

COURT OF COMMON PLEAS
ADAMS COUNTY, OHIO

FILED
ADAMS COUNTY
CLERK OF COURTS
2023 OCT 27 PM 3:52

SHAWN D. COOLEY, Et. Al,

Plaintiffs,

v.

JOSEPH EDGAR FOREMAN,
A/K/A AFROMAN, Et. Al,

Defendants.

Case No.: CVH 20230069

Judge Jerry McBride

DEFENDANTS' ANSWER
AND COUNTERCLAIMS

ANSWER & COUNTERCLAIM

Now comes Defendants, Joseph Edgar Foreman and Hungry Hustler Records, by and through their counsel, respectfully submits this Answer and Counterclaim in response to Plaintiffs' Amended and Supplemental Complaint:

1. Defendants deny each and every allegation, fact, matter, and thing contained in Plaintiff's Amended and Supplemental Complaint except herein specifically admitted, qualified, or otherwise pleaded.
2. Admit ¶ 1 through ¶ 8.
3. Admit ¶ 9.
4. Admit ¶ 10.
5. ¶ 11 is vague, and Defendants are unsure of what Plaintiff is referring to as Hungry Hustler Records is already named as a defendant. They can neither admit nor deny this.
6. ¶ 12 is vague, and Defendants are unsure of what Plaintiff is referring to as Hungry Hustler Records is already named as a defendant. They can neither admit nor deny this.

7. ¶ 13 is vague, and Defendants are unsure of what Plaintiff is referring to as Hungry Hustler Records is already named as a defendant. They can neither admit nor deny this.
8. Admit ¶ 14.
9. Admit ¶ 15.
10. Admit ¶ 16.
11. Defendants admit ¶ 17 with the qualification that they do not believe the search warrant was lawfully issued.
12. Admit ¶ 18 through ¶ 19.
13. Partially admit and partially deny ¶ 20. Defendants deny that these music videos portray the “personas” of the officers involved in a search.
14. Partially admit and partially deny ¶ 21. Defendants deny that he posted images of the Plaintiffs’ “personas”, which is a legal term of art.
15. Deny ¶ 22
16. Partially admit and partially deny ¶ 23. Defendants deny that they used the Plaintiff’s “personas” for “commercial purposes”, which are legal terms of art.
17. Partially admit and partially deny ¶ 24. Defendants deny that they posted images of the Plaintiffs’ “personas”, which is a legal term of art.
18. Partially admit and partially deny ¶ 25. Defendants deny that they used the Plaintiffs’ “personas” for personal gain, which is a legal term of art.
19. Defendants deny ¶ 26. Defendants deny that they used “depictions of Plaintiffs personas for commercial purposes”, as this description uses inaccurate legal terms of art and seeks to draw a legal conclusion. Plaintiffs’ “personas” do not have a significant commercial value, which was recognized by the Court in its most recent order.

20. Deny ¶ 27. Defendants deny that they used “depictions of Plaintiffs personas for commercial purposes”, as this description uses inaccurate legal terms of art and seeks to draw a legal conclusion.
21. Deny ¶ 28. Defendants deny that they used Plaintiffs’ “personas”, which is a legal term of art. Defendants deny that they published “false or defamatory information about Plaintiffs”. Defendants deny that they knew any of the claims made were false.
22. Deny ¶ 29. Defendants deny that they knowingly made any false statements or statements with “reckless disregard as to their truth or falsity”, which is a legal term of art.
23. Deny ¶ 30 through ¶ 35.

RESPONSES TO COUNT ONE

Violations of Ohio Rev. Code Chapt. 2741—Unauthorized Use of Individual’s Persona

24. Count I of the Amended and Supplemental complaint was dismissed. Notwithstanding this dismissal, Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 35 of the Complaint. Deny ¶ 36.
25. Deny everything in ¶ 37, except that Defendants admit the Plaintiffs are law enforcement officers in Adams County, Ohio.
26. Deny ¶ 38 through ¶ 43.

RESPONSES TO COUNT TWO

(Invasion of Privacy by Misappropriation— Restatement (Second) of Torts, § 652C (1977))

27. Count II of the Amended and Supplemental complaint was dismissed. Notwithstanding this dismissal, Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 43 of the Complaint.
28. Deny ¶ 44 through ¶ 47.

RESPONSES TO COUNT THREE
**(Invasion of Privacy—False Light Publicity—
Restatement (Second) of Torts, § 652E (1977))**

29. Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 47 of the Complaint.
30. Deny ¶ 48 through ¶ 52.

RESPONSES TO COUNT FOUR
**(Invasion of Privacy—Unreasonable Publicity Given to Private Lives—Restatement
(Second) of Torts, § 652D (1977))**

31. Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 52 of the Complaint. Deny ¶ 53.
32. Deny ¶ 54 through ¶ 57.

RESPONSES TO COUNT FIVE
(Defamation)

33. Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 57 of the Complaint. Deny ¶ 58.
34. Deny ¶ 59 through ¶ 62.

RESPONSES TO COUNT SIX
(Injunctive Relief)

35. Defendants repeat their denials, admissions, and answers corresponding to paragraphs 1 through 62 of the Complaint. Deny ¶ 63. Injunctive relief is a remedy and not a civil cause of action.
36. Deny ¶ 64 through ¶ 69.

