

STATE OF MICHIGAN

IN THE TRIAL COURT FOR THE COUNTY OF ISABELLA

**TODD L. LEVITT and LEVITT LAW
FIRM PC.,**

Plaintiff,

v.

ZACHARY FELTON,

Defendant,

Case No. 14-11644 -NZ

HON.

Trial Court Judge

**VERIFIED COMPLAINT AND
JURY REQUEST**

ALECK & JENKINS

By: GHAZEY H. ALECK, II (P38694)

Attorneys for Plaintiff

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Midland, MI 48640

Telephone: (989) 832-2699

FILED

JUN 02 2014

COUNTY CLERK
ISABELLA COUNTY
MT. PLEASANT, MICH.

COMPLAINT AND JURY REQUEST

NOW COMES the above named Plaintiffs, by and through their attorneys,
Aleck & Jenkins, and for their Complaint against the above-named Defendant, state as
follows:

INTRODUCTION

1. This is an action for money damages brought pursuant to the statutes and common law of the State of Michigan against Zachary Felton.
2. This lawsuit arises out of events occurring within the city of Mount Pleasant, County of Isabella, State of Michigan.
3. This Court has jurisdiction as a result of the damages sustained by the Plaintiffs and the amount in controversy in this case is well in excess of \$25,000.

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PARTIES

4. Plaintiff, Todd Levitt, is a well-known attorney and a former adjunct professor at Central Michigan University who is a resident of the City of Mt. Pleasant, County of Isabella, State of Michigan.
5. Plaintiff, Todd Levitt Law Firm PC, is a law office that represents university students as one of its primary clientele. Todd Levitt Law Firm PC is located in the City of Mt. Pleasant, County of Isabella, State of Michigan.
6. Defendant, Zachary Felton, is a resident of City of Mt. Pleasant, County of Isabella, State of Michigan, and at all times relevant hereto resided at the property located at 307 S Lansing St , Apt 1, Mount Pleasant, Michigan, 48858.

COMMON FACTUAL ALLEGATIONS

7. On April 14th, 2014, Plaintiff, Todd Levitt, who was known as Todd Levitt @levittlaw by his twitter followers noticed that an impersonator had initiated a series of unprovoked attacks against the Plaintiff that were both malicious and unrelenting.
8. In order to confuse the Plaintiff's twitter followers of his identity, the impersonator identified himself using the Plaintiff's trademark photo.
9. To add to the confusion, the impersonator also used a slightly different twitter handle, @levittlawyer, to lead people to believe that he was the Plaintiff.
10. That upon information and belief, the Plaintiff discovered that one of the persons behind this calculated scheme was the Defendant, Zachary Felton, and that this directed attack was commenced for no apparent reason other than to inflict irreparable

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harm to the Plaintiffs' reputation.

11. On Twitter, the Defendant mockingly referred to himself as "Todd Levitt 2.0 @levittlawyer." When the Plaintiff initially inquired about the impersonator's identity, the Defendant tauntingly tweeted, "My favorite #badass movie of all time is "Catch Me If You Can" @levittlaw."
12. The Defendant attacked the Plaintiff's credibility as an attorney by tweeting, "What's the difference between the internet and my tweeted legal advice? A: None. They're both 100% accurate!" In this tweet, the Defendant wrongly presented the Plaintiff as being incompetent by heavily implying that all of his legal knowledge is ripped directly off the internet.
13. The Defendant also attacked the Plaintiff's credibility as a professor by alleging that the Plaintiff gave extra credit to students who bought him drinks at the bar and also carelessly gave exceptional grades to all of his students. The Defendant tweeted, "Buying me a drink at Cabin karaoke will get you extra credit, but it's not like that matters because you're guaranteed an A in the syllabus."
14. Furthermore, the Defendant senselessly alleged that the Plaintiff was abusing his positions as both an attorney and a professor in order to profit from students' legal troubles. The Defendant tweeted, "Partying = Defense Clients[.] Defense Clients = Income[.] If I endorse partying, will my income grow? It's like a Ponzi scheme for lawyers!"
15. The Defendant also implied that the Plaintiff both uses and promotes the use of marijuana by tweeting, [REDACTED] says should either meet with me at 4:20 in my [REDACTED]

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~~small office or take a break from work~~ The Defendant also tweeted,

~~1-20~~
~~and "on smoking holiday"~~ Possession of marijuana

A Client[,] Client = Income[,] In the words of Snoop Dogg: smoke weed every day

~~Todd Walker~~

16. After enduring the Defendant's harassment for two weeks, the Plaintiff decided to delete his twitter account in order prevent the Defendant from doing further damage to his reputation.
17. During the two week period, the Plaintiff received dozens of phone calls from concerned clients, potential clients, and parents who were all distressed that the Plaintiff had exhibited the behavior discussed in the defaming tweets.
18. Plaintiff was told by two potential clients that they refused to hire the Plaintiff because they believed the Defendant's statements to be an accurate representation of the Plaintiff's character.
19. Plaintiff could not continue as an adjunct professor.
20. As a result of the foregoing, Plaintiff has and will continue to experience loss of income.

