

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

JESSECA DUPART, d/b/a "MIRACLE DROPS,"
p/k/a
"DAREALBBJUDY," an individual; SHAWNTAE
HARRIS, p/k/a "DA BRAT," an individual,

Plaintiffs,

v.

RODNEY J. ROUSSELL, an individual known as
"M.C. SHAKIE," and d/b/a "SIP COSMETICS";
GOOGLE, LLC, d/b/a "YOUTUBE",
a California Limited Liability Company;
FACEBOOK, INC., d/b/a "INSTAGRAM", a California
Corporation; TWITTER, INC., a California Corporation;
and DOES 1-100,

Defendants.

Case No. _____

JURY TRIAL DEMANDED

**VERIFIED COMPLAINT¹ FOR TRADEMARK INFRINGEMENT AND UNFAIR
COMPETITION AND REQUEST FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTION WITH DEMAND FOR JURY
TRIAL**

Plaintiffs, JESSECA DUPART, d/b/a "MIRACLE DROPS," p/k/a "DAREALBBJUDY,"
an individual; SHAWNTAE HARRIS, p/k/a "DA BRAT," an individual, by and through their
attorneys, Fishman Haygood, L.L.P., for their causes of action against Defendants, RODNEY J.
ROUSSELL, an individual known as "M.C. SHAKIE," and d/b/a "SIP COSMETICS";
GOOGLE, LLC, d/b/a "YOUTUBE", a California Limited Liability Company; FACEBOOK,
INC., d/b/a "INSTAGRAM", a California Corporation; TWITTER, INC., a California
Corporation; and DOES 1-100, allege as follows:

¹ The Verifications attached hereto were notarized and executed in accordance with Proclamation 37 JBE 2020, § 6, which permits notarization through electronic devices or processes during the existing public health emergency.

INTRODUCTION

1. Plaintiffs bring this lawsuit to protect the substantial goodwill that they have in their respective names, reputations, brands, word marks and logos.

2. Plaintiff Jesseca Dupart owns and operates a prominent beauty brand known as “Kaleidoscope.” Under the Kaleidoscope brand, which Plaintiff Dupart has used in commerce since on or about July 1, 2013, Plaintiff Dupart holds a registered design mark in Registration Number 5006069, which was registered on July 26, 2016:



3. Plaintiff Dupart also holds the following registered word marks:

Trademark	Registration No.	Date Registered
MIRACLE DROPS	5800328	July 9, 2019
KALEIDOSCOPE MIRACLE EDGES	5877346	October 8, 2019
KALEIDOSCOPE SILK & SEAL SERUM	5529116	July 31, 2018
KALEIDOSCOPE VERSATILE SPRITZ	5529113	July 31, 2018
KALEIDOSCOPE MIRACLE DROPS	5524022	July 24, 2018
KALEIDOSCOPE BEST	5508585	July 3, 2018

FRIEND		
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4. In addition, Plaintiff Dupart claims a common law trademark in KALEIDOKIDS and has filed for federal trademark protection in KALEIDOKIDS and has a pending application under serial number 88187059.

5. Plaintiff Dupart claims a common law trademark in “Kaleidoscope Milkshake.”

6. The Trademarks identified in paragraphs 2-5 will collectively be referred to herein as the “KALEIDOSCOPE MARKS.”

7. Further, Plaintiff Dupart holds a common law trademark in her professional and social media moniker “darealbbjudy” and she has 1.4 million followers on Instagram under the handle @darealbbjudy, in which she also claims a common law trademark, (hereinafter collectively referred to as “DRBBJ Marks”).

8. Plaintiff Shawntae Harris is known professionally as “Da Brat” and is a twice Grammy-nominated rapper and actress. Plaintiff Harris is the exclusive licensee of, and controls through her management company, the trademark in “Da Brat” which has been used in commerce by Plaintiff Harris since December 25, 1993 and for which she has applied for registration under serial number 88402711. Harris has 2.7 million followers on Instagram under the handle @sosobrat, in which she claims a common law trademark (hereinafter collectively referred to as “Da Brat Marks”).

9. The KALEIDOSCOPE MARKS, DRBBJ Marks and Da Brat Marks shall be collectively referred to as the “MARKS.”

10. Defendant Rodney J. Roussell is a YouTube gossip vlogger known as “M.C. Shakie” who has 81,500 followers on Instagram under the handle “@meshakielive”; 40,700 subscribers on YouTube under the name “MC Shakie”; 2,392 followers on Facebook; and 7,605

followers on Twitter under the handle “@meshakielive”. Defendant Roussell is also the owner and operator of “Sip Cosmetics” which sells cosmetic products.

11. On information and belief, Defendant Rodney J. Roussell is a felon convicted of bank fraud, forgery, monetary instrument abuse and access device fraud.

12. In an effort to gain interest and sales for his “Sip Cosmetics” brand, Defendant has engaged in a false and malicious YouTube and social media campaign of harassment, stalking, extortion, falsely designating the origin of products that feature the KALEIDOSCOPE MARKS, disparagement, invasion of privacy and defamation against Plaintiffs in an unlawful attempt to divert Plaintiffs’ customers to his own “Sip Cosmetics” products and to unfairly attempt to compete with the MARKS.

13. Plaintiffs have all rights and privileges in exclusive use to their MARKS, starting on the date of each federal filing and/or when Plaintiffs began first using the MARKS in commerce, in the case of their common law claims.

14. Plaintiffs routinely enter into social media influencer agreements and business relationships with third parties, including minor children, through the parents of the minor children.

15. Plaintiffs have a contract and a business relationship with the minor child known professionally as “Lil James.”

16. Plaintiffs have paid and expended resources in connection with their contract(s) and business relationship with “Lil James” in excess of \$89,500.00.

17. Defendant Roussell has created “fake news” stories on his social media accounts in an effort to defame, discredit, harass, and attempt to unfairly compete with Plaintiffs. For example, Defendant Roussell has staged “interviews” of people pretending, acting and/or

otherwise falsely stating information about Plaintiff Dupart in “fake news” stories including falsely and maliciously reporting false information relating to the tragic drowning death of a minor child at Plaintiff Dupart’s property, through the interview of a person falsely posing as an eye witness; falsely reporting information about Plaintiff Dupart’s liability insurance through the interview of a person falsely posing as Plaintiff Dupart’s insurance adjustor; falsely stating that Plaintiff Dupart required people to sign Non-Disclosure Agreements (“NDAs”) before she would call the police for the minor child’s drowning; falsely stating that Plaintiff Dupart changed her name to avoid people finding out about her negative legal history; falsely reporting that Plaintiff Dupart engages in “child slavery”; falsely reporting that Plaintiff Dupart’s products come from China and carry the coronavirus (COVID-19); falsely reporting that Plaintiff Dupart was involved in lawsuits to which she was not a party; and falsely reporting that Plaintiff Dupart worships the devil and/or engages in voodoo. In addition, Defendant Roussell has posted revenge porn content directed at Plaintiff Harris, which both amounts to an invasion of privacy and placed her in a false light, as further alleged below.

18. This is not the first time that Defendant Roussell has found himself a defendant in a lawsuit alleging that he disseminates “fake news.” *See Sheriff Gusman Sues New York Times Over Prison Rape Video*, NOLA.COM (July 14, 2018), https://www.nola.com/news/crime_police/article_61dee9b2-eb06-5f1e-9193-960d b18a326c.html. *See also* Complaint, *Gusman v. New York Times et al*, Case No. 2:18-cv-06689 (filed 7/13/2008 E.D. La.).

