

IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT, IN AND FOR
OSCEOLA COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

KAILYN LOWRY,

Plaintiff,

v.

BRIANA SOTO p/k/a BRIANA DE JESUS

Defendant.

Case No. 2021-CA-001817-OC

PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FLA. STAT. § 768.295

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TABLE OF CONTENTS FOR MEMORANDUM OF LAW

TABLE OF CONTENTS..... i

TABLE OF AUTHORITIES ii

PRELIMINARY STATEMENT 1

STATEMENT OF FACTS 4

ARGUMENT..... 4

 I. Applicable Legal Standards..... 4

 A. Each Party’s Burden Under Florida’s Anti-SLAPP Statute..... 4

 B. Summary Judgment Cannot Be Granted When There Are Disputed Issues of Material Fact..... 5

 II. Soto Failed to Set Forth A Prima Facie Case Under Florida’s Anti-SLAPP Statute 6

 III. Lowry’s Defamation Claim Is Not Without Merit, Instead it is Strong 8

 A. Defamation Per Se – Accusing Lowry of a Felony..... 9

 B. Defamation Per Se – Accusing Lowry of Conduct Incompatible With Her Trade..... 12

 C. Defamation Per Quod – Accusing Lowry of Assaulting Chris..... 13

 D. Soto Fails To Establish That The Post Was Substantially True..... 15

 IV. Lowry’s Defamation Claim Was Not Brought Primarily Because Soto Engaged in Protected Activity 17

 V. Lowry Was Not Required to Provide Soto With Pre-Suit Notice 18

 A. Soto’s Use Of Instagram Live Is Not Other Media Under § 770.01..... 19

 B. Soto is A Non-Media Defendant..... 20

 VI. Soto’s Request For Summary Judgement Must Be Denied Because There Are Several Material Facts That Are in Dispute..... 22

 VII. Lowry Is Entitled to An Award of Her Attorneys’ Fees and Costs..... 23

CONCLUSION..... 23

TABLE OF AUTHORITIES

Cases

100 Plus Animal Rescue, Inc. v. Butkus,
No. 17-61893-CIV, 2020 WL 5514404 (S.D. Fla. Aug. 15, 2020) 14, 15

Anderson v. Liberty Lobby, Inc.,
477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986) 5

Bobenhausen v. Cassat Ave. Mobile Homes, Inc.,
344 So. 2d 279 (Fla. Dist. Ct. App. 1st Dist. 1977),
writ discharged, 363 So. 2d 1065 (Fla. 1978)..... 9, 12

Boyles v. Mid-Fla. Television Corp.,
431 So. 2d 627 (Fla. Dist. Ct. App. 5th Dist. 1983),
approved, 467 So. 2d 282 (Fla. 1985)..... 13

Bridges v. Williamson,
449 So. 2d 400 (Fla. Dis. App. 2d Dist. 1984)..... 22

Celotex Corp. v. Catrett,
477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986) 5

Comins v. Vanvoorhis,
135 So. 3d 545 (Fla. Dist. App. 5th Dist. 2014)..... 18, 19, 20, 22

Connick v. Myers,
461 U.S. 138 (1983) 6, 18

Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.,
472 U.S. 749 (1985) 6

Five for Entertainment, S.A. v. Rodriguez,
877 F.Supp.2d 1321 (S.D. Fla. 2012)..... 20, 21

Gertz v. Robert Welch, Inc.,
418 U.S. 323 (1974) 10, 20

Gundel v. AV Homes, Inc.,
264 So. 3d 304 (Fla. Dist. Ct. App. 2d Dist. 2019)..... 5, 8, 17

Hunt v. Liberty Lobby,
720 F.2d 631 (11th Cir. 1983)..... 11

<i>In re Amends. to Fla. Rule of Civ. Proc. 1.510,</i> 309 So. 3d 192 (Fla. 2020).....	5
<i>Jews For Jesus, Inc. v. Rapp,</i> 997 So.2d 1098 (Fla. 2008).....	9, 14, 15
<i>Kieffer v. Atheists of Fla., Inc.,</i> 269 So. 3d 656 (Fla. Dist. Ct. App. 2d Dist. 2019).....	5, 9, 15, 16
<i>Mancini v. Personalized Air Conditioning & Heating, Inc.,</i> 702 So. 2d 1376 (Fla. Dist. App. 4th Dist. 1997)	19, 21
<i>Matsushita Electric Industrial Co. v. Zenith Radio Corp.,</i> 475 U.S. 574, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986)	5
<i>Mazur v. Ospina Baraya,</i> 275 So. 3d 812 (Fla. Dist. Ct. App. 2d Dist. 2019).....	19, 20
<i>Miami Herald Pub. Co. v. Ane,</i> 423 So. 2d 376 (Fla. Dist. Ct. App. 3d Dist. 1982), <i>approved,</i> 458 So. 2d 239 (Fla. 1984).....	12, 16
<i>Montandon v. Triangle Publications, Inc.,</i> 45 Cal. App. 3d 938 (Cal. Ct. App. 1975).....	11
<i>New York Times Co. v. Sullivan,</i> 376 U.S. 254 (1964)	10, 20
<i>Ortega Trujillo v. Banco Central Del Ecuador,</i> 17 F.Supp.2d 1334 (S.D. Fla. 1998).....	21
<i>Richard v. Gray,</i> 62 So. 2d 597 (Fla. 1953).....	12
<i>Ross v. Gore,</i> 48 So. 2d 412 (Fla. 1950).....	18, 20, 21
<i>Schiller v. Viacom, Inc.,</i> No. 1:15-CV-22129-UU, 2016 WL 9280239 (S.D. Fla. Apr. 4, 2016)	21
<i>Scott v. Busch,</i> 907 So. 2d 662 (Fla. Dist. Ct. App. 5th Dist. 2005).....	9, 12

<i>Snyder v. Phelps</i> , 562 U.S. 443 (2011)	6, 7, 17, 18
<i>St. Amant v. Thompson</i> , 390 U.S. 727 (1968)	10, 11, 14
<i>Zelinka v. Americare Healthscan, Inc.</i> , 763 So. 2d 1173 (Fla. Dist. App. 4th Dist. 2000)	18, 21
<u>Statutes</u>	
Del. Code Ann. tit. 11, § 4372(b)(2).....	14
Del. Code Ann. tit. 11, § 601	14
Fed. R. Civ. P. 56(a)	5
Fla. R. Civ. P. 1.510.....	5
Fla. Stat. § 768.295	<i>passim</i>
Fla. Stat. § 770.01	18, 19, 22
Fla. Stat. § 810.02	12

PRELIMINARY STATEMENT

Plaintiff Kailyn Lowry (“Lowry”) respectfully submits this memorandum of law in opposition to the motion for summary judgment filed by Defendant Brianna Soto, professionally known as Brianna De Jesus (“Soto”), on August 9, 2021 (“Motion”).

Seeking an early exit from the case and the avoidance of a deposition and trial, Soto suggests that her remarks contained in the Instagram Live post of June 9, 2021 (the “Post”) were not made to satiate her personal grudge with Lowry. Instead, Soto states that she was engaged in protected speech about matters of public concern, namely Lowry’s absence from the June 8, 2021 episode of *Teen Mom 2* (the “Series”). Soto’s own commentary in the Post, and her statements after the Post, tell a different story.

Soto kicks-off the Post off by exclaiming, “so let’s go back to all the drama.” From there, she quickly reminds those watching her live video, no less than three times in nearly as many sentences, that she “messed around” with Lowry’s ex-husband (not Christopher Lopez, herein “Chris”)—very old news. Soto reminds everyone of the historic beef she had with Lowry, and the fact that Lowry is comfortable with their relationship being cool rather than cordial, given the history between the two women. *See* Declaration of Suzanne Levenson, dated July 26, 2021 (“Levenson Dec.”), at Ex. A.

In the Post, Soto asserts, “Kail did not want to film about the **situation with the domestic violence, about her getting arrested, about her breaking and entering into Kail’s mom, I mean into Chris’s mom’s house. She didn’t want to film about her hitting Chris**, because Chris cut her son’s hair. She doesn’t want to film about any of that. So it’s not my fault that she got cut from the episode. **I was just stating facts.** Right?” *Id.* (emphasis added).

Later in the Post, and seemingly unrelated to anything that she was then discussing, Soto doubles down and states, “**So, and ‘now what about Kail breaking into Chris mama house.’** Honestly, I can’t even get into that, **I just heard a story, someone told me something about something**, and that’s why Kail didn’t want to film and that’s why she won’t – that’s why she wasn’t on tonight’s episode. People tell me things, and I just listen. So there’s that.” *Id.* (emphasis added).

According to Soto’s Motion, she obtained this information from Chris, who she cites as a credible source. However, in the Post itself Soto credits the source of her information to “production,” meaning the producers and crew that film Lowry in the Series. Chris is not, and never has been, a part of production.

Texts received by Lowry from Christine Lopez (“Christine”), the person whose home Soto alleges that Lowry broke into—undeniably state that Christine let Lowry into her home.

There are other issues with the narrative Soto now advances. Even if Chris provided her with this information, which his own texts state that he did not, any reliance Soto could place on Chris as a source would be inherently unreasonable. Soto has never even met Chris. She has previously accused Chris of beating Lowry in front of Lowry’s children—an accusation that was neither provoked by anything Lowry or Chris said or did, but instead was a reaction Soto had after a fan of the Series was critical of Soto for verbally attacking Lowry in front of Lowry’s children. Lowry Aff. at ¶¶42-45; Ex. E.

Lowry and Chris have also been involved in long and contentious proceedings before the Family Court. This, along with Lowry’s Order of Protection From Abuse (“Order of Protection”) against Chris, is all knowledge known to Soto. Thus, no reasonable person could believe that Chris’ statements, if they were even made to Soto, concerning Lowry, were credible. Instead, the

opposite would be true. A reasonable person would likely believe that Chris was making false allegations to obtain an advantage over Lowry in their legal proceedings.

Soto cites what appears to be a redacted copy of Lowry's arrest report as an additional source of her information. However, the Post accused Lowry of breaking and entering—a felony—which is not referenced anywhere in the document she cites as an alternative source. The Post also says nothing about her reading a report. Instead, Soto says she was retelling a story “someone told me.”

Importantly, and a fact that should not be lost on the Court, Soto's defamatory post accuses Lowry not just of being arrested but of actually “breaking and entering” and “hitting Chris.” As discussed in the affidavits of persons who were actually at Christine's home on the day that Lowry's son's hair was cut, this wholly untrue. Instead, Lowry and Chris had a heated, but short, verbal argument. Lowry did not break into anyone's home or hit Chris.

Adding further insult to all of this, Soto admits to knowing that the charges against Lowry were dropped and that Lowry denied ever hitting Chris.

The fact is the Post is untrue. Lowry did not break into or enter into the home of her son's grandmother. She did not put her hands on Chris. And indeed, the reason she was not included in the episode was not because she was refusing to film about the arrest or “breaking and entering” or “hitting Chris” but instead because she was dating someone new.

Regarding the more technical pieces of Soto's motion, Soto's Post is not protected opinion. She states this herself when she asserted that she was “just stating facts.” *Levenson Dec. at Ex. A.* Disseminating unverified gossip about a rival, especially as it may relate to oneself, is not protected speech and does not make Soto a media defendant. If this were the case, all persons using social

media in Florida could claim status as a media defendant—this is a result that the courts have already rejected. *See* Section V *infra*.

Lastly, Soto’s use of Instagram is not “other media” as contemplated by Florida Statute § 770.01. She is not a media defendant, as her commentary is neither disinterested nor neutral. She did not properly source her information. Instead, it appears she made it up. This is a far cry from bloggers breaking news. Thus, Lowry was not required to provide Soto with notice prior to filing this lawsuit.

For all the reasons stated herein, as well as those set forth in the accompanying affidavits, Soto’s motion should be denied, this case should be tried, and Lowry should be awarded her attorneys’ fees and costs.

STATEMENT OF FACTS

Lowry respectfully refers the Court to her affidavit, dated August 30, 2021 (“Lowry Aff.”), and the affidavit of Natalie Knapp, dated August 27, 2021 (“Knapp Aff.”) for the facts relevant to this Motion.

ARGUMENT

I. Applicable Legal Standards

A. Each Party’s Burden Under Florida’s Anti-SLAPP Statute

Pursuant to Florida’s anti-SLAPP statute, a person “may not file any lawsuit *without merit* against another person *primarily* because the other person has exercised the right of free speech *in connection with a public issue.*” Fla. Stat. § 768.295(3)(emphasis added).

“Free speech in connection with public issue” is defined as “any written or oral statement that is protected under applicable law and . . . *is made in connection* with a play, movie, television

program, radio broadcast, audiovisual work, book, magazine article, musical work, news report, or other similar work.” Fla. Stat. § 768.295(2)(a).

Pursuant to Florida’s anti-SLAPP statute, it is the defendant, Soto, who bears the burden to set forth a prima facie case that the anti-SLAPP statute applies. *Gundel v. AV Homes, Inc.*, 264 So. 3d 304, 314 (Fla. Dist. Ct. App. 2d Dist. 2019). Soto must show that her statements arose out of protected First Amendment activity, *i.e.*, speech in connection with public issues. *See* Fla. Stat. § 768.295.