RESPONSE TO DEMAND FOR JUDGMENT

37. Deny p. 18, ¶ 1 through p. 20, ¶ 7.

AFFIRMATIVE AND ADDITIONAL DEFENSES

38. As to all counts, the Plaintiffs fail to state any claims upon which relief can be granted.
39. As to all counts, the Plaintiffs fail to state any claims upon which relief can be granted.
40. Plaintiffs' claims are barred because statements which are factual in nature cannot form the basis of the claims in the Amended and Supplemental Complaint.
41. Plaintiffs' claims are barred because the Defendants believed their statements to be true at the time of making them.
42. Plaintiffs' claims are barred because the Defendants' statements bear substantial truth and are therefore not defamatory.
43. Plaintiffs' claims are barred because the Defendants' statements are fair comment and criticism of the Plaintiffs' execution of their police duties and are therefore matters of significant public and social interest.
44. Plaintiffs' claims are barred because the Defendants' statements were pure opinions and not factual statements. The Opinion Privilege protects a citizen's right to voice opinion, criticize others, and comment on matters of public interest. The Opinion Privilege also protects the use of hyperbole and extreme statements used as rhetorical ploys.
45. Plaintiffs' claims are barred by the 1st Amendment to the United States Constitution and Article I, Section 11 of the Ohio Constitution.
46. Plaintiffs' claims are barred, in whole or in part, based on self-publication.
47. Plaintiffs' claims are barred because the Plaintiffs have no articulable damages.
48. Plaintiffs' claims are barred because the Amended and Supplemental Complaint constitutes frivolous conduct and is sanctionable under Rev. Code § 2323.51 and/or Ohio Civil Rule 11.

49. Plaintiffs' claims are barred, in whole or in part, by the doctrines of unclean hands or estoppel.
50. Plaintiffs' claims are barred because they are contrary to public policy.
51. Plaintiffs are public officials for the purpose of the defamation claim and cannot prevail because they cannot show by clear and convincing evidence that any statements in this case were made with actual malice.
52. Answering Defendants assert herein all applicable defenses as set forth in the Ohio Rules of Civil Procedure to the extent not specifically stated herein.
53. Defendants reserve the right to assert additional defenses as discovery continues.
54. Defendants reserve the right to seek attorney fees for the frivolous claims of Plaintiffs pursuant to Civ. R. 11 and/or Rev. Code § 2323.51.

COUNTERCLAIM

55. Defendants incorporate by reference the foregoing paragraphs as if fully restated.
56. The Plaintiffs in this case are all employees of the Adams County Sheriff's Office.
57. On August 21, 2022, a search warrant was issued for Mr. Foreman's home. (Exhibit A).
58. This search warrant was based on false information provided by Mr. Foreman's alleged personal assistant, which is listed as Confidential Informant #1. *Id.*
59. While part of the search warrant is redacted, it appears that Confidential Informant #1 was likely arrested for possession of 2,131 grams of cannabis. *Id.*
60. Confidential Informant #1 made several false allegations stating that Mr. Foreman was in possession of large amounts of cash and cannabis and that he was holding women hostage in a "dungeon". *Id.*
61. On August 21, 2021, Officers raided Mr. Foreman's house. *Id.*

62. Officers wielded assault style weapons during the raid. (Exhibit B).
63. Body camera footage shows that the front door to the house was knocked off of its hinges and was laying on the floor as law enforcement performed their raid. Law enforcement officers also appear to have damaged a second door. (Exhibit C).
64. Body camera footage shows law enforcement officers looking through all of Mr. Foreman's belongings including Mr. Foreman's rooms, closets, clothes, bed, vents, trash, sheds, vehicles, and other spaces on the property.
65. Mr. Foreman was forced to repair his security system after officer ripped the DVR off of the wall and disconnected all of the wiring.
66. Law enforcement did not find evidence of drug trafficking or kidnapping while at Mr. Foreman's house. Mr. Foreman has not been charged.
67. While returning Mr. Foreman's money, an employee of the Adams County Sheriff's Department admitted that the money they were returning to Mr. Foreman was "\$400 short" of the money that was taken from Mr. Foreman's house. This statement may or may not be captured on camera.
68. The Plaintiffs in this case are all employees of the Adams County Sheriff's Office and therefore potentially have qualified immunity to civil actions subject to exceptions in the qualified immunity statute. See Rev. Code § 2950.12.
69. Law enforcement officers do not have qualified immunity from civil actions if (1) The act or omission was manifestly outside the scope of the person's employment or official responsibilities; (2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner; or (3) Liability for the act or omission is expressly imposed by a section of the Revised Code. Rev. Code § 2950.12(B).

70. In this case, the Plaintiffs acted with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.
71. The confidential informant used to gain the search warrant for Mr. Foreman's house was unreliable, and yet police officers relied on the confidential informant's allegations. It appears that the confidential informant was incentivized to provide "information" to police after being arrested for possession of a large amount of cannabis.
72. It appears that the only "information" provided by the confidential informant that was corroborated was the confidential informant's description of the exterior of the house.
73. The Plaintiffs' actions constitute conduct outside the scope of qualified immunity and deprived Defendants of their civil rights as secured by the United States Constitution and through 42 U.S.C. § 1983.
74. As a direct and proximate result of the Plaintiffs' wrongful conduct, the Defendants sustained injuries, damages, and a violation of their rights.
75. As a result of the Plaintiffs' tortious conduct, the Defendants' submit several counterclaims.

COUNTERCLAIM: COUNT I

Conversion by Destruction and Alteration of Property—Restatement (Second) of Torts, § 226—Doors, Door Frames, and Trim

76. Defendants incorporate by reference the foregoing paragraphs as if fully restated.
77. Based on the facts set forth herein, the Plaintiffs initially engaged in the wrongful act of conversion when they improperly took and maintained possession of Defendant Joseph Foreman's house and possessions over which they had no legal right to conduct a raid.
78. The Plaintiffs further committed the tort of Conversion by Destruction and Alteration of Property when they damaged the doors, door frames, and trim to his house.

79. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

80. The Plaintiffs have not paid for the replacements of the Defendants' door, and Defendants' have suffered damages because of Plaintiffs' conversion.

81. As a direct and proximate result of the Plaintiffs' conversion, the Defendants sustained injuries, damages, and a violation of their rights.

82. As a remedy, the Defendants are entitled to monetary damages and other remedies.

COUNTERCLAIM: COUNT II

Conversion by Destruction and Alteration of Property—Restatement (Second) of Torts, § 226—Closet

83. Defendants hereby incorporate by reference the foregoing paragraphs as if fully restated.

84. The Plaintiffs further committed the tort of Conversion by Destruction and Alteration of Property when they damaged a closet in Mr. Foreman's home during the raid.

85. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

86. The Plaintiffs have not paid for the repairs of the Defendants' closet, and Defendants' have suffered damages because of Plaintiffs' conversion.

87. As a direct and proximate result of the Plaintiffs' conversion, the Defendants sustained injuries, damages, and a violation of their rights.

88. As a remedy, the Defendants are entitled to monetary damages and other remedies.

COUNTERCLAIM: COUNT III

Conversion by Destruction and Alteration of Property—Restatement (Second) of Torts, § 226—Security Cameras

89. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

90. The Plaintiffs further committed the tort of Conversion by Destruction and Alteration of Property when they disconnected and damaged security cameras and DVR in Mr. Foreman's home during the raid.
91. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.
92. Mr. Foreman had to hire someone to repair the security system and get a new DVR.
93. The Plaintiffs have not paid for the repairs of the Defendants' security cameras and DVR, and Defendants' have suffered damages because of Plaintiffs' conversion.
94. As a direct and proximate result of the Plaintiffs' conversion, the Defendants sustained injuries, damages, and a violation of their rights.
95. As a remedy, the Defendants are entitled to monetary damages and other remedies.

COUNTERCLAIM: COUNT IV

Trespass to Chattels—Restatement (Second) of Torts, § 221—Security Cameras

96. Defendants incorporate by reference the foregoing paragraphs as if fully restated.
97. A trespass to chattel occurs when one intentionally dispossesses another of their personal property. A trespass to chattel may be committed by intentionally: (a) dispossessing another of the chattel; or (b) using or intermeddling with a chattel in the possession of another.
98. Plaintiffs intentionally dispossessed Mr. Foreman of his security cameras and DVR during the raid and caused damaged to the security camera system.
99. Mr. Foreman had to hire someone to repair the security system and get a new DVR.
100. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

101. Plaintiffs' intentional conduct and damage to Mr. Foreman's security cameras has interfered with the Defendants' access to and use of their private property rights.

102. As a remedy, the Defendants are entitled to monetary damages and other remedies.

COUNTERCLAIM: COUNT V

Conversion—Restatement (Second) of Torts, § 223 & § 237—\$400 US Currency

103. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

104. The Plaintiffs further committed the tort of Conversion when they intentionally dispossessed Mr. Foreman of \$400 in U.S. currency and have not returned the \$400 to Mr. Foreman.

105. Plaintiffs claim that there was a counting mistake and that they do not have Mr. Foreman's \$400.

106. Mr. Foreman has repeatedly requested his \$400 back from the Plaintiffs and the Adams County Sheriff's Office.

107. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

108. The Plaintiffs have not returned the \$400, and the Defendants' have suffered damages because of Plaintiffs' conversion.

109. As a direct and proximate result of the Plaintiffs' conversion, the Defendants sustained injuries, damages, and a violation of their rights.

110. As a remedy, the Defendants request \$400 in monetary damages.

COUNTERCLAIM: COUNT VI

Trespass to Chattels—Restatement (Second) of Torts, § 221—\$400 US Currency

111. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

112. A trespass to chattel occurs when one intentionally dispossesses another of their personal property. A trespass to chattel may be committed by intentionally: (a) dispossessing another of the chattel; or (b) using or intermeddling with a chattel in the possession of another.

113. Plaintiffs intentionally dispossessed Mr. Foreman of \$400 in U.S. currency and have not returned the \$400 to Mr. Foreman.

114. Plaintiffs claim that there was a counting mistake and that they do not have Mr. Foreman's \$400.

115. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

116. Plaintiffs' intentional conduct and withholding of the \$400 will interfere with the Defendants' access to and use of their private property rights.

117. As a remedy, the Defendants request \$400 in monetary damages.

COUNTERCLAIM: COUNT VII
(Frivolous Conduct Under Rev. Code § 2323.51
by the Plaintiffs and Their Counsel)

118. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

119. The claims in the Complaint have no basis in law. The claims' true purposes are to squelch Mr. Foreman's artistic freedoms and freedom of expression because that expression is unflattering to the Plaintiffs. It merely serves to harass or maliciously injure Mr. Foreman and the other Defendants, and/or is improper for another purpose.

120. The claims in the complaint are not warranted under existing law, cannot be supported by a good faith argument for an extension, modification, or reversal of existing

law, and/or cannot be supported by good faith argument for the establishment of a new law.

121. Ohio Civil Rule 11 provides in part as follows: “Every pleading, motion, or other document of a party represented by an attorney shall be signed, by electronic signature or by hand, by at least one attorney of record. . . . The signature of an attorney or *pro se* party constitutes a certificate by the attorney or party that the attorney or party has read the document; that to the best of the attorney's or party's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.”