19. From the period of February 13, 2020 through the date of filing, through his YouTube channel and his various social media accounts, Defendant Roussell has posted not fewer than 24 (twenty-four) videos which publish to his viewers numerous false and defamatory statements, including, but not limited to, the following:

Video Title and URL	Date Posted	Statements Amounting to Defamation; Invasion of Privacy/False Light; Tortious Interference	Trademark(s) Tarnished
<p>1. "MC Shakie Addresses The Mess Judy & Brat, Supa, Fee and More"</p> <p>https://www.youtube.com/watch?v=5Txa5DSr9E</p>	02.10.2020	Defendant Roussell invades the privacy of Plaintiffs Dupart and Harris as it relates to their personal and sexual lives with malice.	DaRealBBJudy Da Brat
<p>2. "MC Shakie's Reaction to Da Real BB Judy Video & Exclusive video from Judy's Ex Girlfriend"</p> <p>https://www.youtube.com/watch?v=wzQX65Av86A&t=328s</p>	02.13.2020	<p>Defendant Roussell brags about his invasion of privacy into the personal lives of Plaintiffs.</p> <p>Defendant Roussell states that Plaintiff Dupart is selling canola oil laced with cayenne pepper.</p> <p>Defendant Roussell admits to harassing former private relationships of Plaintiff Dupart and acknowledges that such third parties have requested him to cease his unlawful behavior.</p> <p>Defendant Roussell states he has private messages between Plaintiff Harris and an unnamed female, including a personal skype conversation during which Plaintiff Harris fell asleep nude,</p>	Kaleidoscope DaRealBBJudy Da Brat

		then shows the picture/screenshot of Plaintiff Harris in a state of complete undress, without authorization.	
<p>3. "Kaleido Concentration Camp? Shakie takes Us Inside DaRealBBJudy"</p> <p>https://www.youtube.com/watch?v=wa_9hEZg-3o&t=1972s</p>	03.09.2020	<p>Defendant Roussell falsely states that Plaintiff Dupart is holding children hostage and in "concentration camps."</p> <p>Defendant Roussell also further falsely states that Plaintiff Dupart's products come from China and carry the coronavirus while his cosmetic products do not. He continues to urge his audience to "unfollow" and not buy from Plaintiff Dupart because, he falsely alleges, she has victimized children. In doing so, Defendant Roussell states, "Free the kids from the Kaleido-concentration camp."</p>	<p>Kaleidoscope</p> <p>Kaleidokids</p> <p>DaRealBBJudy</p>
<p>4. "MC Shakie goes live with Lil James Tucker's Aunt and another Kaleidoscope Mother"</p> <p>https://www.youtube.com/watch?v=p7iuLCKJ_JY&list=OLAK5uy_nP4EmKSmNtRASBf7kpH5TrTM27eFKhN_c&index=17&t=0s</p>	03.10.2020	<p>Defendant Roussell falsely claims that Plaintiff Dupart is holding children "hostage" and falsely claims that Plaintiff Dupart's products come from Alibaba.</p> <p>Defendant Roussell further falsely publishes that Plaintiff Dupart has demanded \$200K for the minor child p/k/a "Lil James" to be released from his contract.</p>	<p>Kaleidoscope</p> <p>Kaleidokids</p>

<p>5. "The Miracle FLOP! How DaRealBBJudy Keep On Lying"</p> <p>https://www.youtube.com/watch?v=oazNVVSI GZ0&t=495s</p>	<p>03.11.2020</p>	<p>Defendant Roussell falsely, maliciously and in an act of attempted unfair competition, provides a link to "Miracle Drops Alibaba Page."</p> <p>Defendant Roussell states he uploaded this video because Plaintiff Dupart still "has not freed Lil James."</p> <p>Defendant Roussell states the situation Plaintiff Dupart has people in is akin to a hostage situation and slavery.</p> <p>Defendant Roussell states he was paid about 25 cents a week when he was in jail and states this is what the children are getting.</p> <p>Defendant Roussell, acknowledges that he is tortiously interfering with Plaintiffs' contracts, when he shows alleged text messages between him and Lil James's mother, stating she "wishes she could do more but she is stuck."</p> <p>Defendant Roussell falsely states Plaintiff Dupart requests \$200,000.00 from Lil James to buy him out of his contract and states he does not believe she put \$2,000.00 into actual work for him.</p> <p>Defendant Roussell</p>	<p>DaRealBBJudy</p> <p>Miracle Drops</p> <p>Kaleidokids</p> <p>Kaleidoscope</p> <p>Da Brat</p>
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		<p>states he found out that someone sells the same product as Miracle Drops under the name Wonder Drops and gets the products directly from Alibaba.com, from China. Roussell states Miracle Drops and Wonder Drops have the same manufacturer, therefore Dupart orders her products from China as well.</p> <p>Defendant Roussell repeatedly states Plaintiff Dupart gets her products from China and falsely calls her a liar.</p> <p>Defendant Roussell states: “Stop holding these kids hostage to peddle these Chinese concoctions that brought Coronavirus over here.” And “[the products] are made in the same lab they made Coronavirus.”</p>	
<p>6. “MC Shakie exposes a few more drops of DArealbbjudy Tea”</p> <p>https://www.youtube.com/watch?v=kYLhixCBVLI</p>	<p>03.13.2020</p>	<p>Defendant Roussell falsely states that: Plaintiff Dupart set up illegal LLC to own James Tucker (a minor).</p> <p>Defendant Roussell falsely states that Plaintiff Dupart’s products are made in China.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart stole her formulations.</p>	<p>DaRealBBJudy</p> <p>Miracle Drops</p> <p>Kaleidokids</p> <p>Kaleidoscope Milkshake</p> <p>Da Brat</p>

		<p>Defendant Roussell falsely states that Plaintiff Dupart sued the person who made her formulations.</p> <p>Despite admitting that he has no proof of this statement, Defendant Roussell falsely states that Plaintiff Dupart forced people to sign NDAs before calling the police to report a child drowning at her home.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart is holding children hostage.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart orders her products from Alibaba.</p> <p>Defendant Roussell instructs his viewing audience to not buy Plaintiff Dupart's products until she "frees dem [<i>sic</i>] kids."</p> <p>Defendant Roussell publishes this video, which contains unlawful recording of Plaintiff Dupart's voice and places the context of the recording in a false light.</p>	
<p>7. "MC Shakie got his hands on Lil James Tucker's DaRealBBJudy Actual Contract"</p> <p>https://www.youtube.co</p>	<p>03.13.2020</p>	<p>Defendant Roussell publishes and purports to read the alleged contract between Lil James and Plaintiff Dupart.</p>	<p>Kaleidoscope Management Inc. Da Brat</p>

<p>m/watch?v=mnUkUzZgNso</p>		<p>Defendant Roussell falsely states the contract is enslaving Lil James.</p> <p>Defendant Roussell falsely reports that Lil James cannot get out of the contract for 12 years.</p>	
<p>8. "MC Shakie interviews 3 former Kaleidoscope Kids Parents DArealbbjudy messed over"</p> <p>https://www.youtube.com/watch?v=Ec5yIb3j0Go&t=1113s</p>	<p>03.13.2020</p>	<p>Defendant Roussell states Lil James's mother was forced to sign the contract between the minor child and Kaleidoscope and that Plaintiff Dupart forced her to sign the contract through mental intimidation.</p> <p>Defendant provides the link to the unsigned "Kaleidoscope Management Inc. and its Affiliates Talent Management Agreement and Managed Media Agreement" between KALEIDOSCOPE MANAGEMENT, INC. and James Tucker, Jr. a/k/a "Lil James"</p>	<p>Kaleidoscope Management Inc.</p> <p>DaRealBBJudy</p> <p>Da Brat</p>
<p>9. "MC Shakie goes live with Shekinah Jo and a Kaleidoscope Mom"</p> <p>https://www.youtube.com/watch?v=PN1RTJm12VI</p>	<p>03.14.2020</p>	<p>Defendant Roussell falsely claims that Plaintiff Dupart refuses to release children, a reference to his false statement Defendant Dupart holds children hostage.</p> <p>Defendant Roussell falsely claims that Plaintiff Dupart was born "Jessica" and not "Jesseca" and places her in a false light by</p>	<p>DaRealBBJudy</p> <p>Kaleidoscope</p>

