be more than doubled. The balance of hardships, thus, weighs in favor of granting Minc relief.

E. Granting Minc Relief will Resolve All Issues Regarding the Libel Action.

As mentioned previously, if relief is granted on claims for intentional conduct or the Ohio court finds Prause not liable, then there will be no further connection to these bankruptcy proceedings. However, even if the Ohio court grants relief for Minc on grounds of negligence, this result may also still resolve all issues pertaining to the bankruptcy. Prause has insurance coverage for claims asserted in the Rhodes Lawsuit. Upon information and belief, Prause’s insurance coverage will apply to claims in the Libel Action as well. If insurance will cover Minc’s claims in the event Prause is found liable, the Libel Action will resolve all issues related to Prause’s Bankruptcy. This factor also weighs in favor of granting relief.

III. CONCLUSION

For the foregoing reasons, Minc’s motion for relief from stay should be granted. If this Court does not grant Minc either relief from stay Minc will likely never be able to obtain injunctive

1 or monetary relief against Prause. Prause will be free to continue to attack Minc's reputation with
2 impunity and Minc will have no avenue left to stop her.

3 Respectfully Submitted,

4 /s/ Aaron M. Minc

5 Aaron M. Minc
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EXHIBIT 1:
LIBEL ACTION
COMPLAINT

EXHIBIT 1

Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Aaron M. Minc, Esq.

Plaintiff

Vs.

Melissa A. Farmer

Defendant

Case Number: _____

Date: 09/09/2020

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.**Professional Torts:**

- ☐ 1311 Medical Malpractice
☐ 1315 Dental Malpractice
☐ 1316 Optometric Malpractice
☐ 1317 Chiropractic Malpractice
☐ 1312 Legal Malpractice
☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
☐ 1314 Consumer Action
☒ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
☐ 1382 Business Contract
☐ 1384 Real Estate Contract
☐ 1388 Consumer Debt
☐ 1390 Cognovit
☐ 1391 Other Contracts
☐ 1490 Foreign Judgment
☐ 1491 Stalking Civil Protection Order
☐ 1501 Misc. Other
☐ 1502 Petition to Contest Adam Walsh Act
☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
☐ Less than \$25,000
☒ Prayer Amount \$25000

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
☐ Early Neutral Evaluation
☐ Mediation
☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Minc LLC

Firm Name (Print or type)

200 Park Ave, Suite 200

Address

Orange Village, Ohio 44122

Address

(216) 373-7706

Phone

Aaron M. Minc

Attorney of Record (Print or Type)

0086718

Supreme Court #

aminc@minclaw.com

Email Address

Signature

COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

AARON M. MINC, ESQ.	)	CASE NO.
200 Park Avenue, Suite 200)	
Orange Village, Ohio 44122)	
	)	JUDGE:
<i>Plaintiff,</i>)	
)	
v.	)	<u>COMPLAINT FOR</u>
	)	<u>DEFAMATION AND FALSE</u>
MELISSA A. FARMER	)	<u>LIGHT</u>
426 West Belmont Ave, Apt 1206)	
Chicago, IL 60657-4705	)	<u>JURY TRIAL REQUESTED</u>
)	
<i>Defendant.</i>)	

For his Complaint against Defendant Melissa Farmer (“Defendant”), Plaintiff Aaron M. Minc (“Plaintiff”) alleges as follows:

PARTIES, JURISDICTION, & VENUE

1. Plaintiff is an attorney licensed to practice law in Ohio and owns and operates a law firm, Minc LLC. Plaintiff is located at the above captioned address. Plaintiff operates an account on the social media platform Twitter with the username @RepLawyer.

2. Defendant is a sex and pain researcher with a PhD in Clinical Psychology and resides in Chicago, IL. Defendant operates a Twitter account with the username @Farmer_MindBody.

3. Nicole R. Prause is a California resident. Prause operates an account on Twitter with the username “Liberos” and/or “@NicoleRPrause.” Prause filed for bankruptcy on August 18, 2020 under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Case No. 2:20-bk-17828-NB. Plaintiff is in the process of obtaining leave from the Bankruptcy Court to include her as a defendant in this lawsuit. When

Plaintiff obtains such permission, Plaintiff intends to request leave to amend his Complaint pursuant to Ohio Civ. R. 15 to add Prause as a co-defendant.

4. This Court has subject matter jurisdiction pursuant to O.R.C. § 2305.01.

5. This Court has personal jurisdiction over Defendant pursuant to O.R.C. § 2307.382(A)(6) and venue is proper under Ohio R. Civ. P. 3(C)(3) and (6).

FACTUAL ALLEGATIONS

6. Plaintiff's law firm currently represents a third party in a lawsuit against Prause. Throughout the course of this lawsuit, Prause has continuously used her Twitter account to attack the reputation of people involved in the lawsuit. Prause has thousands of followers on Twitter. Plaintiff has had little to no personal involvement in the litigation.

7. On or about July 28, 2020, Prause published a series of public tweets on her Twitter account claiming she feared for her safety because Plaintiff had directly sent Prause's home and work addresses, which are presumably private and confidential, to a group of people that have been threatening to kill her for years. Prause's Tweet included an image message from one of the hate group members that said, "[I'll] kill that bitch any time if you'd like me to. Fuck those people." A true and accurate copy of Prause's twitter posts are attached hereto as Exhibit A 1-4 ("Prause's Tweets).

8. Plaintiff replied to Prause's Tweets denying the allegations because they are patently false. Prior to July 28, 2020, Plaintiff barely even knew who Prause was. Plaintiff has no knowledge of Prause's addresses. Plaintiff has never sent Prause's home or work addresses to anyone. Plaintiff has no knowledge about any death threats by anyone against Prause. Plaintiff also has no knowledge of anyone else disseminating Prause's addresses. Plaintiff has no knowledge regarding any of Prause's allegations.

9. Prause additionally claimed that she had contacted the LAPD, who were investigating the matter. When Plaintiff continuously denied her allegations, Prause directed Plaintiff to “Talk to LAPD.”

10. Prause encouraged her twitter followers to repeat her claims, harass Plaintiff by commenting and liking all of the responses she received in support of her claims. One of Prause’s twitter followers with the username “Chanell @nellyy” responded to Plaintiff’s denial by saying, “What a piece of shit!”

11. Two of Prause’s other twitter followers shared the Prause Tweet with the twitter accounts @womenofsextech and @CAGoldbergLaw. @CAGoldbergLaw is the twitter account of Carrie Goldberg, a sexual assault victims’ advocate and attorney based in New York, from whom Plaintiff receives client referrals. The Prause Tweet has negatively impacted this business relationship.

12. Notwithstanding Plaintiff’s explicit denial, on or about July 30, 2020, Defendant publicly republished Prause’s Tweets and directly messaged and/or shared them with the Ohio State Bar Association, Cleveland Metropolitan Bar Association, and the Ohio Supreme Court’s twitter accounts. The Defendant’s twitter post (“Defendant’s Tweet”) is attached as Exhibit B.

13. Defendant’s Tweet claimed that Plaintiff was “engaging in ethics violations that endanger [a] third party (Ohio Rules of Prof. Conduct Rule 4.4.” Defendant’s Tweet attached a screenshot image of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court website. Defendant’s claims and allegations are false and defamatory per se.

COUNT I: LIBEL AND LIBEL PER SE

14. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

15. The Defendant published tweets containing false statements of fact of and concerning Plaintiff claiming that Plaintiff had violated attorney ethical rules by directly disseminating Prause's confidential home and work address to people that want to kill her.

16. Defendant published the false statements without any privilege to do so.

17. Defendant published her false statements with malice, reckless disregard, and/or at least a negligent level of intent.

18. The false statements in Defendant's Tweets are defamatory per se.

19. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount of which will be proven at trial.

20. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

COUNT 2: FALSE LIGHT

21. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

22. Defendant's Tweets publicly cast Plaintiff in a false light to the Ohio State Bar Association, Cleveland Metropolitan Bar Association, the Ohio Supreme Court, as well as a vast audience of Twitter users.