122. The filing of the Complaint was made in violation of Civil Rule 11, in that there is no good ground to support the claim in the complaint and the request for an injunction and/or monetary damages.

123. The filing of the complaint, the verification of the Complaint by Robert A. Klingler, constitute “frivolous conduct” as that term is defined in Rev. Code §2323.51(A)(2). Each of the forgoing is sanctionable under Rev. Code § 2323.51(B), and the Defendants are entitled to reasonable attorney fees.

COUNTERCLAIM: COUNT VIII
Illegal Search and Seizure

124. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

125. On August 21, 2023, Sergeant Brian Newland signed the search warrant application used to gain the search warrant for Mr. Foreman’s home.

126. The search warrant application contained allegations from a confidential informant that appears to have been arrested for possession of a large amount of cannabis.

127. From the publicly available portion of the search warrant application, it appears the vast majority of the confidential informant's allegations were uncorroborated and improbable.
128. Mr. Foreman has been the subject of unwanted and unwarranted police attention while he has lived at his current location.
129. The actions of officers leading up to the application for the search warrant and after the raid on Mr. Foreman's home strongly suggest that the Adams County Sheriff's Office has held personal animosity against Mr. Foreman.
130. The allegations in the search warrant application are so improbable that Mr. Newland knew or should have known them to have been false or misleading.
131. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.
132. This search also sits within the context of Mr. Foreman previously having his house broken into on multiple occasions. One break-in was likely perpetrated by a person mentioned in the search warrant application. It does not appear that Adams County Sheriff's Office has investigated any of these break-ins but did feel it was necessary to raid Mr. Foreman's home on the basis of unreliable "information".
133. The Plaintiffs' actions deprived Defendants of their civil rights as secured by the United States Constitution and through 42 U.S.C. § 1983.
134. As a direct and proximate result of the Plaintiffs' wrongful conduct, the Defendants sustained injuries, damages, and a violation of their rights.
135. As a remedy, the Defendants are entitled to monetary damages, injunctive relief, and other remedies.

COUNTERCLAIM: COUNT IX
First Amendment Retaliation

136. Defendants incorporate by reference the foregoing paragraphs as if fully restated.
137. Plaintiffs filed this lawsuit after the Defendants produced music videos using footage from the Adams County Sheriff's Office's unlawful raid on Mr. Foreman's home.
138. Plaintiffs' Amended and Supplemental Complaint alleged six "causes of action". Two of these causes of action have already been dismissed and the "cause of action" for an injunction is invalid as the Court correctly stated that an injunction is a remedy and not a tort.
139. Plaintiffs' complaint appears to be written in haste, insufficiently alleges facts to prove the alleged cause of actions, and neglects to give sufficient justifications for any damages claimed by the Plaintiffs.
140. It is hard to believe that Plaintiffs did not know that Defendants' speech was likely protected by the First Amendment to the United States Constitution and the analogous provisions of the Ohio State Constitution.
141. The Plaintiffs committed this tort and filed their Complaint with malicious purpose, in bad faith, or in a wanton or reckless manner.
142. The purpose of the Plaintiffs' lawsuit appears to be to quell Mr. Foreman's opinions, freedom of speech, and criticisms of the Adams County Sheriff's Office. The Plaintiffs' lawsuit is analogous to the SLAPP lawsuits cited in amici's briefs.
143. The Plaintiffs' actions deprived Defendants of their civil rights as secured by the United States Constitution and through 42 U.S.C. § 1983.

144. As a direct and proximate result of the Plaintiffs' wrongful conduct, the Defendants sustained injuries, damages, and a violation of their rights.

145. As a remedy, the Defendants are entitled to monetary damages, injunctive relief, and other remedies.

COUNTERCLAIM: COUNT X
Abuse of Process

146. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

147. The Plaintiffs improperly used a search warrant and civil legal proceedings for a malicious or perverse reason and for which those proceedings were not intended.

148. The Plaintiffs committed this tort with malicious purpose, ulterior motive, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.

149. As a direct and proximate result of the Plaintiffs' misconduct, the Defendants were damaged and otherwise sustained losses.

150. The Plaintiffs' actions deprived Defendants of their civil rights as secured by the United States Constitution and through 42 U.S.C. § 1983.

151. As a direct and proximate result of the Plaintiffs' wrongful conduct, the Defendants sustained injuries, damages, and a violation of their rights.

152. As a remedy, the Defendants are entitled to monetary damages, injunctive relief, and other remedies.

COUNTERCLAIM: COUNT XI
Tortious Interference with Business Relationship/Contract

153. Defendants incorporate by reference the foregoing paragraphs as if fully restated.

154. Plaintiffs filed this lawsuit against the defendants for producing music videos using footage from the Adams County Sheriff's Office's unlawful raid on Mr. Foreman's home.
155. Mr. Foreman is an entertainer, and Hungry Hustler Records is his record label.
156. Mr. Foreman's primary source of income is his occupation and vocation as an entertainer and music artist.
157. The Plaintiffs committed this tort with malicious purpose, in bad faith, or in a wanton or reckless manner to disrupt Mr. Foreman's career and Hungry Hustlers Records's business relationships with venues and other vendors.
158. The Defendants have lost several business opportunities as a result of the raid on Mr. Foreman's home, the initial media coverage of the raid, and this lawsuit. This has translated into lost earnings for the Defendants.
159. Venues have decided not to host Mr. Foreman as a performer as a result of the raid on his home and this lawsuit.
160. This tortious interference with business relationships has deprived Defendants of their civil rights as secured by the United States Constitution and through 42 U.S.C. § 1983.
161. The Plaintiffs committed this tort and violated the laws of Ohio and the Ohio Constitution with malicious purpose, in bad faith, or in a wanton or reckless manner when they raided Mr. Foreman's home.
162. As a direct and primate result of the Plaintiffs' tortious conduct, the Defendants sustained injuries, damages, and a violation of their civil rights.