If Soto meets this burden, then Lowry must “demonstrate that the claims are not ‘primarily’ based on First Amendment rights in connection with a public issue and not ‘without merit’” *Id.* Here, and as discussed below, Soto has failed to meet her burden. However, even if the Court were to conclude that Soto’s statements fall under the anti-SLAPP law, it would be of no consequence as Lowry has an undeniably strong claim against Soto for defamation and her claim is not primarily based on quashing Soto’s speech on the issues Soto discussed.

B. Summary Judgment Cannot Be Granted When There Are Disputed Issues of Material Fact

The Court should grant summary judgment only “if the movant shows that there is no genuine dispute as to any material fact and the movement is entitled to judgment as matter of law.” Fla. R. Civ. P. 1.510; *accord* Fed. R. Civ. P. 56(a).¹ When there are issues of material fact, summary judgment must be denied. *Kieffer v. Atheists of Fla., Inc.*, 269 So. 3d 656, 659 (Fla. Dist. Ct. App. 2d Dist. 2019). Here, several material facts are in dispute mandating the denial of Soto’s motion, including: (1) the falsity of the Post, (2) the source of Soto’s information that she published

¹ The Florida Supreme Court adopted the federal summary judgment standard “articulated by the United States Supreme Court in *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986); and *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986).” *In re Amends. to Fla. Rule of Civ. Proc. 1.510*, 309 So. 3d 192 (Fla. 2020).

in the Post, (3) whether Soto's reliance on Chris, if this is even true, was reckless, and (4) Soto's actual malice in publishing the Post.

Given the sharp dispute concerning these material issues of facts, Soto's request for summary judgment should be denied.

II. Soto Failed to Set Forth A Prima Facie Case Under Florida's Anti-SLAPP Statute

Florida's anti-SLAPP statute is meant to protect statements made in connection with public issues, which include television programs, radio broadcasts, news reports, or other similar work. Fla. Stat. § 768.295(2)(a). The statute does not intend to protect Soto's defamatory swipes at Lowry, an individual with whom Soto has a well-established adversarial relationship. *See* Fla. Stat. § 768.295(1).

The U.S. Supreme Court has held that "whether speech addresses a matter of public concern must be determined by the expression's content, form and context as revealed by the whole record." *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 761 (1985) (citing *Connick v. Myers*, 461 U.S. 138, 147-48 (1983)).

In *Dun & Bradstreet, Inc.*, the Supreme Court found that "speech solely in the individual interest of the speaker and its specific business audience," was not speech concerning "public issue." 472 U.S. at 762. The Court went on to state that the "interest warrant[ed] no special protection when—as in this case—the speech is wholly false and clearly damaging to the victim's business reputation." *Id.*

Moreover, the U.S. Supreme Court recognized in *Snyder v. Phelps*, that a pre-existing relationship or conflict between the parties could support a finding that the defendant's speech on arguably public matters was intended to mask an individual attack on plaintiff depending on the circumstances. *Snyder v. Phelps*, 562 U.S. 443, 455 (2011) (finding no pre-existing relationship,

but comparing *Connick v. Myers*, 461 U.S. 138, 153 (1983), where public employee speech was a matter of private concern because the employee attempted to constitutionalize an employee grievance).

Soto's weak attempts to mask an individual attack on Lowry as protected speech in connection with a public issue must fail. *See id.* Soto's statements viewed in the context of the whole record, reveal that Soto had an individual interest to disseminate this false information targeting Lowry, her nemesis. Lowry Aff. at ¶¶ 3, 18, 24, 58-65, 80-81. Soto's statements were made solely in her own individual interest and to her specific business audience. Lowry Aff. at ¶¶ 3, 18, 58-65, 75-81.

The Post itself brings up many negative issues concerning Lowry, that have nothing to do with the arrest, the alleged breaking and entering, or allegations concerning Lowry's assault. Levenson Dec., at Ex. A ("Anyways, I messed around with somebody's ex-husband; I get it, you hate me for that I messed with her ex-husband, I get it, whatever. Me and Kail were never friends"). Soto was not engaged in speech concerning a public issue. Instead, she made a targeted attack on her rival, Lowry, and is now attempting to avoid liability for her defamatory remarks by masking her defamation as commentary on an issue of public concern. *See* Lowry Aff. at ¶¶ 7-19; 58-65; 75-81.

Additionally, contrary to Soto's assertions, Soto's defamatory statements actually relate to Lowry as an individual, not to the Series. *See* Fla. Stat. § 768.295(2)(a). Soto's statements imputed Lowry with committing crimes, including a felony. Lowry Aff. at ¶¶ 6-19, 76, 80; Levenson Dec. at Ex. A. As discussed in more detail below, the statements were wholly false and clearly damaging to Lowry's business reputation. *See* Lowry Aff. at ¶¶ 49-57; Section III(A)-(B), *infra*.

Soto cannot rely on third-party media reports on the status of the charges against Lowry—that were dropped and expunged—to show that her statements are connected with public issues. *See* Moving Br. at pg. 7. Nowhere in any of the third-party media articles that Soto claims to rely upon does it state that Lowry broke in and entered the home of Christine. *See* Soto Dec. at ¶¶8-11; Moving Br. Exs. 3-4; Declaration of Cassidy S. Curran, dated August 9, 2021 (“Curran Dec.”), at Ex A.

Importantly, Soto did not speak about the status of the charges against Lowry. Instead, she specifically asserted that Lowry *committed* the crimes of breaking and entering and physical assault. Levenson Dec, at Ex. A (“**about her breaking and entering into Kail’s mom, I mean into Chris’s mom’s house. She didn’t want to film about her hitting Chris**”) (emphasis added).

Soto’s comments well-exceed the scope of protection afforded by the anti-SLAPP statute and the First Amendment. Thus, the Court should deny the Motion.

However, even if the Court were to rule that the Post is entitled to anti-SLAPP review, Soto’s motion still must be denied because (1) Lowry’s claim was not brought primarily because Soto engaged in protected activity and (2) Lowry’s claim is not without merit, and instead it is strong. *Gundel*, 264 So. 3d at 309.

III. Lowry’s Defamation Claim Is Not Without Merit, Instead it is Strong

Lowry’s lawsuit unquestionably has merit and is strong. Defamation comes in a variety of flavors and Soto ordered all of them.

A defamation claim requires “the following five elements: (1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory.” *Kieffer v. Atheists of Fla., Inc.*, 269 So. 3d 656, 659 (Fla.

Dist. Ct. App. 2d Dist. 2019) (citing *Jews For Jesus, Inc. v. Rapp*, 997 So.2d 1098, 1106 (Fla. 2008)).

Unlike defamation per quod, defamation per se does not require proof of special damages. *Scott v. Busch*, 907 So. 2d 662, 667 (Fla. Dist. Ct. App. 5th Dist. 2005) (“A statement that a person has committed a crime or done something illegal is one of the classic slander *per se* categories—that is, the pleader need not allege specific damages to state a cause of action. Further, statements short of accusing another of a serious crime, which tend to injure a person in his or her business or profession, also fall into a classic slander *per se* category.”). “Words which are actionable in themselves, or per se, necessarily import general damages and need not be pleaded or proved but are conclusively presumed to result. Moreover malice is presumed as a matter of law from the publication of such words.” *Bobenhausen v. Cassat Ave. Mobile Homes, Inc.*, 344 So. 2d 279, 281 (Fla. Dist. Ct. App. 1st Dist. 1977), *writ discharged*, 363 So. 2d 1065 (Fla. 1978).

A. Defamation Per Se – Accusing Lowry of a Felony

Lowry easily satisfies each element of a defamation claim.² Soto falsely, and publicly, imputed Lowry with committing an infamous crime on Instagram.

The Post was published to third parties. Soto did not even attempt to assert differently in her submissions to this Court. Soto Aff. at ¶¶ 6-7, 14; *see generally* Moving Br. Soto admits she posted the defamatory statements on Instagram. Soto Aff. at ¶¶ 6-7, 14; *see also*, Moving Br. at pg. 6 (“Soto’s statements on Instagram . . .”). Thus, it is clear that Soto published the Post to third-parties.

² Soto concedes that three of the five elements of Lowry’s defamation claim have been met as she has only briefed falsity and actual malice. *See* Moving Br. at 9-12.

Soto accused Lowry of a felony that she did not commit. Lowry Aff. at ¶¶6-19; 25-39; 75-80; Knapp Aff. at ¶¶10-17; Soto Dec. at ¶¶ 6-7, 14; Levenson Dec. at Ex. A; *see also* Fla. Stat. § 810.02. Soto initially cited her source as a member of the Series “production,” to then change her story to state that the source of her information is Chris, who has since denied telling Soto any such information. Lowry Aff. at ¶¶20-21, Ex. C; Soto Dec. at ¶¶ 12; Levenson Dec. at Ex. A. Notably, Chris has never been involved in the production of the Series. Lowry Aff. at ¶¶13-15.

Further, texts sent by Chris’ mother, Christine, to Lowry in September of 2020, demonstrate that Lowry was let into Christine’s home; no one “broke in.” Lowry Aff. at ¶22, Ex. D; Knapp Aff. at ¶¶10-12.

Desperately seeking a source, Soto points to a *Hollywood Life* story, that included what appears to be a redacted police report. Soto Dec. at ¶8-11; Moving Br. at Ex. 3. However, nowhere in that story, or the documents it cites, is there any mention of Lowry breaking and entering into Christine’s home. Moving Br. at Ex. 3-4; Curran Dec., at Ex. A.

Soto acted with actual malice. Soto clearly disseminated the false statements “with knowledge that it was false or with reckless disregard of whether it was false or not.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 280 (1964). At a minimum, Soto acted with a “high degree of awareness of probably falsity.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 332 (1974).

The U.S. Supreme Court has provided examples of the type of evidence that would support a finding of actual malice. *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968). These examples include evidence that the story was “fabricated,” based on a source that the defendant had “obvious reasons to doubt,” and where the “allegations are so inherently improbable that only a reckless [wo]man would have put them into circulation.” *Id.* Moreover, “an inference of actual malice can be drawn when a defendant publishes a defamatory statement that contradicts information known

to [her], even when the defendant testifies that [she] believed that the statement was not defamatory and was consistent with the facts within [her] knowledge.” *Hunt v. Liberty Lobby*, 720 F.2d 631, 645 (11th Cir. 1983) (citing *Montandon v. Triangle Publications, Inc.*, 45 Cal. App. 3d 938, 943-44 (Cal. Ct. App. 1975)).

Soto’s self-serving affidavit cannot guide her to victory. *See id.* at 645, n22. Soto claiming Chris as a credible source (Soto Dec. at ¶13), while previously accusing him of beating Lowry in front of her children, places Chris’ position as a reliable narrator in obvious doubt. Lowry Aff. at ¶¶42-45; Ex. E. Chris’ unreliability as source of information about Lowry is heightened because it is well known that Lowry and Chris have been engaged in contentious proceedings before the Family Court and that Lowry had an Order of Protection against Chris. Lowry Aff. at ¶28-29, 44; Moving Br. at Ex. 3; Curran Dec. at Ex. A. Soto’s reliance on Chris’ statements is further incredulous as they have never even met. Lowry Aff. at ¶¶40-41.

Further, text messages provided by Chris to Lowry between Chris and Soto also disprove Soto’s statement that Chris is the source of Soto’s information. Lowry Aff. at ¶¶20-24; Exs. C-D.³ Of course, the Post initially credited Soto’s source as “production,” a contention which she now seems to have abandoned. *Compare* Levenson Dec. at Ex. A, *with* Soto Dec. at ¶12-14.⁴ It appears that the real source of this information is Soto herself and that she fabricated the Post for the purpose of harming Lowry. Thus, Lowry has proven actual malice. *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968); *Hunt v. Liberty Lobby*, 720 F.2d 631, 645 (11th Cir. 1983) (citing *Montandon v. Triangle Publications, Inc.*, 45 Cal. App. 3d 938, 943-44 (Cal. Ct. App. 1975)).

³ If Chris were to admit that Lowry did not hit him, this would mean that he filed a false police report. *See* Lowry Aff. at ¶¶25-45; Knapp Aff. at ¶ 15-17.

⁴ The fact that the charges brought against Lowry were dropped and expunged months before Soto’s Post should also have indicated to Soto that they were not true. Lowry Aff. at ¶38; Soto Dec. at ¶11; Curran Dec. at Ex. A.

Soto has suggested that her statements are merely inactionable opinion. Soto Dec. at ¶15; Moving Br. at pg. 9.⁵ However, the Post itself states that she is “just stating facts.” Levenson Dec. at Ex. A. Thus, Lowry has satisfied the element that Soto published a false statement about her.

Because accusing someone of an infamous crime is defamation per se, if untrue, damages need not be proven by Lowry. *Miami Herald Pub. Co. v. Ane*, 423 So. 2d 376, 390 (Fla. Dist. Ct. App. 3d Dist. 1982), *approved*, 458 So. 2d 239 (Fla. 1984) (“Under Florida law, a false and defamatory statement accusing someone of a crime, as here, is considered to be per se actionable without proof of special damage.”). “Breaking and entering” is a felony. *See* Fla. Stat. § 810.02. Soto clearly charges Lowry with an infamous crime, and therefore damaged Plaintiff. *See Richard v. Gray*, 62 So. 2d 597, 598 (Fla. 1953) (discussing defamation per se); *Miami Herald Pub. Co.*, 423 So. 2d at 390 (personal humiliation and mental anguish satisfies the damages element).