23. The false light Defendant placed Plaintiff in is highly offensive to a reasonable person.

24. Defendant published her Tweet with at least reckless disregard as to the falsity of the facts contained in the Tweet and the false light in which Plaintiff would be placed.

25. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount of which will be proven at trial.

26. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

WHEREFORE Plaintiff prays for judgment against Defendant in conformity with the allegations set forth above and asks this Court to award compensatory, special, actual, and punitive damages amounting to at least \$25,000 with the exact amount to be proven at trial, attorneys fee's and court costs, a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future, and for any and all other relief at law or in equity as the Court deems equitable, just, and proper.

Respectfully submitted,

/s/ Aaron M. Minc
Aaron M. Minc (0086718)
Minc LLC
200 Park Ave., Suite 200
Orange Village, Ohio 44122
Phone: (216) 373-7706
Fax: (440) 792-5327
Email: aminc@minclaw.com

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Ohio Civ. R. 38.

/s/ Aaron M. Minc
Aaron M. Minc (0086718)



Document title: (2) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times. <https://t.co/2W2EBUdiP7>" / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/1288149561383333888>

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Page loaded at (UTC): Tue, 28 Jul 2020 18:26:33 GMT

Capture timestamp (UTC): Tue, 28 Jul 2020 18:26:53 GMT

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
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PDF length: 3


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
User: drl-dbuxton


PDF REFERENCE #: sVpMoC8vm1CQb7DwNCUHYo


 **Thread**  


 **Liberos** @NicoleRPrause · 7h
My physical home and work address would just sent directly to the group that has been posting death threats to me for 2 years. I am blocking everything against it this very moment. And soon everyone is talking about how I can't stop Aaron Minc. Same as all the other participants date.


 **Liberos** @NicoleRPrause · 7h
You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times.


 **mAnthr0p0rn** @mAnthr0p0rn · 7h
kill that bitch any time if you'd like me to. Fuck those people

 **Liberos** @NicoleRPrause · 7h
3 People retweeted this tweet · 3 Likes


 **Aaron Minc** @RepLawyer · 7h
No lying on Twitter. I have no information my client has either


 **Liberos** @NicoleRPrause · 7h
Tell that to LAPD

 **Aaron Minc** @RepLawyer · 7h
A) I haven't seen anything.


 **Liberos** @NicoleRPrause · 7h
Talk to LAPD


Relevant people


 **Liberos** @NicoleRPrause · 7h
Liberos is a biotech innovation & advocate for empirically supported treatment. Neuroscience & physiology lab studying primary neurons. [View profile](#)


 **Aaron Minc** @RepLawyer · 7h
Rep. Aaron Minc (R-TX-11) [View profile](#)


What's happening



 **Succession, Cate Blanchett, Issa Rae and Schitt's Creek nab Emmy nominations**
Emmy Awards 2020 · 1h

 **TrustCares**
TrustCares has helped state's residents better protect their assets.
Read more · 1h

 **Trump Kills Texas**
MEXIQUAN

 **Attorney General William Barr testifies before the House Judiciary Committee**
Barr testifies before the House Judiciary Committee · 1h

 **Demon Sperm**
Demon Sperm · 1h

 **sarahlaurensmith** @NicoleRPrause · 7h
Messages 

 sarahlaurensmith



Document title: (4) Liberos on Twitter: "My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am closing everything again and moving yet again. Anti-porn extremist stalking must stop. I cannot keep myself, family,colleagues,or participants safe." / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/128814069770333888>

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Capture timestamp (UTC): Thu, 30 Jul 2020 15:36:02 GMT

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PDF REFERENCE #: eXN1fWBmdZ4mQuy6BuNwh1

- Home
- Explore
- Notifications
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- Profile
- More

Thread

Liberos @NicoleRPrause · Jul 29

My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am closing everything again and moving yet again.

Anti-porn extremist stalking must stop. I cannot keep myself, family, colleagues, or participants safe.

4:54 PM · Jul 29 · Retweeted 10 · Liked 10

19 replies · 53 likes

Liberos @NicoleRPrause · Jul 29

Replying to @NicoleRPrause

You can ask a friend or family member to post my physical location to this group that offered to kill me multiple times.

4:54 PM · Jul 29 · Retweeted 10 · Liked 10

Art Keller @ArtKeller · Jul 29

Replying to @NicoleRPrause

Sorry to hear that. How can folks help?

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Liberos @NicoleRPrause · Jul 29

Thank you. Working on it. I hope they can act on this one, it is egregious. I do not care again closed and equipment is being moved. Some settled. I need better protection for my work address. These stalkers will never stop before people realize who is to kill me.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Tim Woodman PreVillain @TimWoodman · Jul 29

Replying to @NicoleRPrause

I'm sorry to hear that. I'm so proud of you for the tireless work you keep doing your work, and so ashamed of the cowards and bullies who try to intimidate you into giving up.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Stephen Benning @StephenBenning · Jul 29

Replying to @NicoleRPrause

Wow! The actual time was scary, you've had so many vicious threats. This is horrific, and I hope that this will be the last time you have to take such measures to protect your life.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Scott Leimroth @ScottLeimroth · Jul 29

Replying to @NicoleRPrause

Crazy stuff. Stay safe. Doing science these days is like doing it in the dark ages and avoiding the Spanish inquisition. Primitive beliefs drive violent mob behavior.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Gonzalo Quintana Zunino Ph.D. @GonzaloZunino · Jul 29

Replying to @NicoleRPrause

I am 20 busy to read this. I hope things get better sooner than later.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Liberos @NicoleRPrause · Jul 29

Thanks. I am working on it legally, just their approach this far.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Mickey Rowe @MickeyRowe · Jul 29

Replying to @NicoleRPrause

I know this can't countermand the threats, but I am sending wishes for your survival and thriving through this awful situation.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Nash Ashur @NashAshur · Jul 29

Replying to @NicoleRPrause

Not to be insensitive, it's a tough time like this, but it's really stupid to make a move about it. Stay strong, someday.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Shane Mauss @ShaneMauss · Jul 29

Replying to @NicoleRPrause

How about this? I'll be there.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Mayte Parada @MayteParada · Jul 29

Replying to @NicoleRPrause

Jesus, can you sue this guy for this?

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Liberos @NicoleRPrause · Jul 29

Replying to @NicoleRPrause

Yes.

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Christine Milrod @ChristineMilrod · Jul 29

Replying to @NicoleRPrause

I am so sorry this is happening to you. Let me know if I can help in ANY way!

5:01 PM · Jul 29 · Retweeted 10 · Liked 10

Relevant people

Liberos @NicoleRPrause · Follow

Liberos? Black innovation is advancing for companies, supporting livelihoods. Neuroscience is physiology. I'm studying primary research, not just theory.

What's happening

How the NBA bubble will work as the league plans to resume play in Orlando

#MichelleObamaPodcast

#TrumpIsNotWell

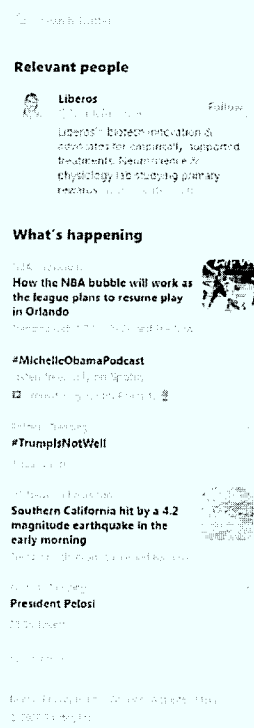
Southern California hit by a 4.2 magnitude earthquake in the early morning


President Pelosi


Messages

sarahlaurensmith @sarahlaurensmith

Christine Milrod @ChristineMilrod



Tim Horton  [@TimHorton](#) · 12/10/2016
 Congrats to @LAPD on the 50th anniversary of the #Bicentennial of the #California Republic.
 Those "torture articles" "Necro" I'm so sorry. Would it help to post their names and address, or just make things worse for you?

Liberos  [@Liberos](#) · 12/10/2016
 No, because we don't talk. Basically, I have to sit here and take it. Death threats, expensive fees, until it gets this bad and LAPD can act. Defective thinks that may do it.

