

I. FACTUAL AND PROCEDURAL BACKGROUND

On April 24, 2021, Plaintiff Samuel Johnson (“Johnson”) was at a local hotel restaurant for dinner. (Doc. No. 1 ¶¶ 46-47, 49). An incident occurred at the hotel between Johnson and some teenagers dressed for prom. (*Id.* ¶¶ 65-72). One of the teenagers took a video of the incident on their cell phone and published an edited version (the “Clip”) to their personal TikTok account. (*Id.* ¶¶ 67, 71, 76). The complaint alleges that the Clip had limited public exposure between April 24 and April 25, 2021. (*Id.* ¶ 80).

Plaintiff Jill Johnson was out of town on April 24, 2021. (*Id.* ¶ 48).

Kathy Griffin, a comedian who lives in California, tweeted about the incident on April 26, 2021. Her first tweet shared another user's video of the Clip, with that user's caption reading:

“Homophobic POS in Tennessee harasses a teenager for wearing a dress to prom.” (*Id.* ¶ 81).

Griffin's added commentary to the quoted tweet read:

If this is Sam Johnson in Nashville, Tennessee, the CEO of @VisuWell, healthcare-tech-growth strategist, married to Jill Johnson where they may reside in Franklin, Tennessee, it seems like he's dying to be online famous. [shrugging emoji, rainbow flag emoji, shrugging emoji]

(*Id.*). Later that morning, Griffin tweeted a screen shot of google image search results for “ceo visuwell” showing two headshots of Johnson along with the caption: “Who is? THIS Sam Johnson of Franklin Tennessee?” (*Id.* ¶ 86; Doc. No. 1-5). That evening, VisuWell tweeted four times via its official Twitter account about the incident: