

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT  
CIVIL ACTION NO. 1879CV00344

RIAN WATERS, )  
**Plaintiff** )  
vs. )  
) )  
AIDAN KEARNEY, )  
) )  
WORCESTER DIGITAL MARKETING, LLC )  
) )  
TURTLEBOY ENTERPRISES, LLC )  
) )  
SAMANTHA CARDIN, )  
) )  
JOHN DOES 1-10, )  
**Defendants** )

HAMPDEN COUNTY  
SUPERIOR COURT  
**FILED**

DEC 26 2018

*Ann S. Allen*  
CLERK OF COURTS

**Second Amended Complaint & Demand for Jury Trial**

Introduction:

The following is a complaint for damages arising from the Defendants malicious publications about the Plaintiff.

PARTIES

1. Rian Waters is a natural person residing at 199 Allen Street, East Longmeadow, Hampden County, Massachusetts.
2. Rian Waters was a California resident from on or around 2014, through January 2018.
3. Rian Waters is a serial entrepreneur, and was the owner of Emerald Science LLC, A California company.
4. Rian Waters had spent significant resources for creating Cannatopia Music Festival, and the respective music venue.

- 5. Defendant Turtleboy Enterprises LLC is a company registered with the secretary of Massachusetts with their listed resident agents address at 116 Brookline Street, Worcester, Worcester County, Massachusetts.
- 6. Defendant Worcester Digital Marketing LLC is a company registered with the secretary of Massachusetts with their listed resident agents address at 2 Foster Street, Worcester, Worcester County, Massachusetts.
- 7. Defendant Aidan Kearney, is a natural person residing at 111 Mason Road, Jefferson, Worcester County, Massachusetts.
- 8. Defendant Samantha Cardin, is a natural person residing at 2004 Palmer Road, Three Rivers, Hampden County, Massachusetts.
- 9. John Doe 1-10 are fictitious names of Defendants whose true name is, at this time, are unknown to the Plaintiff. Plaintiff alleges that the John Does wrote the article that contributed to the damages herein alleged and Plaintiff will name such Defendants when their identity has been ascertained.
- 10. John Doe 1 was not a guest blogger as he had permission to speak as Turtleboy, which means he either is Defendant Aidan Kearney, or he worked directly with Aidan Kearney.
- 11. At all times relevant hereto, the Defendants WORCESTER DIGITAL MARKETING LLC, a Massachusetts company, and TURTLEBOY ENTERPRISES LLC, a Massachusetts company, were and still are the publisher of Turtleboy Sports, an online blog with worldwide reach.

**Alter Ego Allegations**

- 12. Plaintiff is informed and believes and thereon alleges that the limited liability companies, including WORCESTER DIGITAL MARKETING LLC, a Massachusetts company, and TURTLEBOY ENTERPRISES LLC, a Massachusetts company (hereinafter occasionally collectively referred to as the "ALTER EGO CORPORATIONS"), were at all times relevant the alter ego corporations of individual Defendant Aidan Kearney by reason of the following:
  - a. Plaintiff is informed and believes and thereon alleges that Aidan Kearney, at all times herein mentioned, had complete control of each of the ALTER EGO

CORPORATIONS and the officer positions thereof as well as the business, property, and affairs of each of said companies.

- b. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, Aidan Kearney was the sole owner of both of the ALTER EGO CORPORATIONS; the individuality and separateness of Aidan Kearney and each of the ALTER EGO CORPORATIONS never existed.
- c. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned, each of the ALTER EGO CORPORATIONS was organized by Aidan Kearney as a device to avoid individual liability and for the purpose of substituting financially irresponsible companies in the place and stead of Aidan Kearney, and accordingly, each ALTER EGO CORPORATIONS was formed with capitalization totally inadequate for the business in which said corporations were engaged.
- d. Plaintiff is informed and believes and thereon alleges that, the ALTER EGO CORPORATIONS are insolvent.
- e. The similar nature of service between the ALTER EGO CORPORATIONS makes it difficult to identify which one is the publisher.
- f. The Defendants ALTER EGO CORPORATIONS have failed to observe corporate formalities, including but not limited to filing annual reports.
- g. The Defendants ALTER EGO CORPORATIONS listed registered addresses are inaccurate.
- h. By virtue of the foregoing, adherence to the fiction of the separate corporate existence of each of the ALTER EGO CORPORATIONS would, under the circumstances, sanction a fraud and promote injustice in that Plaintiff would be unable to realize upon any judgment in his favor.