Therefore, Lowry has more than met her burden of proving her case has merit.

B. Defamation Per Se – Accusing Lowry of Conduct Incompatible With Her Trade

Accusing someone of untrue conduct incompatible with their trade is another form of per se defamation, which does not require proof of special damages. *Scott*, 907 So. 2d at 667; *Bobenhausen*, 344 So. 2d at 281. As demonstrated above, Lowry easily satisfies the other elements of a defamation per se claim.

Here, Soto’s published “statements necessarily tended to subject the [Lowry’s] to distrust, contempt and ridicule, and to injure [her] in [her] professional, official and personal relations, and they are actionable per se.” *Gray*, 62 So. 2d at 598. Lowry suffered reputational, standing in the

⁵ Notably, Soto does not bother to brief whether her statements were expressions of opinion, but rather conclusory states in her motion and declaration that the statements were opinions. *See* Soto Dec. at ¶15; Moving Br. at pg. 9.

community, personal humiliation, and mental anguish as a result of Soto's actions. Lowry Aff. at ¶¶49-57; Exs. F-G. Specifically, Lowry's reputation is important to her business as a cast member of the Series, podcast co-host, social media influencer, author, and business owner, which was undoubtedly harmed because of Soto's statements. *Id.* Since Soto's Post, Lowry's followers have posted on social media saying they will no longer support her—some going so far as to tag several of her sponsors. *Id.* at ¶¶52-54, 57; Exs. F-G. Instagram users have also tagged sponsors of the Series and MTV in an effort to get Lowry terminated from the Series. *Id.* at 54; Ex. G. Lowry also suffered personal humiliation and mental anguish by being accused of committing a felony and other crimes. Lowry Aff. at ¶¶55-57.

It is clear that Lowry has established damages relating to her reputation-centered business and trade.

C. Defamation Per Quod – Accusing Lowry of Assaulting Chris

Defamation per quod requires that the defamation is the cause of injury, and a showing of special damages caused by Soto's Post. *Boyles v. Mid-Fla. Television Corp.*, 431 So. 2d 627, 633 (Fla. Dist. Ct. App. 5th Dist. 1983), *approved*, 467 So. 2d 282 (Fla. 1985). As also demonstrated above, Lowry easily satisfies the other elements of a defamation claim.

Lowry was harmed because of Soto's defamatory statements. Lowry Aff. at ¶¶ 49-57; Exs. F-G. Despite Soto's allegations to the contrary, Lowry did not assault Chris. Lowry Aff. at ¶¶25-39; Knapp Aff. at ¶¶ 13-17. She perpetrated this rumor, via social media, despite charges being dropped, Lowry's record being expunged, and Lowry denying these allegations. Lowry Aff. at ¶38; Soto Dec. at ¶¶6-11; Levenson Dec. at Ex. A; Moving Br. at Ex. 2. Any reliance that Soto placed in Chris, if Chris even made these statements, is both reckless and negligent given the fact that Soto (1) previously accused him of beating Lowry in front of Lowry's children, (2) had not

met Chris at the time these statements were made, (3) knew that Chris and Lowry were involved in contentious Family Court proceedings, and (4) knew of Lowry’s Order of Protection against Chris. Lowry Aff. at ¶¶28-29, 38-45; *see St. Amant*, 390 U.S. at 732.

Soto does not just say that Lowry was arrested for the alleged incident, but rather that she actually committed the assault. Levenson Dec. at Ex. A. Lowry did neither. Lowry Aff. at ¶¶25-39; *See generally* Knapp Aff. Additionally, Lowry was not prosecuted for the unclassified misdemeanor of “offensive touching”⁶, because the charges were dropped when the state entity filed a Notice of Nolle Prosequi.⁷ Lowry Aff. at ¶38; Curran Dec. at Ex. A. Soto herself claims she knew the charges were dropped (Soto Dec. at ¶11), and attached third-party articles that also report the charges were dropped (Curran Dec. at Ex. A) (“[T]he Department of Justice filed a Notice of nolle Prosequi on January 25, meaning Kailyn, 28, will not be prosecuted for the offensive touching charge.”). *See 100 Plus Animal Rescue, Inc. v. Butkus*, No. 17-61893-CIV, 2020 WL 5514404, at *7 (S.D. Fla. Aug. 15, 2020) (finding actual malice where defendant falsely published “numerous defamatory statements asserting that [plaintiff] *had* engaged in criminal conduct” where defendant knew otherwise (emphasis in the original)).

Soto claimed superior knowledge about the circumstances surrounding Lowry’s charges. Levenson Dec. at Ex. A. (“I got true sources, true facts from the people that were in production, that were part of the team and [M]TV, I know the real story, I know what happened . . .”). By citing her sources as “production” while imputing criminal activity on Lowry, she is giving the assertion more weight in the mind of the average observer. *See Rapp*, 997 So. 2d at 1108 (“if the

⁶ Del. Code Ann. tit. 11, § 601 (Delaware Code for Offensive Touching).

⁷ Under Delaware Criminal Procedure Section 4372(b)(2), a criminal case is terminated in favor of the accused if a nolle prosequi is entered on all charges related to the case. Del. Code Ann. tit. 11, § 4372(b)(2).

defendant juxtaposes a series of facts so as to imply a defamatory connection between them, or creates a defamatory implication by omitting facts, [s]he may be held responsible for the defamatory implication, unless it qualifies as an opinion, even though the particular facts are correct”).

Soto directly caused harm with her false statements. Lowry Aff. at ¶¶49-57. As already detailed, Lowry suffered reputational damage, standing in the community, personal humiliation, and mental anguish. *Id.*; see Section III(A)-(B), *supra* (discussing Lowry’s harm caused by Soto’s Post).

Therefore, Lowry has established that Soto defamed her.

D. Soto Fails To Establish That The Post Was Substantially True

Soto failed to establish that the Post is not reasonably susceptible of defamatory meaning under the substantial truth doctrine. “A statement is substantially true if its substance or gist conveys essentially the same meaning that the truth would have conveyed.” *Kieffer v. Atheists of Fla., Inc.*, 269 So. 3d 656, 661 (Fla. Dist. Ct. App. 2019) (citing *Rapp*, 997 So.2d at 1107-08). “A statement is not considered false unless it would have a different effect on the mind of the reader from that which the pleaded truth would have produced.” *100 Plus Animal Rescue, Inc. v. Butkus*, No. 17-61893-CIV, 2020 WL 5514404, at *9 (S.D. Fla. Aug. 15, 2020).

Soto perpetuates a story of Lowry “breaking and entering” into Chris’ mother’s home, and “beating” Lopez. Soto’s reliance a different Instagram post, and her use of “allegedly” twice in a series of defamatory statements against Lowry in that post, is weak. *See* Moving Br. at pg. 4.

Lowry is not denying she was arrested—therefore, the fact that Soto states that Lowry was “allegedly” arrested has no weight in this suit. Second, while Soto states that the alleged arrest

was for “alleged physical altercation”, she unequivocally states in the actual Post that is the basis of this suit that:

- (1) “Kail did not want to film about the situation with the domestic violence, about her getting arrested, **about her breaking and entering into Kail’s mom, I mean into Chris’s mom’s house.** She didn’t want to film **about her hitting Chris**, because Chris cut her son’s hair.”
- (2) So, and “**now what about Kail breaking into Chris mama house.**” **Honestly, I can’t even get into that, I just heard a story, someone told me something about something, and that’s why Kail didn’t want to film and that’s why she won’t** – that’s why she wasn’t on tonight’s episode. People tell me things, and I just listen. So there’s that.

Over the course of several Instagram proclamations, Soto boasted superior knowledge of the facts and circumstances surrounding the alleged incident that occurred on September 4, 2020. Levenson Dec. at Ex. A. (“I got true sources, true facts from the people that were in production, that were part of the team and [M]TV, I know the real story, I know what happened . . .”).⁸

Soto repeatedly and falsely stated, with conviction, that Lowry had committed the crimes of assaulting Chris and breaking and entering. Levenson Dec. at Ex. A; Moving Br. at Ex. 2; Soto Dec. at ¶¶6-8. The average person consuming Soto’s statements about Lowry would have reasonably concluded that Lowry committed and was arrested for the felony of breaking and entering. *See e.g., Miami Herald Pub. Co. v Ane*, 423 So.2d 376, 389-90 (Fla. Dist. Ct. App. 3d Dist. 1982) (finding libel per se where newspaper article described plaintiff as the owner of a truck full of marijuana seized by the police).

Here, as demonstrated above, Lowry did not physically “beat” Chris or commit any “breaking and entering” into Christine’s home. Lowry Aff. at ¶¶25-39; *see generally* Knapp Aff.; Moving Br., Ex. 4. Soto’s statements cannot be seen to convey essentially the same meaning that

⁸ Defendant first claimed superior knowledge than the public based on information from the *Teen Mom 2* production team. Moving Br., Ex. 1. Now, she claims that she got the information from Christopher Lopez, the alleged witness of the incident (Soto Aff. at ¶¶ 12-14), who is certainly not considered a part of the production team of *Teen Mom 2* (Lowry Aff. at ¶¶13-15).

the truth would have conveyed. *Kieffer*, 269 So. 3d at 661-62 (finding defendants failed to establish the statements regarding misappropriation of funds were substantially true and reversing lower court decision on summary judgment). Thus, Soto's statements are not substantially true.

IV. Lowry's Defamation Claim Was Not Brought Primarily Because Soto Engaged in Protected Activity

As stated in Section II of this brief, the pre-existing and long-standing conflict between Lowry and Soto support a finding that Soto's speech was not protected and she is attempting to mask her defamatory remarks as a matter of public concern. *See* Section II above citing *Snyder v. Phelps*, 562 U.S. 443, 455 (2011).

Further, Lowry did not sue Soto primarily based on any of Soto's purported protected activity. Lowry specifically brought this action because Soto imputed her with committing crimes, that relate to Lowry, as an individual. Levenson Dec. at Ex. A; Moving Br. Ex. 2; Soto Dec. at ¶¶6-7. Lowry was specific in identifying Soto's defamatory statements, including alleging the proper dates, and context of the Post. *Cf. Gundel v. AV Homes, Inc.*, 264 So. 3d 304, 315 (Fla. Dist. Ct. App. 2d Dist. 2019) (finding that the vagueness of the allegations "as to the dates of specific conduct and as to the conduct itself" prevented the court from determining whether the claims were primarily based on protected activities); *see* Complaint at ¶¶ 20-44; *see generally* Lowry Aff.

Lowry did not bring this suit to stifle Soto's free speech rights, but rather to protect Lowry's own rights, reputation, and livelihood. Lowry Aff. at ¶¶49-65; 75-81. This suit is not about any protected activity, but rather specifically about Soto's multiple untrue assertions that Lowry committed a felony. Lowry Aff. at ¶¶25-29; *see generally* Knapp Aff.

The fact that Soto made these statements on Instagram should not result in a ruling that Soto engaged in protected activity. Such a holding would create dangerous precedent and

improperly shield social media users from liability for their defamatory comments. The Post was an individual attack on Lowry, and Soto is attempting to mask this attack by arguing her speech was a matter of public concern. *See Snyder v. Phelps*, 562 U.S. 443, 455 (2011); *Connick v. Myers*, 461 U.S. 138, 153 (1983). Such arguments should be rejected.

V. Lowry Was Not Required to Provide Soto With Pre-Suit Notice

Section 770.01 is inapplicable in this case because Soto is a non-media defendant and Instagram is not “other media,” within the statute. Moreover, even if a media source republished Soto’s defamatory statements, it does not affect Soto’s status as a non-media defendant.

Section 770.01 provides:

Before any civil action is brought for publication or broadcast, *in a newspaper, periodical, or other medium*, of a libel or slander, the plaintiff shall, at least 5 days before instituting such action, serve notice in writing on the defendant, specifying the article or broadcast and the statements therein which he or she alleges to be false and defamatory.

Fla. Stat. § 770.01 (emphasis added).

This pre-suit notice requirement “was enacted not only to ensure that newspapers and periodicals would be relieved, under the circumstances therein enumerated, of punitive damages, but also to afford to newspapers and periodicals an opportunity *in every case* to make a full and fair retraction in mitigation of the damages which a person may have suffered by reason of the publication.” *Ross v. Gore*, 48 So. 2d 412, 415 (Fla. 1950).

Although the express language of section 770.01 does not limit the type of defendant entitled to pre-suit notice, Florida courts have concluded that the pre-suit requirement applies only to “media defendants,” not to private individuals. *See Comins v. Vanvoorhis*, 135 So. 3d 545, 549 (Fla. Dist. App. 5th Dist. 2014) (citing *Zelinka v. Americare Healthscan, Inc.*, 763 So. 2d 1173, 1175 (Fla. Dist. App. 4th Dist. 2000)). However, the phrase “media defendants” in these cases

“was not meant to distinguish between individuals and corporations, but rather to separate third parties who are not engaged in the dissemination of news and information through the news and broadcast media from those who are so engaged.” *Id.* at 554 (quoting *Mancini v. Personalized Air Conditioning & Heating, Inc.*, 702 So. 2d 1376, 1380 (Fla. Dist. App. 4th Dist. 1997)).