Twitter

Home

Explore

Notifications

Messages

Bookmarks

Lists

Profile

More

Threads

Thread

Liberos @Liberos1987
No podcast yet don't stalk. Basically, I had to sit down and take it. Death threats, rape, etc. I can't get the book and IAPD can't. Detective thinks that may do it.

Relevant people

Liberos @Liberos1987
Liberos' latest information is...
Liberos' latest information is...
Liberos' latest information is...
Liberos' latest information is...

What's happening

How the NBA bubble will work as the league plans to resume play in Orlando
The NBA bubble will work as the league plans to resume play in Orlando.

#MichelleObamaPodcast
Michelle Obama's new podcast, #MichelleObamaPodcast, is now available on Apple Podcasts.

#TrumpIsNotWell
Donald Trump is not well.

Southern California hit by a 4.2 magnitude earthquake in the early morning
Southern California hit by a 4.2 magnitude earthquake in the early morning.

President Pelosi
President Pelosi.

Messages



Document title: (2) Aaron Minc on Twitter: "@NicoleRPrause Stop Tweeting at me and go talk to your lawyer about it. You are a Defendant in a lawsuit my firm is handling. It's completely inappropriate to lob ridiculous accusations publicly at the other sides legal counsel over twitter in the middle of a lawsuit." / Twitter

Capture URL: <https://twitter.com/RepLawyer/status/1288183603126579200>

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User: drl-dbuxton

PDF REFERENCE #: 85RkL5De52zteMVNbhqLJ

 Home Explore Notifications Messages Bookmarks Lists Profile More

Tweet

Liberos [@NicoleRPrause](#) · 10h
My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am losing everything again and moving get again. And some extremist stalking must also. I cannot keep myself safely independent. I am not safe.

Liberos [@NicoleRPrause](#) · 10h
You can ask your lawyer why he's sent my physical location to the group that offered to kill me multiple times.

Aaron Minc [@RepLawyer](#) · 10h
Kill that bitch any time if you'd like me to. Fuck those people.

Aaron Minc [@RepLawyer](#) · 10h
All I haven't done anything.

Liberos [@NicoleRPrause](#) · 10h
Talk to LAPD.

Aaron Minc [@RepLawyer](#) · 10h
Stop Tweeting at me and go talk to your lawyer about it. You are a Defendant in a lawsuit my firm is handling. It's completely inappropriate to lob ridiculous accusations publicly at the other sides legal counsel over twitter in the middle of a lawsuit.

6:44 PM · Jul 28 · Retweeted 10

Liberos [@NicoleRPrause](#) · 10h
Replying to @RepLawyer
Anyway here the council is doing exactly that.

Relevant people

Aaron Minc [@RepLawyer](#)
Attorney General William Barr

Liberos [@NicoleRPrause](#)
Attorney General William Barr

What's happening

Succession, Cate Blanchett, Issa Rae and Schitt's Creek nab Emmy nominations
The Emmy Awards are back.

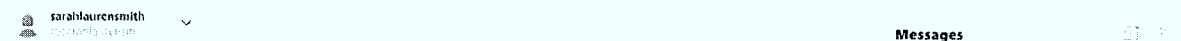
#TrumpCares
Trump and Biden's 2020 campaign for a better America.

#TrumpKillsTexas
Trump's Texas.

Attorney General William Barr testifies before the House Judiciary Committee
Barr's testimony.

John Wick
Keanu Reeves' action movie.

Trump's Texas
Trump's Texas.





Document title: (4) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times. <https://t.co/2W2EBUdiP7>" / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/1288149561383333888>

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Collection server IP: 54.174.78.137

Browser engine: Chrome/77.0.3865.120

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 3

Capture ID: 95b5463d-1904-4235-bb36-c2c39341d171

User: drf-dbuxton

PDF REFERENCE #: vwnNEZV41UqphVyhv5Uut9

- Home
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- Lists
- Profile
- More

Thread

Liberos [@NicoleRPrause](#) · Jul 20
My personal phone and work stories were just sent directly to the group that has been plotting death threats to me for 7 years. I am closing everything again and moving yet again.
Anti-gore extremist stalking must stop. I cannot keep myself, family, colleagues, or participants safe.

Liberos [@NicoleRPrause](#) · Jul 20
You can ask @Replawyer why he just sent my physical location to this group that offered to kill me multiple times.
I am done. I am done.
kill that bitch any time if you'd like me to. Fuck those people

5 Retweets · 44 Likes · 8 Replies

Aaron Minc [@Replawyer](#) · Jul 20
Reposting to @Liberos. This is a joke. All I expect is some ranting.

Liberos [@NicoleRPrause](#) · Jul 20
I'll be last time?

Aaron Minc [@Replawyer](#) · Jul 20
Reposting to @Liberos. This is a joke. All I expect is some ranting.

Liberos [@NicoleRPrause](#) · Jul 20
Tell that to L.A.W.

Chancell [@Chancell](#) · Jul 20
Reposting to @Liberos. This is a joke. All I expect is some ranting.

Relevant people

Liberos [@NicoleRPrause](#) · Follow
Liberos? Biotech innovation is accelerated for complexity, supported treatments. Neuroscience & physiology. Abundant primary research. Great support.

Aaron Minc [@Replawyer](#) · Follow
Attorney at Law, New York City

What's happening

Southern California hit by a 4.2 magnitude earthquake in the early morning
Shaking with 1.5 tremors in the morning.

#MichelleObamaPodcast
Michelle Obama's new podcast. #MichelleObamaPodcast

Delay
New tweets.

How the NBA bubble will work as the league plans to resume play in Orlando
Planning with NBA's CEO and players.

President Pelosi
DPR's Twitter.

Messages

sarahlaurensmith [@sarahlaurensmith](#)

Thread

Home

Explore

Notifications

Messages

Bookmarks

Lists

Profile

More

Chanel

What's going on?

Relevant people

Liberos

Liberos' biotech innovation & advocates the company's supported business. @LiberosBio is studying primary

Aaron Minc

What's happening

Southern California hit by a 4.2 magnitude earthquake in the early morning

#MichelleObamaPodcast

How the NBA bubble will work as the league plans to resume play in Orlando

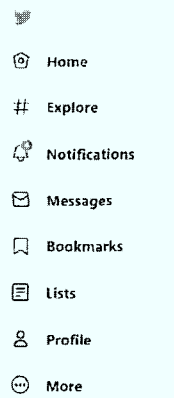
President Pelosi

sarahlaurensmith

Messages

Document title:	(4) Dr. Melissa A. Farmer on Twitter: "Attention @OSBA @CleMetroBar @OHSupremeCourt - Ohio lawyer @RepLawyer engaging in ethics violations that endanger third party (Ohio Rules of Prof Conduct Rule 4.4). https://t.co/WDPkG2ETcH " / Twitter
Capture URL:	https://twitter.com/Farmer_MindBody/status/1288464606160138241
Captured site IP:	104.244.42.193
Page loaded at (UTC):	Thu, 30 Jul 2020 14:15:58 GMT
Capture timestamp (UTC):	Thu, 30 Jul 2020 14:16:36 GMT
Capture tool:	v7.0.9
Collection server IP:	54.174.78.137
Browser engine:	Chrome/77.0.3865.120
Operating system:	Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)
PDF length:	2
Capture ID:	144f1668-039d-47c0-8e29-3bce626c1e5e
User:	drl-dbuxton

PDF REFERENCE #: 8jNbR8vzcV2XD2oJFbNUvZ



Dr. Melissa A. Farmer
@MindBody

Attention @OSBA @CleMetroBar @OHSupremeCourt
Ohio lawyer @RepLawyer engaging in ethics
violations that endanger third party (Ohio Rules of Prof
Conduct Rule 4.4).

