

**RETURN DATE: March 24, 2020**

**SUPERIOR COURT**

**DOCKET NO.:**

**BRIAN Z. FRANCE,**

**J.D. OF STAMFORD/NORWALK  
AT STAMFORD/NORWALK**

**Plaintiff,**

**v.**

**JOHN L. STEELE a/k/a Drunken Brian  
France [@DrunkBrianF],**

**Defendant.**

**FEBRUARY 28, 2020**

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**COMPLAINT**

NOW COMES Plaintiff Brian Z. France (“Plaintiff”), by and through the undersigned counsel, and hereby presents this Complaint against Defendant John L. Steele (“Steele”) individually and in his capacity as holder of the Twitter account named “Drunken Brian France” with the handle @drunkbrianf (“@drunkbrianf” or the “Twitter account”) and shows this Court as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff is a citizen and resident of Fairfield County, Connecticut.
2. Upon information and belief, Steele is a citizen and resident of Sevier County, Tennessee.
3. Upon information and belief, Steele is the holder and sole active user of @drunkbrianf, a Twitter account falsely impersonating Plaintiff to a global audience.
4. This Court has subject matter jurisdiction over this action because the claims arise from Steele’s tortious and malicious conduct targeting Plaintiff as a resident of this State.
5. This Court possesses jurisdiction over Steele for the purpose of this action pursuant to C.G.S.A. § 52-59b.

6. Venue is proper pursuant to C.G.S.A. § 51-345(a)(3)(E).

## FACTS

### *NASCAR Background*

7. Plaintiff is an American businessman who currently serves as CEO and Chairman of Silver Falcon Capital, Inc. and Co-Founder of The Luke and Meadow Foundation, an IRS § 501(c)(3) foundation driving progress on issues that threaten the health and wellness of children.

8. Plaintiff is recognized internationally for his fifteen-year tenure as CEO and Chairman of the National Association for Stock Car Auto Racing (“NASCAR”) from September 2003 until August 2018.

9. Plaintiff is a member of the France family. The France family founded NASCAR in 1948, and a member of the France family has occupied the position of CEO and Chairman of NASCAR since its inception.

10. Since its modest founding in 1948, NASCAR has grown into a multibillion-dollar enterprise attracting elite drivers, auto-racing teams, auto-racing personnel, and fans around the world.

11. As the profile of NASCAR rose, so too did the interest of corporations seeking to sponsor NASCAR teams/events and the interest of television networks seeking broadcast rights to NASCAR events.

12. The France family – and Plaintiff in particular from 2003 until 2018 – was at the forefront of NASCAR’s exponential growth. This position raised the profile of Plaintiff, his immediate family, and the extended France family to an international level. In 2006, *Time* magazine named Plaintiff to its list of the 100 most influential people in America. In 2014, *Sports Business Daily* named Plaintiff one of the ten most influential people in sports.

### *Rise of Twitter*

13. During Plaintiff's tenure as CEO and Chairman of NASCAR, Twitter, Inc., a Delaware corporation with its principal office located in San Francisco, California emerged as a user-driven platform providing various forms of content.

14. Upon information and belief, Twitter had 126,000,000 active daily users in February 2019 viewing content posted to the website. [<https://www.washingtonpost.com/technology/2019/02/07/twitter-reveals-its-daily-active-user-numbers-first-time/>.] The content of all "public" accounts is also available to anyone with internet access. @drunkbrianf is a public account readily accessible to anyone with internet access.

15. All content posted by Twitter users can be accessed/retrieved indefinitely unless the user posting the content or Twitter affirmatively acts to delete a tweet/post.

16. The stated purpose of Twitter is to "serve the public conversation." To that end, "violence, harassment and other similar types of behavior discourage people from expressing themselves, and ultimately diminish the value of global public conversation." [<https://help.twitter.com/en/rules-and-policies/twitter-rules>.]

17. All users are also subject to rules and policies created by Twitter. These rules prohibit abuse/harassment<sup>1</sup>, hateful conduct<sup>2</sup>, and impersonation<sup>3</sup>.

### *Defendant's Account*

18. Upon information and belief, Steele is the account holder of @drunkbrianf and is responsible for all content associated with the account. Steele hijacked Plaintiff's name without

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<sup>1</sup> Abuse/harassment: [A Twitter user] may not engage in targeted harassment of someone, or incite other people to do so. This includes wishing or hoping that someone experiences physical harm.

<sup>2</sup> Hateful conduct: [A Twitter user] may not engage in the targeted harassment of someone, or incite other people to do so. The includes wishing and hoping that someone experiences physical harm.

<sup>3</sup> Impersonation: [A Twitter user] may not impersonate individuals, groups, or organizations in a manner that is intended to or does mislead, confuse, or deceive others.

