

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO.: 2384CV00127

JULIA MEJIA,  
Plaintiff,

v.

AIDAN KEARNEY,  
Defendant.

**ANSWER, AFFIRMATIVE DEFENSES,  
AND DEMAND FOR JURY TRIAL**

Defendant, Aidan Kearney, hereby answers the Complaint of Plaintiff, Julia Mejia, by paragraph, and submits his affirmative defenses as follows:

**INTRODUCTION<sup>1</sup>**

1. Paragraph 1 of the Complaint contains no allegations to which a response is required. To the extent a response is required, Defendant denies the averment of paragraph 1 of the Complaint.

**PARTIES**

2. Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the averment of ¶ 2 of the Complaint and leaves Plaintiff to her proof.

3. Defendant admits the averment of ¶ 3 of the Complaint.

**JURISDICTION AND VENUE**

4. Paragraph 4 contains conclusions of law to which no response is required. To the extent a response is required, Defendant does not dispute jurisdiction or venue.

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<sup>1</sup> Defendant restates Plaintiff's headers for reference and does not admit the same. To the extent a response is required, they are denied.

## FACTS COMMON TO ALL COUNTS

5. Defendant admits the averment of ¶ 5 of the Complaint.
6. Defendant admits the averment of ¶ 6 of the Complaint.
7. Defendant admits the averment of ¶ 7 of the Complaint.
8. The averment of ¶ 8 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.
9. Defendant admits the averment of ¶ 9 of the Complaint.
10. The averment of ¶ 10 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.
11. Defendant denies the averment of ¶ 11 of the Complaint.
12. Defendant denies the averment of ¶ 12 of the Complaint.
13. The averment of ¶ 13 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.
14. Defendant admits the averment of ¶ 14 of the Complaint as to making the posting at issue, but denies the remaining allegations of this paragraph.
15. Defendant admits the averment of ¶ 15 of the Complaint.
16. Defendant admits the averment of ¶ 16 of the Complaint.
17. The averment of ¶ 17 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.

## COUNT I

### Defamation/Libel

18. Defendant repeats and incorporates by reference his responses to ¶¶ 1-17 and all subsequent paragraphs.

19. The averment of ¶ 19 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.

20. The averment of ¶ 20 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.

21. The averment of ¶ 21 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.

22. Defendant lacks sufficient information to admit or deny the allegations of this paragraph, but to the extent a response is required, Defendant denies the averment of ¶ 22 of the Complaint.

## **COUNT II**

### **Intentional Infliction of Emotional Distress**

23. Defendant repeats and incorporates by reference his responses to ¶¶ 1-22 and all subsequent paragraphs.

24. The averment of ¶ 24 of the Complaint states a legal conclusion to which Mr. Kearney is not required to respond. To the extent a response is required, the averment is denied.

25. Defendant lacks sufficient information to admit or deny the allegations of this paragraph, but to the extent a response is required, Defendant denies the averment of ¶ 25 of the Complaint.

26. Defendant lacks sufficient information to admit or deny the allegations of this paragraph, but to the extent a response is required, Defendant denies the averment of ¶ 26 of the Complaint.

### **PLAINTIFF’S PRAYER FOR RELIEF**

This Court should deny all relief requested in Plaintiff’s “Prayer for Relief”.

## AFFIRMATIVE DEFENSES

### Facts Common to All Defenses

1. Plaintiff was elected by a single voter over her competitor in 2019.
2. Plaintiff is a public official.
3. Regarding the article dated February 15, 2021, referenced in ¶¶ 7 and 9 of the Complaint, Defendant cited and linked to an article that reported on “multiple calls and emails about an alleged live stream, footage and images” of the homicide of Brandon Williams in Mattapan. “Calls for Resignation Amidst Mejia Scandal,” LIVE BOSTON, (Feb. 9, 2021), available at: <https://liveboston617.org/2021/02/09/calls-for-resignation-amist-mejia-scandal/>. **Exhibit A**.
4. On February 8, 2021, through a video posted on social media, Plaintiff apologized to the victim’s family for live-streaming the homicide of Brandon Williams. <https://twitter.com/juliaforboston/status/1358924553733423104?s=20>. See **Exhibit B**, Tweet, and **Exhibit C**, video attached to Tweet.
5. Regarding the article dated December 15, 2022, referenced in ¶¶ 11-12 of the Complaint, Defendant included a disclaimer in his first paragraph, stating that “we have no concrete evidence that this happened, as the city is thus far refusing to hand over body cam footage, and she was not arrested.”
6. The article dated December 15, 2022, also discusses allegations on social media by third parties that Plaintiff was involved in illegal drug use including cocaine.
7. Plaintiff previously used her position as a Councilmember to intimidate a police officer who questioned her authority. See **Exhibit D**, Flint McColgan, “Boston police officer reports feeling ‘intimidated’ by City Councilor Julia Mejia,” BOSTON HERALD (June 9, 2022),