“Considering that the purpose behind section 770.01 is to protect the free press, Florida courts have interpreted the statute’s ‘other medium’ language to be limited to news media defendants who publish statements via an ‘other medium’” *Mazur v. Ospina Baraya*, 275 So. 3d 812, 817 (Fla. Dist. Ct. App. 2d Dist. 2019) (holding author, book publisher, and film production company were not media defendants under § 770.01).

A. Soto’s Use Of Instagram Live Is Not Other Media Under § 770.01

To determine what qualifies as an “other medium,” courts consider whether the medium “is operated to further the free dissemination of information or disinterested and neutral commentary or editorializing as to matters of public interest.” *Comins v. Vanvoorhis*, 135 So. 3d 545, 557 (Fla. Dist. App. 5th Dist. 2014). In *Comins*, the court found that blogs that have a primarily informational purpose, in an area of special interest, knowledge or expertise of the blogger, and which usually provides for public impact or feedback can be considered “other mediums” under the Florida state. *Id.* at 559. However, the court noted that “not all blogs and all bloggers” would qualify as “other mediums.” Instead, the specific news breaking and commentary nature of the defendant’s individual blog warranted the blog being deemed an “other medium.” *See id.*

Here, Instagram Live and Soto’s use of Instagram Live does not qualify as an “other medium.” Instagram Live is different from a news blog. Video published on Instagram Live disappears after 24 hours. *Lowry Aff.* at ¶¶68-69. This is unlike a news report, clip or blog that

lives on indefinitely. The purpose of the notice requirement is to provide for the opportunity to issue a retraction. *Five for Entertainment, S.A. v. Rodriguez*, 877 F.Supp.2d 1321, 1327 (S.D. Fla. 2012) (citing *Ross v. Gore*, 48 So. 2d 412 (Fla. 1950)). However, even if Soto issued a “retraction” on Instagram Live, it would be of little use as it would also disappear and only be available to followers who checked Soto’s profile on the day of the “retraction”, which may not be the same group of people that viewed the Post. *See Lowry Aff.* at ¶¶66-74.

Further, Soto’s use of Instagram Live cannot be seen as disinterested, neutral or editorial news. In the Post, she admits that she did no investigation of the story she spread. Instead, she said, “People tell me things, and I just listen” (Levenson Dec. at Ex. A) all the while claiming that the past disputes she has had with Lowry are a thing of the past, while then taking several jabs at Lowry. Levenson Dec. at Ex. A (“I messed around with somebody’s ex-husband; I get it, you hate me for that. I tried to say sorry, I apologize; we’re past that I messed with her ex-husband, I get it, whatever.” “She’s trying to soup up the bad girl act”).

Unlike the defendant in *Comins*, Soto does not use Instagram live to break local news and provide thoughtful commentary on said news. *Compare Comins*, 135 So. 3d 545, with *Lowry Aff.* at ¶¶66-74 (describing Soto’s use of Instagram). Because Soto’s use of Instagram should not be considered “other medium” under the statute, no notice was required prior to filing the defamation suit.

B. Soto is A Non-Media Defendant

“In defining the term ‘media defendant,’ Florida courts have considered whether the defendant engages in the traditional function of the news media.” *Mazur*, 275 So. 3d 812 at 817. The function of the news media is to inform and to initiate “‘uninhibited, robust, and wide-open’ debate on public issues.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 339 (1974) (citing *New York*

Times Co. v. Sullivan, 376 U.S. 254, 270 (1964)). Therefore, the difference between a media defendant and a non-media defendant is that the former group is engaged in the dissemination of news and information while the latter is not. See *Mancini v. Personalized Air Conditioning & Heating, Inc.*, 702 So. 2d 1376, 1380 (Fla. 4th Dist. App. 1997).

Soto is clearly a non-media defendant. It is improper to assume that “all those who disseminate information automatically qualify as news media.” *Ortega Trujillo v. Banco Central Del Ecuador*, 17 F.Supp.2d 1334 (S.D. Fla. 1998).

Soto’s use of the Internet does not make her a media defendant to which the pre-suit notice requirements apply. *Zelinka v. Americare Healthscan, Inc.*, 763 So. 2d 1173, 1173 (Fla. Dist. App. 4th Dist. 2000); accord *Schiller v. Viacom, Inc.*, No. 1:15-CV-22129-UU, 2016 WL 9280239, at *11 (S.D. Fla. Apr. 4, 2016) (finding pre-suit notice does not apply were defendants “are actors, film producers and screenplay writers who are not engaged in the dissemination of news and information through the news and broadcast media.”). A celebrity commenting on events that relate to themselves does not mean the celebrity is a media defendant. *Five for Entertainment, S.A.*, 877 F.Supp.2d at 1327. Allowing a celebrity to claim they are a media member because they commented on the news on the internet related to themselves would “abolish any distinction between private parties and members of the media.” *Id.* The same is true in the instant case. Soto cannot be considered a media defendant because it would abolish any distinction the Florida courts have asserted exist between private parties and members of the media.

Media defendants investigate and report on stories. See *Ross v. Gore*, 48 So. 2d 412, 415 (Fla. 1950). Soto, based on her statements, overhears rumors and parrots them. Soto Dec. at ¶7, 12-15.

Finally, Soto improperly cites *Comins v. Vanvoorhis* to assert that *all* individuals who engage in any news reporting activity, including individual bloggers, are covered as a media defendant under the statute. *See* Moving Br. at pg. 8. The court in *Comins* stated “[w]e are not prepared to say that all blogs and all bloggers would qualify for the protection of section 770.01 . . . but we conclude that [the blog] at issue here, is within the ambit of the statute’s protection as an alternative medium of news and public comment.” *Comins*, 135 So. 3d 545 at 559.

Soto is not a media defendant, and therefore not subject to pre-suit notice.⁹

VI. Soto’s Request For Summary Judgement Must Be Denied Because There Are Several Material Facts That Are in Dispute

Summary judgment is not appropriate because there is a genuine dispute between the parties concerning several material facts including:

- (1) the falsity of the Post (Lowry Aff. at ¶¶6-39; 46-48; Knapp Aff. at ¶11-17, *cf.* Soto Dec. at ¶12-15);
- (2) the source of Soto’s information that she published (Lowry Aff. at ¶¶10-16; 20-24; Exs. C-D; *cf.* Soto Dec. at ¶8-12; Levenson Dec. at Ex. A);
- (3) whether Soto’s reliance on Chris, if this is even true, was reckless (Lowry Aff. at ¶¶20-45; Ex. E; *cf.* Soto Dec. at ¶12-13);
- (4) Soto’s actual malice in publishing the Post (Lowry Aff. at ¶¶ 3, 6-24; 40-45; 58-65; 75-81; *cf.* Soto Dec. at ¶14-15).

⁹ Even though Soto’s defamatory statements about Lowry were republished by Celebuzz.com, Soto is still not entitled to pre-suit notice. Chapter 770 does not apply to nonmedia defendants even when alleged defamatory statements made by a nonmedia defendant are republished by the media. *Bridges v. Williamson*, 449 So. 2d 400, 401 (Fla. Dis. App. 2d Dist. 1984). Thus, Celebuzz.com’s republishing of Soto’s defamatory statements does not mean Section 770.01 notice extends to Defendant. *See id.* Lowry sued Soto, not Celebuzz.com.

Given the sharp dispute concerning these issues of material fact, Soto's request for summary judgment should be denied and parties should move forward with discovery.

VII. Lowry Is Entitled to An Award of Her Attorneys' Fees and Costs

Lowry's claim does not fall under the anti-SLAPP statute, and even so has merit. Therefore, under Section 768.295(4), Lowry is entitled to her reasonable attorneys' fees and costs incurred in connection with Soto's Motion. *See Fla. Stat. § 768.295(4).*

CONCLUSION

The Court should deny Defendant's motion for summary judgment, and award Plaintiff her attorneys' fees and costs pursuant to Florida's anti-SLAPP statute.

Dated: August 30, 2021

Respectfully submitted,

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IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT, IN AND FOR
OSCEOLA COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

KAILYN LOWRY,

Plaintiff,

v.

BRIANA SOTO p/k/a BRIANA DE JESUS

Defendant.

Case No. 2021-CA-001817-OC

AFFIDAVIT OF KAILYN LOWRY

STATE OF DELAWARE)
)
COUNTY OF KENT) ss.

KAILYN LOWRY, being duly sworn, deposes and says:

1. I am the Plaintiff in this action. I have been a member of the *Teen Mom 2* cast, an unscripted television show on MTV (the “Series”), since 2010.

2. Defendant Briana Soto (“Defendant” or “Ms. Soto”) is also a member of the Series.

3. For many years, we have had a well-publicized feud. Parties not related to this suit have described us as longtime nemeses.¹

4. I submit this affidavit in opposition to Defendant’s Motion for Summary Judgment (the “Motion”) pursuant to Florida Statute § 768.295 and in support of my case.

¹ See **Exhibit A** to this affidavit.

5. For the reasons stated below, as well as those set forth in the accompanying affidavit of Natalie Knapp, the Motion should be denied. Pursuant to Fla. Stat. § 768.295, I should also be awarded my attorneys' fees and costs.

Ms. Soto's Affidavit and Statements – Standing Alone – Illustrate That She Defamed Me

6. I have sued Ms. Soto for defamation. Specifically, I have sued her for falsely accusing me of breaking and entering into the home of my son's grandmother. *See Exhibit B* ("Complaint"), at ¶¶ 51 – 53, 23 – 24.

7. Ms. Soto published the statement, "Kail doesn't wanna [sic] film about breaking and entering into Chris Momma house and beating him for cutting his child's hair" (herein, the "Post"). *See Complaint at ¶ 24.*

8. Ms. Soto submissions to this court do not address her statement that I broke into and entered my son's grandmother's home – the only part of the Post that charges me with an infamous crime.

9. While the other portions of Ms. Soto's allegations are also untrue, my understanding is that they do not rise to the level of "infamous crime" under Florida law that requires a crime to be a felony. Therefore, even though the other statements Ms. Soto made were lies, they are not the focus of this lawsuit. *See Complaint ¶¶ 51 – 52, 60.*

10. The Court should pay special attention to the fact that Ms. Soto's affidavit is remarkably inconsistent with previous statements she has made concerning both the source and the nature of her defamatory remarks about me.

11. For example, on Instagram, Ms. Soto stated that she received her information from "from the **people that were in production**, that were part of the team and [M]TV".²

² *See Declaration of Suzanne Levenson, dated July 26, 2021 ("Levenson Dec."), at Ex. A (emphasis added).*

12. She later comments, “So, and ‘**now what about Kail breaking into Chris mama house.**’ Honestly, I can’t even get into that, **I just heard a story, someone told me** something about something, and that’s why Kail didn’t want to film and that’s why she won’t – that’s why she wasn’t on tonight’s episode. People tell me things, and I just listen. So there’s that.”

13. Despite Ms. Soto initially crediting her source as “production,” meaning the producers and crew that film and edit the Series, she now claims that Christopher Lopez (“Chris”), my former romantic partner, is the source of her information.

14. Chris has never been involved in production of the Series.

15. It is my understanding that Chris has recently joined the cast of the Series. However, he was not a cast member at the time Ms. Soto’s statements were made.

16. While my lawsuit concerns Ms. Soto gossiping that I have committed a serious felony, her motion papers frame her statement in terms of speaking about the Series. However, even if the Court were to accept this false construction, it is unclear how Chris would have any knowledge concerning me being filmed for the Series, as he has never been in the position to have this knowledge. He has never been assigned as one of my producers and he certainly is not on crew. Even in his current position as a cast member, he would not be privy to information concerning my filming of the Series.

17. Further, while Defendant’s attorney goes to great lengths to characterize Ms. Soto’s statements as opinion rather than fact, Ms. Soto herself already stated the opposite when she characterized her remarks as “just stating facts. So that’s what happened.”³ Indeed, she stressed that her comments were “true facts,” rather than opinion.⁴

³ See Levenson Dec., at Ex. A.

⁴ See Levenson Dec., at Ex. A.

18. Immediately before the Post, Ms. Soto also openly admitted that she was just indulging in gossip rather than news reporting (“so let’s go back to all the drama”) while mentioning no less than three times in about as many sentences that she had “messed” with my ex-husband.

19. Therefore, based on Ms. Soto’s own submissions to this Court and the Post itself, she has defamed me.

Chris is Not the Source of Ms. Soto’s Information and I Have the Texts to Prove It

20. Since the filing of this lawsuit, Chris has reached out to me to tell me that he did not provide Ms. Soto with the false information.

21. A true and correct copy of a screenshot of the text message that I received from Chris is included as **Exhibit C** herein, which shows a text conversation between Chris and Ms. Soto, where he states “But why do y’all keep saying she forced her way in ? She didn’t.. my mom let her in the crib.”