		<p>claiming that she changed her name to avoid the public knowing negative information about her. He further falsely claims to have her birth certificate.</p> <p>Defendant Roussell states he has found “things” about Plaintiff Dupart and threatens it will not be good for her brand if she does not “free dem [<i>sic</i>] children” as he does not care how far he has to go.</p> <p>Defendant Roussell falsely states Plaintiff Dupart bought her followers on Instagram.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart ordered her products from Alibaba.</p>	
<p>10. “MC Shakie interviews the Kaleidoscope Dad”</p> <p>https://www.youtube.com/watch?v=QqwTDa9t9mo</p>	<p>03.15.2020</p>	<p>Defendant Roussell falsely states that Plaintiff Dupart’s last order made by Kaleidoscope from Japan was 1550 items. He states that they sell products to her for \$2.00 and she resells products from Japan for \$30.00. He falsely states that she made a profit of \$43,400.00 and enslaves children and only gives the children “corona tablets.”</p> <p>Defendant Roussell instructs his viewing audience to stop buying</p>	<p>Kaleidoscope Kaleidokids</p>

		<p>Plaintiff Dupart’s products until she releases Lil James from his contract.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart has many lawsuits against her in her name as “Jessica.”</p> <p>Defendant Roussell falsely states that Plaintiff Dupart’s real name is “Jessica” and that she changed it to “Jesseca” to avoid the public knowing about her legal history.</p> <p>Defendant Roussell falsely states Plaintiff Dupart enslaves children.</p>	
<p>11. “MC Shakie tells what happened to Shay (DARealBbJudy former assistant)”</p> <p>https://www.youtube.com/watch?v=5vSuY2JPBcY</p>	<p>03.15.2020</p>	<p>Defendant Roussell publishes to his audience that Plaintiff Dupart’s products are Chinese and “corona-scope” products, and that the money from sales is used by Plaintiff Dupart to “destroy kids.”</p> <p>Defendant Roussell repeatedly falsely states that Plaintiff Dupart is engaged in slave labor with children.</p> <p>Defendant Roussell continues to discuss Plaintiff Dupart’s sexuality and threatens to take additional harmful actions if Plaintiff does not “free the kids” from their contractual agreements.</p>	<p>DaRealBBJudy Kaleidoscope Kaleidokids</p>

<p>12. "MC Shakie does Hilarious Commentary on Psychic Tracey Brown's DaRealBBJudy Reading"</p> <p>https://www.youtube.com/watch?v=ouzq2odvhFw&t=2853s</p>	03.15.2020	<p>Defendant Roussell falsely identifies that Plaintiff Dupart's products came from China.</p>	<p>Miracle Drops Kaleidoscope</p>
<p>13. "Lil James [<i>sic</i>] Momma Spill All The Tea about what DaRealBBJudy Did"</p> <p>https://www.youtube.com/watch?v=hkH_NVtjgU&t=11s</p>	03.16.2020	<p>A woman who allegedly is Lil James's mother states Plaintiff Dupart got her to quit her job and work in Dupart's warehouse.</p>	<p>Kaleidoscope Cosmetics Kaleidokids DaRealBBJudy</p>
<p>14. "Lil James [<i>sic</i>] Momma Says She is Done With DaRealBBJudy"</p> <p>https://www.youtube.com/watch?v=WnhLijGQlf8&t=1s</p>	03.16.2020	<p>A woman who allegedly is Lil James's Mother states the contract is done, and that she will not promote any of Plaintiff Dupart's products.</p>	DaRealBBJudy
<p>15. "MC Shakie plays exclusive audio of DaRealBBJudy and her 'Original' Drops"</p> <p>https://www.youtube.com/watch?v=BsDR8ytknqs</p>	03.17.2020	<p>Defendant Roussell falsely states that Plaintiff Dupart's products are made in China.</p> <p>Defendant Roussell illegally obtained an unauthorized private telephone conversation and published it without consent and taken out of context in an attempt to place Plaintiff Dupart in a false light.</p>	<p>DaRealBBJudy Miracle Drops</p>
<p>16. "MC Shakie talks Miracle Drop Aftermath with Two Sippers"</p> <p>https://www.youtube.com/watch?v=8dzhQm_oH70</p>	03.21.2020	<p>Defendant Roussell falsely stated Plaintiff Dupart has paid \$1,000.00 to dispel his Instagram story.</p> <p>Defendant Roussell falsely states Plaintiff</p>	Kaleidoscope

		<p>Dupart made everyone present sign Non-Disclosure Agreements after a child drowned on her property before calling the police.</p> <p>Defendant Roussell falsely states Plaintiff Dupart pretends to love God because most of her customers are “Christian church going women.”</p> <p>Defendant Roussell repeatedly labels Plaintiff’s Kaleidoscope products as “Kaleidovirus.”</p> <p>Defendant Roussell talks with a live participant in his video about the Kaleidoscope Drops the live participant uses who claims the product is not working for her hair. Defendant Roussell then promotes his products and offers to send free samples to the live participant.</p>	
<p>17. “M.C. Shakie responds to DAREalBBJudy and Da Brat revelation”</p> <p>https://www.youtube.com/watch?v=msePa8zUIBY&t=481s</p>	<p>03.26.2020</p>	<p>Defendant Roussell admits to unlawfully obtaining nude pictures of Plaintiff Harris.</p> <p>Defendant Roussell admits that he illegally hacked into a third party’s iCloud to obtain private photos and correspondence.</p> <p>Defendant Roussell plays the audio of a woman who claims she has insight about what happened after a girl</p>	<p>Kaleidoscope</p> <p>Da Brat</p> <p>DaRealBBJudy</p>

		drowned in Plaintiff Dupart's pool through her ex-husband who is a NOPD police officer and falsely claims Plaintiff Dupart bought out the NOPD by donating a fitness center to the NOPD a few weeks after the incident.	
18. "M.C. Shakie addresses DaRealBBJudy calling him an opportunist" https://www.youtube.com/watch?v=oTtYYv68yo&t=199s	03.28.2020	Defendant Roussell repeatedly admits that he used Plaintiff Dupart's image and brand to sell his own cosmetics line (which attempts to compete with Plaintiff Dupart's brand. Kaleidoscope Hair Products. Defendant repeatedly admits: "I am using [Dupart] to sell my products." and advertises a 20% discount to his audience if they use the offer code "FUCKJUDY."	DaRealBBJudy
19. "M.C. Shakie finds out DAREalBBJudy addresses him in a post and delete" https://www.youtube.com/watch?v=5nXi_xxCp4o	03.28.2020	Defendant Roussell insults Plaintiff Dupart's Instagram follower and supporter who commented under Dupart's post in which she addressed Defendant Roussell and publishes their Instagram names in attempt to unlawfully compete and damage Plaintiff Dupart's brand. Defendant repeatedly insults Plaintiff Dupart and her followers by using threatening and vulgar language, designed to incite	DaRealBBJudy Kaleidoscope Miracle Drops

