

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 31:23CV032

PATRICK JUSTIN MCAFEE

DEFENDANT

COMPLAINT

COMES NOW, Plaintiff, Brett Lorenzo Favre ("Favre" or "Plaintiff"), by and through the undersigned legal counsel, and files his complaint against Defendant, Patrick Justin McAfee ("McAfee" or the "Defendant"). In support thereof, Favre alleges as follows:


JURY TRIAL DEMAND

Pursuant to Miss. R. Civ. P. 38 and Miss. Const. Art. 3, § 31, Favre asserts his constitutional right to trial by jury.

NATURE OF THE CASE

1. Defendant McAfee, on his popular national sports podcast, which has an audience of hundreds of thousands of viewers daily, has made egregiously false and defamatory statements that Favre, the Hall of Fame quarterback and native son of Mississippi, was a "thief" who was "stealing from poor people in Mississippi." There is no basis for these outrageous falsehoods, which McAfee made knowing that they were false or, at a minimum, with reckless disregard for the fact that they were false.

2. Favre brings this action to clear his good name and to redress the injury to his reputation caused by McAfee's false and defamatory statements.

FILED
LAMAR COUNTY FEB 09 2023 CIRCUIT CLERK


3. Favre is a retired professional athlete who played in the National Football League (“NFL”) for over 20 years, primarily as the Green Bay Packers quarterback. Favre has since been engaged in endorsing various products and businesses, making appearances at events, and hosting a radio show on SiriusXM. Favre has also focused on charities and causes that are important to him. This included his Favre 4 Hope Foundation, which he and his wife Deanna founded in 1995 and through which he has contributed millions of dollars to charities across his home state of Mississippi and elsewhere, including Make-A-Wish Foundation of America, Hope Haven, and Ribbon of Hope. Favre also has supported various causes, including his alma mater, The University of Southern Mississippi (“Southern Miss”), and the development of medication to treat and prevent concussions, an all-too-common football injury.

4. McAfee, also a retired NFL player, is the host of a national weekday sports talk show and podcast, The Pat McAfee Show.

5. In November 2022, McAfee made statements on The Pat McAfee Show falsely accusing Favre of “steal[ing] from the poor,” “[taking] money right out of their pockets” and “stealing from poor people in Mississippi.” A month later, McAfee made a similar statement on Twitter. Despite the fact that Favre had not done any of those things, McAfee could not resist the opportunity to trade on Favre’s celebrity to make headlines and gain audience by sullyng Favre’s reputation.

6. Before filing this complaint, Favre sent Defendant McAfee a letter demanding that McAfee retract and apologize for his defamatory statements and cease and desist from making further defamatory falsehoods against Favre. McAfee has failed and refused to do so.

7. Knowing or with reckless disregard for the fact that the statements were false, McAfee accused Favre of committing serious crimes, and has refused to retract or apologize for

these statements. Those false and malicious statements about Favre constitute defamation *per se* and entitle Favre to compensatory damages for the harm he has suffered and punitive damages for McAfee's reprehensible conduct.

PARTIES

8. Plaintiff, Brett Lorenzo Favre, is a private citizen and resident of Sumrall, Lamar County, Mississippi.

9. Defendant, Patrick Justin McAfee, is an individual domiciled in the State of Indiana, and may be served with process as authorized by law.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this case pursuant to Miss. Const. Art. VI, § 156.

11. This Court has personal jurisdiction over Defendant pursuant to Mississippi Code Ann. § 13-3-57 because Defendant has committed a tort in whole or in part in Mississippi.

12. Venue is proper in this Court pursuant to Miss Code Ann. § 11-11-3(1)(a)(i) because a substantial event that caused the injury occurred in this County. Alternatively, venue is proper in this Court pursuant to Miss. Code Ann. § 11-11-3(1)(b) because Defendant is a nonresident and Plaintiff resides in Lamar County.

STATEMENT OF FACTS

A. Background

13. Favre was born and raised in Mississippi, and attended Hancock North Central High School in Kiln, Mississippi, graduating from The University of Southern Mississippi in 1990.

