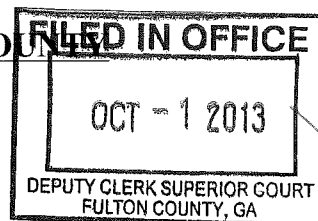


**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**



**LARRY L. SHAW,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **JOHN H. SHEARD and** )  
 **WILLIAM McCRAY III,** )  
 )  
 **Defendants.** )  
 )  
 \_\_\_\_\_ )

**CIVIL ACTION NO.:**  
2013 CV 237152

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Larry L. Shaw, for his Complaint against Defendants John H. Sheard and William McCray III, alleges as follows:

**INTRODUCTION**

1.

Plaintiff brings this action under O.C.G.A. § 51-5-1 for libel and the common law of intentional infliction of emotional distress and seeks a permanent injunction in addition to compensatory and punitive damages. As explained herein, Plaintiff alleges that Defendants conspired with others known and unknown to falsely and maliciously defame Plaintiff in print and online, tending to injure Plaintiff's reputation and exposing Plaintiff to public hatred, contempt, or ridicule.

## JURISDICTION AND VENUE

2.

This Court has subject matter jurisdiction over this action pursuant to O.C.G.A. § 15-7-4(a)(2) and GA. CONST. ART. 6, § 4, ¶ 1.

3.

This Court has personal jurisdiction over Defendant McCray as, upon information and belief, he is a resident of Fulton County. This Court has personal jurisdiction over Defendant Sheard pursuant to The Georgia Long Arm Statute. O.C.G.A. § 9-10-9. Under the theory of conspiracy jurisdiction, the in-state acts of a resident co-conspirator may be imputed to a nonresident co-conspirator so as to satisfy the specific contact requirements of the statute. *Hyperdynamics Corp. v. Southridge Capital Mgmt., LLC*, 305 Ga. App. 283, 294, 699 S.E.2d 456, 466 (2010). Due process is satisfied as Defendant Sheard “[took] action purposefully directed toward [Georgia], such that he reasonably should have anticipated being haled into court [here].” *See Rudo v. Stubbs*, 221 Ga. App. 702, 703, 472 S.E.2d 515, 517 (1996).

4.

Venue is proper pursuant to O.C.G.A. § 9-10-93 because, upon information and belief, the tortious act occurred in Fulton County, Georgia.

Moreover, where an action is brought against a Georgia resident, any nonresident who is involved in the same transaction or occurrence may be joined as a defendant in the county where the resident defendant is suable.

### PARTIES

5.

Plaintiff is a consecrated bishop in the Church of God in Christ, Inc. (hereinafter "COGIC"). Plaintiff is Jurisdictional Prelate of the Historic First Jurisdiction of Southern Georgia COGIC and pastor of Greater Union Grove Church of God in Christ. Plaintiff is also the duly elected Secretary of the COGIC Board of Bishops. Plaintiff resides in Hinesville, Georgia.

6.

Defendant Sheard is Bishop of the First Ecclesiastical Jurisdiction of Michigan Southwest in Detroit, Michigan and is Chairman of the COGIC Board of Bishops. Defendant Sheard is a resident of the State of Michigan and may be served at 19511 Alton Road, Detroit, Michigan 48203.

7.

Defendant McCray is an Elder in the New Life Tabernacle COGIC in Atlanta, a chauffer-for-hire for the COGIC, and a blogger. Upon information and belief, Defendant McCray is a resident of Fulton County, Georgia. Defendant McCray's address is unknown at this time.

## RELEVANT FACTS

8.

During or about April 2012, a disagreement developed between Plaintiff and Defendant Sheard concerning the suspension of another bishop in the COGIC. Specifically, Plaintiff voiced his belief that the suspended bishop was denied internal due process pursuant to the COGIC constitution.

9.

As Secretary of the COGIC Board of Bishops, Plaintiff was, and is, responsible for maintaining the integrity of the records of the Board of Bishops.

10.

On or about May 1, 2012, Defendant Sheard enlisted another bishop of the COGIC, Nathaniel Wells, to request Plaintiff recant his statements that the bishop was improperly suspended. From on or about May 1, 2012 to May 4, 2012, Bishop Wells called Plaintiff several times to convey the seriousness of the disagreement and seek a resolution thereto. Bishop Wells proposed a meeting in Detroit with Plaintiff and Defendant Sheard.

11.

During one or more of these conversations, Bishop Wells told Plaintiff that Defendant Sheard claimed to have a letter concerning Plaintiff

that could damage Plaintiff's credibility and reputation. Bishop Wells also indicated that Defendant Sheard wanted Plaintiff to know that Defendant Sheard was considering hiring an attorney if Plaintiff did not say that he (Plaintiff) "didn't remember" Defendant Sheard's having signed a document relevant to the suspension of the bishop.

12.