available at: <https://www.bostonherald.com/2022/06/09/boston-police-officer-reports-feeling-intimidated-by-city-councilor-julia-mejia/>.

## **FIRST DEFENSE**

### **Truth**

1. All statements allegedly made by Defendant complained of by Plaintiff are true.
2. Any complained-of statements allegedly made by Defendant that may happen to lack 100% factual veracity are substantially true and treated as true as a matter of law.
3. Public officials must prove falsity to prevail in a defamation claim. Since the statements are true, the Plaintiff will not be able to meet her burden.

## **SECOND DEFENSE**

### **Substantial Truth**

1. Any statements allegedly made by Defendant complained of by Plaintiff that are not literally true are substantially true, in that the “gist” or “sting” of the article is true.
2. Public officials must prove falsity to prevail in a defamation claim. Since the statements are substantially true, the Plaintiff will not be able to meet her burden.

## **THIRD DEFENSE**

### **Lack of Actual Malice**

1. Plaintiff is a public official. Accordingly, her defamation claim is subject to the “actual malice” standard set forth in *New York Times Co. v. Sullivan*, which requires that the plaintiff prove by clear and convincing evidence that the defendant made the allegedly defamatory statements with “knowledge that [they were] false or with reckless disregard of whether [they were] false or not.” 376 U.S. 254, 280 (1964); *see also Bose Corp. v. Consumers Union*, 466 U.S. 485, 514 (1984).

2. Defendant at no point harbored any doubt as to the truth of the complained of statements, and had no reason to doubt their accuracy.

3. As actual malice is a requirement to establish liability for defamation, Defendant cannot be liable for Plaintiff's defamation claims.

#### **FOURTH DEFENSE**

##### **Incremental Harm**

1. Plaintiff alleges that portions of articles contain defamatory statements.

2. The challenged statements cause no significant damage to the Plaintiff's reputation beyond the harm caused by the remainder of the publication.

3. Further, none of the statements, even if proven false and even if actual malice is proven, changed the public's perception of the Plaintiff.

#### **FIFTH DEFENSE**

##### **Failure to State a Claim**

1. Plaintiff has failed to sufficiently plead the elements of a cause of action for libel.

2. Plaintiff has failed to sufficiently plead the elements of a cause of action for libel per se.

3. Plaintiff has failed to sufficiently plead the elements of a cause of action for intentional infliction of emotional distress.

4. To the extent that the required elements were even considered, they were pled in a conclusory fashion, without the required allegations to render them properly pled. *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 635 (2008).

## **SIXTH DEFENSE**

### **Failure to Mitigate**

1. Plaintiff failed to take reasonable steps to minimize the impact of her alleged injuries.
2. Defendant is not responsible for losses that the Plaintiff could have avoided by acting reasonably.

## **SEVENTH DEFENSE**

### **Wire Service**

1. Defendant republished content from a reputable news source and cannot be liable for the republished content.

## **EIGHTH DEFENSE**

### **Libel-Proof**

1. Plaintiff live-streamed the crime scene of a murder, which gravely offended the victim's family.
2. Plaintiff publicly apologized to the victim's family, and in doing so acknowledged her ghoulish behavior and wrongdoing.
3. Plaintiff already had a pre-existing reputation for abusing her power and position to intimidate police.
4. Plaintiff has such a low standing in the community that nothing could harm her reputation.