		<p>violence.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart takes advantage of little kids and that she lets children promote her products for free.</p> <p>Defendant Roussell falsely states Plaintiff Dupart committed an act of fraud by not disclosing the purchase price on her strip mall.</p> <p>Defendant Roussell falsely asserts that Plaintiff Dupart built her business on fraud.</p> <p>Defendant Roussell falsely states that Plaintiff Dupart's Kaleidoscope Drops are from "the Chinese."</p> <p>Defendant Roussell falsely states he found the Kaleidoscope products on Alibaba and found the person who sent the first formula to Alibaba.</p> <p>Defendant falsely calculates that Lil James would only keep \$105,000.00 if he made \$1,000,000.00 because most of the money would go to Plaintiff Dupart due to two contracts between Lil James and Plaintiff.</p>	
<p>20. "M.C. Shakie Gets Emotional With Bee Speaks (Must See)"</p> <p>https://www.youtube.co</p>	<p>03.28.2020</p>	<p>Defendant Roussell places Plaintiff Dupart in a false light by publicly broadcasting and agreeing with the</p>	<p>Kaleidoscope</p>

m/watch?v=LITJUcPmqrl		statement “if y’all watch [Dupart] become millionaire off the back of our own people, you are no worse than a mother who watches her child be raped by the boyfriend and don’t say nothing.”	
21. “M.C. Shakie Explains About The Mother” https://www.youtube.com/watch?v=I02QoEihYcM	03.28.2020	Defendant Roussell publishes statements that he knows are the subject of a confidentiality agreement, thereby tortiously interfering with Plaintiffs’ contractual relationships.	Kaleidokids
22. “M.C. Shakie Gets DaRealBBJudy Off His Chest” https://www.youtube.com/watch?v=pEUWcpVwwVs	03.28.2020	Defendant Roussell falsely states that he and his viewers forced Da Brat to share her sexuality. Defendant Roussell falsely states that Dupart paid a woman he interviewed and published to tell a false story to discredit him.	DaRealBBJudy Da Brat
23. “M.C. Shakie admits Darealbbjudy duped him” https://www.youtube.com/watch?v=wkhpdyoZVQ	03.29.2020	Defendant Roussell states that Plaintiff Dupart should protect her brand from the damages that Defendant Roussell proudly acknowledges he is attempting to cause or release the minor child from his contract. Defendant Roussell admits that he ran a false and defamatory story about Plaintiff Dupart and failed to diligently screen his sources and/or the veracity of their	DaRealBB Judy Kaleidoscope Da Brat

		statements, which he published.	
<p>24. "Shakie in Rare Form Goes in on DAREalBBJudy and Her Lawyer (Must See)"</p> <p>https://www.youtube.com/watch?v=pv28eZl_O6M</p>	04.06.2020	<p>Defendant Roussell falsely states Plaintiff Dupart sells baking products and Canola oil, Cayenne pepper, milkshake and soy milk while he sells cosmetics to prove that they are not competitive.</p> <p>Defendant Roussell calls Plaintiff Dupart's products "Kaleidovirus."</p> <p>Defendant Roussell repeatedly states he is using Plaintiff Dupart to sell his products and that he makes money out of Dupart.</p> <p>Defendant Roussell furthermore shows a code with the name "F**KJUDY" one can use to get percentages off of his products and states "Y'all used the F**KJUDY code 121 times. I think I'll just sue that b*tch [Dupart] for that. Y'all saved \$355.25 using the F**KJUDY code."</p> <p>Defendant Roussell states he made Da Brat "come out of the closet" by showing videos of Dupart and Da Brat together all the time.</p> <p>Defendant Roussell repeatedly promotes his products.</p>	<p>Kaleidoscope</p> <p>Da Brat</p>

20. The videos detailed in the foregoing chart shall be collectively referred to herein as the “Videos.”

21. Importantly, Defendant Roussell’s YouTube account is monetized and advertiser supported, meaning that he earns a payment for every time his audience watches his videos.

22. Indeed, YouTube also earns a payment from advertisers every time Defendant Roussell’s YouTube content is viewed by a YouTube user.

23. Defendant Roussell’s uploads to YouTube only typically attract far less than even 5,000 views. However, the false, defamatory, malicious, and infringing posts featuring Plaintiff Dupart and Plaintiff Harris are exponentially more popular with his audience, with views ranging from tens of thousands to over one hundred thousand views, with a total number of views at 716,089 and the total number of consumer comments under these videos in the amount of 7,082 as of April 17, 2020.

24. Defendant’s malicious intent has been made clear by his own admissions. Indeed, Defendant stated “[a]ll in all today was successful! While there is a definite #method to my #madness and #purpose to my #petty it is paying off.” *See* Screenshots of Instagram and YouTube, attached hereto and incorporated herein as Group Exhibit A when he showed his viewing audience how his own Sip Cosmetic’s sales generated over \$10,000.00 in sales during two days when he was engaged in the behavior against Plaintiff Dupart and Plaintiff Harris as complained of herein. *See* Video No. 18 from the foregoing chart; *see also* Exhibit A. On April 6, 2020, Defendant admitted that his Sip Cosmetics line had grossed more than \$30,000.00 from his campaign against Plaintiff Dupart. *See* Screen Capture from Instagram, attached hereto and incorporated herein as Exhibit B. Defendant’s malicious intent is further demonstrated by his open admission that, at one point he had grossed over \$10,000 by defaming and attempting to compete with Plaintiff Dupart; he went so far as to exclaim “[a]ll in all today was successful!

While there is a definite #method to my #madness and #purpose to my #petty it is paying off.”

See Exhibit A.

25. The goodwill and reputation for quality that Plaintiffs have worked so hard to cultivate have been threatened by Defendant Roussell’s actions. Defendant Roussell has used and continues to use the MARKS in his campaign to tarnish, defame, and unfairly compete with the MARKS, and to defame the Plaintiffs personally in an effort to sell competing goods to many of the same consumers served by Plaintiffs. Unless Defendant is enjoined from using the MARKS, such use will continue to cause consumer confusion, and will cause irreparable harm to Plaintiff.

26. Irreparable harm to Plaintiffs will also result as a consequence of Defendant Roussell’s smear campaign, wherein he has, among other things, publicly warned that “...I’m over here debated on whether to release Brat nudes or release the eyewitness interview at this point.” *See* Screenshots attached hereto and incorporated herein as Group Exhibit C. Plaintiffs have no adequate remedy at law to compensate them for these ongoing injuries.

27. This action seeks injunctive relief, damages, and other appropriate relief arising from Defendant Roussell’s willful acts of trademark infringement, unfair competition, defamation, invasion of privacy, false light, and tortious interference.

28. This matter is pled pursuant to the substantive laws of the State of Louisiana, which are made applicable hereto by the Erie Doctrine and/or the Constitution and laws of the United States of America.

29. Defamation is an actionable claim under Louisiana law, arising out of Louisiana Civil Code article 2315.

30. Libel and/or false light invasion is an actionable claim under Louisiana law,

arising out of Louisiana Civil Code article 2315.

31. On or about March 29, 2020, Defendant Roussell posted a video on YouTube entitled: “M.C Shakie admits Darealbbjudy duped him (Lil James Tucker Momma Comes In At The End)” which, as of the date of filing, has had more than 43,476 views.

32. During the March 29, 2020 video, Defendant Roussell uses the mark “Kaleidokids” in connection with admitting that he falsely reported details regarding a child’s drowning in Plaintiff Dupart’s swimming pool, in an effort to further tarnish Plaintiff Dupart’s reputation in the community. The March 29, 2020 video also goes on to falsely state that Plaintiff is “playing on little kids’ disappointment and promising them stuff that they had no intention [...] to ever deliver.” 5:05-5:10.

33. Defendant Roussell’s campaign to attempt to destroy Plaintiff Dupart’s brand and to tortiously interfere with her contracts and business relationships is best understood by Defendant Roussell’s own threatening statements which include, *in pertinent part*:

Why isn’t she doing damage control or letting that kid out of the contract. Damage control to protect her brand and her business or just let the kid out of the contract [...] She is so immensely tied to her brand that if people perceive her in a bad light, they perceive the brand in a bad light. Of course that means less money [...]. Why the hell would she not protect her brand and do some type of damage control [...] release the kids or do something to protect her brand.

