

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NORFOLK

Glenn Davis

Plaintiff

v.

Case No:

Jane Doe,

Jury Trial Demanded

an unknown Defendant

COMPLAINT

Comes now the Plaintiff, by counsel, and moves this Court for judgment against an unknown Defendant in the amount of \$100,000 (one-hundred thousand dollars) in nominal and compensatory damages and \$350,000 (three-hundred fifty thousand dollars) in punitive damages for the reasons set forth herein:

INTRODUCTION

In April 2021, an anonymous text message was sent to registered voters in the Republican May 8, 2021 Convention to nominate Republican statewide officers which states that Glenn Davis is “Gay” and that because he is “Gay”, he is not a conservative. The text asks voters to help Glenn Davis “come out of the closet” by “not ranking him” in the May 8th convention. The message intends to impress to voters that someone who is “Gay” should not be voted for in a Republican nomination contest. The Complaint seeks redress for two counts of defamation and for subpoena authority to seek the identity of the anonymous Defendant.

GENERAL FACTS

1. The Plaintiff is currently an Elected State Delegate representing the 84th House of Delegates District in Virginia Beach and is currently running for the Republican nomination for Lt. Governor of Virginia.
2. During the last week of April 2021, the attached text message was sent to various

convention delegates in Virginia from telephone number 804-294-4477. The message in its entirety is incorporated into the Complaint of the text.

3. Publicly available information for the telephone number of 804-294-4477 indicates the number is registered to Onvoy, LLC, a telecommunications and internet service provider providing VoiP communication messaging services for voice and text services.

4. Onvoy, LLC is registered to do business in the Commonwealth of Virginia.

5. The identity of the sender of 804-294-4477 is unknown at this time but is reasonably likely to be discovered through a subpoena duces tecum to Onvoy LLC.

6. Glenn Davis is not homosexual.

ACTUAL MALICE / FALSE STATEMENTS

7. The statement “Did you know Glenn Davis is a Gay Democrat?” was a false statement and known by the sender to be false at the time it was sent.

a. The Plaintiff was first elected to Virginia Beach City Council from 2009-2013.

b. The Plaintiff is currently an Elected State Delegate representing the 84th House of Delegates District in Virginia Beach since 2013.

c. At all times during the Plaintiff’s public service career, he has been married to his female wife Chelle Davis.

d. At all times during the Plaintiff’s public service career to state office, he has been elected as a Republican and is not a Democrat.

e. Glenn Davis is not homosexual and there is no evidence to the contrary. The Plaintiff unapologetically supports equal treatment for the LBGTQ

community, but his support of the community does not give an anonymous

Defendant authority to send text messages to voters labeling him as “GAY”.

8. The message has a picture of the Plaintiff with the name “GAY GLENN” on the message, which was a false statement and known by the sender to be false at the time it was sent.

a. The Plaintiff was first elected to Virginia Beach City Council from 2009-2013.

b. The Plaintiff is currently an Elected State Delegate representing the 84th House of Delegates District in Virginia Beach since 2013.

c. At all times during the Plaintiff’s public service career, he has been married to his female wife Chelle Davis.

d. Glenn Davis is not homosexual and there is no evidence to the contrary. The Plaintiff unapologetically supports equal treatment for the LBGTQ community, but his support of the community does not give an anonymous Defendant authority to send text messages to voters labeling him as “GAY”.

9. The statement “Help Glenn come out of the closet” insinuates the Plaintiff is homosexual and was known to be a false statement by the sender at the time it was sent.

a. The Plaintiff was first elected to Virginia Beach City Council from 2009-2013.

b. The Plaintiff is currently an Elected State Delegate representing the 84th House of Delegates District in Virginia Beach since 2013.

- c. At all times during the Plaintiff's public service career, he has been married to his female wife Chelle Davis.
 - d. Glenn Davis is not homosexual and there is no evidence to the contrary. The Plaintiff unapologetically supports equal treatment for the LGBTQ community, but his support of the community does not give an anonymous Defendant authority to send text messages to voters labeling him as "GAY".
10. The sender of the text includes a picture of the Plaintiff in a colorful shirt at an event supporting the Hampton Roads Gay Pride Fest with several Republican leaders also attending. The picture in connection with the words "GAY GLENN" and "Did you know Glenn Davis is a Gay Democrat" were used to falsely mislead the recipients of the text message that the Plaintiff was homosexual and to gain political advantage to another contender in the race knowing that at the time the message was sent that the Plaintiff was not homosexual.
11. The Defendant knew or should have known that when the text message was sent that the Plaintiff was an elected official with an anti-discrimination public position regarding LGBTQ Virginians, and that in such he supports ending discrimination against the LGBTQ community.
12. On information and belief the message was limited in its delivery to recipients of the Republican Convention delegates at their personal cell phone numbers that were pre-registered at the Republican Party of Virginia when voters registered as convention delegates. Access to the information would be limited to political campaigns competing in the Governor, Lt. Governor or Attorney General nomination.

13. It is on information and belief that the sender of the information is either a political opponent, a staffer/consultant of a political opponent or a PAC attempting to further a political opponent.

COUNT 1 - DEFAMATION PER SE

14. The messages contained in the “Actual Malice” section of this Complaint Attributes to the Plaintiff unfitness to perform the duties of the office Lt. Governor as a Republican inferring the Plaintiff lacks integrity in the discharge of his duties of such an office because he is “Gay”.