163. As a remedy, the Defendants are entitled to monetary damages, injunctive relief, and other remedies.

WHEREFORE, Defendants demand judgment against all Plaintiffs as follows:

1. That Plaintiffs take nothing by the three remaining counts of their action;
2. That the Plaintiffs' Amended and Supplemental Complaint be dismissed with prejudice;
3. On Counterclaim: Count I, against all Plaintiffs, jointly and severally, an award for actual damages in the amount of \$1,500.00, for damaging Mr. Foreman's doors, doorframes, and the surrounding trim; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
4. On Counterclaim: Count II, against all Plaintiffs, jointly and severally, an award for actual damages of \$1,000.00, for damaging Mr. Foreman's closet; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
5. On Counterclaim: Count III, against all Plaintiffs, jointly and severally, an award for actual damages of \$6,000.00, for damaging Mr. Foreman's security cameras and DVR and the required repairs; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
6. On Counterclaim: Count IV, against all Plaintiffs, jointly and severally, an award for actual damages of \$6,000.00, for damaging Mr. Foreman's security cameras and DVR and the required repairs; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;

7. On Counterclaim: Count V, against all Plaintiffs, jointly and severally, an award for actual damages of \$400.00, for failing to return Mr. Foreman's money; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
8. On Counterclaim: Count VI, against all Plaintiffs, jointly and severally, an award for actual damages of \$400.00, for failing to return Mr. Foreman's money; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
9. On Counterclaim: Count VII, against all Plaintiffs, jointly and severally, an award for reasonable attorney fees, costs, and expenses of litigation for their frivolous lawsuit; and for punitive or exemplary damages;
10. On Counterclaim: Count VIII, against all Plaintiffs, jointly and severally, an award for actual damages of in excess of \$25,000.00, for engaging in an illegal search and seizure while acting as a law enforcement officer; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
11. On Counterclaim: Count IX, against all Plaintiffs, jointly and severally, an award for actual damages of in excess of \$25,000.00, for raiding Mr. Foreman's house and filing a frivolous lawsuit as a retaliation for Mr. Foreman's exercise of his First Amendment rights; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
12. On Counterclaim: Count X, against all Plaintiffs, jointly and severally, an award for actual damages of in excess of \$25,000.00, for using a search warrant and civil legal proceedings for a malicious or perverse reason and for which those proceedings were not intended; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;

13. On Counterclaim: Count XI, against all Plaintiffs, jointly and severally, an award for actual damages in excess of \$25,000.00, for lost earnings as a result of Plaintiffs' tortious interference with the Defendants' business relationships and contracts; for punitive or exemplary damages; and for their attorney fees, costs, and expenses of litigation;
14. That Defendant be awarded costs and disbursements and any such other relief as the Court deems just or equitable; and
15. That an injunction be enforced against the Plaintiffs enjoining them from filing another lawsuit against the Defendants for engaging in conduct protect by the First Amendment of the United States Constitution and analogous provisions within the Ohio State Constitution.

Respectfully submitted,

RIVERS LAW FIRM, P.A.

Date: October 27, 2023

By: /s/ Bruce Rivers
Bruce Rivers (#282698)
Attorney For Defendants
Joseph Foreman & Hungry Hustler Records
701 Fourth Avenue South, Suite 300
Minneapolis, MN 55415
Telephone: 612-339-3939
Facsimile: 612-332-4003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendants' Amended Joint Motion to Dismiss and Motion to Strike Plaintiffs' Amended and Supplemental Complaint was served on October 27, 2023, by electronic mail upon the following:

Robert A. Klingler
ROBERT A KLINGLER CO., L.P.A.
895 Central Avenue, Ste. 300
Cincinnati, OH 45202
rak@klinglerlaw.com
Attorney for Plaintiffs

Arthur West
120 State Avenue NE, #1497
Olympia, WA 98501
Amicus

David J. Carey (0089787)
ACLU OF OHIO FOUNDATION
1108 City Park Avenue, Ste. 203
Columbus, OH 43206
Phone: (614) 586-1972
Fax: (614) 586-1974
dcarey@acluohio.org

Amy R. Gilbert (100887)
Freda J. Levenson (0045916)
ACLU OF OHIO FOUNDATION
4506 Chester Avenue
Cleveland OH 44102
Phone: (614) 586-1972
Fax: (614) 586-1974
agilbert@acluohio.org
flevenson@acluohio.org

Vera Eidelman (*pro hac vice*)
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18 Fl.
New York, NY 10004
Phone: (212) 549-2500
Fax: (212) 549-2654
veidelman@aclu.org
Counsel for Amici Curiae

Respectfully submitted,

RIVERS LAW FIRM, P.A.