WHEREFORE, Defendant Aidan Kearney respectfully requests this Honorable Court award him judgment on all claims, along with his allowable and reasonable costs, fees, and expenses, and such other relief as this Court deems just and proper.

## DEMAND FOR JURY TRIAL

Pursuant to Mass. R. Civ. P. 38, Defendant hereby demands trial by jury on all claims and defenses so triable.

Dated: February 21, 2023.

Respectfully Submitted,

/s/ Marc J. Randazza

Marc J. Randazza, BBO# 651477  
mjr@randazza.com, ecf@randazza.com  
RANDAZZA LEGAL GROUP, PLLC  
30 Western Avenue  
Gloucester, MA 01930  
Tel: (888) 887-1776

Attorney for Defendant,  
Aidan Kearney

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all parties through the Court's electronic filing system on this 21<sup>st</sup> day of February 2023.

/s/ Marc J. Randazza

Marc J. Randazza, BBO# 651477

# **Exhibit A**

Live Boston Article



Legends Hotel™ Supima® Wrinkle-Free Sateen Pillowcases

Company™ Organic Sateen Pillowcases

Get a great night's sleep on these smooth pillowcases crafted of Supima® cotton, the finest A... A perfect pairing, this organic bedding collection combines eco-friendly organic cotton with the...

\$38

\$32

REPORT THIS AD



LIVE BOSTON

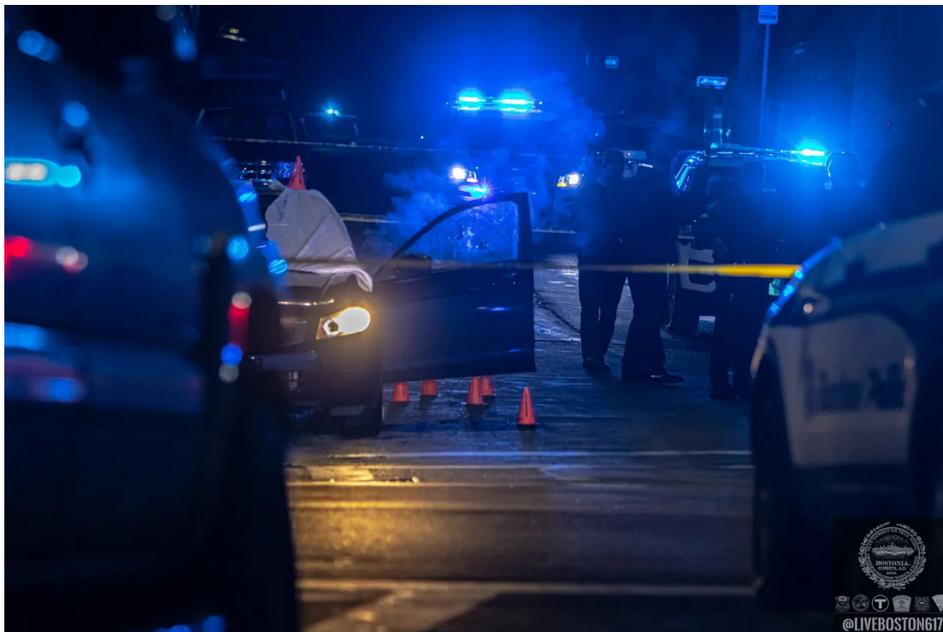
Showcasing Boston's Strongest Through  
Photography Since 2014 – 501(c)3 Nonprofit

LIVE BOSTON INVESTIGATES By LIVE BOSTON / FEBRUARY 9, 2021 @ 21:59

# CALLS FOR RESIGNATION AMIDST MEJIA SCANDAL



Throughout the day today as well as the past week, we received multiple calls and emails about an alleged live stream, footage and images of a homicide in Mattapan on Capen Street. The footage appeared to be inside of a Crime Scene, behind the yellow tape, where man's body was clearly viable and. Originally we were confused as our photographer was actually late arriving to the scene and had only been able to capture images of the vehicle from almost two blocks away, but as is our nature we began to dig.