See Video No. 23, “M.C Shakie admits Darealbbjudy duped him (Lil James Tucker Momma Comes In At The End)” dated March 29, 2020 between 6:50 and 8:00.

34. Defendant Roussell’s numerous false statements and display of Plaintiff Dupart’s products in connection with his false statements, including that the products come from China and that Plaintiff Dupart is involved in child slavery and running child concentration camps or in any way contributed to the drowning of an infant, constitute untrue and defamatory statements which have caused Plaintiff Dupart damages, which continue to cause Plaintiff Dupart damages,

and which will continue to cause Plaintiff Dupart irreparable harm should this Court decline to grant Plaintiff Dupart the relief requested hereinbelow. Defendant Roussell had no basis for the publication of the information included in the Videos and he knew and/or should have known that the statements would harm Plaintiff Dupart and in so publishing, Defendant Roussell's actions can be interpreted as having been performed with nothing other than intentional, deliberate and actual malice.

35. In fact, Defendant Roussell admitted that his intent was to cause the damages he was intentionally causing Plaintiff Dupart. *See* Video No. 23, "M.C Shakie admits Darealbbjudy duped him (Lil James Tucker Momma Comes In At The End)" dated March 29, 2020 between 6:50 and 8:00.

36. Defendant Roussell specifically stated, in relevant part: "Why isn't she doing "damage control" or "letting that kid out of the contract" [...] "damage control to protect her brand and her business" or "just let the kid out of the contract" [...] "[Plaintiff Dupart] is so publicly tied to the brand that if they see her in a bad light, they see the brand in a bad light. That means less money" [...] "Why the hell would she not protect her brand and do some type of damage control."

37. Defendant Roussell further admitted that he ran a false story about Plaintiff Dupart's involvement in the drowning death of an infant and stated: "I did not properly vet the person."

38. Defendant Roussell thus knew and/or should have known that the relevant videos would tarnish the reputation of Plaintiff Dupart and her brand, and that it would deter others from associating or dealing with Plaintiff Dupart and her brand, including causing significant harm to Plaintiff Dupart's ability to market her products and procure advertising and influencer

relationships.

39. The conscious decision by Defendant Roussell to falsely make such repeated false statements was done with knowing and reckless disregard of the facts and actual malice towards Plaintiff Dupart and her brand.

40. The Videos, when read as a whole, are a conscious attempt to defame Plaintiff Dupart, her brand, her products, her personal relationships and her business relationships in a false light before the public.

41. Moreover, the Videos themselves are evidence of actual malice or intent to defame Plaintiff Dupart as they were clearly motivated by commercial competition, with intent to cause Plaintiff Dupart and her brands to lose favor in the eyes of the consuming public and community and/or to cause the consuming public and the community to subject Plaintiff Dupart and her brand to scorn, disdain, and/or ridicule, and to impede Plaintiff Dupart's ability to run her successful business, including but not limited to enforcing her own contracts.

42. The Videos were published without verification of any facts and with no regard for the impact and damage they would have on Plaintiff Dupart and her brand.

43. Defendants YouTube and Instagram were asked to remove the offending videos on numerous grounds, including, but not limited to, under the Digital Millennium Copyright Act notice and take down procedure. YouTube and Instagram failed to comply with any of Plaintiffs' requests for take down.

44. Plaintiffs, thus, request the entry of a court order requiring Defendant YouTube to remove the offending Videos or face vicarious liability for the continued publishing of the defamatory content.

45. As a result of the defamatory and untrue Videos, Plaintiff Dupart and her brand

have been subjected to, continue to be subjected to, and will be subjected in the future to, irreparable harm in the form of a reduced market share, loss of income, difficulty in establishing advertiser relationships, increased exposure to litigation, including the enforcement of Plaintiffs' own contracts, damage to reputation, and unnecessary criticism from the consuming public and the community, and attempts to cause emotional distress.

46. The co-defendants should be ordered to comply with Plaintiffs' requests for emergency injunctive relief.

JURISDICTION AND VENUE

47. This is an action for trademark infringement and unfair competition in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

48. This Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 because it involves substantial claims arising under the federal Lanham Act.

49. This Court has supplemental jurisdiction over Plaintiffs' state law claims under 28 U.S.C. § 1367.

50. This Court has personal jurisdiction over Defendant Roussell. Defendant Roussell's acts of infringement of Plaintiffs' MARKS were committed in the Eastern District of Louisiana, within the jurisdiction of this Court. Defendant Roussell has, without authorization, advertised his goods in connection with the MARKS in Louisiana and New Orleans and has transacted business within New Orleans, Louisiana to offer its products to the public while defaming the MARKS. Defendants ROUSSELL, GOOGLE, LLC, d/b/a "YOUTUBE", FACEBOOK, INC., d/b/a "INSTAGRAM," and TWITTER, INC. have engaged in substantial commercial activity within Louisiana and this judicial district and has had substantial contacts

there, having purposefully availed themselves of the privilege of conducting activities in the forum. Defendants have caused injury to Plaintiffs within Louisiana and within this judicial district.

51. Venue is proper in this district pursuant to 28 U.S.C. § 1391 as the Defendant may be found or transacts business in this district and a substantial part of the events giving rise to the Plaintiffs' claims occurred and are continuing to occur in this district.

PARTIES

52. Plaintiff, JESSECA DUPART, d/b/a "MIRACLE DROPS," p/k/a "DAREALBBJUDY," is a person of full age of majority, and is an adult citizen residing in Orleans Parish, Louisiana.

53. Plaintiff, SHAWNTAE HARRIS, p/k/a "DA BRAT," is a person of full age of majority, and is an adult citizen residing in Fulton County, Georgia.

54. Defendant, RODNEY J. ROUSSELL, known as "M.C. SHAKIE," and d/b/a "SIP COSMETICS," is a person of full age of majority, and is an adult citizen residing, on information and belief, in Assumption Parish, Louisiana.

55. Defendant, GOOGLE, LLC, d/b/a "YOUTUBE", is a California Limited Liability Company with its corporate headquarters and principal place of business at 901 Cherry Avenue, San Bruno, CA 94066;

56. Defendant FACEBOOK, INC., d/b/a "INSTAGRAM," is a California Corporation with its corporate headquarters and principal place of business at 1 Hacker Way, Menlo Park, CA 94025.

57. Defendant TWITTER, INC. is a California Corporation with its corporate headquarters and principal place of business at 1355 Market Street #900, San Francisco, CA

94103.

58. Upon information and belief, Defendants DOES 1- 100, are individuals whose names and addresses of residence are unknown.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT, UNFAIR COMPETITION, AND FALSE
DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))
AGAINST DEFENDANT ROUSSELL

59. Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1-58 inclusive, as though fully set forth herein.

60. As their first ground for relief, Plaintiffs allege federal trademark infringement and unfair competition and false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

61. Plaintiff Dupart has offered goods and services in classes 03, 05 and 44 USPTO trademark classifications since on or about 2013. These include cosmetics, pharmaceuticals and hair salon services under the KALEIDOSCOPE MARKS. It has used the KALEIDOSCOPE MARKS continuously in United States commerce since the dates identified in paragraphs 2-5 above.

62. Plaintiff Dupart's goods and services are sold under Plaintiff Dupart's KALEIDOSCOPE MARKS in commerce throughout the United States, as well as on the website <https://iluvcolors.com/collections/classic-products>.

63. Plaintiffs have advertised their goods and services in popular national social media channels such as Facebook and Instagram and traded in interstate commerce for the purchase of Plaintiffs' branded materials and equipment.

64. Plaintiffs have invested substantial time, effort and financial resources promoting their MARKS in connection with the marketing and sale of their goods and services in interstate

commerce. The MARKS have become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Plaintiffs' quality products and goodwill. The consuming public recognizes the MARKS and associates them with Plaintiffs.