**Facts**

- 13. The Plaintiff flew into Massachusetts on or about December 24, 2016 to visit his family for the holidays.

14. Late in the evening on December 29 2016 the Plaintiff and Samantha Cardin came back to her residence and found a large steel cabinet had fallen to the floor, and their dog was the only one at the residence.
15. At about 8am on December 31 2016, Samantha was manic for the second morning in a row, so the Plaintiff told her he was ending the relationship for good. Samantha wouldn't let the Plaintiff leave for over 20 minutes.
16. When the Plaintiff returned about an hour later, Samantha was feeding their child breakfast, and their dog seemed fine. But over 3 hours later Samantha called the Plaintiff and said their dog couldn't walk, and that she needed to borrow the car that the Plaintiff had recently purchased.
17. At about 5pm on December 31 2016, the Plaintiff was arrested for animal cruelty, and assault and battery. The Plaintiff was shocked to hear the charges. The officer twisted the few words the Plaintiff said, and claimed his bail was ten times the actual amount. The Plaintiff had almost enough on him to cover the correct bail.
18. Samantha Cardin has kept a large sum of money and valuables that the Plaintiff had earned.
19. Samantha Cardin has admitted to the Plaintiff on recorded jail phone calls that she knew he was innocent, publically she has denied the cabinets existence, and portrayed the plaintiff as a monster.
20. On January 6, 2017 Turtleboy Sports published an article covering the December 31, incident on their website, and Facebook.
21. On January 6, 2017 the Plaintiff started receiving threats of physical harm and death.
22. On February 7, 2018 the charges against the Plaintiff were dropped for failure to prosecute.
23. In November 2018 Defendant Aidan Kearney published a book he wrote titled "I am Turtleboy" and it was first available for purchase on or about November 13, 2018

**Count 1: Libel John Does 1-10**

24. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 23 herein by reference.
25. On or about January 6, 2017, The defendants John Doe 1-10 wrote and caused to be publicated numerous false statements about the Plaintiff including the following;
- a. The Plaintiff had dirt and pubes on his upper lip;
  - b. That the Plaintiff said. "LOL Dumbass Ludlow cops don't know about celiac disease.";
  - c. That the Plaintiff found his dog crushed underneath a big metal cabinet;
  - d. That the Plaintiffs dog was clearly in need of a vet for days;
  - e. That the Plaintiffs statements meant he was convinced he did cause the black eye;
  - f. That he was sure the Plaintiff was far from innocent;
  - g. That the Plaintiff lived in Palmer;
  - h. That the Plaintiff was re-enacting his favorite episode of 16 and pregnant;
  - i. That the Plaintiffs January 4th post was in response to Samantha's January 5th post;
26. On January 6th 2017, The Alter Ego published John Doe's article and titled it "Palmer Cheeshogs Are Airing Their Domestic Abuse/Dead Dog Dirty Laundry On Facebook And It's Fascinating To Watch" (referred to as "The Article" below)
27. As a result hereof the Defendants caused harm and damage to the Plaintiff.

**Count 2: Libel Turtleboy Enterprises LLC, Worcester Digital Marketing LLC**

28. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 27 herein by reference.
29. On or about January 6, 2017, The ALTER EGO CORPORATIONS published numerous false statements about the Plaintiff including the following;
- a. The Plaintiff had dirt and pubes on his upper lip;
  - b. That the Plaintiff said "LOL Dumbass Ludlow cops don't know about celiac disease.";
  - c. That the Plaintiff found his dog crushed underneath a big metal cabinet;
  - d. That the Plaintiffs dog was clearly in need of a vet for days;
  - e. That the Plaintiffs statements meant he was convinced he did cause the black eye;
  - f. That he was sure the Plaintiff was far from innocent;
  - g. That the Plaintiff lived in Palmer;

- h. That the Plaintiff was re-enacting his favorite episode of 16 and pregnant;
  - i. That the Plaintiffs January 4th post was in response to Samantha's January 5th post;
30. The Article also contained the following criminal allegations that originated from posts and comments on Defendant Samantha Cardin's Facebook page;
- a. She's saying he head butted her
  - b. She's also accusing him of killing their dog
31. The Article was not a fair or accurate report of any judicial proceeding.
32. The Defendant Turtleboy Enterprises LLC often refers to themselves as Turtleboy, and Defendant John Doe 1 referred to himself in The Article as Turtleboy in the following statements;
- a. Turtleboy loves gawking at a good dumpster fire breakup on the Facebook machine just as much as the next guy.
  - b. Your initial instinct is often to believe the battered woman. I know it was Turtleboy's.
33. As a result hereof the Defendant caused harm and damage to the Plaintiff.