15. The sender of the text message knew, or at the very least, acted recklessly to fail to investigate the statements and allegations that the Plaintiff was homosexual.

16. The text message was sent, by the Defendant, with a state of mind solely to damage the election possibility of the Plaintiff as the Republican nominee for Lt. Gov and to further the interests of another candidate for office.

17. The Defendant knew, at the time the text messages were transmitted from an anonymous number, that referring to the Plaintiff as homosexual were false.

18. The Defendant expected to evade detection due to the lack of sufficient statutory law in Virginia governing robotext rules in Virginia addressing political advertisement.

19. Since the text message was sent, the Plaintiff has received several calls and communications from third parties, including the media that has reported on it, that the subject text message caused harm to the reputation of the Plaintiff to potential voters in various parts of Virginia so as to lower his electability and standing in the estimation of the community and to attempt to deter third person voters from associating or dealing with him.” (See Schaecher v. Bouffault, 290 Va. 83 (2015).

- a. "Help Glenn come out of the closet by not ranking him on May 8th"
 - i. May 8th is the Republican convention to nominate statewide office
 - ii. "Come out of the closet" is a common expression when a homosexual is posing as a heterosexual
 - b. "Tim Hugo is the only conservative running for Lt. Gov"
 - i. Directly insinuates that Glenn Davis is NOT eligible to be elected as the Republican nominee "because" he is "Gay".
20. As a result of the text, the Plaintiff has been required to discuss his personal sexuality with members of the public who questioned the validity of the text.
21. The false statements contained in the aforementioned text has damaged the Plaintiff's reputation and is *Per Se* Defamatory.

COUNT 2 - DEFAMATION PER QUOD

22. The messages contained in the "Actual Malice" section of this Complaint Attributes to the Plaintiff unfitness to perform the duties of the office Lt. Governor as a Republican inferring the Plaintiff lacks integrity in the discharge of his duties of such an office because he is "Gay".
23. The sender of the text message knew, or at the very least, acted recklessly to investigate the statements and allegations that the Plaintiff was homosexual.
24. The text message was sent, by the Defendant, with a state of mind solely to damage the election possibility of the Plaintiff as the Republican nominee for Lt. Gov and to further the interests of another candidate for office.
25. The Defendant knew, at the time the text messages were transmitted from an anonymous number, that referring to the Plaintiff as homosexual were false.

26. The Defendant expected to evade detection due to the lack of sufficient statutory law in Virginia governing robotext rules in Virginia addressing political advertisement.
27. Since the text message was sent, the Plaintiff has received several calls and communications from third parties, including the media that has reported on it, that the subject text message caused harm to the reputation of the Plaintiff to potential voters in various parts of Virginia so as to lower his electability and standing in the estimation of the community and to attempt to deter third person voters from associating or dealing with him.” (See Schaecher v. Bouffault, 290 Va. 83 (2015).
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 - b. “Tim Hugo is the only conservative running for Lt. Gov”
 - i. Directly insinuates that Glenn Davis is NOT eligible to be elected as the Republican nominee “because” he is “Gay”.
28. As a result of the text, the Plaintiff has been required to discuss his personal sexuality with members of the public who questioned the validity of the text.
29. The false statements contained in the aforementioned text has damaged the Plaintiff’s reputation.

Wherefore, the Plaintiff moves for judgment against the unknown Defendant in the amount of \$100,000 (one-hundred thousand dollars) in nominal and compensatory damages and \$350,000 (three hundred fifty thousand dollars) in punitive damages, to grant the Plaintiff his attorney fees

and costs and to grant any further relief as may be appropriate.

Respectfully Submitted,

Glenn Davis

BY  _____

Counsel

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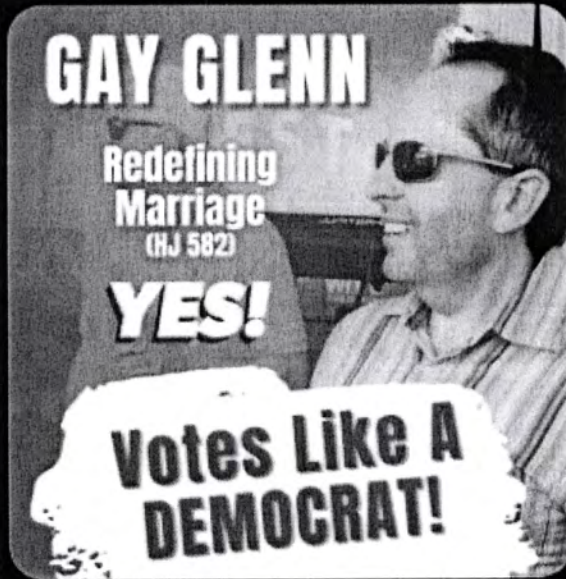
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Instagram



+1 (804) 294-4477 >

Text Message
Today 6:42 PM



Did you know Glenn Davis is a Gay Democrat? He voted for gun free zones, Medicaid expansion, the ERA, to redefine marriage, & for transgender men to be in girls' bathrooms. Help Glenn come out of the closet by not ranking him on May 8th. Tim Hugo is the only conservative running for Lt Governor.

Reply STOP to opt out



Text Message