22. Similarly, and back in 2020, Chris’ mother, Christine Lopez (“Christine”) texted me about the argument. In that text Christine states that I am always welcome in her home and that she opened the door for me that day. A true and correct copy of the text that I received from Christine on September 11, 2020, is included as **Exhibit D** herein.

23. Thus, it appears that Ms. Soto completely fabricated her story.

24. Notably, Ms. Soto failed to address my allegations that she peddled this fake story so she could likely cash in on a pay per click agreement with CeleBuzz.com. *See* Complaint, ¶32; *compare* Declaration of Briana Soto, dated August 9, 2021 (“Soto Dec.”). Her silence speaks volumes.

I Did Not Put My Hands on Chris

25. Chris and I have gone through a lot over the years. We have had a very public “on again off again” relationship that has resulted in two wonderful boys, one of which is our son Lux.

26. On September 4, 2020, my friend Natalie and I, along with her teenaged son, went to pick up Lux from a visit at his grandmother’s (Christine’s) home.

27. Natalie’s son was buckling Lux into his car seat when he realized that Lux’s hair was cut in a very bad way.

28. At the time, and by order of the Family Court, any visits with Lux occurring at Christine’s house where Chris was present were to be supervised.

29. At the time, I also had an Order of Protection From Abuse (“Order of Protection”) against Chris. Additionally, there were several issues that he and I were litigating before the Family Court.

30. Given these facts, my relationship with Chris could graciously be described as strained.

31. After seeing that Lux’s hair was cut with what appeared to be house scissors, I left the vehicle and walked to Christine’s house from the car.

32. Natalie followed closely behind me. Christine opened the door for us. I did not “break and enter” into her house.

33. After meeting Chris in the kitchen, we argued. It was loud, but it was not physical. Our argument lasted for just a few minutes until I was asked to leave, which I did.

34. For the sake of absolute clarity, at no point in time did I place my hands on Chris or hit him or touch him.

35. Unbeknownst to me, after I left, Chris contacted the authorities to report me for offensive touching. These are the same charges that I had previously filed against him. At the time he reported me, he was still on probation concerning these charges.

36. I first learned of the charges that Chris filed against me approximately three weeks after Lux's haircut when I was contacted by a police officer. I was not contacted, or even aware, that Chris contacted the authorities before that time.

37. I did not believe the report was real until my lawyer investigated and verified that charges were filed.

38. The charges that Chris filed against me were ultimately dropped and expunged. As I understand it, a nolle prosequi was entered in my case, which dismissed the charges.

39. I maintain primary custody of the boys and believe that charges were filed against me to gain leverage in the Family Court proceedings.

Even if Chris Actually Told Ms. Soto That I Hit Him, Which is Doubtful, Her Reliance on His Statements Would Be Completely Unreasonable and Negligent

40. Upon information and belief, Chris and Ms. Soto have never actually met. The source of my belief is previous conversations that I have had with Chris. Chris lives in Delaware and Ms. Soto lives in Florida. My understanding is that they have communicated via electronic means from time to time and that he once "liked" a picture of her on social media to get my attention.

41. Now that Chris has joined the Series, this may have changed, but at the time of the Post, I understand that this was true.

42. Ms. Soto has previously, and quite publicly and without provocation by either me or Chris, accused Chris of beating me in front of our boys. After Ms. Soto was criticized by a fan for “talking trash” to me in front of my children on an episode of the Series, she responded, “. . . I wasn’t talking s**t and shut the f**k up ‘cause she gets beat the f**k up by Chris in front of her kids.”

43. True and correct copies of articles covering these Ms. Soto’s statements are enclosed herein as **Exhibit E**.

44. My Order of Protection against Chris, and his subsequent arrests for violating that order, are also public knowledge.

45. Accordingly, even if Chris did tell Ms. Soto that I hit him, which is a lie, any reliance she could place on his statement would be objectively unreasonable.

The Real Reason Why I Was Not Included in the Episode

46. I have been in the public eye since I have been a teenager. I am now nearing 30.

47. While I have allowed filming in my home for years, I recently requested that the Series not film about someone I have been dating.

48. It is my understanding that this resulted in me not being included in the June 8, 2021 episode of the Series. It had nothing to do with my arrest that was expunged or the allegations that were made against me that resulted in that arrest.

Ms. Soto’s Untrue Statements Are The Type That Tend To Injure My Business, Reputation and Occupation

49. As stated earlier, I am cast member of the Series. I also co-host two podcasts, which obviously rely on corporate sponsors.

50. Additionally, I am a social media influencer, author, and business owner. My reputation is important.

51. Clients and consumers are extremely conscious of where and who they choose to support.

52. As a result of Ms. Soto's statements, I had fans post on Instagram and said they will no longer support me and tagged several of my sponsors referencing the false statements.

53. After Soto made the Post, people on Instagram expressed that they would no longer support me. Soto's false statements concerning crimes that she alleged I committed were referenced in these withdrawals of support. Examples of this are found in **Exhibit F**, which are true and accurate screenshots taken from Instagram posts that occurred on or after June 9, 2021.

54. On or around June 9, 2021, Instagram user @wadamelen posted, upon information and belief, a list of the Series' and MTV's sponsors, and referenced Soto's false statements. I believe these sponsors were tagged in an effort to have me terminated from the Series. A true and accurate screenshot taken from Instagram is attached as **Exhibit G**.

55. Seeing Ms. Soto's lies about me and her statements that I committed serious crimes, which were false, was and is extremely upsetting.

56. As a result of Ms. Soto's statements, I have suffered personal humiliation and mental anguish.

57. My reputation, business, and ability to make money and provide for my family were harmed because of Ms. Soto.

The Bad Blood Between Ms. Soto and I and Her Statements Accompanying the Post Demonstrate That She Acted With Malice and Not to Advance Her First Amendment Rights but to Gratify Her Ill Will and Hostility Toward Me

58. As detailed in my Complaint, Ms. Soto and I have a long history of bad blood.

59. As she acknowledges in her moving papers, she has dated, or as she described, "messed with," my ex-husband.

60. When called out by a fan of the Series for speaking down to me in front of my children, she responded by accusing Chris of beating me in front of my children.

61. She has publicly flirted with Chris, despite calling him an abuser. *See Exhibit H.*

62. During the filming a of reunion show for the Series several years back, Ms. Soto started yelling at me and while security was holding Ms. Soto and I apart, Ms. Soto's sister ran up behind me and forcefully pulled my hair.

63. Ms. Soto continued to propagate the falsities found in the Post even after I came out and stated they were not true.

64. The Post was motivated by Ms. Soto's malice and ill will toward me, as well as a willingness to make money at my expense - not to assert her First Amendment rights. As she said, she wanted to get "back to the drama."

65. This suit has nothing to do with stifling Ms. Soto's rights – is has everything to do with protecting my rights, my reputation, and my livelihood.

Ms. Soto Is A Non-Media Defendant Who Is Gossiping About Me – She Is Not Breaking News

66. Lastly, Ms. Soto's Instagram page is not a news source.

67. Instagram, like Facebook, allows users to share posts. Where Facebook has "friends," users of Instagram have followers.

68. Instagram Live allows people to share a live video with those that follow them. This video is typically available for twenty-four hours before it is automatically deleted by Instagram.

69. Instagram Stories allows people to share posts and recorded videos with those that follow them. These stories are available for twenty-four hours before it is automatically deleted by Instagram.

70. Of the approximately two hundred posts on Ms. Soto's Instagram page, all of her posts to date are of pictures of her children, herself, of her personal life.

71. Upon information and belief, Ms. Soto also posts on Instagram Stories, which delete after approximately twenty-four hours.

72. Ms. Soto's Instagram is not a news source or blog that provides thoughtful, neutral commentary.

73. Rather, her Instagram page is used to promote her personal life and endorse various brands.

74. The Post which was shared on Instagram Live was gossip, not news. It was also false.

Ms. Soto's Statements Are Not Connected With Public Issues And Cannot Be Protected Speech

75. Ms. Soto's false statements at issue in this lawsuit are directed at me, as an individual.

76. In Ms. Soto's June 9, 2021 Instagram Live video, she asserted that that I committed a felony when she alleged that I broke into and entered into the home of my sons' grandmother.

77. Ms. Soto stated this well after charges against me were dropped and expunged. Yet, she repeatedly stated that I committed the crimes of breaking and entering and physical assault.

78. Ms. Soto even admitted that she knew the charges were dropped against me. *See* Soto Dec. at ¶11.

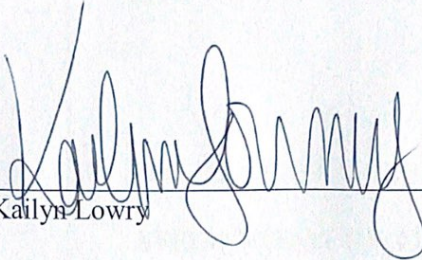
79. Ms. Soto also alleged that she read an investigative police report which she attached to her Motion. *See Soto Dec.* at ¶10. According to that attachment, breaking and entering was not even alleged.

80. Ms. Soto's statements in the Post about me committing a felony, just like her statements about her relationship to my ex-husband in that same post, were motivated by her desire to harm me. They had nothing to do with the Series. She just wanted to get "back to the drama."

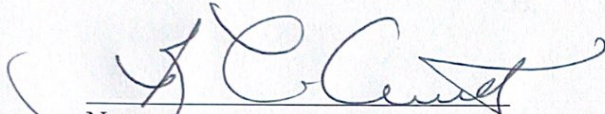
I Should Be Awarded My Attorneys' Fees

81. I did not bring the lawsuit to prevent free speech. I brought this lawsuit because Ms. Soto, who has a personal axe to grind with me, has defamed me. She did so all while padding her own pockets by selling a fake story to CeleBuzz.com. Her affidavit did not address my claims that she peddled this fake story for clicks – which probably means she did.

For all the reasons stated herein, as well as those found in the Affidavit of Natalie Knapp and the accompanying memorandum of law, Defendant's motion should be denied in its entirety, and I should be awarded my attorneys' costs and fees pursuant to Fla. Stat. § 768.295


Kailyn Lowry

Sworn before me this 30th
day of August 2021


Notary

CONF

08-02-2023



EXHIBIT A



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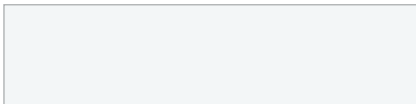


Entertainment > TV

BRI'S BURN Teen Mom Briana DeJesus slams ex Devoin Austin's friendship with nemesis Kailyn Lowry & says they 'deserve' each other

Rachael Ellenbogen

10:19 ET, Apr 26 2021 | Updated: 10:22 ET, Apr 26 2021



TEEN Mom star Briana DeJesus blasted her ex Devoin Austin for starting up a friendship with her longtime nemesis Kailyn Lowry.

The 26-year-old, who shares 9-year-old daughter Nova with Devoin, said the clout-chasers "deserve" each other.

 Follow all our latest news & stories on [Teen Mom](#).



 5

Briana DeJesus slammed her ex Devoin Austin's friendship with nemesis Kailyn Lowry Credit: MTV



[Briana](#) and [Kailyn](#), 29, began feuding after Bri dated Javi Marroquin, Kailyn's ex-husband and baby daddy, for a short while after they split.

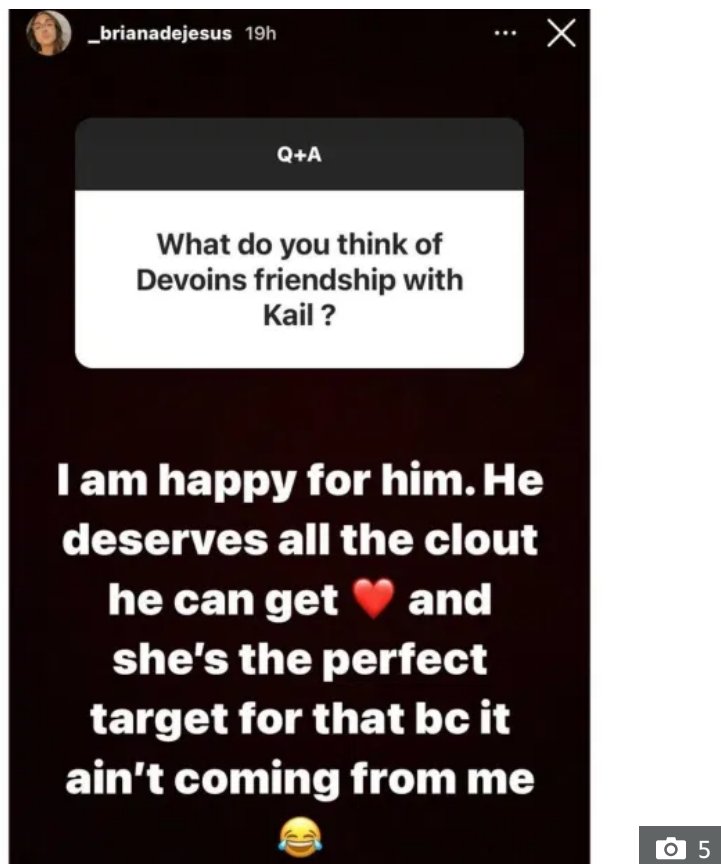
The [Teen Mom](#) stars have been in a nasty feud ever since, shading each other on and off for years, and now Kailyn recently became friends with Bri's ex Devoin.