8:18

128 retweets · 10 replies · supreme.court.ohio.gov

RULE 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS

(a) It is improper for a client or lawyer to use means that have no substantial purpose other than to annoy, harass, delay or to defame a third person, to use means of obtaining evidence or that cause the disclosure of such a person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Comment

(1) A lawyer must not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

(2) Through this rule, the lawyer is prohibited from a document or electronically stored information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender. The lawyer must not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

(3) A lawyer must not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

Comparison to former Ohio Rules of Professional Responsibility

(a) A lawyer must not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

127

has no writing, may be referred to in writing and shall be treated as a third person, and (3) DR 7-104(c) and (f) shall be amended to read: (c) A lawyer shall not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

(f) A lawyer shall not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

Comparison to ABA Model Rules of Professional Conduct

Rule 4.4(a) states that a lawyer shall not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

Rule 4.4(b) states that a lawyer shall not attempt to use a document, discovery, or other means to obtain information that the lawyer knows or reasonably should know is confidential or otherwise protected by a duty of confidentiality. If a lawyer receives a document or electronically stored information that the lawyer knows or reasonably should know that such a document or electronically stored information was inadvertently sent, the lawyer must promptly notify the sender.

Liberos · 12:25 PM · 12/10/20

You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times.

51 retweets · 1 reply

AmAntiPorn

n kill that b

12/10/20 · 12:25 PM · 12/10/20

51 retweets · 1 reply

sarahlaurensmith
@sarahlaurensmith

Messages

51 retweets

EXHIBIT 2:
AMENDED LIBEL
ACTION COMPLAINT

EXHIBIT 2

**COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

AARON M. MINC, ESQ.
200 Park Avenue, Suite 200
Orange Village, Ohio 44122

Plaintiff,

v.

MELISSA A. FARMER

and

NICOLE R. PRAUSE

Defendants.

CASE NO. CV-20-937026

JUDGE: EMILY HAGAN

**FIRST AMENDED COMPLAINT
FOR DEFAMATION AND FALSE
LIGHT**

JURY TRIAL REQUESTED

For his Complaint against Defendants Melissa Farmer (“Farmer”) and Nicole Prause (“Prause”) (collectively “Defendants”), Plaintiff Aaron M. Minc (“Plaintiff”) alleges as follows:

PARTIES, JURISDICTION, & VENUE

1. Plaintiff is an attorney licensed to practice law in Ohio and owns and operates a law firm, Minc LLC. Plaintiff is located at the above captioned address. Plaintiff operates an account on the social media platform Twitter with the username @RepLawyer.
2. Farmer is a sex and pain researcher with a PhD in Clinical Psychology and resides in Chicago, IL. Farmer operates a Twitter account with the username @Farmer_MindBody.
3. Prause is a California resident. Prause operates an account on Twitter with the username "Liberos" and/or "@NicoleRPrause." Prause filed for bankruptcy on August 18, 2020 under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Case No. 2:20-bk-17828-NB. Plaintiff has obtained relief from

the automatic stay from the Bankruptcy Court to add Prause as a defendant in this action pursuant to Ohio Civ. R. 15.

4. This Court has subject matter jurisdiction pursuant to O.R.C. § 2305.01.

5. This Court has personal jurisdiction over Defendants pursuant to O.R.C. § 2307.382(A)(6) and venue is proper under Ohio R. Civ. P. 3(C)(3) and (6).

FACTUAL ALLEGATIONS

6. Plaintiff's law firm currently represents a third party in a lawsuit against Prause. Throughout the course of this lawsuit, Prause has used her Twitter account to attack the reputation of people involved in the lawsuit. Prause has thousands of followers on Twitter. Plaintiff has had little to no personal involvement in the litigation.

7. On or about July 28, 2020, Prause published a series of public tweets on her Twitter account claiming she feared for her safety because Plaintiff sent Prause's home and work addresses, which are presumably private and confidential, to a group of people that have been threatening to kill her for years. Prause's Tweet included an image of a message from one of the hate group members that said, "[I'll] kill that bitch any time if you'd like me to. Fuck those people." A true and accurate copy of Prause's twitter posts are attached hereto as Exhibit A 1-4 ("Prause's Tweets). Prause's claims and allegations are false and defamatory per se.

8. Plaintiff replied to Prause's Tweets denying the allegations because they are patently false. Prior to July 28, 2020, Plaintiff barely even knew who Prause was. Plaintiff has no knowledge of Prause's addresses. Plaintiff has never sent Prause's home or work addresses to anyone. Plaintiff has no knowledge about any death threats made by anyone against Prause. Plaintiff also has no knowledge of anyone else disseminating Prause's addresses. Plaintiff has no knowledge regarding any of Prause's allegations.

9. Prause additionally claimed that she had contacted the LAPD, who were investigating the matter. When Plaintiff continuously denied her allegations, Prause directed Plaintiff to “Talk to LAPD.”

10. Prause encouraged her twitter followers to repeat her claims and harass Plaintiff by commenting and liking all the responses she received in support of her claims. One of Prause’s twitter followers with the username “Chanell @nellyy” responded to Plaintiff’s denial by saying, “What a piece of shit!”

11. Two of Prause’s other twitter followers shared the Prause Tweet with the twitter accounts @womenofsextech and @CAGoldberglaw. @CAGoldberglaw is the twitter account of Carrie Goldberg, a sexual assault victims’ advocate and attorney based in New York, from whom Plaintiff receives client referrals. The Prause Tweet has negatively impacted this business relationship.

12. Notwithstanding Plaintiff’s explicit denials, on or about July 30, 2020, Farmer publicly republished Prause’s Tweets and directly messaged and/or shared them with the Ohio State Bar Association, Cleveland Metropolitan Bar Association, and the Ohio Supreme Court’s twitter accounts. Farmer’s twitter post (“Farmer’s Tweet”) is attached as Exhibit B.

13. Farmer’s Tweet claimed that Plaintiff was “engaging in ethics violations that endanger [a] third party (Ohio Rules of Prof. Conduct Rule 4.4.” Farmer’s Tweet attached a screenshot image of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court website. Farmer’s claims and allegations are false and defamatory per se.

COUNT I: LIBEL AND LIBEL PER SE

14. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

15. Defendants published tweets containing false statements of fact, of and concerning Plaintiff, claiming that Plaintiff had violated attorney ethical rules by directly disseminating Prause's confidential home and work address to people that wanted to kill Prause.

16. Defendants published the false statements without any privilege to do so.

17. Defendants published the false statements with malice, reckless disregard, and/or at least a negligent level of intent.

18. The false statements in Prause's Tweets and Farmer's Tweet (collectively "Defendants' Tweets") are defamatory per se.

19. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendants' Tweets, the full amount of which will be proven at trial.

20. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

COUNT 2: FALSE LIGHT

21. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

22. Defendants' Tweets publicly cast Plaintiff in a false light to the Ohio State Bar Association, Cleveland Metropolitan Bar Association, the Ohio Supreme Court, as well as a vast audience of Twitter users.

23. The false light Defendants placed Plaintiff in is highly offensive to a reasonable person.

24. Defendants published the Tweets with at least reckless disregard as to the falsity of the facts contained in the Tweets and the false light in which Plaintiff would be placed.

25. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendants' Tweets, the full amount of which will be proven at trial.

26. Plaintiff additionally requests a permanent injunction against Defendants declaring that these allegations are false, defamatory, and that Defendants are prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

WHEREFORE Plaintiff prays for judgment against Defendants in conformity with the allegations set forth above and asks this Court to award compensatory, special, actual, and punitive damages amounting to at least \$25,000 with the exact amount to be proven at trial, attorneys fee's and court costs, a permanent injunction against Defendants declaring that these allegations are false, defamatory, and that Defendants are prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future, and for any and all other relief at law or in equity as the Court deems equitable, just, and proper.

Respectfully submitted,

/s/ Aaron M. Minc

Aaron M. Minc (0086718)

Minc LLC

200 Park Ave., Suite 200

Orange Village, Ohio 44122

Phone: (216) 373-7706

Fax: (440) 792-5327

Email: aminc@minclaw.com

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Ohio Civ. R. 38.

