

CAUSE NO. **D-1-GN-18-002608**

WILLIAM STEWART, SR., and
ELNORA DAUGHERTY,

Plaintiffs

VS.

SIMON AND SCHUSTER, INC.,
TIFFANY HADDISH, AND
TUCKER TIBOR MAX

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98TH JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiffs, WILLIAM STEWART, SR. and ELNORA DAUGHERTY, and files this Original Petition, complaining of SIMON and SCHUSTER, INC.; TIFFANY HADDISH; and TUCKER TIBOR MAX, and in support thereof would respectfully show the Court as follows:

I. DISCOVERY LEVEL

1. Plaintiffs intend that discovery be conducted under Discovery Level 3.

II. PARTIES

2. Plaintiff, WILLIAM STEWART, SR., is an individual who resides in Los Angeles County, California.
3. Plaintiff, ELNORA DAUGHERTY, is an individual who resides in Butts County, Georgia.

4. Defendant, SIMON AND SCHUSTER, INC. is a New York corporation doing business in the State of Texas and may be served with process through its registered agent, Prentice Hall Corp. System, 211 E. 7th Street, Suite 620, Austin, Texas 78701.
5. Defendant, TIFFANY HADDISH, is the author and voice recorded the audio version of the best-selling book, "The Last Black Unicorn." Defendant, TIFFANY HADDISH, a non-resident individual does not maintain a designated agent for service of process in Texas but is doing business in Texas. By reason thereof, Plaintiffs invoke the provisions of Art. 17.044 of the Civil Practice & Remedies Code, which provides that the Secretary of State of the State of Texas is agent for service of process upon Defendant. Pursuant to Art. 17.045(a) of the Tex. Civ. Prac. & Rem. Code, Defendant may be served at the address of her "home" or "home office" which is 3777 West Blvd., Los Angeles, CA 90016.
6. Defendant, TUCKER TIBOR MAX, is a resident of Austin, Travis County, Texas and may be served with citation at his residence located at 201 Lavaca St., Apt. 542, Austin, Travis County, Texas 78701-3984.

III. JURISDICTION AND VENUE

7. The damages sought in this case exceed the minimal jurisdictional limits of Travis County Judicial District Courts.
8. Pursuant to Art. 15.017 of the Texas Civil Practices and Remedies Code venue is proper in Travis County, Texas because one or more defendants' residence is in Travis County, Texas.
9. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiffs are

seeking relief over \$1,000,000.00.

IV. FACTUAL SUMMARY

10. Plaintiff WILLIAM STEWART, SR. and Defendant TIFFANY HADDISH were married on August 8, 2008. WILLIAM STEWART, SR., always, has been the only previous spouse of TIFFANY HADDISH.
11. Ms. Haddish is a comedian and a television and movie personality that was recently named one of Time Magazine's 100 Most Influential People.
12. Ms. Haddish and Mr. Stewart were divorced on December 17, 2013. They were married once and divorced once.
13. Ms. Haddish filed for divorce for irreconcilable differences.
14. Following the divorce, Mr. Stewart and Ms. Haddish remained close, including regularly meeting up and seeing one another socially, exchanging various relationship favors and speaking with each other on the phone, through text messages, and e-mails.
15. WILLIAM STEWART, SR. is a decorated veteran of the United States Army with numerous awards for his honorable service, including the National Defense Service Medal for the Gulf War-Operation Desert Shield and Storm.
16. WILLIAM STEWART, SR. served for twelve years as a distinguished police officer with in the Metropolitan Atlanta region where he protected his community with valor and dedication.
17. WILLIAM STEWART, SR. currently works on an United States Air Force base where he is required to maintain high-level security clearance to retain his employment and to be considered for promotions.

18. Ms. ELNORA DAUGHERTY is retired from the United States Army National Guard and the Georgia Department of Corrections serving each with over twenty years of service.
19. Ms. ELNORA DAUGHERTY is currently a 911 police dispatcher.
20. In 2017, Ms. Haddish, SIMON and SCHUSTER, and ghost writer TUCKER TIBOR MAX, “the posterchild for vulgarity,” authored and published a best-selling book “The Last Black Unicorn” (“the book”).
21. The book’s lengthiest chapter is titled, “The Ex-Husband” (“the chapter”).
22. The chapter purports to inform readers and listeners about Ms. Haddish’s horrifying and true experience with marriage to her “ex-husband.”
23. The chapter is prefaced with a warning to readers that there is no comedic value in the chapter, but that it is a truthful accounting.
24. The chapter maliciously defames and slanders the reputation of Mr. Stewart and Ms. Daugherty.
25. The chapter, “The Ex-Husband,” begins by informing readers that “this story is bad. . . It might even get you angry. . . there isn’t much here that is funny, to be honest, but . . . it’s the hard truth about my life. . . I hope some young girls can learn from my mistakes . . . as bad as this was, I believe its made me better and helped me get where I am.”
26. The chapter was entirely a character assassination on the reputation that Mr. Stewart earned as a decorated veteran, police officer, father, and son.
27. The chapter also, gratuitously, attacked the reputation of Mr. Stewart’s mother, Ms. ELNORA DAUGHERTY, by accusing her of numerous crimes of child abuse and

