

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

Geragos & Geragos and Mark Geragos

v.

Abimbola Osundairo, Olabinjo Osundairo, et al.

2022L002626

No. Remote Court date: <<Hearing Date Time>>

FILED DATE: 3/17/2022 8:50 PM 2022L002626

**CIVIL ACTION COVER SHEET - CASE INITIATION**

A Civil Action Cover Sheet - Case Initiation shall be filed with the complaint in all civil actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate case type which best characterizes your action. Only one (1) case type may be checked with this cover sheet.

Jury Demand  Yes  No

**PERSONAL INJURY/WRONGFUL DEATH**

**CASE TYPES:**

- 027 Motor Vehicle
- 040 Medical Malpractice
- 047 Asbestos
- 048 Dram Shop
- 049 Product Liability
- 051 Construction Injuries  
(including Structural Work Act, Road Construction Injuries Act and negligence)
- 052 Railroad/FELA
- 053 Pediatric Lead Exposure
- 061 Other Personal Injury/Wrongful Death
- 063 Intentional Tort
- 064 Miscellaneous Statutory Action  
(Please Specify Below\*\*)
- 065 Premises Liability
- 078 Fen-phen/Redux Litigation
- 199 Silicone Implant

**TAX & MISCELLANEOUS REMEDIES**

**CASE TYPES:**

- 007 Confessions of Judgment
- 008 Replevin
- 009 Tax
- 015 Condemnation
- 017 Detinue
- 029 Unemployment Compensation
- 031 Foreign Transcript
- 036 Administrative Review Action
- 085 Petition to Register Foreign Judgment
- 099 All Other Extraordinary Remedies

By: /s/ Brendan J. Healey  
(Attorney) (Pro Se)

FILED  
3/17/2022 8:50 PM  
IRIS Y. MARTINEZ  
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COOK COUNTY, IL  
17137440

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**COMMERCIAL LITIGATION**

**CASE TYPES:**

- 002 Breach of Contract
- 070 Professional Malpractice  
(other than legal or medical)
- 071 Fraud (other than legal or medical)
- 072 Consumer Fraud
- 073 Breach of Warranty
- 074 Statutory Action  
(Please specify below.\*\*)
- 075 Other Commercial Litigation  
(Please specify below.\*\*)
- 076 Retaliatory Discharge

**OTHER ACTIONS**

**CASE TYPES:**

- 062 Property Damage
- 066 Legal Malpractice
- 077 Libel/Slander
- 079 Petition for Qualified Orders
- 084 Petition to Issue Subpoena
- 100 Petition for Discovery

**\*\* Malicious Prosecution**

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**Pro Se Only:**  I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice form the Clerk's Office for this case at this email address: \_\_\_\_\_

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED DATE: 3/17/2022 8:50 PM 2022L002626

GERAGOS & GERAGOS, a professional  
corporation; and MARK J. GERAGOS, an  
individual,

Plaintiffs,

vs.

ABIMBOLA OSUNDAIRO, an individual;  
OLABINJO OSUNDAIRO, an individual;  
GLORIA SCHMIDT RODRIGUEZ, an  
individual; JORGE RODRIGUEZ, an  
individual; GREGORY KULIS, an individual;  
JAMES D. TUNICK, an individual; THE  
GLORIA LAW GROUP, a law corporation;  
GREGORY E. KULIS & ASSOCIATES, a  
law corporation; and LAW OFFICE OF  
JAMES D. TUNICK, a law corporation;

Defendants.