**Count 3: Libel Samantha Cardin**

34. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 33 herein by reference.
35. On January 5 2017 the Defendant Samantha Cardin wrote the following false statements and published them on Facebook;
- a. That the Plaintiff intentionally caused a black eye.
  - b. That the Plaintiff killed the family dog
  - c. That the Plaintiffs dog had a broken back
  - d. That the Plaintiffs dog's injury happened within minutes of alleged head butt.
36. The above Statements were re-published in Turtleboy Sports on January 6, 2017
37. On January 7, 2018 the Defendant Samantha Cardin wrote the following false statements and published them on Facebook;

- a. That the Plaintiff posts on social media that he was winning tens of thousands of dollars at casinos here there and everywhere.
- b. That the Plaintiff left the country
- c. That there was a two day manhunt for him in New York.
- d. The Plaintiff is a psycho.
- e. The Plaintiff beat his child's Mother
- f. The Plaintiff killed the family dog

38. The above statements caused damages and prejudiced the Plaintiff with investors, his business, profession, and his community.

**Count 4: Libel Aidan Kearney**

39. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 38 herein by reference.

40. In November, 2018 Defendant Aidan Kearney published a book that he wrote titled "I am Turtleboy." The book contained several defamatory statements including but not limited to the following;

- a. Rian Waters sold drugs in California
- b. Shipped himself drugs via the USPS, which he intended to sell here.
- c. allegedly assaulted her, causing the black eye.
- d. He then went into the house and killed the dog in front of his special needs daughter by stomping it in the back.
- e. Everything she had posted on Facebook was true, and she had finally gotten the courage to speak out against her abuser. I know this as a fact because Rian had a trial and it all came out.

41. Mr. Kearney then stated several more false and unfair statements about the judicial proceeding.

42. As a result hereof the Defendant caused harm and damage to the Plaintiff.

**Count 5: Slander Per Se Aidan Kearney**

43. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 42 herein by reference.

44. On May 20, 2018 the Turtleboy Sports Facebook page hosted a live show that was hosted by the Defendant Aidan Kearney, who went by the name "Uncle Turtleboy."

45. On May 20, 2018 Defendant Aidan Kearney said that he got emails from people that were in the courtroom of the trial that never happened. He said the emails talked about how manipulative the Plaintiff was, and that they couldn't believe there was this great miscarriage of justice that the Plaintiff was found not guilty, and that the Plaintiff is a psycho. The Plaintiff believes and alleges that no such emails exist.

46. On November 11, 2018 Aidan Kearney stated "He killed a dog in front of a special needs daughter"

47. As a result hereof the Plaintiff has sustained damages.

**Count 6: Samantha Cardin Individually Malicious Prosecution**

48. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 47 herein by reference.

49. On or around the following dates Defendant Cardin caused civil and criminal process to be initiated against the Plaintiff;

- a. December 31, 2016
- b. April 27, 2017
- c. February 15, 2018

50. At all relevant times Defendant Samantha Cardin acted with Malice and without probable cause.

51. The Defendants criminal and civil processes have been terminated in favor of the Plaintiff and were without cause.

52. As a result hereof the Plaintiff has sustained damages.

**Count 7: Intentional Infliction of Emotional Distress**

53. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 52 herein by reference.

54. The defendants article stated their reason for writing the article is because; We like watching the world burn.

55. The Plaintiff received death threats and lost contact with family members.

56. As a result hereof the Plaintiff has sustained damages.

**Count 8: Negligent Publication**

57. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 56 herein by reference.

58. The ALTER EGO CORPORATIONS which are controlled by Aidan Kearney, published The Article on January 6, 2017 with malice and reckless disregard for the truth.