65. Plaintiffs' MARKS are inherently distinctive as applied to Plaintiffs' goods and services that bear the mark.

66. Notwithstanding Plaintiffs' established rights in the MARKS, Defendant Roussell has begun a smear campaign using Plaintiffs' MARKS to unfairly compete by linking Plaintiffs' MARKS with Defendant Roussell's products by creating controversies to promote and advertise his own cosmetics line, Sip Cosmetics.

67. On information and belief, Defendant Roussell has not filed an application for trademark registration at the United States Patent and Trademark Office for the use of the MARKS nor filed for any state trademark protection.

68. Defendant Roussell offers his products on the same advertising and social media platforms, namely Facebook, Instagram and YouTube, that also offer Plaintiffs' goods and services, and at <https://sipcosmetics.net/collections/shop>.

69. Without Plaintiffs' consent, Defendant Roussell has used and continues to use the MARKS in connection with the sale, offering for sale, distribution or advertising of its Sip Cosmetics goods. Indeed, Defendant Roussell even ran an offer code for a sale on his Sip Cosmetics called "FUCKJUDY".

70. Defendant Roussell's actions in using the MARKS without authorization and with false information, as stated above, are likely to mislead the public into concluding that Defendant Roussell is authorized by Plaintiffs to engage in such conduct, which will damage both Plaintiffs and the public.

71. Defendant Roussell has advertised and offered his goods for sale using the MARKS with the intention of misleading, deceiving or confusing consumers as to the origin of his goods and of trading on Plaintiffs' reputations and goodwill. Defendant Roussell's use of the MARKS in promoting his own competing products constitutes willful, deliberate, and intentional trademark infringement and an unfair attempt at competition.

72. Defendant Roussell's unauthorized use of the MARKS in interstate commerce as described above constitutes trademark infringement and unfair competition under 15 U.S.C. § 1125(a) and has caused and is likely to continue to cause consumer confusion, mistake, or deception.

73. Defendant Roussell's unauthorized marketing and sale of his products in interstate commerce using the MARKS constitutes a use of a false designation of origin or false representation that wrongfully and falsely designates Defendant Roussell's products as originating from or connected with Plaintiff Dupart in violation of 15 U.S.C. § 1125(a). The actions of Defendant Roussell as alleged herein constitutes intentional, willful, knowing and deliberate unfair competition. In addition, Roussell is introducing his products to Plaintiff Dupart's customer base without her consent by using her name and her MARKS, and disparaging her and her MARKS to increase his visibility and sales of his products.

74. As a direct and proximate result of Defendant Roussell's trademark infringement and acts of unfair competition, Plaintiff Dupart has suffered and will continue to suffer irreparable loss of income, profits, and goodwill, and Defendant Roussell has and will continue to unfairly acquire income, profits, and goodwill.

75. Defendant Roussell's infringement of the MARKS has caused great damage to Plaintiffs. The amount of these damages is not yet known, but Plaintiffs have lost profits and

royalties as a direct result of the infringements and conduct complained of and is entitled to damages adequate to compensate it for the infringement, and to have such damages trebled, under 15 U.S.C. § 1117(a) and (b), or, alternatively, statutory damages up to \$2,000,000 per type of goods or services sold, offered for sale, or distributed, as the Court considers just, under 15 U.S.C. § 1117(c). Plaintiffs are also entitled to recover costs under 15 U.S.C. § 1117(a) and prejudgment interest under 15 U.S.C. § 1117(b). This is an exceptional case, and Plaintiffs should further be awarded its attorneys' fees under 15 U.S.C. § 1117(a).

76. As a result of Defendant Roussell's infringement of Plaintiffs' trademark rights, Plaintiffs have suffered and continue to suffer irreparable harm due to the confusion, mistake, and/or deception that will be generated among the trade and the public and the resulting impairment of the value of its trademark rights, continuing loss of sales to its existing and potential customers, continuing loss of the goodwill of its customers, and violation of its trademark rights, all of which will continue unless Defendant Roussell is preliminarily and permanently enjoined by this Court from infringing the MARKS under 15 U.S.C. § 1116. Plaintiffs have no adequate remedy at law and this matter is an emergency because Defendant Roussell continues to post false videos on a daily basis and continues to falsely associate Plaintiff Dupart's brand with the coronavirus and child slavery. Irreparable harm to Plaintiffs will also result as a consequence of Defendant Roussell's smear campaign, wherein he has, among other things, publicly warned that "...I'm over here debated on whether to release Brat nudes or release the eyewitness interview at this point." *See* Group Exhibit C.

77. The fact that Defendant Roussell is engaged in this false and malicious behavior during an international pandemic where nearly all consumers are at home and a captive audience to his false hate speech that further incites violence demonstrates the nature of the emergency in

requiring Defendants to be enjoined.

COUNT II
AS AN ADDITIONAL AND ALTERNATIVE CLAIM
LOUISIANA UNFAIR TRADE PRACTICES ACT
AGAINST DEFENDANT ROUSSELL

78. Plaintiff Dupart realleges and incorporates by reference the allegations of paragraphs 1-77 inclusive, as though fully set forth herein.

79. As her second ground for relief, Plaintiff Dupart alleges violation of the Louisiana Unfair Trade Practices Act, Louisiana Revised Statutes §51:1405 and is seeking an injunction under Louisiana Revised Statutes §51:1405 and §51:1407, and for damages arising under §51:1405 and §51:1409.

80. Defendant Roussell has engaged in unfair and deceptive trade practices as evidenced from the above- described actions which constitutes “unfair use, simulation, and imitation” in violation of La Rev.Stat §51:1405.

81. Plaintiff Dupart has demanded that Defendant Roussell cease and desist from his wrongful actions.

82. Despite Plaintiff Dupart’s demands, Defendant Roussell has intentionally, actively, and deliberately refused to comply, has neither ceased nor desisted from his wrongful actions, and has intentionally and deliberately persisted in his unfair and deceptive acts and practices and unfair methods of competition with Plaintiff.

83. Defendant Roussell’s unfair and deceptive acts and practices and unfair methods of competition with Plaintiff Dupart has caused great damage to Plaintiff Dupart, including but not limited to a loss of income from sales, a loss of market share, damages to business reputation and goodwill, and attorneys’ fees and costs, with the specific amounts to be determined during discovery/trial. The specific amount of these damages is not yet known and continues to accrue

for so long as Defendant Roussell's Videos are permitted to remain accessible to the public, but Plaintiff Dupart has lost profits and royalties as a direct result of the unfair and deceptive acts and practices and unfair methods of competition and is entitled to damages adequate to compensate her for the unfair and deceptive acts and practices and unfair methods of competition, and to have such damages trebled, under LSA-R.S. 51:1409. Plaintiff Dupart is also entitled to recover attorneys' fees and costs under LSA-R.S. 51:1409.

84. As a result of Defendant Roussell's unfair and deceptive acts and practices and unfair methods of competition with Plaintiff Dupart, Plaintiff has suffered and continues to suffer irreparable harm due to the confusion, mistake, and/or deception that will be generated among the trade and the public and the resulting impairment of the value of her intellectual property rights, continuing loss of sales to her existing and potential customers, continuing loss of the goodwill of her customers, and violation of her intellectual property rights, all of which will continue unless Defendant is preliminarily and permanently enjoined by this Court from his wrongful actions under LSA-R.S. 51:1409. Plaintiff has no adequate remedy at law.

COUNT III
AS AN ADDITIONAL AND ALTERNATIVE CLAIM
LOUISIANA COMMON LAW TRADEMARK INFRINGEMENT
AGAINST DEFENDANT ROUSSELL

85. Plaintiff Dupart realleges and incorporates by reference the allegations of paragraphs 1-84 inclusive, as though fully set forth herein.

86. As her third ground for relief, Plaintiff Dupart alleges common law trademark infringement under Louisiana law, Louisiana Revised Statutes §51:222.