14. Favre went on to a highly successful career in the NFL, playing for over 20 years, primarily as quarterback for the Green Bay Packers. During his career, he had two Super Bowl appearances, including a victory in Super Bowl XXXI. He also earned three straight NFL Most Valuable Player Awards. Since retiring, Favre was inducted into the Pro Football Hall of Fame in

2016 and continued to be sought after by multiple companies, including Wrangler and CopperFit, to endorse and appear in television commercials for their products. Favre has also co-hosted a regular radio show on SiriusXM, “The SiriusXM Blitz With Brett Favre and Bruce Murray,” and has made paid appearances at autograph signing and speaking events.

15. Favre has also focused on his charitable endeavors, including efforts to support his alma matter, Southern Miss, as well as his work with the Favre 4 Hope Foundation, which he and his wife Deanna founded in 1995 and through which he has contributed millions of dollars to charities across his home state of Mississippi and elsewhere, including such charities as Make-A-Wish Foundation of America, Hope Haven, and Ribbon of Hope. Favre also has supported various causes, including the development of medication to treat and prevent concussions, an all-too-common football injury.

B. McAfee’s Egregious Falsehoods About Favre

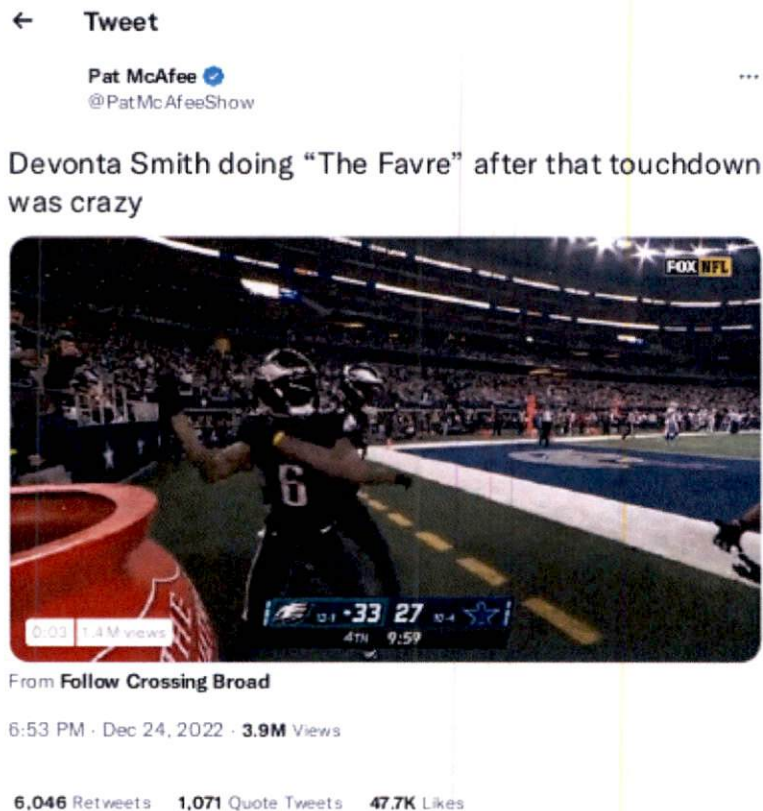
16. McAfee, also a retired NFL player, is the host of a national weekday sports talk show and podcast, The Pat McAfee Show. The Pat McAfee Show features a video simulcast on the streaming platform YouTube, and is available for download on various internet platforms, including Apple Podcasts, Google Podcasts, Spotify and TuneIn.

17. Since The Pat McAfee Show’s inception in the Fall of 2019, McAfee has built a fan base of more than 3 million social media followers. Video clips of the Pat McAfee Show posted on the YouTube Pat McAfee Show channel, which has over 2.1 million subscribers, regularly see traffic of over 100,000 views each.

18. On November 30, 2022, during an episode of The Pat McAfee Show, which was posted to The Pat McAfee Show’s YouTube channel, McAfee falsely accused Favre of serious crimes, stating:

- “Every time his name gets brought up, we have to mention that he tied the hands of the poor people and took money right out of their pockets”
- “[Favre is] certainly in the middle of stealing from poor people in Mississippi right now.”