**COUNT 1
FALSE LIGHT**

21. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.
22. Defendant owed Plaintiffs a duty of reasonable care to not publicly present them in a false light and to not inflict unwarranted injury.
23. Defendant breached that duty by publicly addressing any and all Twitter users that

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were interested in the Plaintiffs and falsely presenting the Plaintiff, Todd Levitt, as a drug using professional that abused both his position as an attorney and a professor.

24. It was readily foreseeable that the aforementioned breach of duty could result in the injuries sustained by the Plaintiffs.

25. As a direct result of Defendant's decision to present the Plaintiffs in a false light, Plaintiff, Todd Levitt, received dozens of phone calls from concerned clients and potential clients pertaining to his alleged behavior.

26. As a direct and proximate result of Defendant's decision to present the Plaintiffs in a false light, at least two potential clients refused to do business with the Plaintiffs.

COUNT 2
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.

28. Defendant owed Plaintiffs a duty of reasonable care to not intentionally inflict injury through his extreme and outrageous conduct.

29. Defendant breached that duty by initiating an extreme and outrageous unprovoked attack against the Plaintiffs in which the Defendant relentlessly endeavored to destroy the Plaintiffs' reputations.

30. Defendant's conduct was intentional and malicious and done for the purpose of causing Plaintiffs to suffer humiliation, mental and emotional and physical distress.

31. As a direct and proximate result of Defendant's malicious tweets and the consequences proximately caused by it, as herein alleged, plaintiff suffered severe

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humiliation, mental anguish, and emotional and physical distress, and has been injured in mind and body.

**COUNT 3
LIBEL**

32. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.
33. Defendant owed Plaintiffs a reasonable care to not publish false and defamatory statements on the third party website, **twitter.com**.
34. Defendant breached that duty when he posted over seventy tweets to **twitter.com** that were false and defamatory about the Plaintiffs.
35. On April 15, 2014, Defendant commenced a calculated attack against the Plaintiffs using the social media website, **twitter.com**, where over the next two weeks he falsely alleged that Plaintiff, Todd Levitt, was a marijuana user and that he also abused his power as an attorney and a professor.
36. Defendant tweeted, "What's the difference between the internet and my tweeted legal advice? A: None. They're both 100% accurate!" Plaintiff, Todd Levitt, has never provided legal advice after merely conducting a simple internet search. His legal expertise and the information he provides to his clients is a result of over twenty years of experience as an attorney.
37. Defendant tweeted, "Buying me a drink at Cabin karaoke will get you extra credit, but it's not like that matters because you're guaranteed an A in the syllabus." Plaintiff, Todd Levitt, is proud to be a faculty member at Central Michigan University and he

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carries out his role as an adjunct professor with the utmost integrity. Plaintiff, Todd Levitt, has never accepted drinks nor encouraged students to buy him drinks. Furthermore, there is no guarantee of an A grade is Professor Levitt's syllabus and exceptional grades must be earned.

38. Defendant tweeted, "#inToddWeToke" and "4/20 = Pot smoking holiday[.] Possession of marijuana = Client[.] Client = Income[.] In the words of Snoop Dogg: smoke weed every day. #InToddWeToke. Plaintiff, Todd Levitt, does not use nor has he ever advocated the use of marijuana in order to profit off students' legal troubles.

39. Because Defendant's libelous tweets did not result in a public controversy and the Plaintiffs did not thrust themselves to the forefront of this attack, Plaintiffs are not limited purpose public figures, but merely a private individual and a local law firm.

40. The above-described tweets were not privileged because it was published by Defendant negligently with no consideration of the injury that would result from the libelous tweets.

41. As a direct and proximate result of the above-described publication, Plaintiffs have suffered loss of reputation, loss of business, shame, mortification, and injury to their feelings.

COUNT 4 TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS

42. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.

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43. Plaintiffs had business expectancies, including but not limited to the ability to:

- a. Connect with followers and potential clients over Twitter;
- b. Not have impersonators defame them in such a way that it would interfere with their business;
- c. Have a regular business that is not obstructed by the Defendant's false misrepresentations of Plaintiff, Todd Levitt's, conduct including but not limited to telling persons that Plaintiff smokes marijuana and abuses his power as an attorney.
- d. Other business expectancies normal and customary in the course of a normal business similar to any law firm.