Date: October 27, 2023

By: /s/ Bruce Rivers
Bruce Rivers (#282698)
Attorney For Defendants
Joseph Foreman & Hungry Hustler Records

ADAMS COUNTY COURT

2022 AUG 23 PM 2:30

ADAMS COUNTY COURT
ADAMS COUNTY, OHIO

STATE OF OHIO
COUNTY OF ADAMS, ss:

To any law enforcement officer of Adams County, Ohio;

CASE NO.
SEARCH WARRANT

2022-SW-#23

WHEREAS, there has been filed before me an affidavit demonstrating probable cause for a search to be made of:

1299 Russellville Road, Winchester, Adams County, Ohio 45697, being a single-family, two-story home with white siding, having green shutters and a green metal roof, with a covered front porch and a gravel driveway, having a large white metal pole barn style structure with a green metal roof on the north side of the primary residence, with a wooden fence surrounding the property and being the current residence of Joseph E. Foreman to include any and all other outbuildings, storage containers, curtilage, vehicles and / or persons located on the property.

namely:

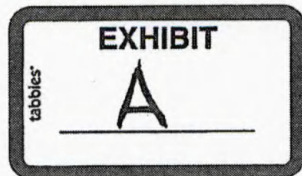
Items of evidence, including but not limited to unknown quantity of marijuana, marijuana derivatives, any and all other drugs of abuse, drug paraphernalia including scales, packaging materials, and paraphernalia used for the sale and administration of said drugs, money, obtained from the sale of illegal drugs, documentation regarding the sale of illegal drugs, as well as weapons used for the protection of the above

which are

being concealed in violation of ORC 2925.11; Possession of Drugs, ORC 2925.03; Trafficking in Drugs, ORC 2925.01; Kidnapping

YOU ARE HEREBY COMMANDED TO search, by any reasonable means necessary, the above named person and/or place for the property described, serving this warrant and making the search during the **daytime or night time** within 3 days from the issuance of this order, and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken and prepare a written inventory of the property seized and return this warrant to the Adams County Court of Adams County, Ohio, upon execution. Furthermore, this search warrant may be executed without the statutory precondition for a nonconsensual entry.

Given under my hand this 21st day of August, 2022.



JUDGE

Thy & Shultz

6:55 p.m.

conducted on the green leafy vegetation which did indicate the presence of Tetrahydrocannabinol (THC), the principal psychoactive constituent of cannabis (marijuana.) with a combined weight of approximately 2,131 grams, being more than one thousand grams but less than five thousand grams, a felony of the third degree. Detectives additionally located a small colorless plastic cylinder with a label stating "Afroman" and "high grade cannabis" that also contained similar green leafy substance. A field test was conducted on the green leafy substance which did indicate the presence of Tetrahydrocannabinol (THC.) Confidential Informant # 1 further stated that he / she was "holding" the marijuana for "Afroman" (Joseph Foreman.)

- 2.) Affiant further states on August 21, 2022 during conversation Confidential Informant #1 stated that she has known Joseph Foreman, AKA "Afroman," AKA "Fro" for approximately ten (10) years, where she originally started working as Joseph Foreman (Afroman's) personal assistant. Confidential Informant # 1 continued to state she routinely travelled the United States with "Afroman" to concerts and Marijuana dispensaries where they would obtain large amounts of marijuana to be transported back to Adams County, Ohio. Confidential Informant # 1 further stated she and Afroman have been intimate for approximately eight (8) years where he / she, being Confidential Informant # 1 visited the "farm house" being "Afroman's" (Joseph Foreman's) residence, 1299 Russellville Road, Winchester, Adams County, Ohio 45697. Confidential Informant # 1 stated during these last eight (8) years she has consistently observed large amounts of money and marijuana at "Afroman's" residence. Confidential Informant #1 further stated "Afroman" has a basement, referred to as "the dungeon" in which he, being Afroman (Joseph Foreman) keeps women locked in, forcing them to urinate and defecate in a bucket as punishment for upsetting or disobeying him.

Confidential Informant # 1 further stated that she was last at "Afroman's" (Joseph Foreman) residence approximately one month ago where she, being Confidential Informant # 1 observed a female known as "Joe" exiting the dungeon. Confidential Informant # 1 described "Joe" as a short, dark-haired woman, possibly Hispanic. Confidential Informant # 1 also indicated that she believed "Joe" is from California, although "Afroman" paid Confidential Informants estranged husband to pick up "Joe" in Mississippi.

- 3.) Affiant further states Confidential Informant #1 indicated that "Afroman" (Joseph Foreman) utilized armed security at all times, stating "he has some old rapper from LA doing it." Confidential Informant #1 stated that there is a "guard shack" on the west side of the residence, where security cameras are monitored.
- 4.) Affiant further states Confidential Informant # 1 accurately described the exterior of the property at 1299 Russellville Road, Winchester, Adams County, Ohio 45697, further stating that the entire upstairs of the primary residence is "Afroman's" bedroom. Confidential Informant # 1 further indicated that "Afroman" has multiple "mini garages" which are utilized to store marijuana and "Afroman's" brand of malt-liquor, "Cold fro t-5."

- 5.) Affiant further states Confidential Informant # 1 indicated that "Afroman" (Joe Foreman) has a large metal building behind the residence where he stores cars, Confidential Informant # 1 stated she and her husband built a "fitness room" of the building which has a false wall. Confidential Informant # 1 stated "Afroman" uses the false wall room to store marijuana and money.
- 6.) Affiant states Confidential Informant indicated that she has not been to 1299 Russellville Road, Winchester, Adams County, Ohio 45697 in approximately one month due to "Afroman" (Joseph Foreman) releasing a video, depicting him urinating on Tasha Chamblin's head. Confidential Informant # 1 indicated before that incident, she would visit the residence on a daily basis and did so for approximately eight (8) years. Confidential Informant # 1 further stated that she would observe the aforementioned activity at the residence every visit.
- 7.) Affiant further requests that a search warrant be granted for 1299 Russellville Road, Winchester, Adams County, Ohio 45697 to further investigate the aforementioned activity described in this affidavit.

Date: 08/21/2022

SGT. + [Signature]
SGT Brian Newland,
Adams County Sheriff's Office

Sworn to before me and subscribed in my presence this 21st day of August, 2022.