59. The Defendant Samantha Cardin, and the Plaintiff, had posts featured in The Article that contradicted the following statements written by the John Doe Defendants;

- a. That the Plaintiff said "LOL Dumbass Ludlow cops don't know about celiac disease.";
- b. That the Plaintiff found his dog crushed underneath a big metal cabinet;
- c. That the Plaintiffs January 4th post was in response to Samantha's January 5th post.

60. The following statements could have been easily proven false with standard fact checking:

- a. That the Plaintiff lived in Palmer;
- b. That the family's dog had a broken back;
- c. That the family dog's injury happened within minutes of the alleged incident.

61. Fact checking The Article should have been deemed necessary for the following reasons;

- a. As The Article stated, you have to be careful with these domestic abuse stories.
- b. The Plaintiff mentioned that Samantha Cardin had a mood disorder and was not on medication.
- c. The Article stated, He seems like someone who has his shit together.

62. The negligent publishing caused damages and prejudiced the Plaintiff with investors, his business, profession, and his community.

**Count 9: Fraud Aidan Kearney and his Alter Ego Corporations**

63. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 62 herein by reference.

64. The Defendants Aidan Kearney and the Alter Ego Corporations have publicly claimed that they listen to concerns of inaccuracy, and that they provide victims who allege mistakes with a form to address their concerns.

65. On but not limited to May 11th 2018, The Defendant Aidan Kearney, and his Alter Ego Corporations published an article claiming that they are a blog of integrity, and that they have an allegiance to facts, logic, and truth.

66. The Plaintiff Rian Waters stated in his posts that were featured in The Article that he had evidence that proved more than his innocence. The Plaintiff also tried to inform the Defendants of the real story, and provide evidence on or about the following dates;

- a. June 20 2017
- b. March 9 2018
- c. May 6 2018
- d. May 20 2018

67. The Defendants were unwilling to look at the Plaintiffs evidence, and never provided him with a form to complain with.

68. On May 20 2017 the Defendants publically made more false claims and brought up inaccurate details of the Plaintiffs complaints, and criminal case with the intent to cause emotional distress, and anger with their live audience.

69. The foregoing statements constitute a fraud as the Plaintiff reasonably expected for his concerns to be addressed, and did not expect to be attacked based on sharing a genuine complaint.

70. The Defendants false claims of integrity have greatly increased the impact and amount of damage the Plaintiff has received.

**Count 10: Loss of Consortium**

71. The Plaintiff hereby incorporates all allegations as contained in paragraphs 1 through 70 herein by reference.

72. The Plaintiff and his daughter Lilah Waters had a very strong and important relationship prior to 2017. Lilah has a rare seizure disorder that kills a lot of kids before they receive a diagnosis. The Plaintiffs relationship with his daughter played a key role in providing effective treatment, and reaching Lilah's Diagnosis.

73. Defendant Samantha Cardin has only allowed the Plaintiff to see his daughter once since December 31, 2016. On that one occasion in March 2017 Samantha brought the Plaintiffs daughter starving at 1pm in the afternoon.

74. Aside from Count 4, all the above allegations impacted the Plaintiffs ability to parent, and spend time with his daughter.

### Requests For Relief

Wherefore The Plaintiff seeks the following relief;

1. Damages related to the loss of profit from the production of Cannatopia Music Festival in an amount to be established in excess of \$25,000
2. Damages related to expenses incurred in developing Cannatopia Music Festival.
3. Damages associated with lost wages and profit loss of reputation in an amount to be established in excess of \$100,000.
4. Damages associated with the Plaintiffs Loss of Consortium
5. Any other relief that the court deems proper.
6. Injunctive relief requiring Defendant's Aidan Kearney, Worcester Digital Marketing LLC, and Turtleboy Enterprises LLC, to remove and stop making defamatory publications.

### Jury Demand

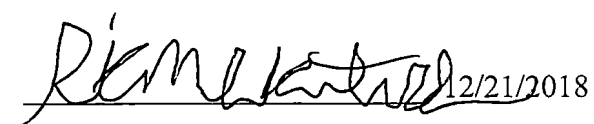
Plaintiff Rian Waters demands a trial by jury on all issues that the Plaintiff does not win by law.

Respectfully Submitted,

By: Rian Waters

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East Longmeadow Ma. 01028-1402

 2/21/2018

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