/s/ Aaron M. Minc
Aaron M. Minc (0086718)

EXHIBIT 3:
CONTINUATION OF
THE DECLARATION
OF AARON MINC

EXHIBIT 3

Aaron M. Minc (Ohio State Bar No. 0086718)
Minc LLC
200 Park Ave., Suite 200
Orange Village, Ohio 44122
Phone: (216) 373-7706
Fax: (440) 792-5327
Email: aminc@minclaw.com

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re: Nicole Prause,	)	Case No. 2-20-bk-17525-NB
)	
<i>Debtor.</i>	)	Chapter 7
)	
	)	Judge Neil W. Bason
)	
	)	<u>CONTINUATION OF</u>
	)	<u>DECLARATION OF AARON M.</u>
	)	<u>MINC RE ACTION IN</u>
	)	<u>NONBANKRUPTCY FORUM</u>

I, Aaron M. Minc, in continuation of my Declaration Re Action in Nonbankruptcy Forum,
affirm and declare as follows:

1. My name is Aaron M. Minc. I am a duly licensed attorney in the State of Ohio,
where I have been in good standing since my admission to practice law in November 2010.
2. I have personal knowledge of all the facts asserted in this Declaration. Where I rely
on information from others, I state the source of that information and verily believe it to be true.
3. I am an internet defamation attorney. I have extensive experience in this niche area
of law and frequently handle cases involving the removal of defamatory content on the Internet
and the identification of Internet users who defame others online. I own and operate the law firm
Minc LLC in Cleveland, Ohio that primarily handles internet defamation cases.

1 4. On or about October 1, 2019, Minc LLC was retained to represent Alexander
2 Rhodes (“Rhodes”) in litigation against Nicole Prause (“Prause”) for defamatory content she
3 published online concerning Rhodes (the “Rhodes Litigation”). I have had little to no personal
4 involvement with the case but am generally familiar with the status of the litigation through
5 discussions with the primary attorney handling the case, Andrew Stebbins. I am aware that
6 Prause’s legal defense in the case is being covered by a policy of insurance.

7 5. During the Rhodes Litigation, Prause has utilized her Twitter account to harass and
8 retaliate against Rhodes, Mr. Stebbins, Minc LLC, and I.

9 6. On or about July 28, 2020, Prause published a tweet stating that her home and work
10 addresses were sent to a hate group who had threatened to kill her multiple times. She then
11 published a reply, naming my Twitter account “@RepLawyer,” stating that “you can ask
12 @RepLawyer why he just sent my physical location to this group that offered to kill me multiple
13 times.” Defendant’s tweet included an image of a message presumably sent to her by one of the hate
14 group members that said, “[I’ll] kill that bitch any time if you’d like me to. Fuck those people.” A
15 true and accurate copy of Prause’s Tweets and my responses thereto are attached to this
16 Declaration as Exhibit 3-1. *See* Ex. 3-1, 2.

17 7. I replied to her tweet and vehemently denied her allegations. I have no personal
18 knowledge of any of Prause’s personal information, including her confidential addresses or
19 business location, and have never released such information to anyone. I did not have knowledge
20 of any death threats that were made against Prause. I also do not know of anyone else
21 disseminating Prause’s personal information. *See* Ex. 3-1, 2; 9.
22
23
24
25
26

1 8. Prause claimed in subsequent tweets that she had contacted the LAPD, who were
2 investigating the matter. When I continued to deny her allegations, Prause directed me to "Talk
3 to LAPD." Ex. 3-1, 3.

4 9. Prause encouraged her Twitter followers to repeat her claims and harass me by
5 commenting and liking all the responses she received in support of her claims. One of Prause's
6 Twitter followers with the username "Chanell @nellyy" responded to my denial by saying,
7 "What a piece of shit!". Ex. 3-1, 12.

8 10. Two of Prause's Twitter followers shared her tweets with the Twitter accounts
9 @womenofsexttech and @CAGoldbergLaw. @CAGoldbergLaw is the Twitter account of Carrie
10 Goldberg, a sexual assault victims' advocate and attorney based in New York, from whom I
11 receive client referrals. I believe her tweet negatively impacted this business relationship.

12 11. Another one of Prause's Twitter followers, Melissa Farmer ("Farmer"), publicly
13 messaged and shared Prause's tweets with the Ohio State Bar Association, Cleveland Metropolitan
14 Bar Association, and the Ohio Supreme Court's Twitter accounts. Farmer's tweet specifically
15 accused me of gross ethical violations. A true and accurate copy of Farmer's tweet is attached to
16 this Declaration as Exhibit 3-2.

17 12. Farmer's tweet claimed that I was "engaging in ethics violations that endanger [a]
18 third party (Ohio Rules of Prof. Conduct Rule 4.4." Farmer's Tweet attached a screenshot image
19 of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court website.
20 Farmer's claims and allegations are false and defamatory per se. Ex. 3-2, 2.

21 13. After the tweets were published, I decided to file a defamation action against Prause
22 and Farmer in the Cuyahoga County Court of Common Pleas. While I was preparing to file that
23

lawsuit, Prause filed a voluntary petition to declare bankruptcy with this Court, Case No. 2-20-bk-17525-NB, on August 18, 2020.

14. I filed my lawsuit on September 9, 2020. In compliance with the automatic stay, I refrained from filing suit against Prause and have thus far only filed against Farmer, *Minc LLC v. Melissa Farmer*, Case No. CV-20-937026 (Ct. Comm. Pl. Cuyahoga Cty, Sept. 9, 2020) (the "Nonbankruptcy Action"). The complaint specifically requests leave to amend if I am given leave from Prause's bankruptcy stay to add her to the lawsuit. The complaint filed against Farmer is attached as Exhibit 3-3.

I declare under penalty of perjury that the foregoing is true and correct. Signed on the 6 day of November, 2020.


Aaron M. Minc

The above signed personally before me and reviewed the contents of this affidavit before signing. Sworn to and subscribed in my presence this 6th day of November, 2020.



DARCY BUXTON
Notary Public, State of Ohio
My Commission Expires
June 21, 2023


Notary Public

June 21, 2023
My Commission Expires

EXHIBIT 3-1:
PRAUSE TWITTER
EXCHANGE

Document title: (2) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times. <https://t.co/2W2EBUdiP7>" / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/1288149561383333888>

Captured site IP: 104.244.42.129

Page loaded at (UTC): Tue, 28 Jul 2020 18:26:33 GMT

Capture timestamp (UTC): Tue, 28 Jul 2020 18:26:53 GMT

Capture tool: v7.0.9

Collection server IP: 52.7.109.102

Browser engine: Chrome/77.0.3865.120

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

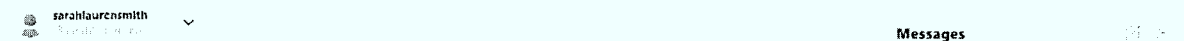
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User: drl-dbuxton

PDF REFERENCE #: sVpMoC8vm1CQb7DwNCUHYo





Page Vault

Document title: (4) Liberos on Twitter: "My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am closing everything again and moving yet again. Anti-porn extremist stalking must stop. I cannot keep myself, family,colleagues,or participants safe." / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/1288140697703333888>

Captured site IP: 104.244.42.193

Page loaded at (UTC): Thu, 30 Jul 2020 15:33:43 GMT

Capture timestamp (UTC): Thu, 30 Jul 2020 15:36:02 GMT

Capture tool: v7.0.9

Collection server IP: 54.174.78.137

Browser engine: Chrome/77.0.3865.120

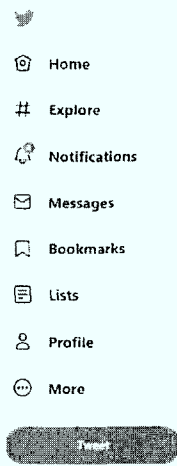
Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 4

Capture ID: 97dd77a2-bc16-4410-a50a-35de7efcd419

User: drl-dbuxton

PDF REFERENCE #: eXN1fWBmdZ4mQuy6BuNwh1



Thread



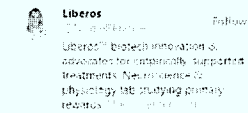
My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am closing everything again and moving yet again. Anti-porn extremist stalking must stop. I cannot keep myself, family, colleagues, or participants safe.