On or about May 4, 2012, Plaintiff attended a meeting in Detroit with Defendant Sheard, Bishop Wells, and two other bishops. At the meeting, Defendant Sheard directly asked Plaintiff to "forget about" Defendant Sheard's having signed the document relevant to the suspension of the bishop.

13.

After Plaintiff declined to feign memory loss, stating that his integrity would not remain intact if he falsified records, Defendant Sheard announced to the attendees that he possessed a damaging letter concerning Plaintiff. Defendant Sheard refused to identify the author of the letter but promised Plaintiff that he (Plaintiff) would find out "sooner or later."

14.

Plaintiff heard nothing more about the letter until his attendance at the Bishop's Conference in Detroit on or about September 15-17, 2012. At the

conference, Plaintiff learned that the letter had been widely distributed to other bishops in the COGIC. In addition, Defendant Sheard stripped Plaintiff of his responsibilities as Secretary of the COGIC Board of Bishops before the quadrennial elections to be held in November 2012. Plaintiff was then running for reelection and Defendant Sheard supported Plaintiff's opponent.

15.

This letter, which Plaintiff had seen before, was authored in or about 2000 by Tuwanna Jackson, a parishioner in the COGIC at that time, and contained numerous unsubstantiated allegations of vile and despicable conduct by Plaintiff and others. Specifically, the letter alleged that Plaintiff raped and sodomized Ms. Jackson and transmitted to her a sexually transmitted disease after having had intercourse with someone suffering from AIDS.

16.

Plaintiff never raped or sodomized Ms. Jackson or transmitted to her a sexually transmitted disease after having had intercourse with someone suffering from AIDS. In fact, Plaintiff had never met Ms. Jackson until after he became aware of the existence of the letter.

17.

Nevertheless, while Ms. Jackson's outlandish claims were never reported to law enforcement, they were brought to the attention of the COGIC's Grievance Committee in or about 2000. The Grievance Committee conducted an investigation and found no evidence whatsoever that Plaintiff had engaged in the conduct alleged in the letter. Upon information and belief, Defendant Sheard was aware of this finding.

18.

At the conference in Detroit, the COGIC hired Defendant McCray to chauffeur the bishops to and from the conference as needed.

19.

Defendant Sheard approached Defendant McCray and solicited him to post the defamatory letter on Defendant McCray's website and to interview Ms. Jackson on his (Defendant McCray's) radio show. Defendant Sheard initially offered Defendant McCray ten thousand dollars (\$10,000.00) to do these things and told him that he wanted to "destroy" Plaintiff. Defendant Sheard subsequently lowered his offer to six thousand dollars (\$6,000.00).

20.

That Defendants Sheard and McCray entered into a conspiracy to defame Plaintiff was made clear on or about October 2, 2012 when

Defendant McCray posted the letter on his website (<http://obnoxiousv.wordpress.com>). The letter was, and remains, accessible by the general public, worldwide. In addition to the defamatory letter, Defendant McCray posted:

Many of you that follow my work know that I do not report half of the information I get. However, there are times when I cannot be silent about some of the items sent to me.

...

I have held this e-mail for as long as my good conscience would allow me. **Obnoxious** is a platform where I will share the stories of victims of alleged Men and Women of God that have abused, mistreated, and hurt the saints.

(<http://obnoxiousv.wordpress.com/2012/10/02/r-kelly-has-nothing-on-cogic-bishop-larry-shaw-and-bishop-vincent-drummer-accused-of-gang-rape-read-the-victims-graphic-detailed-account-of-how-the-so-called-men-of-god-repeatedly-raped-and-forced/>, accessed September 29, 2013)

Defendant McCray also noted that the elections would be held in exactly thirty days from the date of the post.

21.

In November 2012, Plaintiff was reelected to his position as Secretary of the COGIC Board of Bishops.

22.

Thereafter, Defendant McCray sought the compensation Defendant Sheard promised him for posting the defamatory letter on his website.



Defendant McCray has indicated that Defendant Sheard rebuffed him, stating, “We lost.” Defendant Sheard refused to pay Defendant McCray yet the defamatory letter remains online at his website to this day.

23.

On or about September 18, 2013, Plaintiff demanded Defendant Sheard retract his defamatory statements in the same manners and forums they were made. Upon information and belief, no retraction has occurred prior to the filing of this lawsuit.

**COUNT ONE: LIBEL**  
**O.C.G.A. § 51-5-1**

24.

A cause of action for defamation consists of four elements: “(1) a false and defamatory statement concerning the plaintiff; (2) an unprivileged communication to a third party; (3) fault by the defendant amounting at least to negligence; and (4) special harm or the actionability of the statement irrespective of special harm.” *Mathis v. Cannon*, 276 Ga. 16, 20-21(2), 573 S.E.2d 376 (2002).

25.