Plaintiff's consent to drive traffic to the Twitter account and to engage in other tortious conduct targeting Plaintiff.

19. Upon information and belief, Steele opened the account in February 2014.

20. As of January 2020, Steele has posted over 79,400 tweets from @drunkbrianf.

21. As of January 2020, Steele has posted over 2,700 photographs and videos from @drunkbrianf.

22. As of February 2020, @drunkbrianf is following over 500 Twitter accounts.

23. As of February 2020, @drunkbrianf has over 14,000 followers.

24. As of January 2020, @drunkbrianf has "liked" over 7,900 tweets.

*Impersonating and Targeting Plaintiff*

25. Since establishing the account in February 2014, the pattern of Steele's conduct through @drunkbrianf makes clear the purpose and intent of maintaining the Twitter account: to harass, demean, abuse, belittle, and disparage Plaintiff while impersonating Plaintiff in a manner that is intended – and in fact does – mislead, confuse, and deceive others to believe that Plaintiff is responsible for the content and activity of @drunkbrianf.

26. Steele's conduct through @drunkbrianf has been successful insofar as the Twitter account is a top result when Internet users "google" Plaintiff's name.

27. The search result reinforces the false narrative that the Twitter account belongs to Plaintiff.

28. Plaintiff has sustained, and continues to sustain, damages as a direct result of Steele's conduct through the Twitter account.

29. Steele's conduct through @drunkbrianf contains countless tweets suggesting the Twitter account belongs to Plaintiff. By way of limited example:

- a. Steele has used a photograph of Plaintiff for the Twitter account, and, in doing so, referenced the need to update “my profile pic” to insinuate Plaintiff was in fact updating the photograph:



- b. Steele posted a photograph of Plaintiff walking through a lobby and used a first-person reference to Plaintiff in the caption:



- c. Steele posted a photograph of Plaintiff at a basketball game, and, again, used a first-person reference to Plaintiff in the caption:



- d. Steele posted a photograph of Plaintiff at a speaking event, and made reference to "yours truly" (Plaintiff) in the caption:



30. These tweets and photographs, among others, reflect Steele's ongoing efforts to deceive others to believe Plaintiff is responsible for the Twitter account and the account's content.

31. Steele's conduct through @drunkbrianf further contains numerous tweets confirming that others viewing the Twitter account believe it belongs to Plaintiff. By way of limited example:

- a. Steele tweeted a July 2019 exchange demonstrating another Twitter user's belief that Plaintiff was the owner of the Twitter account:



- b. Steele tweeted a separate exchange between him and another Twitter user with derogatory references to Plaintiff:



- c. Steele tweeted a December 2018 exchange demonstrating another Twitter user's belief that Plaintiff was the owner of the Twitter account:





32. These tweets, among others, demonstrate that third parties viewing the Twitter account believe it belongs to Plaintiff and that Plaintiff is responsible for the Twitter account's conduct.

33. Finally, Steele's conduct through @drunkbrianf is replete with tweets discussing offensive, insensitive, and derogatory subjects, all of which are improperly attributed to Plaintiff as a result of Steele's misleading conduct. By way of limited example:

- a. Steele tweeted content regarding alcoholism and underage drinking:



b. Steele tweeted content containing misogynistic themes:



c. Steele tweeted content containing sexually offensive/indecent topics:



d. Steele tweeted content advancing homophobic themes:



34. As a result of Steele's efforts to attribute the Twitter account to Plaintiff and the belief of third parties that Plaintiff is in fact responsible for the Twitter account, the offensive content depicted in Paragraph 33 and throughout the Twitter account is improperly ascribed to Plaintiff.

COUNT ONE

(Invasion of Privacy – Appropriation of Name/Likeness)

1-34. Paragraphs 1-34 above are realleged and incorporated as Paragraphs 1-34 of this Count One as those fully set forth herein.

35. Steele's activity through @drunkbrianf is under the guise of Plaintiff. This includes the use of Plaintiff's name in the account name ("Drunken Brian France"), the account handle ("@drunkbrianf"), and the use of a photograph of Plaintiff as the account profile picture.

36. Steele's tweets imply that Plaintiff is the source of the content posted to the account.

37. Steele's use of the account is intended to deceive other Twitter users – and anyone else accessing the account while online – to believe that the account belongs to Plaintiff.

38. Steele's use of Plaintiff's name and likeness is intentional and is reflective of Steele's efforts to use Plaintiff's notoriety within NASCAR and otherwise to maximize visibility of the Twitter account.

39. But for the use of Plaintiff's name and likeness, the Twitter account would not have the number of followers (over 13,500) or visibility it otherwise appears to have on Twitter and other websites.

40. Plaintiff has benefited in numerous ways from his misappropriation of Plaintiff's likeness and image, the scope of such benefit to be more fully identified and detailed during the course discovery in this action.