Now before we get into what our investigation found, we would like to take a second and tell you about Brandon Willams, the man who had his life stolen from him too early in a senseless, horrid act of violence. Hardworking father, son, brother, uncle, nephew and friend and veteran. A dedicated father to his 4-year-old daughter Alilah, and a generally kind man. Those who knew him described him as a funny, kind and respectful person who was always willing to lend a helping hand and support those in need. He was taken too soon and his family will now never be the same.



Yesterday our investigation came to a head with the publication of a video by City Councilor Julie Mejia, the woman who won her seat by a margin of one vote and lives feet away from where the Capen Street homicide occurred. In her video posted below, she briefly mentions she may have posted something that was inappropriate however she skillfully attempts to redirect attention away from herself and rather toward others. After watching the video our team was confused on what it was in response to so we continued to dig.



In the spirit of accountability, I wanted to apologize to those who were exposed to the post I shared last week. My sincere condolences to my neighbors as they grief their loss. I responded as a parent, a neighbor and someone who uses social media to amplify the realities.

Julia

Watch on Twitter

6:43 PM · Feb 8, 2021



25

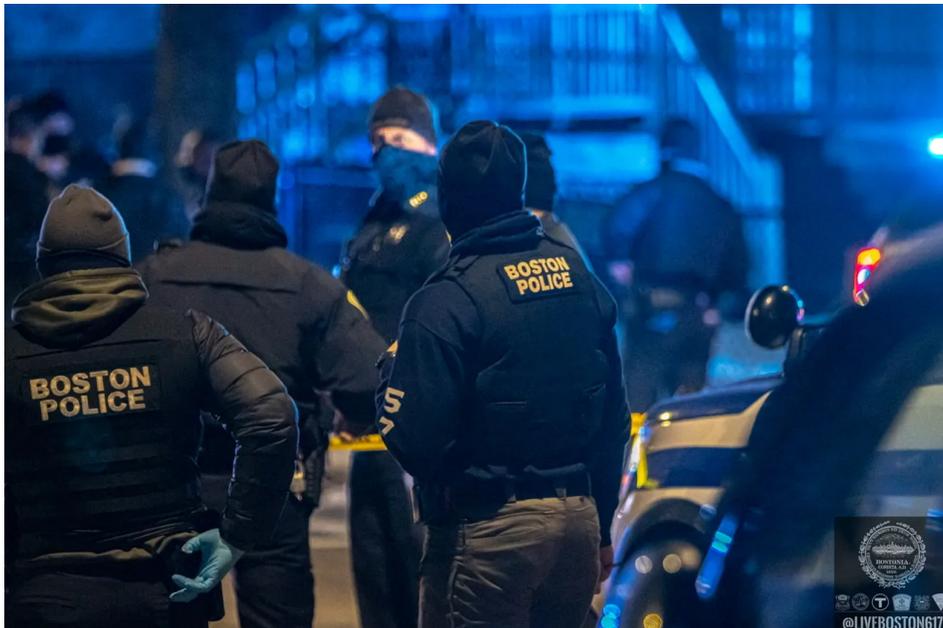


Reply



Copy link

Read 17 replies



What we found was shocking. Allegedly after hearing gunshots ring out in her neighborhood, Councilor Mejia without hesitation picked up the phone and started a live stream. Rather than call 911, or offer assistance, she decided to use the tragic death of her neighbor for her own self promotion according to those who saw the video. Those who saw the video, including the victims family report that Mejia can be seen walking into what was an active crime scene, up to the body of the deceased, and proceeding to touch objects in the scene and possibly the corpse. The video allegedly goes on to show



causing more chaos.

Quickly after the incident, Mejia removed the video, which we are currently working to try and recover, in a clear and blatant attempt to cover her tracks. Furthermore, the next morning she went on to reach out and speak with the Globe something she didn't even bother to ask the victims family if they were okay with first. Rather than use the interview as a means to advocate for the victim and his family Mejia used the Globe interview to further self promote herself, including toting multiple other homicides she's been involved with in what we can only describe as a sad attempt to gain credibility. She then went on to retweet the self-serving article with the utterly inappropriate hashtag "#shookfromlastnight".

**Julia Mejia**  
@juliaforboston · [Follow](#)

"This is the new normal. Nobody is immune to this when it comes to homicide," she said. "Just because you are a city official doesn't mean anything. We are all dodging the same bullets. We are living in fear in the city of Boston."