19. McAfee published yet another statement defaming Favre on Twitter on December 24, 2022. In his tweet, which included a video of NFL wide receiver DeVonta Smith celebrating a touchdown by pantomiming stealing from an oversized Salvation Army basket, McAfee stated, “Devonta Smith doing ‘The Favre’ after that touchdown was crazy”:



20. As the above image shows, McAfee’s defamatory Tweet was viewed nearly 4 million times, and tens of thousands of Twitter users “retweeted,” “quoted,” or “liked” it.

21. On February 3, 2023, counsel for Favre demanded that McAfee retract and apologize for his defamatory statements. McAfee refused, prompting Favre to file this action.

22. McAfee's false statements that Favre stole money from "poor people in Mississippi" are malicious lies that injured Favre's reputation and caused Favre financial harm by, among other things, diminishing Favre's ability to generate income through endorsements, appearances at events or on radio and television programs, or hosting his own radio or television program.

23. McAfee should be held responsible for his lies and compelled to pay Favre for the damage he has caused, as well as punitive damages for his reprehensible conduct.

CAUSE OF ACTION
(Defamation and Defamation Per Se)

24. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

25. McAfee published the foregoing statements of purported fact referring specifically to Favre, by name, on his podcast, The Pat McAfee Show—which is streamed for millions of viewers across the nation via YouTube and via various other internet platforms, including Apple Podcasts, Google Podcasts, Spotify and TuneIn—and on Twitter.

26. The foregoing statements by McAfee were false in their particular details and in their gist and essence in the entire context in which they were made.

27. The foregoing statements by McAfee were defamatory, libelous and slanderous and in making the statements, McAfee acted with actual malice, and with knowledge of the falsity of the defamatory statements, or at a minimum with reckless disregard for their falsity by purposefully avoiding the truth, and, in fact, lying that Favre committed what are serious crimes in the State of Mississippi.

28. The foregoing defamatory statements by McAfee were not protected by any privilege.

29. The foregoing defamatory statements by McAfee constitute defamation *per se* in that they were clearly directed at Favre and clearly and falsely state that Favre committed a crime by stealing from poor Mississippians. The foregoing defamatory statements by McAfee also injured Favre's reputation and exposed him to public hatred, animus, contempt or ridicule, degraded him in society, lessened him in public esteem, or lowered him in the confidence of the community.

30. McAfee made the defamatory statements of purported fact knowing they were false or, at a minimum, with reckless disregard for the fact that they were false.

31. As a proximate result of the publication of these false and defamatory statements, Favre has suffered damages in an amount to be determined at trial.

DAMAGES

32. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

33. Favre is entitled to nominal and general damages resulting from McAfee's defamation, including compensation for injury to Favre's character and reputation.

34. Favre is also entitled to actual or special damages, including specifically the pecuniary loss suffered because of McAfee's defamation.

35. In addition to the damages set forth above, Favre seeks to recover punitive or exemplary damages against McAfee for his conduct, which constitutes malice. Further, McAfee acted with a specific intent to cause injury to Favre or conscious indifference to the rights, safety, or welfare of Favre with actual, subjective awareness that McAfee's conduct involved an extreme degree of risk of harm to Favre. Favre also seeks punitive and exemplary damages in order to

punish and deter the outrageous conduct taken in heedless and reckless disregard for Favre's reputation and as a result of McAfee's conscious indifference in harming his reputation.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Favre respectfully requests that this Court enter judgment awarding Plaintiff Favre the following relief:

- a. Nominal, general, actual/special, exemplary, and punitive damages as described above, in an amount to be determined at trial;
- b. The costs of litigation, including reasonable legal and consulting fees, expert witness fees, and any other costs deemed reasonable;
- c. Pre- and post-judgment interest at the maximum rate allowed by law;
- d. Such further and other relief, both general and special, at law or in equity, to which Plaintiff Favre may show himself justly to be entitled, or as this Court may deem appropriate; and
- e. Any other damages or other relief deemed just and proper.

RESPECTFULLY SUBMITTED, this the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

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