Nova's father joined Briana's rival on her Coffee Convos podcast and did so to spill about their custody arrangement.

In a new Instagram Q&A, fans asked for Briana's thoughts on the new friendship, and she said she's "happy for him" – though, there was a catch.



Devoin and Kailyn have been hanging out and chatting online recently, and he was on her podcast Credit: Instagram @kailynlowry



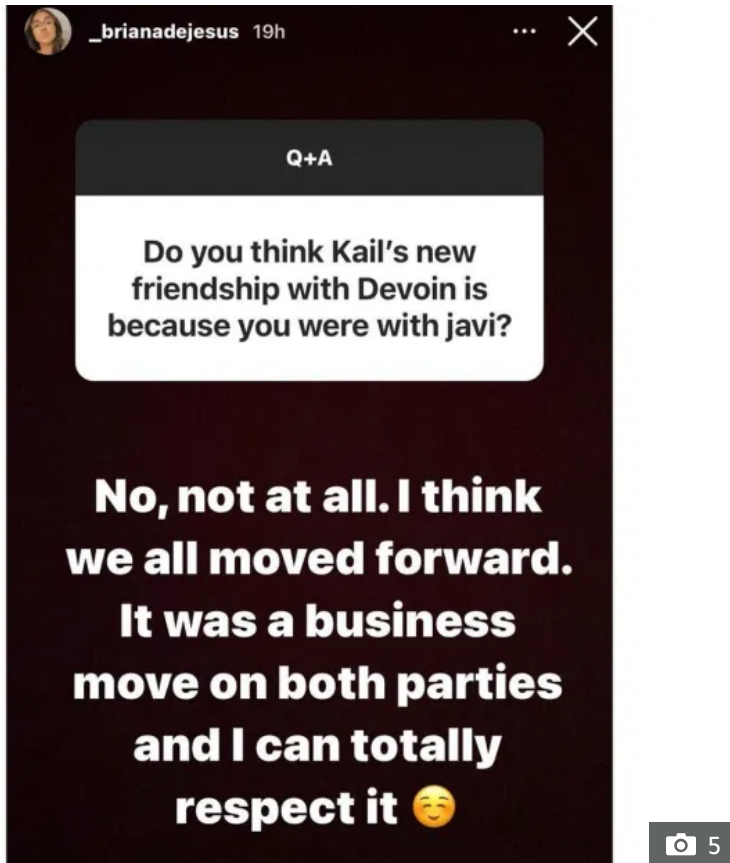
Briana said he's just looking for 'clout' and that Kail is the 'perfect target'

In the explanation of why that's the case, she shaded him saying: "He deserves all the clout he can get, and she's the perfect target for that bc it ain't coming from me."

Another follower asked if the mother of two, who also has daughter Stella with ex Luis Hernandez, thinks the new relationship is because of Bri's history with Javi.

The MTV star shot back: "No, not at all. I think we all moved forward. It was a business move on both parties and I can totally respect it."

Aside from her [on-going feud with Kailyn](#), Briana had also been [fighting with her baby daddies](#) lately, especially with Devoin, over their co-parenting duties.



The 26-year-old Teen Mom called it a 'business move'





Bri shares 9-year-old Nova with Devoin and 3-year-old Stella with ex Luis Hernandez Credit: Refer to Caption

Teen Mom OG - Season 9



Season 9 was filmed as the outbreak of coronavirus hit America.

Who's in the cast this season?

- [Amber Portwood](#)
- [Catelynn Lowell](#)
- [Cheyenne Floyd](#)
- [Maci Bookout McKinney](#)
- [Mackenzie McKee](#)

Who are their boyfriends, husbands and baby daddies?

- Amber Portwood's boyfriend [Dimitri Garcia](#)
- Catelynn Lowell's husband [Tyler Baltierra](#)
- Cheyenne Floyd's ex-boyfriend [Cory Wharton](#)
- Maci Bookout's husband [Taylor McKinney](#)
- Mackenzie McKee's husband [Josh McKee](#)

Teen Mom OG's [season nine](#) aired on January 26th 2021 on MTV. ■

She said they weren't doing enough to support her and the kids, physically or financially, but she's now shared that she's stopped trying to change her exes.

"As of now, I'm doing me," Briana said of her relationships with them now. "I don't complain and let their dads do what they think they need to do as far as parenting."

She continued: "So far it's been drama free. I don't care anymore, letting my girls find out for themselves as they get older."

Briana added that she is really "grateful" that Devoin "accepts Stella and shows Stella the same affection as he does with Nova"

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After seeing Kail and Devoin hang out recently, many were wondering about Bri's latest status with Javi M, but she revealed that she hasn't even talked to him "in years" and that they "aren't together."

Teen Mom fans [accused Kailyn of "creeping" on Briana's Instagram](#) after noticing a like had been made on Briana's March 14 post of her two daughters, Nova and Stella, by Kailyn's podcast account.

Though the Coffee Convos Podcast is also co-hosted by Lindsie Chrisley, many fans are speculating Kail was using it to look around on Bri's page and accidentally liked one of her photos.



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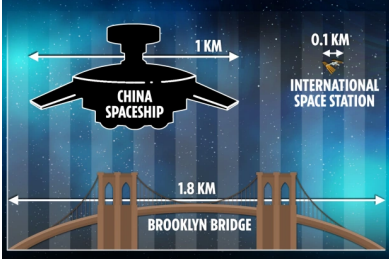




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EXHIBIT B

IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT, IN AND FOR
OSCEOLA COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

KAILYN LOWRY,

Plaintiff,

v.

BRIANA SOTO p/k/a BRIANA DE JESUS

Defendant.

Case No.

COMPLAINT

Plaintiff Kailyn Lowry (“Lowry”), by her respective attorneys, Romano Law PLLC and Trembly Law Firm, for her complaint against Defendant Briana Soto, professionally known as Briana De Jesus (“Defendant”), alleges as follows:

NATURE OF THE CASE

1. Lowry brings this action against Defendant for defamation concerning recent untrue statements made by Defendant, about Lowry, on social media. Defendant, a long-time foe of Lowry, asserted that Lowry physically beat Christopher Lopez, the father of two of Lowry’s sons, and broke into and entered the home of Mr. Lopez’s mother. These statements were shared with Defendant’s social media followers, which exceed 1 million persons.

2. Defendant’s comments are untrue, and they were made by Defendant for the purpose of causing Lowry harm. By making these false statements, Defendant not only harmed Lowry, but she also lined her own pockets while doing so. Defendant used Lowry to gain additional media attention for herself, which included pushing articles about Lowry for which,

upon information and belief, Defendant was paid. Lowry seeks redress from this Court to right the wrongs that Defendant caused and end the drama between the two women, once and for all.

JURISDICTION AND VENUE

3. This Court has personal jurisdiction over Defendant pursuant to Fla. Stat. Ann. § 48.193(1)(a).

4. Defendant is an individual over the age of 18 who is sui juris and resides in Osceola County, Florida.

5. Upon information and belief, Defendant is domiciled in Florida and is therefore engaged in substantial activity within the state.

6. The acts giving rise to this Complaint occurred in whole or in part in Osceola County, Florida. This Court has subject matter jurisdiction as the State trial court of general jurisdiction.

7. This is an action for damages that exceed \$30,000.00 exclusive of interest, attorney's fees and costs.

8. Lowry has retained the undersigned counsel in order that her rights and interests may be protected. Lowry has become obligated to pay the undersigned a reasonable attorney's fee.

THE PARTIES

9. Lowry is a natural person and a citizen and resident of the State of Delaware.

10. Upon information and belief, Defendant is a natural person and a citizen and resident of the State of Florida.

FACTS APPLICABLE TO ALL CLAIMS FOR RELIEF

A. Background

11. Lowry is a reality television personality, New York Times best-selling author, entrepreneur, and social media influencer. As of the date of this Complaint, she has approximately 4 million followers on Instagram. Lowry is also the co-owner and co-host of two podcasts: *Coffee Convos Podcast with Kailyn Lowry and Lindsay Chrisley* as well as *Baby Mamas No Drama with Kail Lowry & Vee Rivera*.

12. *Coffee Convos Podcast with Kailyn Lowry and Lindsay Chrisley* features discussions about motherhood and family, among other things.

13. *Baby Mamas No Drama with Kail Lowry & Vee Rivera* concerns the life of Lowry and her co-host as women who co-parent with others while they run a business.

14. Defendant is a reality television personality and social media influencer. As of the date of this Complaint, she has approximately 1.1 million followers on Instagram.

B. The Bad Blood Between Lowry and Defendant

15. In or around June 2017, it was announced that Defendant would join the cast of *Teen Mom 2*, a reality television show that Lowry has starred in since 2010 (the “Series”).

16. The parties’ relationship has been fraught. In an Instagram Live broadcast, Defendant admitted that she told Lowry that the two women “were never friends; [n]ever been friends.”

17. Defendant has a history of making false public statements regarding Lowry’s family life. Defendant instructed a fan on Twitter to “shut the f-ck up ‘cause [Lowry] gets beat the f-ck up by Chris [Lopez] in front of her kids.”

18. In or around August 2018, while filming a reunion episode for the Series, Defendant’s sister physically assaulted Lowry in the heat of a verbal disagreement between Lowry and Defendant.

19. Defendant's conduct towards Lowry, including pursuing Lowry's former husband and Mr. Lopez, is so egregious that in September 2020, one social media influencer created a video titled, "Is Briana Dejesus OBSESSED With Kail Lowry?!" This video was liked approximately 1,300 times on YouTube. In this video, the influencer called Defendant's conduct toward Lowry "creepy," "pathetic," and "dusty."

The Post

20. Lowry was not included in the episode of the Series that aired on June 8, 2021.

21. The reason that Lowry did not appear in this episode has not been made available to the public.

22. On the same night the episode aired, to wit, June 8, 2021, Defendant published a series of Instagram stories and comments to her public Instagram account, stating that she knew why Lowry was omitted from the episode.

23. Throughout the posts and comments, Defendant claimed that Lowry had committed violent, physical crimes towards Mr. Lopez. Defendant also asserted that Lowry was arrested for breaking and entering into the home of Mr. Lopez's mother.

24. Specifically, on Instagram, Defendant stated, "Kail doesn't wanna [sic] film about breaking and entering into Chris Momma house and beating him for cutting his child's hair." (Herein referred to as the "Post").

25. The Post is false. Lowry did not break into and enter the home of Mr. Lopez's mother. Nor did Ms. Lowry beat Mr. Lopez.

26. Defendant then continued to interact with her wide audience of followers in a series of comments and reactions, perpetuating the false allegations contained in the Post.

27. Due to the controversial nature of these allegations, they were subsequently re-posted and reported on by several influential entertainment websites. These allegations ignited a frenzy on social media.

28. The U.S. Sun reported on the allegations in a story entitled, “NOT AUTHENTIC! Teen Mom Briana DeJesus claims Kailyn Lowry was ‘CUT’ from new episode because she ‘refused to film about arrest’.”

29. CeleBuzz.com published a story entitled, “Briana DeJesus Confirms Real Reason Why Kailyn Lowry Was Cut from ‘Teen Mom 2.’”

30. Defendant provided CeleBuzz.com “exclusive comment” for its story.

31. Upon information and belief, Defendant has a business relationship with CeleBuzz.com.

32. Upon further information and belief, Defendant and CeleBuzz.com have a “pay per click” agreement. Defendant is paid each time one of her social media followers “clicks” on an article posted by CeleBuzz.com, upon information and belief.

33. Defendant makes money off pedaling salacious content concerning Lowry, upon information and belief.

34. Defendant did not care that the Post was untrue.

Defendant’s Untrue Statements Threaten Lowry’s Ability to Earn of Living

35. An Instagram user tagged several of Lowry’s sponsors and employers in a different post referencing the Defendant’s allegations concerning Lowry.

36. On or about June 9, 2021, Defendant went “back to the drama” (Defendant’s own words) and continued to perpetuate the untrue statements contained in the Post during an Instagram Live broadcast.

37. At times, this “livestream” had as many as 10,300 live viewers. It has since been saved and reposted to other Instagram accounts.

38. On the Instagram Live broadcast, Defendant claimed that she “know[s] the real story, [she] know[s] what happened,” concerning why Lowry was not included in the June 8, 2021, episode of the Series.

39. Defendant asserted that Lowry was omitted from the episode because she “didn’t want to film about the issues that goes [*sic*] on with her and Chris” and “tryna [*sic*] clean up the bad girl act.”

40. Defendant then added that “[Lowry] did not want to film about the situation with the domestic violence, about her getting arrested, about her breaking and entering into...Chris’s mom’s house. She didn’t want to film about her hitting Chris because Chris cut her son’s hair.”

41. Defendant then claimed she “was just stating facts. So that’s what happened.”

42. In making the Post and repeating the untrue statements, Defendant recklessly disregarded the truth.

43. Even after Lowry publicly denied Defendant’s allegations, Defendant continued to reassert and republish the false information found in the Post.