3:43 PM · Tue, Jul 14 · 1 comment · 19 retweets · 53 likes

- 19 Retweets · 53 Likes
- Liberos** · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
You can ask a group why they just sent my physical location to the group that offered to kill me multiple times?
@AntiPorn · Jul 14 · Retweeted · Jul 14
kill that bitch any time if you'd like me to. Fuck those people
@Art Keller · Jul 14 · Retweeted · Jul 21
Replying to @Liberos · Jul 21
Sorry to hear that. How can folks help?
@Liberos · Jul 14 · Retweeted · Jul 21
Thank you. Working on it. @Art Keller hopeful they can get on this one this evening. Lab is online again listed and equipment is being moved. Once settled, I need better protection for my work address. These stalkers will never stop telling people exactly where to kill me
@Tim Woodman ProVillain · Jul 14 · Retweeted · Jul 17
Replying to @Liberos · Jul 17
I'm sorry to hear that. I'm so proud of you for the tireless heroic way you keep doing your work, and so ashamed of the cowards and bullies who try to intimidate you into giving up
@Stephen Benning · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
What the actual fuck sorry you've had so many vicious threats. These are ludicrous and I hope that this will be the last time you have to take such measures or endure such abuse.
@Scott Leimroth · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
Crazy stuff. Stay safe. Doing science these days is like doing it in the dark ages and avoiding the Spanish Inquisition. Primitive beliefs driving violent mob behaviour.
@Gonzalo Quintana Zunino Ph.D. · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
I am SO sorry to read this. I hope things get better sooner than later.
@Liberos · Jul 14 · Retweeted · Jul 20
Thanks. I am working on it slowly, but their approach thus far.
@Mickey Rowe · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
I know this can't countermand the threats, but I am sending wishes for your survival and thinking through this awful situation.
@Nash Ashur · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
Not to be insensitive at a tough time like this, but I think it should make a movie about your story someday.
@Shane Mauss · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
I'm so sorry!!
@Mayte Parada · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
Jesus, can you sue this guy for this?
@Liberos · Jul 14 · Retweeted · Jul 20
I am
@Christine Milrod · Jul 14 · Retweeted · Jul 20
Replying to @Liberos · Jul 20
I am so sorry that is happening to you. Let me know if I can help in ANY way!

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What's happening

How the NBA bubble will work as the league plans to resume play in Orlando

#MichelleObamaPodcast

Listen free, only on Apple

Remembering Tyronn Fluker

#TrumpIsNotWell

100+ tweets

Southern California hit by a 4.2 magnitude earthquake in the early morning

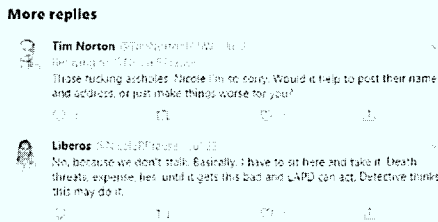
President Pelosi

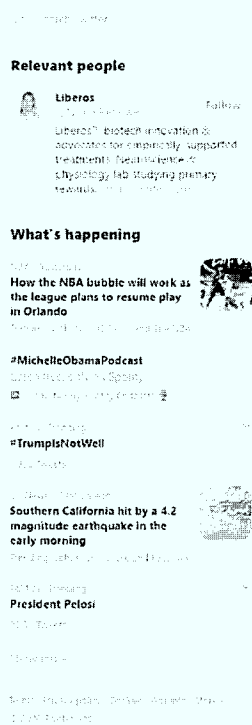
100+ tweets

More on this

Twitter is a safe place to express your views. We're committed to keeping you safe.









Document title: (2) Aaron Minc on Twitter: "@NicoleRPrause Stop Tweeting at me and go talk to your lawyer about it. You are a Defendant in a lawsuit my firm is handling. It's completely inappropriate to lob ridiculous accusations publicly at the other sides legal counsel over twitter in the middle of a lawsuit." / Twitter

Capture URL: <https://twitter.com/RepLawyer/status/1288183603126579200>

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Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 3

Capture ID: 0683ab2b-6d91-47da-945d-d280d6dadfd5

User: drl-dbuxton

PDF REFERENCE #: 85RkL5De52zteMVNbhqLJ

 Home Explore Notifications Messages Bookmarks Lists Profile More

Tweet

Liberos @NicoleRPrause · 1h
My physical home and work spaces were just sent directly to the group that has been sending threats directly to me for 7 years. I am blocking everything again and anything you post will
And from the threat of taking must also I cannot keep myself family and dependent on public space

Liberos @NicoleRPrause · 1h
You can ask me why he just sent my physical location to this group that offered to kill me multiple times
And from the threat of taking must also I cannot keep myself family and dependent on public space
Kill that bitch any time if you'd like me to. Fuck those people

Aaron Minc @RepLawyer · 2h
Ah I haven't done anything.

Liberos @NicoleRPrause · 2h
Talk to your lawyer

Aaron Minc @RepLawyer · 2h
Stop Tweeting at me and go talk to your lawyer about it. You are a Defendant in a lawsuit my firm is handling. It's completely inappropriate to lob ridiculous accusations publicly at the other sides legal counsel over twitter in the middle of a lawsuit.

1:44 PM · 11/09/2020 · Retweeted 152

Liberos @NicoleRPrause · 2h
Replying to @RepLawyer
And yet here the counsel is doing exactly that

Relevant people

Aaron Minc @RepLawyer · Follow
Attorney at Law, Plaintiff's Counsel

Liberos @NicoleRPrause · Follow
Liberos has been medication & advocates for empirically supported treatments. Neuroscience & physiology lab studying memory retrieval & memory processing

What's happening

Succession, Cate Blanchett, Issa Rae and Schitt's Creek nab Emmy nominations
Hugoboss / Getty Images

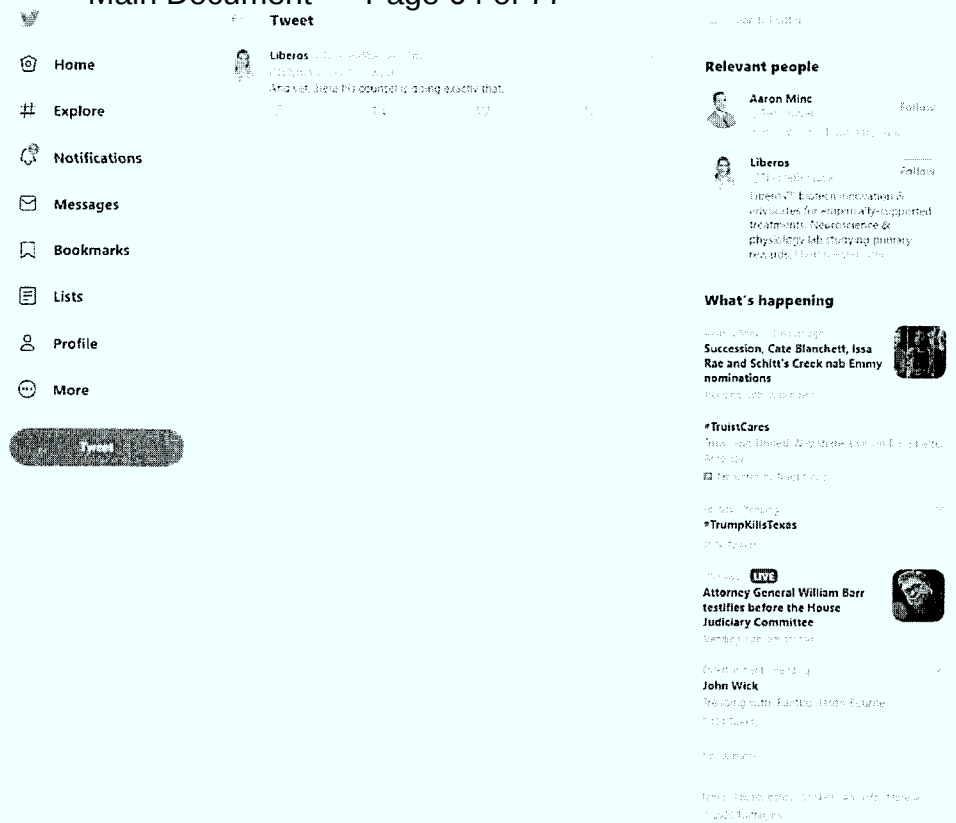
#TrustCares
TrustCare's COVID-19 relief fund has raised over \$1M for relief efforts
TrustCare / TrustCare