41. Steele's misappropriation of Plaintiff's likeness and image has directly caused damage to Plaintiff in the form of negative publicity and other physical and emotional harm.

42. Upon information and belief, Plaintiff has benefitted from the publicity of the Twitter account, including the use of the Twitter account handle being discussed in newspaper articles and being promoted via sponsorships and advertising.

43. Plaintiff has also been damaged by the reasonable belief of third parties that the activity of the Twitter account – the majority of which is offensive, insensitive, and derogatory – originates with Plaintiff.

44. Such damage is the direct and proximate result of Plaintiff's use of the Twitter account at issue.

COUNT TWO  
(Invasion of Privacy – False Light)

1-34. Paragraphs 1-34 above are realleged and incorporated as Paragraphs 1-34 of this Count Two as those fully set forth herein.

35. Steele has published information about Plaintiff on @drunkbrianf and has used Plaintiff's name, likeness, and image to promote the account.

36. Steele's use of the Twitter account, and all activity associated with the account, casts Plaintiff in a false and misleading light.

37. The information posted on the Twitter account is highly offensive to a reasonable person insofar as tweets published by Steele – while under the guise of Plaintiff – concern themes of alcohol, substance abuse, misogyny, and indecency.

38. By using Plaintiff's name, likeness, and image, the highly offensive tweets addressing the above-referenced topics and others are reasonably attributed to Plaintiff by others viewing the content.

39. Steele is aware the content is falsely attributed to Plaintiff or, at minimum, has acted in a reckless disregard as to the false and misleading nature of the content posted to the Twitter account and the fact that such content is improperly attributed to Plaintiff.

40. Plaintiff has been damaged by the false light in which he has been presented by the Twitter account and Steele's conduct through the Twitter account.

41. Such damage is the direct and proximate result of Plaintiff's use of the Twitter account at issue.

COUNT THREE  
(Intentional Infliction of Emotional Distress)

1-34. Paragraphs 1-34 above are realleged and incorporated as Paragraphs 1-34 of this Count Three as those fully set forth herein.

35. Given the nature of the Twitter account and pattern of content attributing highly offensive positions and topics to Plaintiff, it is clear that Steele intended to inflict emotional stress upon Plaintiff or that he knew or should have known such a result was a likely result of his conduct.

36. The highly offensive tweets and content produced by Steele through the Twitter account, which concern themes of alcohol, substance abuse, misogyny, and indecency, are extreme and outrageous. What's more, the content is extreme and outrageous insofar as Steele publishes the content under the guise of Plaintiff with the intent of misleading his Twitter audience and the public at large to believe that Plaintiff is the source of the highly offensive content.

37. Plaintiff has experienced emotional distress and harm as a result of the Twitter account at issue and the misperception that he is the source of the highly offensive content.

38. The emotional distress and harm sustained by Plaintiff has been – and remains – severe.

39. Such damage is a direct and proximate result of Plaintiff's use of the Twitter account at issue.

COUNT FOUR  
(Negligent Infliction of Emotional Distress)

1-34. Paragraphs 1-34 above are realleged and incorporated as Paragraphs 1-34 of this Count Four as those fully set forth herein.

35. The highly offensive tweets and content produced by Steele through the Twitter account, which concern themes of alcohol, substance abuse, misogyny, and indecency, are extreme and outrageous.

36. The posting of this content to Twitter and attributing the same to Plaintiff by utilizing Plaintiff's name, likeness, and image created – and continues to create – an unreasonable risk of causing severe emotional harm and distress.

37. Steele's conduct specifically targets Plaintiff and is intended to inflict emotional distress upon Plaintiff.

38. The use of Plaintiff's name, likeness, and image made foreseeable the emotional distress incurred by Plaintiff.

39. The emotional distress was severe enough that it has resulted in illness and bodily harm.

40. Such damage is the direct and proximate result of Plaintiff's use of the Twitter account at issue.

#### PRAYER FOR RELIEF

Plaintiff requests that this Court enter judgment against Steele as follows:

1. Award Plaintiff compensatory damages and all other recourse as permitted by law for each of the causes of action set forth above;
2. Award interest as permitted on the recovery of all damages designated above;
3. Award attorneys' fees, expenses, and recoverable costs reasonably incurred in connection with the commencement and prosecution of this action; and
4. For such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all claims so triable as a matter of right.

PLAINTIFF,

BRIAN Z. FRANCE

By /s/ Daniel W. Cohen

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*Counsel for Plaintiff Brian Z. France*



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**FEBRUARY 28, 2020**

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**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is in excess of \$15,000.00, exclusive of interest and costs and in addition to other legal and equitable relief.

PLAINTIFF,

BRIAN Z. FRANCE

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