44. The Defendant knew and/or should have known of these business expectancies.

45. The Defendant's actions caused a disruption of these business expectancies.

46. These disruptions were reasonably likely to occur.

COUNT 5 BUSINESS DEFAMATION

47. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.

48. Plaintiff, Todd Levitt, is the owner of Plaintiff company, Todd Levitt Law Firm PC.

49. Defendant, Zachary Felton, published false and disparaging information on twitter.com that alleged that Plaintiff, Todd Levitt, abused his power as an attorney in order to boost his clientele and also that his "legal advice" was a product of simple internet inquiries.

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50. Defendant's false and disparaging comments have casted aspersions on Plaintiff law firm, Todd Levitt Law Firm PC, and these aspersions have been a substantial factor in bringing about the Plaintiffs continued loss of business.
51. The effect of these aspersions is evidenced by the fact that Plaintiff, Todd Levitt, has received dozens of phone calls from concerned clients who are wary of continuing business with a disreputable attorney and has also learned from two potential clients that they refused to do business with the Plaintiffs due to the false and disparaging comments.
52. Defendant, Zachary Felton's, attack was malicious and unprovoked and his sole purpose for making the false and disparaging comments was to dissuade potential clients from doing business with the Plaintiffs and sully the Plaintiffs' good names.
53. The Plaintiffs' special damages include the loss of business from the two potential clients who refused to do business with the Plaintiffs due to the false and disparaging comments.

**COUNT 6
UNFAIR COMPETITION**

54. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.
55. Defendant, Zachary Felton, identified himself using the name, Todd Levitt 2.0, on twitter.com to deceive the general public that he was the Plaintiff, Todd Levitt.
56. Defendant also identified himself using a photograph of Plaintiff, Todd Levitt, which the Plaintiff uses to promote himself and his law firm.

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57. Furthermore, Defendant identified himself using the Twitter handle, @levittlawyer, in order to lure members of the public who were in search of the Plaintiffs' handle, @levittlaw.
58. Plaintiff, Todd Levitt, has established a valuable and well-known name for himself and his business in the Mount Pleasant area.
59. Although Plaintiffs are well-known in the Mount Pleasant area, Plaintiffs openly represent clientele across the state of Michigan.
60. Defendant's use of Plaintiff, Todd Levitt's, identity has prevented him from penetrating other regional markets across the state of Michigan where he has not established a place of business.

**COUNT 7
INJUNCTIVE RELIEF**

61. Plaintiffs incorporate by reference each and every paragraph of this Complaint as though fully set forth herein.
62. The Defendant, Zachary Felton, has already dealt irreparable harm to Plaintiffs' reputation and continues to do harm with his defaming twitter account, Todd Levitt 2.0 @levittlawyer.
63. The Plaintiffs have only confirmed that they have lost the business of two potential clients, but the current loss of business and the extent to which the defaming Twitter account will affect future business is unknown.

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WHEREFORE, Plaintiffs herein pray for judgment against the Defendant herein, in the form of the immediate termination of the Todd Levitt 2.0 @levittlawyer Twitter account in order to prevent future injury to the Plaintiffs' reputations and business.

VERIFICATION

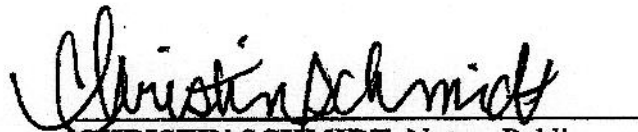
I, Todd L. Levitt, Plaintiff, and on behalf of Levitt Law Firm, P.C., hereby declare that I have read the foregoing answer and that the responses are true to the best of my information and belief.

Dated: June 2, 2014



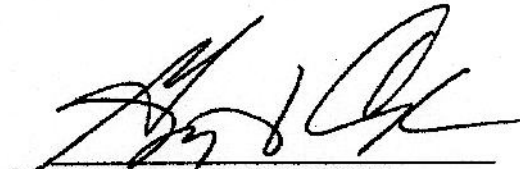
TODD L. LEVITT
Plaintiff

Subscribed and sworn before me on this nd day of June, 2014.



CHRISTIN SCHMIDT, Notary Public
Clare County, Michigan
My commission expires: 12/08/2016
Acting in Midland County

Dated: June 2, 2014



GHAZEY H. ALECK, II
Attorney for Plaintiffs

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JURY DEMAND

NOW COMES, the Plaintiffs, Todd L. Levitt, and Levitt Law Firm, P.C., by and through his attorneys, **ALECK & JENKINS** by: **GHAZEY H. ALECK, II**, Attorney at Law, and hereby demands a trial by jury.

Dated: June 2, 2014



GHAZEY H. ALECK, II
Attorney for Plaintiffs

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