Trump's Pickings
#TrumpKillsTexas
Trump's Pickings

LIVE
Attorney General William Barr testifies before the House Judiciary Committee
Fox News / Fox News

John Wick
Reprising both Bowden, Jason Momoa
Netflix / Netflix

John Wick
Reprising both Bowden, Jason Momoa
Netflix / Netflix



Document title: (4) Liberos on Twitter: "You can ask @RepLawyer why he just sent my physical location to this group that offered to kill me multiple times. <https://t.co/2W2EBUdiP7>" / Twitter

Capture URL: <https://twitter.com/NicoleRPrause/status/1288149561383333888>

Captured site IP: 104.244.42.193

Page loaded at (UTC): Thu, 30 Jul 2020 14:15:58 GMT

Capture timestamp (UTC): Thu, 30 Jul 2020 14:17:35 GMT

Capture tool: v7.0.9

Collection server IP: 54.174.78.137

Browser engine: Chrome/77.0.3865.120









Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 3

Capture ID: 95b5463d-1904-4235-bb36-c2c39341d171

User: dnl-dbuxton

PDF REFERENCE #: vwnNEZV41UqphVyhv5Uut9

-  Home
-  Explore
-  Notifications
-  Messages
-  Bookmarks
-  Lists
-  Profile
-  More

Thread

Liberos by New York City, N.Y. The
 My physical home and work address were just sent directly to the group that has been posting death threats to me for 7 years. I am losing everything again and missing yet again.
 And porn peddlers stalks must stop. I cannot keep myself, family, colleagues and participants safe.

Liberos
 1985, 1986, 1987, 1988, 1989

You can ask @Replawyer why he just sent my physical location to this group that offered to kill me multiple times.

nanjiboren : 1. 1. 1. 1. 1.

kill that bitch any time if you'd like me to. Fuck those people


$$x_{i+1} = x_i + \frac{1}{2} \left(\frac{1}{\lambda_i} - \frac{1}{\lambda_{i+1}} \right) \frac{1}{\lambda_i} \quad \text{and} \quad \lambda_{i+1} = \frac{1}{\lambda_i} \left(\frac{1}{\lambda_i} - \frac{1}{\lambda_{i+1}} \right) \frac{1}{\lambda_i} \quad \text{for } i = 0, 1, \dots, n-1.$$

5 $\frac{1}{2} \times \frac{3}{4} = \frac{1 \times 3}{2 \times 4} = \frac{3}{8}$ **6** $\frac{2}{3} \times \frac{5}{6} = \frac{2 \times 5}{3 \times 6} = \frac{10}{18} = \frac{5}{9}$

Aaron Minc @aaronminc · Jan 11
 Nope, and he can't even dance!
 All the best to everyone!

[illegible]

Aaron Minc @Boguslawski 11:43
 Sent you to CNN - lol! [Link](#)
 2) I have no information my client may do this either

 **Liberos** liberos.es twitter.com/liberos
Tell that to L&P

Chanel ¹ reply Jul 26
Respond to this comment to get your own
What a piece of shit!

Relevant people

Liberos
 LIBEROS.COM Follow
 Liberos® biotech innovation & advocates for empirically supported treatments. Neuroscience & physiology lab studying primary rewards, fear & addiction.

Aaron Minc
 @AaronsMinc
 aaronm@comcast.net

What's happening

Southern California hit by a 4.2 magnitude earthquake in the early morning

#MichelleObamaPodcast
Listen free, only on Spotify
📻 [Spotify](#) 📻

Delay

How the NBA bubble will work as the league plans to resume play in Orlando

President Pelosi

 sarahlaurensmith
Journalist

Messages

EXHIBIT 3-2:
MELISSA FARMER
TWEET

Document title: (4) Dr. Melissa A. Farmer on Twitter: "Attention @OSBA @CleMetroBar @OHSupremeCourt - Ohio lawyer @RepLawyer engaging in ethics violations that endanger third party (Ohio Rules of Prof Conduct Rule 4.4). <https://t.co/WDPkG2ETcH>" / Twitter

Capture URL: https://twitter.com/Farmer_MindBody/status/1288464606160138241

Captured site IP: 104.244.42.193

Page loaded at (UTC): Thu, 30 Jul 2020 14:15:58 GMT

Capture timestamp (UTC): Thu, 30 Jul 2020 14:16:36 GMT

Capture tool: v7.0.9

Collection server IP: 54.174.78.137

Browser engine: Chrome/77.0.3865.120

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 2

Capture ID: 144f1668-039d-47c0-8e29-3bce626c1e5e

User: drl-dbuxton

PDF REFERENCE #: 8jNbr8vzcV2XD2oJFbNUvZ



Home

Explore

Notifications

Messages

Bookmarks

Lists

Profile

More

Tweet

Dr. Melissa A. Farmer
FarmerMindBody

Attention @OSBA @CleMetroBar @OHSupremeCourt
Ohio lawyer @RepLawyer engaging in ethics
violations that endanger third party (Ohio Rules of Prof
Conduct Rule 4.4).

8:18

1288464606160138241

RULE 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to harass, annoy, delay, or burden a third person or to engage in conduct that is unduly burdensome or vexatious to a third person.

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client or a third person or a document or electronically stored information that is inadvertently sent and promptly notifies the sender.

Comments

(1) Representing a third person is a lawyer's duty, not the attorney's duty to the client. The attorney's duty to the client is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation.

(2) The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation.

(3) The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation.

Comparison to former Ohio Code of Professional Responsibility

Rule 4.4(b) is similar to the former Ohio Code of Professional Responsibility, which provided that a lawyer shall not use means that have no substantial purpose other than to harass, annoy, delay, or burden a third person or to engage in conduct that is unduly burdensome or vexatious to a third person.

1/2

the attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation. The attorney's duty to the third person is to provide the best possible representation.

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Comparison to ABA Model Rules of Professional Conduct

Rule 4.4(b) is similar to the former Ohio Code of Professional Responsibility, which provided that a lawyer shall not use means that have no substantial purpose other than to harass, annoy, delay, or burden a third person or to engage in conduct that is unduly burdensome or vexatious to a third person.

Rule 4.4(b) is similar to the former Ohio Code of Professional Responsibility, which provided that a lawyer shall not use means that have no substantial purpose other than to harass, annoy, delay, or burden a third person or to engage in conduct that is unduly burdensome or vexatious to a third person.

Liberos @Dana_Rhodes · Jul 20

You can ask @RepLawyer why he put out my physical letters to this group that offered to take me multiple times!

See this tweet

AmAntiPorn

n kill that b

1288464606160138241

1288464606160138241

sarahlaurensmith
@sarahlaurensmith

Messages

1288464606160138241

EXHIBIT 3-3:
LIBEL ACTION
COMPLAINT

EXHIBIT 3-3



Common Pleas Court of Cuyahoga County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Aaron M. Minc, Esq.

Plaintiff

Vs.

Melissa A. Farmer

Defendant

Case Number: _____

Date: 09/09/2020

Has this case been previously filed and dismissed? Yes ☐ No ☒

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes ☐ No ☒

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.