[#shookfromlastnight](#)

[bostonglobe.com](#)  
**Man shot to death near City Councilor Mejia's Dorchester ho...**  
A man sitting in a parked car was shot to death Thursday night in Dorchester, just steps away from the front door of City ...

5:14 PM · Feb 5, 2021

5 [Reply](#) [Copy link](#)

[Read 10 replies](#)

Finally yesterday she released the video which we included above, where she first tries to shift responsibility for her actions onto others, then attempts to justify them before finishing by trying to use the victim and his family as a scapegoat of attention. At points during the video it even appeared as if she was attempting to paint herself as a victim of circumstance rather than the perpetrator behind the trauma. For the second time, the



**Willie**

**So the family to see their love ones  
and me the father to see this on live  
stream from one thats supposed to  
represent him to exploit the situation  
was tasteless and poor attempts to  
grab the spot light from a innocent  
father brother and my son killed in  
the streets  
of boston .just saying my piece so  
were was the humanity for my son  
Brandon**

1d Like

6 🤔❤️

In the comments on Facebook, the father of the victim clearly states that he still hadn't been contacted and calls Majia out on the blatant exploitation of his son. On Twitter another family member says that her video was "inadequate" and she is "deeply disappointed", again echoing claims that Majia had not even reached out to ask the families permission before capitalizing on their trauma.



I'm sorry but this is in adequate, Julia. The victim is a member of my extended family and you have caused his mother and sister and father and others unnecessary harm in the face of already devastating circumstances. I am deeply disappointed.



**Julia Mejia** @juliaforboston · 1d

In the spirit of accountability, I wanted to apologize to those who were exposed to the post I shared last week. My sincere condolences to my neighbors as they grief their loss. I responded as a parent, a neighbor and someone who uses social media to amplify the realities.

Julia



With all of this said and done, many are now questioning the City Councilors ability to truly represent her constituents, when her behavior has already shown a clear lack of empathy and respect for those who voted and elected her. When someone cannot behave properly when their next-door neighbor is executed, let alone it being a city representative, it brings into question if that person is fit to represent the people of the city of Boston.



After speaking with a representative of the family of Brandon Williams, they are still grieving and looking to heal and have asked for privacy during this difficult time. There has been a Go Fund Me established to help with the family and his daughter's needs during this difficult time and anyone who is able is asked to support. The prayers of all of us here at Live Boston are with the family as they navigate these difficult times.



getname



## Brandon D. Williams

**\$8,930** raised of \$25,000 goal

DONATE TODAY

The Boston Police Department is actively reviewing the facts and circumstances surrounding the murder of Brendan and is asking anyone with information relative to this investigation to contact Boston Police Homicide Detectives at (617) 343-4470. Additionally we did reach out multiple times today to Councilor Julie Mejia Office for comment however we have not received a response. Better yet we have found the Councilor would rather block our accounts rather than face questions related to her outrageous behavior. This just further shows a pattern of unprofessionalism, lack of accountability, and general disregard for decency.



[julia.mejia@boston.gov](#)  
 Boston City Councilor At-Large  
 Pronouns: She/Her

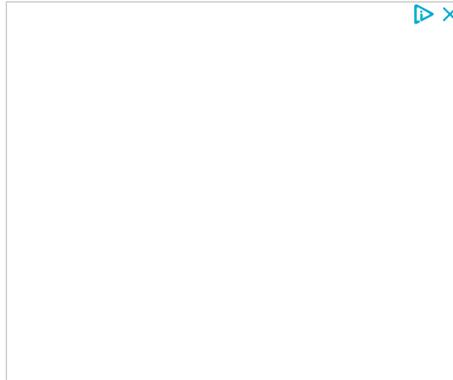


**Julia Mejia**  
 @juliaforboston

## @juliaforboston blocked you

You are blocked from following @juliaforboston and viewing @juliaforboston's Tweets.