Case No. 2022L002626

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiffs GERAGOS & GERAGOS and MARK J. GERAGOS, by their undersigned attorneys, for their complaint against defendants ABIMBOLA OSUNDAIRO, OLABINJO OSUNDAIRO, GLORIA SCHMIDT RODRIGUEZ, JORGE RODRIGUEZ, GREGORY KULIS, JAMES D. TUNICK, THE GLORIA LAW GROUP, GREGORY E. KULIS & ASSOCIATES, and LAW OFFICE OF JAMES D. TUNICK, allege as follows:

**INTRODUCTION**

1. This malicious prosecution action arises out of a frivolous federal lawsuit which was filed in Illinois against Plaintiff Geragos & Geragos, APC (“G&G”), and the firm’s principal, Plaintiff Mark Geragos (“Geragos”). All claims filed by Defendants Abimbola Osundairo and Olabinjo Osundairo, and their counsel, Defendants Gloria Schmidt Rodriguez, Jorge Rodriguez,

Gregory Kulis, and James D. Tunick (collectively, “Defendants”) against G&G and Mark Geragos were promptly dismissed when it was revealed that the lawsuit against them was filed without any basis in law or fact.

2. In early 2019, Abimbola Olabinjo and Olabinjo Osundairo (collectively, the “Osundairo brothers”) confessed to attacking actor Jussie Smollett but claimed it was a hoax. Charges were filed and dismissed against Mr. Smollett in March 2019.

3. In April of 2019, in an effort to capitalize on the Osundairo brothers’ newfound infamy and to inject themselves into the limelight, Defendants filed a federal lawsuit in the Northern District of Illinois against the attorneys and law firm representing Mr. Smollett. Immediately after filing the frivolous lawsuit, Defendants brazenly held a press conference to draw national attention to their baseless claims.

4. A federal judge swiftly dismissed Defendants’ claims against G&G and Mark Geragos and determined they had no basis in law or fact. Specifically, the court found that Mr. Geragos never made any statements remotely similar to what the Complaint alleged and for which Defendants sought to hold G&G liable under a theory of *respondeat superior*. The court also held that *respondeat superior* is not a cause of action under Illinois law.

5. Defendants’ manipulation of the federal court system for an improper purpose constitutes malicious prosecution and has resulted in G&G and Geragos’ expenditure of time and resources and damage to their reputation, as well as special injuries including an unlawful restraint on speech and interference with the attorney-client relationship.

#### **PARTIES**

6. Plaintiff Geragos and Geragos is a professional corporation headquartered in Los Angeles, California. For more than 60 years, G&G has been a respected member of the legal

community, providing legal services to plaintiffs and defendants in a variety of criminal and civil matters.

7. Plaintiff Mark Geragos is a California attorney and the principal of G&G.
8. Defendant Abimbola Osundairo is a resident of Chicago, Illinois.
9. Defendant Olabinjo Osundairo is a resident of Chicago, Illinois.
10. Defendant Gloria Schmidt Rodriguez is a lawyer who resides in the state of Illinois.
11. Defendant Jorge Rodriguez is a lawyer who resides in the state of Illinois.
12. Defendant Gregory Kulis is a lawyer who resides in the state of Illinois.
13. Defendant James D. Tunick is a lawyer who resides in the state of Illinois.
14. Defendant The Gloria Law Group is a law firm located in Illinois.
15. Defendant Gregory E. Kulis & Associates, Ltd. is a law firm located in Illinois.
16. Defendant Law Office of James D. Tunick is a law firm located in Illinois.

#### **JURISDICTION AND VENUE**

17. The Court has personal jurisdiction over Defendants since they are all residents of Cook County, Illinois and/or their law firms are headquartered there.

18. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101 because the Defendants reside in Cook County and because the transaction or some part thereof out of which the causes of action arise occurred in Cook County.

#### **FACTUAL BACKGROUND**

##### ***The Osundairo Brothers Admit Attacking Mr. Smollett.***

19. On January 29, 2019, actor Jussie Smollett reported that unknown assailants wearing ski masks attacked him outside his Chicago apartment at approximately 2:00 a.m. Chicago

authorities thereafter identified two brothers, Olabinjo and Abimbola Osundairo, as persons of interest in the attack on Mr. Smollett.

