

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA**

AMERICAN ICON BREWERY, LLC,

CASE NO.: 312017CA000827XXXXXX

Plaintiff,

Judge:

v.

MARISSA TIRRO,

Defendant

COMPLAINT

COMES NOW, Plaintiff, AMERICAN ICON BREWERY, LLC ("Plaintiff"), by and through its undersigned attorneys, and sues Defendant, MARISSA TIRRO ("Defendant"), and alleges as follows:

GENERAL ALLEGATIONS

1. Plaintiff is a Florida limited liability company with a principal business address in Indian River County.
2. Upon belief, Defendant is an individual residing in Indian River County, Florida.
3. This is an action for defamation, conspiracy to defame, and libel in excess of \$15,000.00.
4. Venue is proper in Indian River County, Florida, because Defendant resides in Indian River County, Florida, and the causes of action alleged herein accrued in Indian River County, Florida.
5. Defendant posted a review (the "Review") on Plaintiff's Facebook page on or about November 7, 2017.

6. In the Review, Defendant stated, among other things, that Plaintiff “abuses its employees.”

7. Plaintiff responded to the Review on the same day that it was posted, asserting that the claims of abuse were false.

8. Within hours of Defendant posting the Review, at least 14 of Defendant’s friends and family members posted a number of additional false reviews on Plaintiff’s Facebook page. Some of the additional false reviews simply gave Plaintiff one-star, while others commented on Plaintiff’s alleged abuse of its employees. Few, if any, of Defendant’s friends and family members had actually been to Plaintiff’s brewery restaurant. One of the additional false reviews stated that the “owner is the rudest person I ever met.”

9. Plaintiff’s owner subsequently requested that Defendant and Defendant’s friends and family members retract their false reviews.

10. Defendant’s friends and family members have since left additional false reviews on Plaintiff’s Facebook page.

COUNT I – DEFAMATION

11. Plaintiff sues Defendant for defamation, realleges and restates paragraphs 1 through 10 above as if fully set forth herein, and further alleges:

12. Defendant’s Review contained false and defamatory statements concerning Plaintiff.

13. Defendant published these false and defamatory statements to her family and friends and to all third parties that viewed Plaintiff’s Facebook page.

14. Defendant knew or should have known that such false and defamatory statements would cause injury or harm to Plaintiff.

15. Plaintiff has suffered injury and harm as a result of Defendant's false and defamatory statements.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment in favor of Plaintiff and against Defendant for money damages, including without limitation, loss of business reputation, interest, and costs and for such other relief as the Court deems just and proper.

COUNT II – CONSPIRACY TO DEFAME

16. Plaintiff sues Defendant for conspiracy to defame, realleges and restates paragraphs 1 through 15 above as if fully set forth herein, and further alleges:

17. Defendant conspired with her friends and family members to defame Plaintiff.

18. Defendant's friends and family members posted false reviews on Plaintiff's Facebook page in furtherance of the conspiracy.

19. Plaintiff has suffered damages as a result of Defendant's conspiracy to defame Plaintiff.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment in favor of Plaintiff and against Defendant for money damages, including without limitation, loss of business reputation, interest, and costs and for such other relief as the Court deems just and proper.

COUNT III – LIBEL

20. Plaintiff sues Defendant for libel, realleges and restates paragraphs 1 through 10 above as if fully set forth herein, and further alleges:

21. Defendant's Review contained false and libelous statements concerning Plaintiff.

22. Defendant published these false and libelous statements in writing to all third parties that viewed Plaintiff's Facebook page.

23. Defendant knew or should have known that such false and libelous statements would cause injury or harm to Plaintiff.

24. Plaintiff has suffered injury and harm as a result of Defendant's false and libelous statements.

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment in favor of Plaintiff and against Defendant for money damages, including without limitation, loss of business reputation, interest, and costs and for such other relief as the Court deems just and proper.

Dated: November 14, 2017.

**ROSSWAY SWAN TIERNEY BARRY LACEY
& OLIVER, P.L.**

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