87. Defendant Roussell's actions constitute Use, without the consent of the registrant, any mark registered under Louisiana Revised Statutes §51:222 in connection with the sale, offering for sale, or advertising of any goods or services, which such Use is likely to cause

confusion or mistake or to deceive as to the source of origin of such goods or services. Plaintiff Dupart has no adequate remedy at law for the damages caused thereby.

COUNT IV
AS AN ADDITIONAL AND ALTERNATIVE CLAIM
LOUISIANA BUSINESS REPUTATION AND DILUTION LAW
AGAINST DEFENDANT ROUSSELL

88. Plaintiff Dupart realleges and incorporates by reference the allegations of paragraphs 1-87 inclusive, as though fully set forth herein.

89. This is an action for an injunction arising under LSA-R.S. 51:223.1.

90. Plaintiff Dupart's goods marketed, distributed, and sold under the MARKSs are and have come to be known to be of a high and consistent quality.

91. Defendant Roussell's competing goods are not of the quality of Plaintiff Dupart's goods.

92. Defendant Roussell, by the sale of his low quality, low cost goods, is likely to injure Plaintiff Dupart's business reputation and dilute the distinctive quality of the KALEIDOSCOPE MARKS.

93. Plaintiff Dupart has demanded that Defendant Roussell cease and desist from his wrongful actions.

94. Despite Plaintiff Dupart's demands, Defendant Roussell has intentionally, actively, and deliberately refused to comply, has neither ceased nor desisted from his wrongful actions, and has intentionally and deliberately persisted in his wrongful use of the KALEIDOSCOPE MARKS.

95. As a result of Defendant Roussell's wrongful actions, Plaintiff Dupart has suffered and continues to suffer irreparable harm due to the injury to her business reputation and dilution of the distinctive quality of the KALEIDOSCOPE MARKS that will occur and the

resulting impairment of the value of her intellectual property rights, continuing loss of sales to existing and potential customers, continuing loss of the goodwill of customers, and violation of intellectual property rights, all of which will continue unless Defendant Roussell is preliminarily and permanently enjoined by this Court from his wrongful actions under LSA-R.S. 51:223.1.

Plaintiff Dupart has no adequate remedy at law.

COUNT V
AS AN ADDITIONAL AND ALTERNATIVE CLAIM
DEFAMATION PER SE
AGAINST DEFENDANT ROUSSELL

96. Plaintiff Dupart realleges and incorporates by reference the allegations of paragraphs 1-95 inclusive, as though fully set forth herein.

97. By conspiring to author and publish the Videos, the Defendants have engaged in a malicious attempt to discredit and damage Plaintiff Dupart and her brand, cause her and her brand to become estranged from the community and the consuming public, harmed her ability to cultivate and maintain advertising relationships, and harmed her ability to enter into and enforce valid contractual agreements, increased her exposure to litigation and costs associated therewith, and caused damage to her reputation and relationships.

98. Plaintiff Dupart avers that Defendants herein are liable unto Plaintiff Dupart for damages that are reasonable in the premises as a direct and proximate result of Defendant Roussell's nonprivileged publication of defamatory images, words, and speech falsely representing the statements identified above and falsely making statement out of context, with malice and/or reckless disregard of the truth of the assertions and without probable cause.

99. The Videos made about Plaintiff Dupart and her brand are considered defamatory *per se*.

COUNT VI
DEFAMATION, SLANDER, LIBEL AND FALSE LIGHT INVASION OF PRIVACY
AGAINST DEFENDANT ROUSSELL

100. Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1-99 inclusive, as though fully set forth herein.

101. Plaintiffs aver that Defendants herein are liable unto Plaintiffs for damages that are reasonable in the premises as a direct and proximate result of Defendant Roussell's intentional conduct, done with malice and/or reckless disregard for the truth of his assertions and without probable cause, subjecting Plaintiff Dupart and her brand to harmful publicity that unreasonably places her in a false light before the public by falsely representing that Plaintiff Dupart engages in child slave trade, was involved in and/or responsible for an infant drowning in her swimming pool, that her products come from China and are infected with the coronavirus, for purposes of subjecting Plaintiff to scorn, ridicule, and/or disdain.

102. Further, Defendant Roussell posted nude photos, taken without permission of Plaintiff Harris, and further threatened to release private medical records of the Plaintiffs and private communications all in an effort to paint Plaintiffs in a false light and to invade their privacy.

103. Further, Defendant Roussell has used his platform to maliciously discuss the sexuality and private information of Plaintiffs and incite violence and harassment of Plaintiffs.

104. The actions of Defendant Roussell, and yet un-named Doe Defendants, jointly and severally and as co-conspirators, constitute the torts of defamation, slander, libel, and/or false light invasion of privacy.

105. Plaintiffs' damages include, but are not limited to, the disgorgement of any and all

sales (for YouTube views and cosmetics sales) of Defendant Roussell, which Defendant Roussell admits is in excess of \$30,0000, plus any and all other damages to be proven at the trial of this matter.

106. Plaintiffs pray for an award by this Honorable Court for reasonable damages under the circumstances.

107. Plaintiffs further pray for declaratory and injunctive relief, ordering Defendants to immediately and forever cease and desist all publication of the Videos and permanently enjoin Defendant Roussell from ever publishing any information about Plaintiffs in the future.

COUNT VII
TORTIOUS INTERFERENCE WITH CONTRACT(S) AND BUSINESS
RELATIONSHIPS
AGAINST DEFENDANTS ROUSSELL AND DOES 1-100

108. Plaintiffs re-reallege and incorporate by reference the allegations of paragraphs 1-107 inclusive, as though fully set forth herein.

109. As recited above, Plaintiffs have substantial rights under their contracts and business relationships.

110. Defendant Roussell was aware of the contractual obligations and business relationships owing to Plaintiffs by “Lil James” and other influencers pursuant to contracts.

111. Defendant Roussell was also aware of Plaintiffs’ relationship with the consuming public.

112. Notwithstanding his knowledge of these contracts and business relationships, Defendant Roussell interfered with “Lil James’s” obligations and duties under the terms of his contracts and other influencer and consumer business relationships, including Plaintiffs’ customers.

113. Notwithstanding his knowledge of the contract and expectancy interests between

Plaintiffs and Lil' James and other influencers and consumers, Defendant Roussell intentionally and maliciously interfered with Lil' James' obligations and duties under the terms of such contacts and/or improperly influenced Lil' James and/or Plaintiffs' other business relationships, including but not limited to consumers, and used improper means to encourage others not to deal with Plaintiffs.

114. Defendant Roussell's conduct in this regard constitutes tortious interference with Plaintiffs' contractual rights, along with existing and prospective business relationships, and has proximately caused substantial injury to Plaintiffs for which Plaintiffs are entitled to recover damages.

COUNT VIII
AS AN ADDITIONAL AND ALTERNATIVE CLAIM
TRADE LIBEL AND PRODUCT DISPARAGEMENT
AGAINST DEFENDANT ROUSSELL

115. Plaintiff Dupart realleges and incorporates by reference the allegations of paragraphs 1-114 inclusive, as though fully set forth herein.

116. Defendant Roussell published multiple knowingly false and disparaging statements which were harmful to the interests of Plaintiff Dupart.

117. Defendant Roussell intended such publication to harm Plaintiff Dupart's pecuniary interests. *See* Restatement (Second) of Torts §§ 623A, 651(1)(c).

118. But for Defendant Roussell's malicious actions, Plaintiff Dupart would not have faced damages in the form of reputational product injury, lost and/or diverted sales.

COUNT IX
INJUNCTIVE RELIEF
AGAINST ALL DEFENDANTS

119. Plaintiffs reallege and incorporate by reference the allegations of paragraphs 1-118 inclusive, as though fully set forth herein.