[Signature]
JUDGE
6:55 p.m.

ADAMS COUNTY COURT

RETURN OF SEARCH WARRANT
22 AUG 23 PM 2:31

I, SGT. BRIAN NEWLAND, the officer taking property hereunder, received the attached search warrant and executed it as follows:

On this 21 day of AUGUST, 2022 at 8:11 o'clock pm/am. I searched _____
(location) 1299 RUSSELLVILLE RD, WINCHESTER, ADAMS COUNTY, OH 45697
described in the warrant and left a copy of the warrant with RESIDENCE
together with a receipt for the items seized.

The following is an inventory of the property taken under the warrant:

\$4390.00 LOCATED IN JACKET POCKET IN UPSTAIRS BEDROOM
\$641.00 LOCATED ON SHELF IN OFFICE OFF OF LIVING ROOM AREA
COLORLESS GLASS JAR W/ WHITE LID CONTAINING GREEN LEAFY VEGETATION
(2) TWO SETS OF DIGITAL SCALES, BLACK CONTAINER W/ MISC. DRUG PARA.
GLASS MARIJUANA WAX (DAB) SMOKING PIPE
(ATTACHED CONTINUATION PAGES IF NECESSARY) NO. ATTACHED: 1 OF 2

Inventory made in the presence of: Printed Name: SGT. BRIAN NEWLAND

Signature: SGT. [Signature]

This inventory is a true and accurate account of all property taken by me on the warrant.

[Signature]

Returned, sworn to, and subscribed in my presence this 23rd day of AUGUST, 2022

[Signature]
CLERK

ADAMS COUNTY COURT

RETURN OF SEARCH WARRANT

2022 AUG 23 PM 2:31
I, SGT. BRIAN NEWLAND, the officer taking property hereunder, received the attached search warrant and executed it as follows:

Penny S. Baldwin
CLERK

On this 21 day of AUGUST, 2022 at 8:11 o'clock pm am. I searched _____
(location) 12919 RUSSELLVILLE RD, WINCHESTER, ADAMS COUNTY, OH 45697
described in the warrant and left a copy of the warrant with RESIDENCE
together with a receipt for the items seized.

The following is an inventory of the property taken under the warrant:

COLORLESS (LIDLESS) PLASTIC JAR CONTAINING THC WAX (DAB)
COLORLESS PLASTIC JAR W/ WHITE LID CONTAINING THC WAX (DAB)
GRINDER

(ATTACHED CONTINUATION PAGES IF NECESSARY)

NO. ATTACHED: 2 OF 2

Inventory made in the presence of: Printed Name: SGT. BRIAN NEWLAND

Signature: SGT. [Signature]

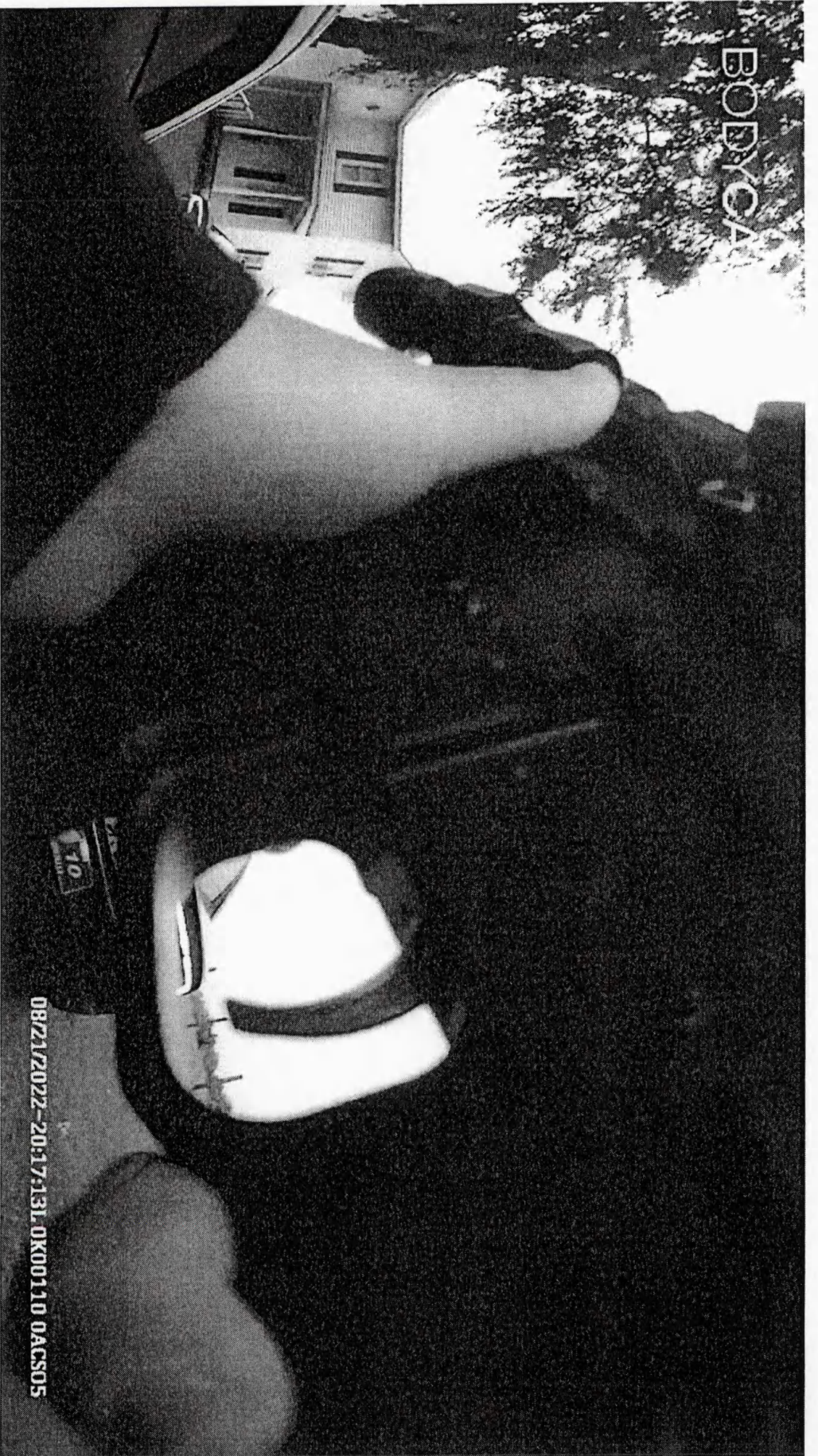
This inventory is a true and accurate account of all property taken by me on the warrant.

