

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

MICHELLE FOREMAN,)	
)	
Plaintiff,)	
)	Case No. 23C891
VS.)	
)	JURY DEMAND
DAVE ROSENBERG,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT

COMES the Plaintiff, Michelle Foreman (“Foreman”), by and through counsel, and sues Defendant, Dave Rosenberg (“Rosenberg”), and for cause would state and show as follows:

I.
THE PARTIES

1. The Plaintiff, Michelle Foreman, was a Republican candidate for the District 59 seat in the Tennessee Legislature.
2. The Defendant, Dave Rosenberg, is a supporter of Foreman’s Democrat opponent, Caleb Hemmer, for the District 59 seat in the Tennessee Legislature.

II.
VENUE & JURISDICTION

3. The Plaintiff avers that venue is proper in this Court because all acts complained of herein occurred or accrued in Williamson County as well as Davidson County, Tennessee. Venue is proper pursuant to Tenn. Code Ann. §20-4-101.
4. The Plaintiff avers that this Court has both *in personam* and subject matter jurisdiction over this matter pursuant to Tenn. Code Ann. §16-11-102.

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III.
THE FACTS

5. The Plaintiff avers that Defendant, Rosenberg, has published and disseminated to third-parties intentionally false and defamatory statements about Plaintiff, Foreman, including that Foreman is a “COVID denier, anti-vaccine, supports Jan. 6 and election conspiracy theories, and is a pathological liar.” These statements were false and known to be false when made. They were also made recklessly without regard as to their basis or truth and with malice. Defendant, Rosenberg, published these false defamation statements in a newsletter, email on October 24, 2022 and disseminated it to numerous people through his vote@daveforbellevue.com email. (Exhibit #1 attached.)

IV.
CAUSE OF ACTION
ACTION FOR LIBEL PER QUOD

6. The Plaintiff relies upon the factual averments in numbered paragraphs 1-5 in support of the following cause of action.
7. The Plaintiff avers that Defendant has defamed her by repeatedly publishing intentionally false statements about her to multiple third-parties while knowing that they are false when made with the intention to harm her and to impugn and malign her character and reputation.
8. The Plaintiff avers that Defendant has published reckless, false statements about her character to multiple third-parties by alleging that she is a “COVID denier, anti-vaccine, supports Jan. 6 and election conspiracy theories, and is a pathological liar.” Defendant has done so with malice in order to intentionally damage her reputation and her candidacy. Plaintiff, Michelle Foreman, is a licensed registered nurse who values her professional

reputation and Defendant, Rosenberg's, intentionally false allegations to benefit Caleb Hemmer were made maliciously and with malicious intent to harm her.

9. The Plaintiff avers that she has sustained injuries to her reputation and suffered damages as a direct and proximate result of Defendant's libel of her.

THE PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

1. That the Defendant be served and be required to timely answer;
2. That the Defendant be enjoined from making these false statements about Michelle Foreman;
3. That the Plaintiff be awarded compensatory and punitive damages in an amount in excess of \$300,000.00 against the Defendant;
4. That a jury of six (6) be impaneled to hear this matter;
5. That the Plaintiff be awarded such other, further relief to which she may be entitled.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF IN THIS MATTER.

Respectfully Submitted,

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Foreman v. Rosenberg
First Amended Complaint

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via U.S. Mail, postage prepaid, and electronic mail on this the 31st day of May, 2023 to the following:

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