120. Plaintiffs bring this claim for injunctive relief as against all Defendants to remedy past and current harms and prevent future harms to Plaintiffs and their brands.

121. Plaintiffs have a likelihood of success on the merits as Defendant Roussell has clearly defamed and slandered them, placed them in a false light and invaded their privacy with patently malicious intent, by his own admission.

122. Any act in furtherance of such maliciously intended bad acts by Defendants DOES 1-100 further entitles Plaintiffs to damages.

123. It is well-established that a court may issue a mandatory injunction to restore the status quo, and a mandatory injunction should be issued as to all Defendants to restore the status quo by removal of any and all videos referenced in paragraph 19 herein.

124. Plaintiffs will suffer irreparable injury to themselves and their brands should the unconscionable acts of Defendant Roussell be permitted to continue unabated, as they have suffered and continued to suffer irreparable harm in the form of reduced market share, loss of income, difficulty in establishing advertiser relationships, increased exposure to litigation, including the enforcement of Plaintiffs' own contracts, damage to reputation, and unnecessary criticism from the consuming public and the community, and attempts to cause emotional distress

125. Issuance of injunctive relief in this case will not damage any of the Defendants in any way, as Plaintiffs are entitled to pursue their business and personal interests without exposure to obscene and grossly false statements and representations which threaten their businesses and reputation, as well as Plaintiffs personally.

126. Issuance of injunctive relief here will not be adverse to the public interest as there is no public interest in consumption of blatantly false and unsupportable information.

Plaintiffs are entitled to injunctive relief as detailed herein.


REQUEST FOR RELIEF

WHEREFORE, in consideration of the foregoing, Plaintiffs JESSECA DUPART, d/b/a “MIRACLE DROPS,” p/k/a “DAREALBBJUDY,” an individual, and SHAWNTAE HARRIS, p/k/a “DA BRAT,” an individual, respectfully request that this Court enter an Order granting them the following relief:

- A. Directing Defendants, RODNEY J. ROUSSELL, an individual known as “M.C. SHAKIE,” and d/b/a “SIP COSMETICS”; GOOGLE, LLC, d/b/a “YOUTUBE”, a California Limited Liability Company; FACEBOOK, INC., d/b/a “INSTAGRAM”, a California Corporation; TWITTER, INC., a California Corporation; and DOES 1- 100, in the form of law and according to the Federal Rules of Civil Procedure to appear and answer the matters aforesaid;
- B. Entering a judgment that Plaintiffs’ MARKS have been and continue to be infringed by Defendant Roussell in violation of 15 U.S.C. § 1125(a);
- C. Entering a judgment that Defendant Roussell’s use of the MARKS constitutes federal unfair competition in violation of 15 U.S.C. § 1125(a);
- D. Entering a judgment that Defendant Roussell’s use of the MARKS violates the Louisiana Unfair Trade Practices Act in violation of Louisiana Revised Statute §51:1405;
- E. Entering a judgment that Defendant Roussell’s use of the MARKS constitutes common law trademark infringement and common law unfair competition under Louisiana Revised Statute §51:220 et seq;
- F. Entering an Order to Enjoin and Restrain Defendant, RODNEY J. ROUSSELL,

an individual known as “M.C. SHAKIE,” and d/b/a “SIP COSMETICS” from:

1. Using Plaintiff Dupart’s following registered marks:

Trademark	Registration No.	Date Registered
MIRACLE DROPS	5800328	July 9, 2019
KALEIDOSCOPE MIRACLE EDGES	88014498	October 8, 2019
KALEIDOSCOPE SILK & SEAL SERUM	5529116	July 31, 2018
KALEIDOSCOPE VERSATILE SPRITZ	5529113	July 31, 2018
KALEIDOSCOPE MIRACLE DROPS	5524022	July 24, 2018
KALEIDOSCOPE BEST FRIEND	5508585	July 3, 2018
	5006069	July 26, 2016

2. Using any of the following trademarks: (a) Plaintiff Dupart’s pending application in KALEIDOKIDS under serial number 88187059; (b) Plaintiff Dupart’s common law trademark in “Kaleidoscope Milkshake,” (the marks listed in Paragraph A, together with KALEIDOKIDS and “Kaleidoscope Milkshake” collectively referred to herein as the “KALEIDOSCOPE MARKS”); (c) Plaintiff Dupart’s common law trademark in her professional and social media moniker “DAREALBBJUDY” (hereinafter referred to as “DRBBJ Mark”); (d) Plaintiff Harris’ trademark in “Da Brat,” applied for registration under serial number 88402711; and (e) Plaintiff Harris’ common law trademark, @sosobrat (collectively referred to herein as “Da Brat Marks”);

- (KALEIDOSCOPE MARKS, DRBBJ Mark and Da Brat Marks, collectively hereinafter referred to as the “MARKS”); with or without any accompanying logo or any other designation, alone or in combination with other words or symbols, as a trademark or trade name component or otherwise, to market, advertise, distribute or identify Defendant’s products where that designation would create a likelihood of confusion, mistake or deception and/or trade libel with respect to Plaintiffs’ MARKS.
3. Requiring Defendant Roussell to file with the Court and serve on Plaintiff within thirty (30) days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the injunction pursuant to 15 U.S.C. § 1116(a);
 4. Requiring Defendant Roussell and all others acting under his authority, at their cost, to deliver up and destroy all devices, literature, advertising, labels, and other material in their possession bearing the infringing designation pursuant to 15 U.S.C. § 1118; and
 5. Requiring Defendants GOOGLE, LLC, d/b/a “YOUTUBE”, a California Limited Liability Company; FACEBOOK, INC., d/b/a “INSTAGRAM”, a California Corporation; TWITTER, INC., a California Corporation; and DOES 1- 100 to take down and remove any of Defendant Roussell’s content which uses any of the MARKS, with or without its accompanying logo or any other designation, alone or in combination with other words or symbols, as a trademark or trade name component or otherwise, to market,

advertise, distribute or identify Defendant's products where that designation would create a likelihood of confusion, mistake, deception, and/or trade libel with Plaintiffs' MARKS;

- G. Awarding Plaintiff all damages it sustained as the result of Defendant Roussell's acts of infringement and unfair competition, said amount to be trebled, together with prejudgment interest, pursuant to 15 U.S.C. § 1117;
- H. Entry of judgment that Defendant Roussell is engaging in unfair and deceptive acts and practices and unfair methods of competition with Plaintiffs in violation of LSA-R.S. 51:1405;
- I. Entry of judgment that Defendant Roussell is injuring Plaintiffs' business reputations and diluting the distinctive quality of the MARKS in violation of LSA-R.S. 51:223.1;
- J. Entry of a judgment that Defendant Roussell has tortuously interfered with Plaintiffs contractual and business relationships;
- K. Entry of a judgment against Defendant Roussell and in favor of Plaintiffs as to Plaintiffs' claims for defamation, slander, libel, false light/invasion of privacy, and trade libel and product disparagement;
- L. Awarding Plaintiffs all profits received by Defendant Roussell from sales and revenues of any kind made as a result of its willful and intentional infringing actions, said amount to be trebled, after an accounting, pursuant to 15 U.S.C. § 1117;
- M. Awarding Plaintiffs their reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1117 and/or La. R.S. 51:1405; and

N. Granting Plaintiffs such other and further relief as the Court may deem just.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Plaintiffs, JESSECA DUPART, d/b/a “MIRACLE DROPS,” p/k/a “DAREALBBJUDY,” an individual, and SHAWNTAE HARRIS, p/k/a “DA BRAT,” an individual, by and through their attorneys, demand a trial by jury of all issues triable of right to a jury and raised by the pleadings in this action.

Dated: May 11, 2020

Respectfully submitted,

/s/ Sharonda R. Williams
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