Sgt. [Signature]

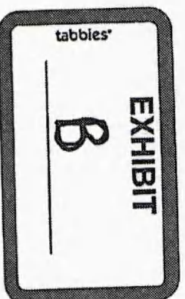
Returned, sworn to, and subscribed in my presence this 23rd day of August, 2022

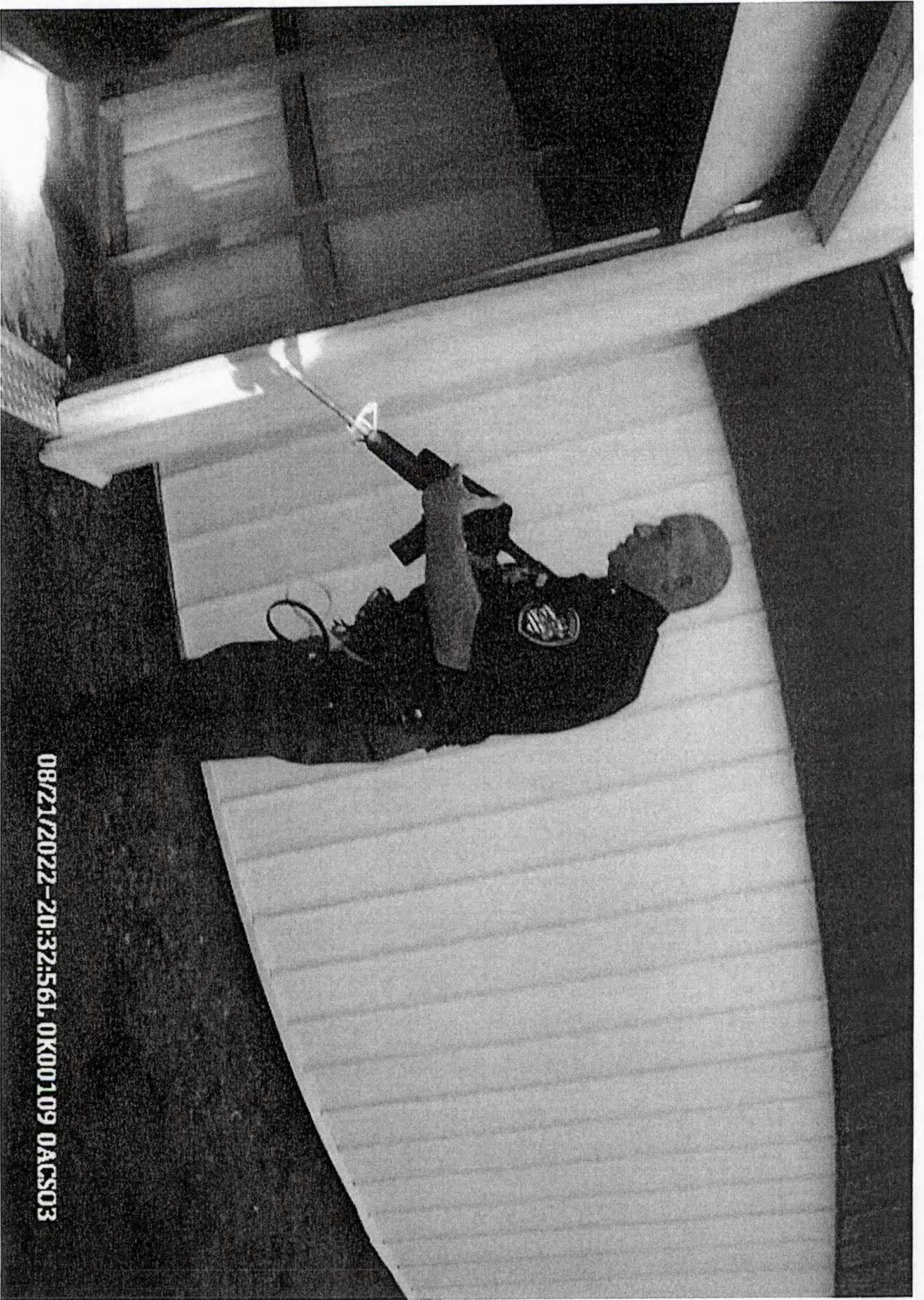
Penny S. Baldwin
CLERK

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BODYCAM™

08/21/2022-20:27:09L OK00109 0ACSO3

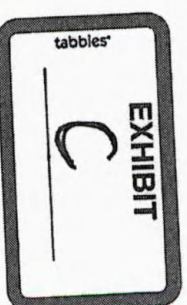
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