Professional Torts:

- ☐ 1311 Medical Malpractice
- ☐ 1315 Dental Malpractice
- ☐ 1316 Optometric Malpractice
- ☐ 1317 Chiropractic Malpractice
- ☐ 1312 Legal Malpractice
- ☐ 1313 Other Malpractice

Product Liability:

- ☐ 1330 Product Liability

Other Torts:

- ☐ 1310 Motor Vehicle Accident
- ☐ 1314 Consumer Action
- ☒ 1350 Misc. Tort

Workers Compensation:

- ☐ 1550 Workers Compensation
- ☐ 1531 Workers Comp. Asbestos

Foreclosures:

- ☐ Utilize Separate Foreclosure Designation Form

Commercial Docket:

- ☐ 1386 Commercial Docket
- ☐ 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- ☐ 1540 Employment Services
- ☐ 1551 Other

Other Civil:

- ☐ 1500 Replevin/Attachment
- ☐ 1382 Business Contract
- ☐ 1384 Real Estate Contract
- ☐ 1388 Consumer Debt
- ☐ 1390 Cognovit
- ☐ 1391 Other Contracts
- ☐ 1490 Foreign Judgment
- ☐ 1491 Stalking Civil Protection Order
- ☐ 1501 Misc. Other
- ☐ 1502 Petition to Contest Adam Walsh Act
- ☐ 1503 Certificate of Qualification for Employment

Amount of Controversy:

- ☐ None Stated
- ☐ Less than \$25,000
- ☒ Prayer Amount \$25000

Parties have previously attempted one of the following prior to filing:

- ☐ Arbitration
- ☐ Early Neutral Evaluation
- ☐ Mediation
- ☒ None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Minc LLC

Firm Name (Print or type)

200 Park Ave, Suite 200

Address

Orange Village, Ohio 44122

Address

[Redacted]

Phone

Aaron M. Minc

Attorney of Record (Print or Type)

0086718

Supreme Court #

[Redacted]

Email Address

[Signature]

Signature

COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

AARON M. MINC, ESQ.

)

CASE NO.

)

)

)

JUDGE:

)

)

Plaintiff,

v.

)

COMPLAINT FOR
DEFAMATION AND FALSE
LIGHT

)

)

MELISSA A. FARMER

)

JURY TRIAL REQUESTED

)

Defendant.

For his Complaint against Defendant Melissa Farmer ("Defendant"), Plaintiff Aaron M. Minc ("Plaintiff") alleges as follows:

PARTIES, JURISDICTION, & VENUE

1. Plaintiff is an attorney licensed to practice law in Ohio and owns and operates a law firm, Minc LLC. Plaintiff is located at the above captioned address. Plaintiff operates an account on the social media platform Twitter with the username @RepLawyer.

2. Defendant is a sex and pain researcher with a PhD in Clinical Psychology and resides in Chicago, IL. Defendant operates a Twitter account with the username @Farmer_MindBody.

3. Nicole R. Prause is a California resident. Prause operates an account on Twitter with the username "Liberos" and/or "@NicoleRPrause." Prause filed for bankruptcy on August 18, 2020 under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, Case No. 2:20-bk-17828-NB. Plaintiff is in the process of obtaining leave from the Bankruptcy Court to include her as a defendant in this lawsuit. When

Plaintiff obtains such permission, Plaintiff intends to request leave to amend his Complaint pursuant to Ohio Civ. R. 15 to add Prause as a co-defendant.

4. This Court has subject matter jurisdiction pursuant to O.R.C. § 2305.01.

5. This Court has personal jurisdiction over Defendant pursuant to O.R.C. § 2307.382(A)(6) and venue is proper under Ohio R. Civ. P. 3(C)(3) and (6).

FACTUAL ALLEGATIONS

6. Plaintiff's law firm currently represents a third party in a lawsuit against Prause. Throughout the course of this lawsuit, Prause has continuously used her Twitter account to attack the reputation of people involved in the lawsuit. Prause has thousands of followers on Twitter. Plaintiff has had little to no personal involvement in the litigation.

7. On or about July 28, 2020, Prause published a series of public tweets on her Twitter account claiming she feared for her safety because Plaintiff had directly sent Prause's home and work addresses, which are presumably private and confidential, to a group of people that have been threatening to kill her for years. Prause's Tweet included an image message from one of the hate group members that said, "[I'll] kill that bitch any time if you'd like me to. Fuck those people." A true and accurate copy of Prause's twitter posts are attached hereto as Exhibit A 1-4 ("Prause's Tweets).

8. Plaintiff replied to Prause's Tweets denying the allegations because they are patently false. Prior to July 28, 2020, Plaintiff barely even knew who Prause was. Plaintiff has no knowledge of Prause's addresses. Plaintiff has never sent Prause's home or work addresses to anyone. Plaintiff has no knowledge about any death threats by anyone against Prause. Plaintiff also has no knowledge of anyone else disseminating Prause's addresses. Plaintiff has no knowledge regarding any of Prause's allegations.

9. Prause additionally claimed that she had contacted the LAPD, who were investigating the matter. When Plaintiff continuously denied her allegations, Prause directed Plaintiff to “Talk to LAPD.”

10. Prause encouraged her twitter followers to repeat her claims, harass Plaintiff by commenting and liking all of the responses she received in support of her claims. One of Prause’s twitter followers with the username “Chanell @nellyy” responded to Plaintiff’s denial by saying, “What a piece of shit!”

11. Two of Prause’s other twitter followers shared the Prause Tweet with the twitter accounts @womenofsextech and @CAGoldbergLaw. @CAGoldbergLaw is the twitter account of Carrie Goldberg, a sexual assault victims’ advocate and attorney based in New York, from whom Plaintiff receives client referrals. The Prause Tweet has negatively impacted this business relationship.

12. Notwithstanding Plaintiff’s explicit denial, on or about July 30, 2020, Defendant publicly republished Prause’s Tweets and directly messaged and/or shared them with the Ohio State Bar Association, Cleveland Metropolitan Bar Association, and the Ohio Supreme Court’s twitter accounts. The Defendant’s twitter post (“Defendant’s Tweet”) is attached as Exhibit B.

13. Defendant’s Tweet claimed that Plaintiff was “engaging in ethics violations that endanger [a] third party (Ohio Rules of Prof. Conduct Rule 4.4.” Defendant’s Tweet attached a screenshot image of the Ohio Rules of Professional Conduct 4.4 taken from the Ohio Supreme Court website. Defendant’s claims and allegations are false and defamatory per se.

COUNT I: LIBEL AND LIBEL PER SE

14. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

15. The Defendant published tweets containing false statements of fact of and concerning Plaintiff claiming that Plaintiff had violated attorney ethical rules by directly disseminating Prause's confidential home and work address to people that want to kill her.

16. Defendant published the false statements without any privilege to do so.

17. Defendant published her false statements with malice, reckless disregard, and/or at least a negligent level of intent.

18. The false statements in Defendant's Tweets are defamatory per se.

19. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount of which will be proven at trial.

20. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

COUNT 2: FALSE LIGHT

21. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as if rewritten here.

22. Defendant's Tweets publicly cast Plaintiff in a false light to the Ohio State Bar Association, Cleveland Metropolitan Bar Association, the Ohio Supreme Court, as well as a vast audience of Twitter users.

23. The false light Defendant placed Plaintiff in is highly offensive to a reasonable person.

24. Defendant published her Tweet with at least reckless disregard as to the falsity of the facts contained in the Tweet and the false light in which Plaintiff would be placed.

25. Plaintiff has suffered special harm, actual damage, loss to reputation, emotional distress, mental anguish, suffering, and other harm because of Defendant's Tweets, the full amount of which will be proven at trial.

26. Plaintiff additionally requests a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future.

WHEREFORE Plaintiff prays for judgment against Defendant in conformity with the allegations set forth above and asks this Court to award compensatory, special, actual, and punitive damages amounting to at least \$25,000 with the exact amount to be proven at trial, attorneys fee's and court costs, a permanent injunction against Defendant declaring that these allegations are false, defamatory, and that Defendant is prohibited from creating or publishing the same or similar defamatory statements about Plaintiff or his business in the future, and for any and all other relief at law or in equity as the Court deems equitable, just, and proper.

Respectfully submitted,

/s/ Aaron M. Minc
Aaron M. Minc (0086718)
Minc LLC
200 Park Ave., Suite 200
Orange Village, Ohio 44122
Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Ohio Civ. R. 38.

/s/ Aaron M. Minc
Aaron M. Minc (0086718)