Defendant Sheard’s letter contained numerous false and defamatory statements concerning Plaintiff.

26.

Defendants Sheard and McCray published the false and malicious defamatory statement on the World Wide Web knowing it was false or with reckless disregard for the truth.

27.

Defendants Sheard's and McCray's false and malicious defamatory statement was not protected by any statutory, common law, or constitutional privilege.

28.

In addition, that Defendants Sheard and McCray acted with malice was demonstrated when Defendant Sheard told Defendant McCray to publish the letter on his website because Defendant Sheard wanted to "destroy" Plaintiff. Moreover, pursuant to O.C.G.A. § 51-5-5, malice is inferred from the character of the charge.

29.

Defendants Sheards's and McCray's false and malicious defamatory statement is actionable *per se* as it is injurious on its face and needs no extrinsic proof. Libel *per se* consists of a charge that one is guilty of a crime, dishonesty[, ] or immorality.... Defamatory words which are actionable *per se* are those which are recognized as injurious on their face —

without the aid of extrinsic proof.” *Smith v. Stewart*, 660 S.E.2d 822, 291 Ga.App. 86 (Ga. App., 2008). In an action for libel *per se*, “special damages need not be proved because damage is inferred.” *Bellemead, LLC v. Stoker*, 280 Ga. 635, 637, 631 S.E.2d 693 (2006), citing O.C.G.A. § 51-5-4(b).

30.

Georgia law provides that, when tortious conduct amounts to “willful misconduct, malice, fraud, wantonness, or oppression, or that entire want of care which would raise the presumption of a conscious indifference to consequences[,]” punitive damages are allowed to deter the wrongdoer from repeating his wrongful acts. O.C.G.A. § 51-12-5; *Southern Railway Co. v. O’Bryan*, 119 Ga. 147, 45 S.E. 1000 (1903); *Moore v. Thompson*, 255 Ga. 236, 237, 336 S.E.2d 749 (1985).

31.

Defendant Sheard’s misconduct demonstrated willfulness, wantonness, malice, oppression, or an entire want of care raising a presumption of conscious indifference to the consequences of his actions, such that Plaintiff is also entitled to punitive damages in an amount sufficient to punish Defendant Sheard for his actions and discourage similar future conduct on the part of Defendant Sheard and others.

**COUNT TWO**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

32.

Plaintiff re-alleges and incorporates by reference herein Paragraphs 1 through 31, above.

33.

A claim for intentional infliction of emotional distress has four elements: (1) the conduct was intentional or reckless; (2) the conduct was extreme and outrageous; (3) the conduct caused emotional distress and (4) the emotional distress was severe. *Thimble v. Circuit City Stores*, 220 Ga. App. 498, 499 (469 SE2d 776) (1996).

34.

Defendants Sheard's and McCray's conduct was intentional and reckless.

35.

Defendants Sheard's and McCray's conduct was so outrageous in character and so extreme in degree as to go beyond all possible bounds of decency and is to be regarded as atrocious and utterly intolerable in a civilized community.

36.

Defendants Sheard's and McCray's conduct caused Plaintiff severe emotional distress.

37.

Defendants Sheard's and McCray's misconduct demonstrated willfulness, wantonness, malice, oppression, or an entire want of care raising a presumption of conscious indifference to the consequences of his actions, such that Plaintiff is also entitled to punitive damages in an amount sufficient to punish Defendants Sheard and McCray for their actions and discourage similar future conduct on the part of Defendants Sheard and McCray and others.

**COUNT THREE**  
**INJUNCTIVE RELIEF**

38.

Plaintiff re-alleges and incorporates by reference herein Paragraphs 1 through 37, above.

39.

Plaintiff asserts a claim for permanent injunctive relief to prevent Defendants Sheard and McCray from further publications of the false and malicious defamatory statement.

40.

Unless Defendants Sheard and McCray are permanently restrained from further publications of the false and malicious defamatory statement, Plaintiff will suffer irreparable injury.

**PRAYER FOR RELIEF**

THEREFORE, Plaintiff requests this Court grant the following relief:

1. That summons and process issue requiring these Defendants to be served and appear as provided by law to answer the allegations of this Complaint;
2. that Plaintiff has a trial by jury of all issues so triable;
3. that Plaintiff has and recover all damages to which he is entitled under Georgia law, including but not limited to:
  - a. compensatory damages in an amount to be determined at trial;
  - b. punitive damages in an amount to be determined at trial;
  - c. costs and attorneys' fees;
  - d. pre-judgment and post-judgment interest on the damages determined at trial;
6. permanently enjoin Defendants from further publications of the false and malicious defamatory statement, and

7. any and all other relief as this Court deems necessary and proper.

**PLAINTIFF DEMANDS A TRIAL BY JURY**

DATED: October 1, 2013

A handwritten signature in cursive script, appearing to read "Mark A. Campbell", written over a horizontal line.

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