44. To date, Defendant has not recanted the alleged facts that she published in the Post.

FIRST CLAIM FOR RELIEF

Defamation

45. Lowry repeats and re-alleges paragraphs 1 to 2 and 8 to 43, as though fully set forth herein.

46. The Post was created by the Defendant and published to her social media account.

47. The Post was an unprivileged publication that concerned Lowry.

48. The Post was false.
49. The Post was published to Defendant's approximately 1.4 million followers on Instagram.
50. Third parties understand the character of the Post as defamatory.
51. The Post charges Lowry with an infamous crime.
52. "Breaking and entering," charged as burglary under Florida law, is a felony.
53. The Post subjects Lowry to hatred, distrust, ridicule, contempt, or disgrace.
54. The Post interferes with and injures Lowry's profession, occupation, business, and employment.
55. Upon information and belief, Lowry's sponsors, as well as her podcasts' sponsors, are aware of the allegations made in the Post.
56. The Post imputed conduct to Lowry incompatible with the essential functions of her job as a cast member of the Series.
57. The Post imputed conduct to Lowry incompatible with the essential functions of her job as a podcaster whose podcasts focus on motherhood, family, and parenting.
58. Defendant made the Post with actual malice.
59. Defendant knew the Post was false and/or acted with reckless disregard of whether it was false or not.
60. The injurious nature of the Post is apparent from the words in the Post itself.
61. As a result of the Post, Lowry has suffered damages consisting in the impairment of her reputation and standing in the community, personal humiliation, and mental anguish and suffering in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Lowry respectfully requests a judgment in her favor, and against

Defendant as follows:

- A. Award Lowry compensatory and special damages;
- B. Award Lowry reasonable costs and attorneys' fees;
- C. Grant Lowry any other and further relief as the Court may deem just, equitable or

proper.

JURY TRIAL DEMAND

Lowry requests a trial by jury on all issues so triable.

Dated: June 25, 2021.

Respectfully submitted,

TREMBLY LAW FIRM
9700 South Dixie Highway, PH 1100
Miami, Florida 33156
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E-Mail: yadhira@tremblylaw.com
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Steven G. Hurley, Esq.
Florida Bar No. 99802

By: /s/ Hubert G. Menendez
Hubert G. Menendez, Esq.
Florida Bar No. 1017910

ROMANO LAW PLLC

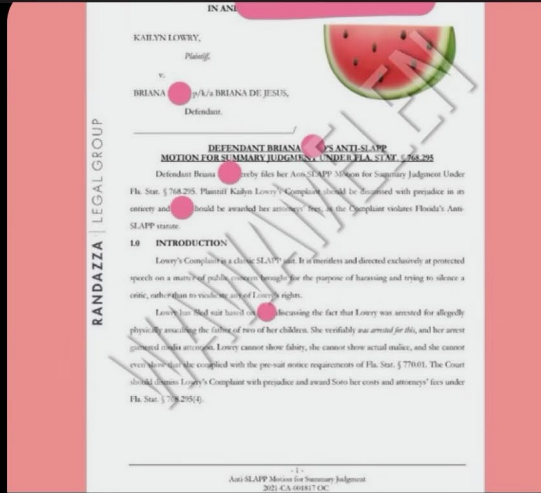
By: s/Nicole Haff
Nicole Haff
New York Bar No. 4634648
55 Broad Street, 18th Floor
New York, NY 10004
Phone: (212) 865-9848
Email: nicole@romanolaw.com
Attorneys for Plaintiff
(*pro hac vice* application forthcoming)

EXHIBIT C

8:53



Bri >



Liked by notblindtothetruth and 147 others

wawamelen EXCLUSIVE! Briana's lawyer filed a response to 🍌 lawsuit. He is asking for case to be dismissed with prejudice and for 🍌 to pay Briana's lawyer. These docs also expose that Chris allegedly contacted Briana and gave her his first hand account of the assault and told Briana that 🍌 physically forced

But why do y'all keep saying she forced her way in? She didn't.. my mom let her in the crib



EXHIBIT D

8:57



< 19

Christine >

ur head held high... ur a good
mom

Fri, Sep 11, 12:06 PM

Hi..not caught up ..My mistake was I tried to share my time with Chris that day & I didn't have to open door for u, u had Lux already.. I did it becuz ur part of my family no matter how much of a luxury u & Chris think I am... just let Lux know I'm always thinking of him & his brother & ALWAYS welcome over here (Whether u respect or accept help from our side of family or not) & refuse to repeat that story publicly or get down like either one of u & blab to a bunch of weirdos online.. (like they can help) y'all's decisions have perverted something that can be so beautiful & made sad. Clearly every1 must pay the price for crossing u 2. BUT here for boys if need or want no matter what u & Chris think.

Thu, Sep 17, 11:23 AM



iMessage



Apple Pay



EXHIBIT E

Hidden Remote

(https://images2.minutemediacdn.com/image/fetch/w_850,h_560,c_fill,g_auto,f_auto/https%3A%2F%2Fhiddenremote.com%2Fwp-content%2Fuploads%2Fgetty-images%2F2018%2F04%2F520064554-2016-mtv-movie-awards-arrivals.jpg-850x560.jpg)



Kailyn Lowry denies Chris beating her: How does Briana know this story?

by Mary Jane 3 years ago

TWEET SHARE COMMENT

Kailyn Lowry was furious when she learned that Briana DeJesus had made claims that Chris Lopez had beaten her in front of the kids.

Kailyn Lowry was furious when she learned that Briana DeJesus has made comments about her life, her role as a mother, and her ex-boyfriend, Chris Lopez. The two girls started fighting at the *Teen Mom* reunion special over comments that had previously been made and Briana had made some odd comment on Twitter about Kailyn being beaten by Chris in front of her kids. Needless to say, Kailyn was furious about the comment.

For one, Kailyn Lowry doesn't seem like the kind of person who would accept abuse. If she had been beaten, one can imagine she would say something to the [Teen Mom 2](https://twitter.com/what_the_raisin/status/1026641241881100288) fanbase or make him

pay for his actions. This includes filing some sort of protection. She did this with Javi Marroquin after he showed up unannounced at her house, so if a guy beats her, one can imagine she would get a restraining order to protect herself and her kids.

Chris totally beat Kail up and she should be mad at Javi because that's who most likely told Briana. Kail is an idiot. [#TeenMom2 \(https://twitter.com/hashtag/TeenMom2?src=hash&ref_src=twsrc%5Etfw\)](https://twitter.com/hashtag/TeenMom2?src=hash&ref_src=twsrc%5Etfw)

— Melanin Sufficient (@what_the_raisin) **August 7, 2018**
[\(https://twitter.com/what_the_raisin/status/1026641241881100288?ref_src=twsrc%5Etfw\)](https://twitter.com/what_the_raisin/status/1026641241881100288?ref_src=twsrc%5Etfw)

But if it did happen, how would Briana know about it? Fans have plenty of guesses. Several people pointed out that Javi Marroquin must have said something to Briana in hopes of winning her trust, and then DeJesus chose to use it against her.

NEXT: [Jenelle Evans lost out on Amazon and Netflix offers: Blames MTV \(https://hiddenremote.com/2018/08/07/jenelle-evans-amazon-netflix-offers-mtv/\)](https://hiddenremote.com/2018/08/07/jenelle-evans-amazon-netflix-offers-mtv/)

Plus, if it isn't true, Briana just accused [Chris Lopez \(https://hiddenremote.com/2018/08/07/kailyn-lowry-chris-lopez-baby-lux/\)](https://hiddenremote.com/2018/08/07/kailyn-lowry-chris-lopez-baby-lux/) of being a domestic abuser, something he probably isn't happy about if it isn't true. But if it is true, then her comments should be taken seriously and Chris should apologize and change his behavior.

What do you think about Kailyn Lowry being accused of being beaten by Chris? And why do you think Briana would use this rumor against her?



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TEEN MOM 2 ([HTTPS://WWW.THEASHLEYSREALITYROUNDUP.COM/CATEGORY/TEEN-MOM-2/](https://www.theashleysrealityroundup.com/category/teen-mom-2/))

‘Teen Mom 2’ Star Briana DeJesus Accuses Kail Lowry’s Baby Daddy Chris Lopez Of Being Physically Abusive To Kail

MAY 9, 2018 by [HOLLY \(HTTPS://WWW.THEASHLEYSREALITYROUNDUP.COM/AUTHOR/HOLLY/\)](https://www.theashleysrealityroundup.com/author/holly/)



(<https://s17077.pcdn.co/wp-content/uploads/2018/05/teen-mom-2-kail-briana.jpg>)

“Don’t make me go get one of my mom’s high heeled shoes, Kail!”

The battle between **Teen Mom 2** stars **Briana DeJesus** and **Kail Lowry** continues!

Although most of Briana and Kail’s fights have been over their mutual ex, **Javi Marroquin**, this time the online jabs were about another one of Kail’s baby daddies, **Chris Lopez**.

Briana posted a selfie to Instagram on Sunday. By Monday (after the new episode of ‘Teen Mom 2’ aired), the post’s comment section was filled with comments regarding Briana’s behavior on the episode. When a fan called Briana out for talking trash to Kail in front of her kids, Briana clapped back with some pretty serious accusations about Chris, who is the father of Kail’s youngest son Lux.

The fan said she would have smacked Briana if she was Kail over the recent ‘Teen Mom 2’ reunion drama.

“Too bad she didn’t and would never lol and I wasn’t talking s**t and shut the f**k up ‘cause she gets beat the f**k up by Chris in front of her kids,” Briana replied. (The comments have since been deleted.)

Eventually, Kail and Chris became aware of what Briana had posted, and each reacted in a different way.

Kail tried to take the high road, posting on Twitter, “Some people aren’t even worth the time and energy. I’ve worked too hard on my books and degree to throw it away on someone who runs their mouth for a living.”

Chris, who has made it clear that he wants nothing to do with the show (or its drama), denied Briana’s claims that he was an abuser.

“Let’s keep my name out of the teen mom drama ok?” he wrote on Twitter. “1 more thing lol I never beat my BM.” (For those of you who aren’t hip to the “kids’ lingo” these days, “BM” in this case stands for “Baby Mama.” #TheMoreYouKnow)

While Kail has never accused Chris of hitting her, a source close to her spoke to **The Ashley** in October 2017 (<http://www.theashleysrealityroundup.com/2017/10/17/exclusive-the-real-reason-teen-mom-kail-lowry-isnt-allowing-baby-daddy-chris-lopez-to-see-their-son/>) and said things have gotten tense between Chris and Kail in the past.

“Chris was violent with Kail multiple times, once while she was holding the baby,” the source, who claimed to be present for at least one of the incidents, told The Ashley. The source also claimed (<http://www.theashleysrealityroundup.com/2017/10/17/exclusive-the-real-reason-teen-mom-kail-lowry-isnt-allowing-baby-daddy-chris-lopez-to-see-their-son/>) that Chris (allegedly) tried to break into Kail’s house at least once to see the baby and left damage on her door frame and window.

“Some of the film crew noticed a hole was punched in Kail’s garage door, and she confided in someone on the crew that Chris did it,” the production source told The Ashley. “Nothing was filmed about it, though.”

Kail and Briana are due to meet up next weekend in New York City, where the girls will be filming the ‘Teen Mom 2’ Season 8B Reunion special. Kail has already predicted (<http://www.theashleysrealityroundup.com/2018/04/27/kail-lowry-predicts-she-leah-messer-may-throw-hands-at-jenelle-evans-at-upcoming-teen-mom-2-reunion/>) that fists may fly between some of the show’s cast members.

Related Story: [Kail Lowry Says Ex Javi Marroquin Is Ditching ‘Teen Mom 2’ Reunion to Avoid Briana DeJesus: “He’s Basically Bitching Out”](http://www.theashleysrealityroundup.com/2018/04/28/kail-lowry-says-ex-javi-marroquin-is-ditching-teen-mom-2-reunion-to-avoid-briana-dejesus-hes-basically-bitching-out/)

(<http://www.theashleysrealityroundup.com/2018/04/28/kail-lowry-says-ex-javi-marroquin-is-ditching-teen-mom-2-reunion-to-avoid-briana-dejesus-hes-basically-bitching-out/>)

(Photo: MTV)

14 Votes

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MTV

Chris Lopez Denies That He Abused Kailyn

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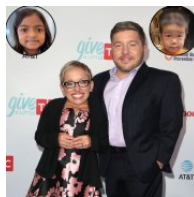


'Octomom' Nadya Suleman Is a Proud Mom of 14: See Her Kids Today!

Lowry After Briana DeJesus Brings up Old Claims

REALITY TV May 9, 2018 7:35 pm • By Emy LaCroix

[Chris Lopez](#) would very much like to be excluded from this narrative. [Briana DeJesus](#) went after his baby mama [Kailyn Lowry](#) on the last episode of *Teen Mom 2*, and he begged them to stop mentioning him on TV. "Let's just keep my name out the *Teen Mom* drama ok? ok" he tweeted on May 9. However, he only got dragged back in when a fan brought something Briana said to his attention... that he "beats up" Kail.