accusing her of indifference to domestic abuse committed by her son, Mr. William Stewart, after she was made aware of that abuse by Ms. Haddish.

28. Mr. Stewart and Ms. Daugherty are never identified by name in the book. However, they were easily identifiable by various mediums through publicly available information.
29. The authors and publisher knew and should have known that Mr. Stewart and Ms. Daugherty would be easily identifiable.
30. The defendants assert to readers (and listeners via the audio book) that the ex-husband of Ms. Haddish choked her abusively throughout their five-year marriage, that he kidnapped her, illegally monitored her, and had a police friend stalk and track her.
31. The defendants claimed that Mr. Stewart physically and verbally abused Ms. Haddish throughout their marriage and alleged that his abuse may have been responsible for the death of their unborn child.
32. The defendants claimed that Ms. Daugherty committed criminal child abuse by intentionally burning Mr. Stewart with a hot comb and locking him away when he was a child.
33. The defendants claimed that Ms. Haddish reached out to Ms. Daugherty for help, including calling Ms. Daugherty and sending pictures to Ms. Daugherty, concerning Mr. Stewart's criminal domestic abuse, but that Ms. Daugherty rejected those concerns
34. The defendants asserted that WILLIAM STEWART, SR. abandoned and refused to support one of his children because he did not like the child's mom.

35. Mr. Stewart did not beat, hit, nor assault Ms. Haddish as the defendants describe in the chapter, or otherwise.
36. Ms. Daugherty never committed criminal child abuse by intentionally burning her son with a hot comb or locking him away as a form of punishment as described in the chapter. Ms. Daugherty never told Ms. Haddish or anyone that she did so.
37. Mr. Stewart never abandoned his child as described in the chapter, or otherwise.
38. The defendants' statements and characterizations of Mr. Stewart and Ms. Daugherty were false, reckless, malicious, and defamatory.
39. The goal of the defendants was simple – sell as many books as possible without regard to the truth, even if it destroyed the reputation and character of Mr. Stewart and his mother. The defendants did not think the plaintiffs were famous or important enough to warrant consideration for their reputation.
40. The chapter makes the following defamatory and libelous assertions about Mr. Stewart:

- i. "He drove a dodge charger from Atlanta to LA for me. . . Turns out, he had a tracking device on that car. He was tracking everywhere I went. He was just watching me, that's why he brought it. He also had one of his former police partners who lived in LA, watching me. So that dude was following me around when he wasn't in town."
- ii. "Then the relationship got violent. . . [I] was trying to heat up the cabbage, and he choked the shit out of me. He told me I needed to shut up and listen, I talked too motherfucking much, and he choked me."
- iii. "But as I was running somehow he caught me and tackled me and sat on me. He closed the door and sat on me for forty-five minutes, until I was not just moving or whatever. He sat on me so long, because I kept fighting. . . He sat on me and lectured me, telling me how fucked up I was as a person for like an hour."
- iv. "Finally, he got off me, and he dragged me into the guest room and locked me in the guest room. Ex Husband: "You're not coming out till you're calm. Bitch, you stay in the holding tank. I was a prisoner

in my own home. Ladies, a quick word of advice: that shit is a felony. I did not know it at the time, but someone locking you away without your consent is straight-up kidnapping.”