Advertisements



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**LIVE  
 BOSTON  
 617**

Live Boston ALL POSTS

# **Exhibit B**

Tweet by @juliaforboston



# Explore

Settings

← Tweet



**Julia Mejia**  
@juliaforboston

In the spirit of accountability, I wanted to apologize to those who were exposed to the post I shared last week. My sincere condolences to my neighbors as they grief their loss. I responded as a parent, a neighbor and someone who uses social media to amplify the realities.  
Julia



6:43 PM · Feb 8, 2021



**Noah Tobin** @noahtobin · Feb 8, 2021

Replying to @juliaforboston

Thank you for listening and acting on feedback you received.



1



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**Julia Mejia**  
@juliaforboston  
Proud Bostonian | Dorche Mom | Afro-Latina 🇺🇸 | In Boston City Councilor At- She/Her/Ella | #AllMeans #MejiaMovement

### What's happening

UEFA Champions ... · Starts at 3:00 PM  
**Liverpool FC vs Real Madrid**

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18.3K Tweets

Trending in United States

**Adin**  
5,114 Tweets

Trending in United States

**Academic All-District**

Trending in United States

**Jen Psaki**  
3,359 Tweets

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# **Exhibit C**

Video Exhibit

Tweet by @juliaforboston

**To be filed conventionally  
with the Clerk's office.**

# **Exhibit D**

Boston Herald Article

# Boston police officer reports feeling 'intimidated' by City Councilor Julia Mejia

Officer says Mejia said she is his 'worst nightmare'

Boston Herald file photo

City Councilor at Large Julia Mejia in a file photo at the Statehouse March 27, 2021, in Boston, Massachusetts. A Boston police officer reported feeling "uncomfortable and intimidated" by Mejia in a May 27 interaction, according to a letter obtained by the Boston Herald. (Photo by Paul Connors/Media News Group/Boston Herald)

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By **FLINT MCCOLGAN** | [flint.mccolgan@bostonherald.com](mailto:flint.mccolgan@bostonherald.com) |

PUBLISHED: June 9, 2022 at 7:06 p.m. | UPDATED: June 9, 2022 at 8:28 p.m.

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A Boston police officer reported that he felt intimidated by City Councilor Julia Mejia during an interaction with her late last month, but Mejia says it's a misunderstanding.

"After the councilor walked away, I continued to feel uncomfortable and intimidated," the police officer wrote in the June 3 letter to his district captain obtained by the Herald. "This feeling was due to the fact that I am aware that a City of Boston councilor is an elected politician who has some power and say over me due to my current job."

The police officer was on assignment directing traffic for the May 27 wake of the Rev. Roberto Miranda, held at the South End church Congregacion Leon de Juda, when he encountered the councilor.

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He said Mejia asked him to direct wake traffic to park in a nearby lot. The officer stated that he didn't know who owned the lot so he couldn't do that, and Mejia got on her phone with the city Water and Sewer Commission to confirm the use of their lot.

“The female then stated to me ‘I’m your worst nightmare.’ After hearing those words, I thought that it was strange for someone to say that to me,” the officer continued, later adding, “After a few more times of saying that she was the city councilor, the lady then informed me that she was indeed City Councilor Julia Mejia.”

The police officer also alleges that Mejia “then raised her hands to either side of her face and verbally exclaimed ‘aaahhh,’ which I perceived as someone trying to make a scary face. This was done about 2-3 times.”

Mejia, who did not know about the letter when called for comment, told the Herald Thursday that “I feel really bad learning that he felt that way” and that “I did not walk away from that experience thinking that he took me serious.”

She said she apologizes for setting a bad impression and was only trying to be playful, adding that she would be “happy to meet with the police officer and help him feel more comfortable with me if that will put him at ease.”

“Our officers are out here in our streets every single day and they come across many different violent and dangerous situations and it’s difficult for me to hear that an officer is intimidated by me, who is 5’2” and weighs less than 100 pounds,” Mejia added later. “If an officer is intimidated by someone like me, it makes me disheartened but also makes me question, you know, their own capacity to be able to deal with situations that make them feel uncomfortable.”

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Tags: [Boston City Council](#), [Boston Police](#), [Boston Police Department](#), [Julia Mejia](#), [Watchdog](#)



## Flint McColgan | Police and courts reporter

Flint McColgan is the police and courts reporter for the Boston Herald. He previously worked covering politics in Pennsylvania

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