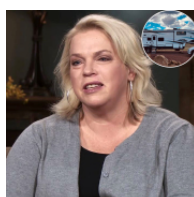
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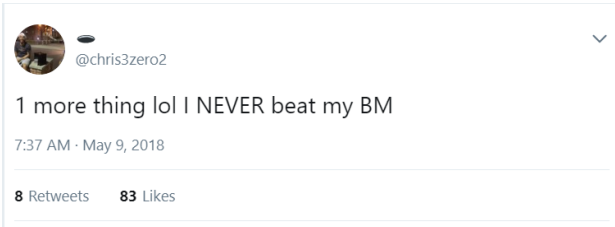
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Now, he's denying any abuse.

When a hater on Bri's Instagram accused her of talking crap to Kail in front of her kids on *TM*, she responded, "I wasn't talking s-t and shut the f-k up cause she gets beat the f-k up by Chris in front of her kids, goodbye." Wait, what?! That's a pretty intense claim to just be throwing around! After seeing the screenshot, he tweeted, "1 more thing lol I NEVER beat my BM."

So where does this stem from? Well, a source told [Radar](#) in October 2017 that Chris had hit the mother of his only child. "There has been abuse against Kail on more than one occasion," said the source, also insisting that Kail was still "finding a safe way for him to have a relationship with his son." Though Kail never confirmed these rumors, she also hasn't spoken out against them, which

doesn't look good for Chris.



Chris and Kail have certainly had a [tumultuous relationship](#), and Kail has alluded to him treating her badly, even tweeting at him that he “[couldn't look her in the eye.](#)” Fans assumed she was referring to him cheating on her, but it's possible that it was because of abuse. Hopefully what Chris said is true and he would never hurt her.

Love *Teen Mom*? Keep up with the drama by [joining our Teen Mom Facebook group!](#)

For access to all our exclusive celebrity videos and interviews – [Subscribe on YouTube!](#)

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TAGS: [Briana DeJesus](#) | [Chris Lopez](#) | [Kailyn Lowry](#) | [Teen Mom](#)

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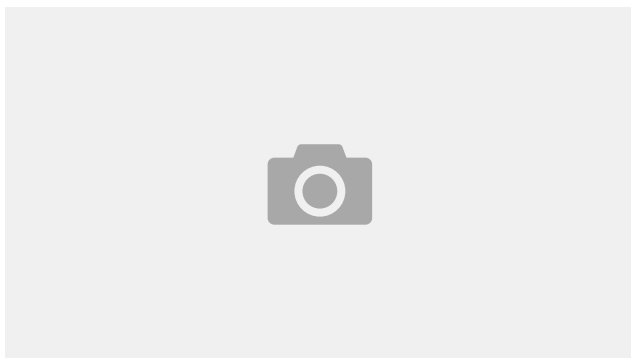


Briana DeJesus Denies Breaking Girl Code With Kailyn Lowry, Clearly Doesn't Know What Girl Code Means

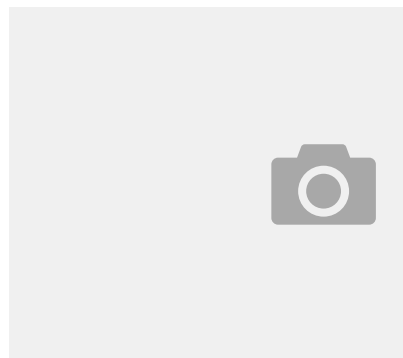
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EXHIBIT F



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attitudes

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larrylover2222 Brianna was completely fine not filming her vacation with her married boyfriend I don't see the problem with kail not wanting to film stuff as well



5h 2 likes Reply



richard.j.g MTV fired Janelle for less than breaking and entering plus felony assault.



3d 5 likes Reply

— View 3 replies



ognita_melani I mean she didn't film how she always acting. Like people judge Briana but she doesn't have a mugshot!



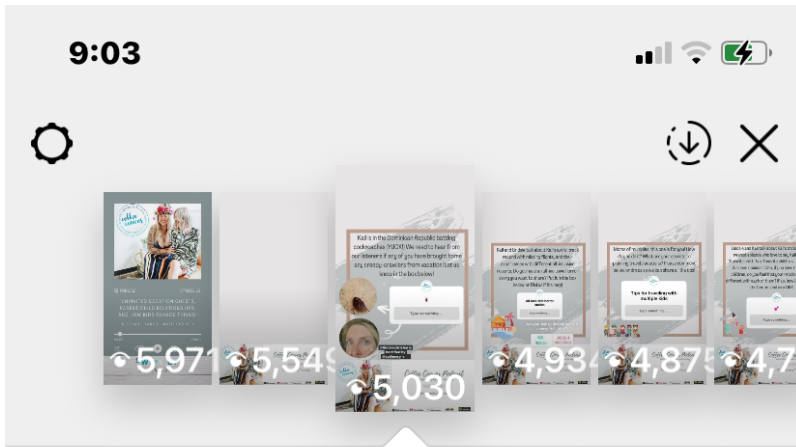
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3lilyblue3 Kails story line is boring she just talks about





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Responses [See All >](#)

-  **winter_necole**
**No longer listening.
Kail is white trash**
Reply
-  **kelseyycarmo**
**I once brought a fire
back with me. It stu
foot while laying in
then died.**
Reply

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-  **thamarie1823**
Thea ... ▾
-  **dap_1978**
Debi ... ▾
-  **o_k_p21**
Karina Olivia Pineda ... ▾
-  **vjpecoraro**
Jo Pecoraro ... ▾

EXHIBIT G

2:56

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WADAMELEN
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9 likes

wadamelenn This list might be useful now. For more of Kail's atrocious history, there are receipts throughout my feed and stories.

It's clear after Kail was cut from last night's episode (see my prior posts), that she has no intention of taking accountability for her ongoing abusive behavior.

View 1 comment

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EXHIBIT H



Courtesy of @_brianadejesus/Instagram; Courtesy of @chrislopezz/Instagram; MEGA

'Teen Mom 2' Star Briana DeJesus Flirts

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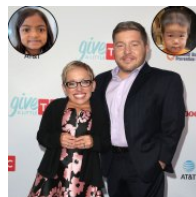
'Octomom' Nadya Suleman Is a Proud Mom of 14: See Her Kids Today!

With Kailyn Lowry's Ex-Boyfriend Chris Lopez Amid Feud

REALITY TV Sep 23, 2020 12:55 pm • By Emma Hernandez

New gym partner? *Teen Mom 2* star [Briana DeJesus](#) got flirty with costar [Kailyn Lowry](#)'s ex-boyfriend, [Chris Lopez](#), on Instagram in the midst of their [ongoing feud](#).

"When we gonna work out together [eyes emoji] [hot face emoji] lmao," Briana, 26, commented on a video Chris, 26, shared of his workout at a local



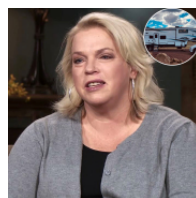
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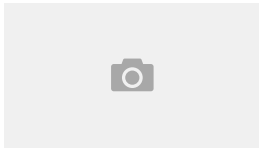
gym in Delaware. Shortly after Briana shared her steamy comment, Chris disabled comments on the post.



The Florida resident's post came just hours after Kailyn, 28, reignited their social media fight on Tuesday, September 22, after the latest episode of *Teen Mom 2*. In a scene from the MTV show, Briana revealed she [tested positive for an STD](#) shortly after hooking up with ex-boyfriend [Luis Hernandez](#), who is the father of her youngest

daughter, Stella. Kailyn was live-tweeting during the show and after Briana opened up about her chlamydia diagnosis, Kail seemingly subtweeted Briana in her reaction to the scene.

"Karma's a bitch," the Pennsylvania native [tweeted](#). Briana took her message as shade, so she responded with a clap back of her own. "YA BABYDADDYYYY WANNA LOVE ME," Bri wrote in a since-deleted tweet shared by the [Teen Mom Shade Room](#).



GET TO KNOW ALL OF THE ADORABLE KIDS FROM 'TEEN MOM OG' AND 'TEEN MOM 2'

This isn't the first time Briana and Chris have interacted with each other via social media. During another social media spat with Kail in March, [Briana joked about hooking up](#) with the father of Kail's youngest sons, Lux and Creed.

"You know what would make for good television? If you went after

Chris. Imagine all the drama! This season would be lit. Secure the bag, girl. Get those ratings up!" one fan, who sided with Bri in the fight, wrote at the time. "What's his Twitter? LMAO," Bri responded.

Although Briana previously said she would [never be interested](#) in hooking up with or dating Chris, they sparked rumors again in August when Chris "liked" one of [Bri's sexy selfies](#) on Instagram. Despite the speculation, Chris [denied anything was going on](#) between him and the New York native.

"It was one picture, bro. One picture. Are you butthurt about one picture?" Chris told fans in an Instagram Live at the time. "At the time I was being petty. I can admit it, at the time I was being petty. I was angry. It happens. I'm a human. Y'all like pictures every day. S-t I do too. I just came across a picture

I liked."

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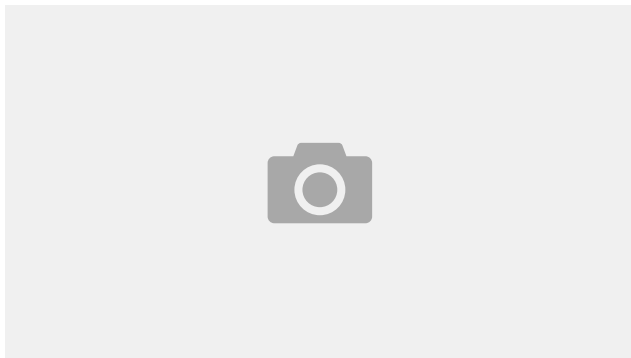
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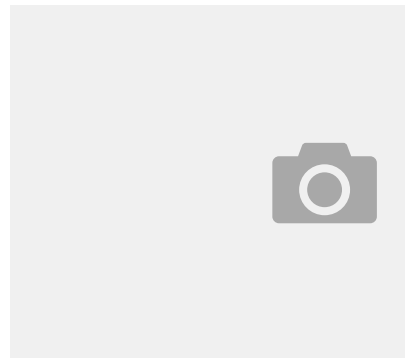
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IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

KAILYN LOWRY,

Plaintiff,

v.

BRIANA SOTO p/k/a BRIANA DE JESUS

Defendant.

Case No. 2021-CA-001817-OC

AFFIDAVIT OF NATALIE KNAPP

STATE OF DELAWARE)
) ss.
COUNTY OF NEW CASTLE)

NATALIE KNAPP, being duly sworn, deposes and says:

1. I am an adult, over the age of 18, and reside in the State of Delaware.
2. I have known Plaintiff Kailyn Lowry ("Kail") for approximately 2 ½ years. We first met through my oldest son, who is friends with Kail.
3. I also work as Kail's nanny.
4. I am fully familiar with the facts stated below which are based on my own personal knowledge. I make this affidavit voluntary, and for the purposes of providing the Court with additional information to consider when determining Defendant Briana Soto's ("Defendant" or "Soto") Motion for Summary Judgment pursuant to Florida Statute § 768.295 and the merits of Kail's case against Soto.

Kail Lowry Did Not Break Into Christine Lopez's Home Nor Did She Have Any Physical Contact with Christopher Lopez While In the Home

5. On September 4, 2020, Kail and I, along with my youngest son, who is a teenager, drove to the home of Christine Lopez ("Christine") to pick-up Lux Lowry from a visit with Christine.

6. Christine is the paternal grandmother of Lux Lowry ("Lux") and the mother of Christopher Lopez ("Chris").

7. Lux is Kail and Chris' son.

8. After picking-up Lux from his grandmother's home, my son was buckling Lux into his car seat. While doing this, he noticed that Lux's hair was cut very unevenly. He exclaimed something to the effect that Lux's hair had been cut and it does not look good.

9. Lux's hair was cut very unevenly. It looked terrible. His hair appeared to be cut with a pair of house scissors.

10. Upon seeing Lux's hair, Kail exited the vehicle and began walking towards Christine's house. I followed Kail. I was only a few steps behind her the entire time.

11. Christine, Lux's paternal grandmother, was standing by the door when we walked to the house from the driveway. Christine did not stop Kail or say or do anything to indicate that Kail was not welcome in her home. Kail did not push her way into Christine's home or do anything that would remotely resemble "breaking and entering" into Christine's home.

12. From my vantage point, it looked like Christine let Kail into her home.

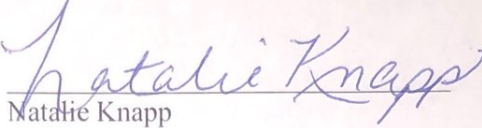
13. After Kail walked through the door, she met Chris in the kitchen.

14. Kail began to yell at Chris concerning Lux's hair. Chris reciprocated and yelled back at Kail. They argued for about two minutes before Chris and Christine asked Kail to leave.

15. At no point did I see Kail put her hands on Chris, touch or hit him.

16. Again, I was just a few steps behind Kail and could see her the entire time.

17. After being asked to leave, we walked out of Christine's home to Kail's vehicle and joined our boys in the car.


Natalie Knapp

Sworn before me this 27th
day of August 2021


Notary

CLARICE G KWASNIESKI
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES
MAY 27, 2022