- v. “I got home about 2:30 a.m. and I hadn’t called him to tell him I was going to be out with them or anything. He was very upset. Ex-Husband: “Where the fuck was you at?” Tiffany: “I was with my high school friends, they showed up to the show to surprise me. Man, it would have been so great if you would have been there.” I was all smiling and happy. He just lifted me up off the ground by my throat. He was choking the shit out of me, my eyes like went red, and I was just looking at him. . . Then he just dropped me.”
- vi. “A few months later, I had to go to Montreal to do the Just for Laughs Comedy Festival. . . I was just laughing and laughing, and that shit was making my ex-husband so mad. He grabbed me by my collar, he was like, “Its time to go to the room now,” in front of everybody. Just snatched me by my shirt and pulled me to the elevator and threw me in it. . . Once we got to our hotel room, he was so quick. He snatched me by the neck and slammed me into the wall. Ex-Husband: “Don’t you ever fucking embarrass me like that again. What the fuck is wrong with you?” I had a knot on the side of my head from where he slammed me into the wall, and all these marks on my throat, where he had dug in his nails.”
- vii. “I woke up confused about where I was. I had forgotten that I got my ass whipped by my husband.”
- viii. “On some level, I felt like if I love him enough, I could heal him from being so mad, from being so vicious.”
- ix. “He waited until we got home, and then it was basically an MMA fight. Except he was big and trained in hand-to-hand combat by the police academy, and I was small and fighting for my life. He choked me a bunch of times. I scratched at him, I ran from him, all of that. I hit him, but my punches didn’t do shit. He’s a big guy. I hit him as hard as I could with a pool stick a few times. He grabbed me by the throat and threw me into a shelf at one point. It was like being tossed around by the Incredible Hulk. I thought my eye socket was broke. My lip was busted. I was tore up. I am glossing over all the details, because they don’t matter. The point was, the man whipped me. He beat my ass.”
- x. “Then the next day I was hurting so bad. My back, everything. I could barely walk. I started bleeding like crazy. From my vagina. I mean, I didn’t know I was pregnant before, but now I did. I was having a straight up miscarriage. I don’t know if it was from the beating or the stress, but it happened.”
- xi. “I left him, but I don’t know what the fuck was wrong with me, because I still wanted my husband back. Even though I had a restraining order and everything, it was still a part of me like, I think we can work through this.”

- xii. "We got married. Again."
- xiii. "He had another child who was eleven, a little girl, who he basically abandoned, because he didn't like her mom."
- xiv. "So, I moved out. I got a divorce. And this time, it stuck. We're still divorced, and we ain't never getting back together. I know what you're thinking: This was your breaking point? And not the ass whippings? It seems like a really small thing. . . But the thing is, I couldn't be with anybody, or potentially have a child with somebody, who could abandon his child."
- xv. "He had trouble letting go. . . To this day, he still calls my friends. And he's like, . . 'Even though we're divorced, she's still my wife.' No, we ain't divorced. We twice divorced."

41. The chapter makes the following defamatory and libelous assertions about Ms.

Daugherty:

- i. "Then his mama called me: Mama: "Why did you send my son home? What the hell?" Tiffany: "I didn't send him nowhere. Your son choked me. Your son sat on me. Your son locked me up. Your son is abusive." I took pictures of my throat and stuff and sent them to her. Mama: "Oh, you're a great actress. You're a wonderful makeup artist."
- ii. I even went and talked to his mama: Tiffany: "How did you show him that you loved him?" Mama: Girl, once I burned him with a hot comb, because he was messing with my butt." Tiffany: "Okay, so I need to burn him with a hot comb?" Mama: "He was a terrible child. I had to lock him in the house and tell him don't touch nothing until I get back from work."

42. The defendants maliciously defamed Mr. Stewart and Ms. Daugherty's reputation for their own pecuniary gain. The chapter is the lengthiest in the best-selling book, "The Last Black Unicorn."

43. Mr. Stewart is not a mad or vicious man as the defendants described in the book. He is not an abusive man as defendants described in the book, or otherwise.

44. Mr. Stewart never tackled and sat on Ms. Haddish to keep her from leaving, or otherwise. He never locked Ms. Haddish in a room in their house.

45. Mr. Stewart never kidnapped Ms. Haddish, never abandoned his daughter, and never committed criminal domestic violence by “whipping” or “beating” Ms. Haddish, or otherwise.
46. Ms. Haddish did not send pictures to Ms. Daugherty documenting any abuse, and it would have been impossible to do so electronically.
47. Ms. Haddish never told Ms. Daugherty that Mr. Stewart was abusive or abusing her.
48. Ms. Daugherty did not intentionally burn Mr. Stewart with a hot comb when he was a child as a form of punishment, or otherwise and she has never claimed to do so to Ms. Haddish or anyone.
49. Ms. Haddish went to a doctor to have her pregnancy terminated and did not have an unwanted miscarriage as the defendants described in the book. Mr. Stewart did not cause the death of his unborn child.
50. Mr. Stewart married Ms. Haddish once and divorced her once. They were not twice divorced and twice married as defendants described in the book.
51. After these appalling accusations about Mr. Stewart were published by the defendants, Mr. Stewart sought to mitigate the ongoing damage to his reputation by publicly denouncing the defamatory, libelous, and slanderous accusations that were in the book and being reported across various mediums all over the world.
52. The defendants, however, requested a copy of a Temporary Restraining Order (“TRO”) on December 14, 2017 (after the publication and distribution of the book) that contained unsubstantiated allegations that were dismissed by a Judge in a court of law and for which Mr. Stewart had been exonerated. The defendants then

released that TRO to various mediums and blogs to further their libel, defamation, and slander of Mr. Stewart for their own profit.

53. The defendants were aware that the allegations in the TRO were dismissed and that no prosecutor found probable cause to initiate a case against Mr. Stewart.

54. The defendants were aware that Mr. Stewart credibly maintained consistently, including in a police report, that he has never struck Ms. Haddish in his life.

55. The defendants were aware that Mr. Stewart maintained that in the singular incident he had with Ms. Haddish, he only attempted to restrain Ms. Haddish from striking and hitting him with multiple objects after Ms. Haddish had just attempted to wreck the vehicle he was driving, threatening to "...kill [his] ass."

56. The defendants, however, used the unsubstantiated and dismissed allegations of that single incident where Ms. Haddish attacked Mr. Stewart to support their widespread false assertions and characterizations in the chapter to further smear Mr. Stewart's good name.

57. The defendants sought to vilify Mr. Stewart even though they knew Mr. Stewart was not the abuser that they described in the chapter.

58. The defendants went through extraordinary lengths to avoid accountability and responsibility for the malicious and defamatory lies about Mr. Stewart and Ms. Daugherty.

59. Further, the defendants, working together, attempted to strategically escape responsibility for their lies and malicious conduct by never mentioning the actual name of Mr. Stewart or Ms. Daugherty in the book, a tactic that Mr. Max has

utilized in past works. Instead, the defendants simply used the identifiers “ex-husband” and “mama” of ex-husband.

60. Mr. Stewart, however, was easily identifiable. Despite the defendant’s false representations in the book, Ms. Haddish was married and divorced only once. Those records are public.

61. Her only ex-husband is Mr. Stewart and he has only one mother, Ms. ELNORA DAUGHERTY.

62. Mr. Stewart, his family, and friends were contacted by various media outlets, blogs, and journalists after the books’ release when he was easily identified.

63. Mr. Stewart became the subject of considerable hatred and contempt.

64. When Mr. Stewart personally informed Ms. Haddish that a media outlet was contacting him about the false allegations in the book, she responded to him, “lol.”

65. Mr. Stewart’s name appeared in blogs and media reports available all over the world as the vicious, abusive, child-abandoning “ex-husband” of TIFFANY HADDISH.

66. The defendants intentionally disregarded Mr. Stewart and Ms. Daugherty’s life and reputation because they aren’t famous or wealthy.

67. After the defamatory and libelous statements were published by the defendants, Mr. Stewart reached out to Ms. Haddish personally to let her know how despondent he was over the considerable lies in the book and how it was affecting his life.

68. Ms. Haddish told Mr. Stewart: “I understand how you might feel right now, but this will pass. You will see Blessings are on the way. . . Be patient, your blessings are

coming. . . Start to think positive so positive things can come your way. Because your blessings are waiting for you.”

69. Consequently, Mr. Stewart accepted one of dozens of media invitations. Mr. Stewart conducted a single phone interview on Atlanta’s V-103 Radio Station Morning Show with Ryan Cameron and Wanda Smith.

70. Mr. Stewart, in his only media interview, made it clear that the defendants characterizations about him verbally and physically abusing and beating Ms. Haddish throughout the marriage were categorically false.

71. Through counsel, Mr. Stewart reached out to defendants, SIMON and SCHUSTER, and TIFFANY HADDISH, and attempted to resolve the issues privately and without the need for a protracted public litigation battle.

72. To-date, the defendants have refused to retract any of the vicious defamatory assertions promulgated in the written and audio versions of “The Last Black Unicorn” against Mr. Stewart and his mom, Ms. Daugherty. Instead, they have left plaintiffs, with no choice, but to litigate this matter to achieve any recourse.

73. The defamation and slander has significantly harmed Mr. Stewart and Ms. Daugherty’s reputation.

V. CAUSES OF ACTION

LIBEL, SLANDER AND DEFAMATION

74. All previous allegations are incorporated herein by reference.

75. Mr. Stewart and Ms. Daugherty are private individuals, and neither are a public official or public figure for any purpose.

76. Defendants are all non-media defendants.

77. The foregoing statements made and published by defendants were statements of fact that were false, both in their details and in the main point, essence, or gist in the context in which they were made. It was all done for the personal profit of the defendants.

78. The foregoing statements made and published by defendants directly and/or indirectly referred to Mr. Stewart and Ms. Daugherty.

STATEMENTS WERE DEFAMATORY PER SE

79. The foregoing statements made and published by defendants were libelous per se because they injured Mr. Stewart and Ms. Daugherty's reputation and have exposed them to public hatred, contempt, or ridicule, and/or financial injury.

80. The foregoing statements made and published by defendants were libelous per se and slanderous per se to the extent they falsely charged Plaintiffs with the commission of multiple violent criminal acts and with the failure to report a crime.

81. The foregoing statements made and published by defendants were libelous per se and slanderous per se because they injured Mr. Stewart in his profession and/or occupation.

82. In the alternative, the foregoing statements made and published by defendants were libelous and/or slanderous through innuendo and/or implication.

PUBLICATION WITH MALICE

83. The Defendants published the defamatory statements with knowledge that they were false or with substantial grounds for knowledge that they might be false and with reckless disregard to whether they were true or false.

STATEMENTS WERE MADE NEGLIGENTLY

84. Alternatively, Defendants made the false and defamatory statements set forth above by negligently failing to ascertain or state the truth. The Defendants either know or should have known in the exercise of ordinary care that the statements were false.

85. Mr. Stewart and Ms. Daugherty are entitled to recover nominal damages, general damages, and/or exemplary damages.

RETRACTION

86. All previous allegations are incorporated herein by reference.

87. Pursuant to Texas Civil Practices and Remedies Code, Mr. Stewart, and Ms.

Daugherty prior to filing suit requested that defendants correct and/or retract the statements detailed above. Mr. Stewarts repeats that request now. The statements were defamatory and libelous by: (i) injuring Mr. Stewart and Ms. Daugherty's reputation and have exposed Mr. Stewart and Ms. Daugherty to public hatred, contempt, or ridicule, and/or financial injury; (ii) by injuring Mr. Stewart in his office, profession, and/or occupation; and (iii) by falsely charging Mr. Stewart and Ms. Daughtery with the commission of crimes and failing to report crimes.

VI. DAMAGES

PLAINTIFFS ENJOYED GOOD REPUTATIONS PRIOR TO THE STATEMENTS

88. Plaintiff Stewart has resided in Los Angeles, Orange County, California for approximately the past 10 years. Prior to the publication of the defamatory statements in this best-selling book, enjoyed a reputation as a peaceful, law abiding citizen.

89. Plaintiff Daughtery has resided in Butts County, Georgia for approximately her entire life. Prior to the publication of the defamatory statements described above, the plaintiff enjoyed a reputation as a peaceful, law abiding citizen.
90. As a direct and proximate result of the defendants' publication of the defamatory statements, the plaintiffs' reputation has been severely injured. The defamatory statements have caused the plaintiffs to suffer extreme mental anguish, public humiliation, contempt, embarrassment, loss wages and/or loss of earning capacity.
91. Alternatively, Mr. Stewart and Ms. Daugherty are entitled to nominal damages, general damages, and actual damages for defendants' libel and slander, including compensation for injury to their respective reputations.

EXEMPLARY DAMAGES

92. Mr. Stewart and Ms. Daugherty are entitled to exemplary damages pursuant to Chapter 41 the Texas Civil Practices and Remedies Code because defendants acted with malice.

VII. REQUEST FOR DISCLOSURE

93. Under the authority of Texas Rule of Civil Procedure 194, Plaintiffs request that Defendants disclose within fifty (50) days of the service of this request, the information or material described in Rule 194.2.

VIII. RULE 193.7 NOTICE

94. Plaintiffs intend to use all Defendants' discovery responses as evidence at trial in accordance with such right and privileges established by Texas Rule of Civil Procedure 193.7.

IX. PRAYER

95. WHEREFORE PREMISES CONSIDERED, Plaintiffs WILLIAM STEWART, SR. and ELNORA DAUGHERTY asks that the Court issue citations for each Defendant to appear and answer, and that Plaintiffs be awarded a judgment against Defendants for the following:

- a. Nominal damages
- b. General damages
- c. Actual damages
- d. Special damages
- e. Exemplary damages
- f. Pre- and post-judgment interest
- g. Costs of court; and
- h. Such further relief, both general and special, at law or in equity, to which Plaintiffs may show themselves to be justly entitled.

Respectfully submitted,

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