20. Olabinjo Osundairo had previously been charged with murder for a 2011 stabbing that occurred in Chicago, Illinois. In that case he reached a plea deal with prosecutors and pled guilty to aggravated battery. Additionally, court records show that both the Osundairo brothers filed for bankruptcy in 2016 and collectively owed more than \$120,000 in student loan debt. At the time, neither brother reported having a full-time job and each of their monthly incomes was under \$200.<sup>1</sup>

21. On February 13, 2019, Chicago authorities apprehended the Osundairo brothers at O'Hare International Airport when the brothers returned from a trip to Nigeria. By this point, police had overwhelming evidence that the Osundairo brothers had attacked Mr. Smollett.

22. Despite the mountain of evidence against them, the Osundairo brothers initially denied being involved in the attack on Mr. Smollett and expressed surprise that they were persons of interest. For instance, on February 15, 2019, their attorney, Defendant Gloria Schmidt Rodriguez, told news outlets that her clients were "really baffled why they are people of interest. They really don't understand how they even got information that linked them to this horrific crime. But they're not guilty of it. They know that the evidence is going to prove them innocent. They send their best to Jussie."<sup>2</sup>

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<sup>1</sup> See Sam Charles, *Who are the Osundairo brothers: key witnesses in the Smollett case*, CHICAGO SUN-TIMES (Feb. 21, 2019), available at <https://chicago.suntimes.com/2019/2/21/18435573/who-are-the-osundairo-brothers-key-witnesses-in-the-smollett-case>.

<sup>2</sup> Sopan Deb, *2 Men Detained in Jussie Smollett Case Are Released by Police*, N.Y. TIMES (Feb. 15, 2019), available at <https://www.nytimes.com/2019/02/15/arts/television/smollett-suspects.html>.

23. Defendant Schmidt Rodriguez also publicly stated: “It’s an awful thing that happened to Jussie, but it’s not my guys.”<sup>3</sup> She added: “When they first learned about what happened to him they were horrified. This is someone they know. This is someone they’ve worked with, so they don’t want to see somebody go through that.”<sup>4</sup>

24. Despite vehemently denying that they had anything to do with the attack on Mr. Smollett, at the 47th hour of being in custody (at or near the time when police either had to charge or release them), the Osundairo brothers suddenly confessed to attacking Mr. Smollett but claimed that they did so as part of a hoax orchestrated by Mr. Smollett.<sup>5</sup>

25. Based on the Osundairo brothers’ self-serving statements to police, which allowed them to be released from police custody uncharged, and without any independent corroboration whatsoever, on February 20, 2019, Mr. Smollett was charged with sixteen counts of disorderly conduct in Illinois state court for allegedly filing a false police report.

26. Since the Osundairo brothers were the State’s “star witnesses” in this high-profile prosecution, Defendant Schmidt Rodriguez decided to use this opportunity to try to make a name for herself.

27. Before any charges were even filed against Mr. Smollett (and during an active criminal investigation and grand jury proceedings), Defendant Schmidt Rodriguez held a press conference in which she attacked Mr. Smollett's credibility, improperly opined on his guilt, and

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<sup>3</sup> Victoria Albert, *Lawyer: Brothers Don't Know Why They're 'Persons of Interest' in Reported Jussie Smollett Attack*, DAILY BEAST (Feb. 15, 2019), available at <https://www.thedailybeast.com/lawyer-brothers-dont-know-why-theyre-persons-of-interest-in-reported-jussie-smollett-attack>.

<sup>4</sup> *BREAKING: Suspects Arrested In Jussie Smollett Case*, CBS CHICAGO (Feb. 15, 2019), available at <https://chicago.cbslocal.com/2019/02/15/suspects-arrested-in-jussie-smollett-case/>.

<sup>5</sup> See Chris Francesceni, *What happened? Timeline of investigation into Jussie Smollett's attack claim*, ABC NEWS (June 25, 2019), available at <https://abc30.com/what-happened-timeline-of-investigation-into-jussie-smolletts-attack-claim/5149895/>.

attempted to seize the moral high ground, stating, among other things: “I think Jussie Smollett should come clear [*sic*] because the truth will set him free,” and “I think that Jussie’s conscience is probably not letting him sleep right now so I think he should unload that conscience and just come out and tell the American people what actually happened.” Her remarks about Mr. Smollett and his pending case were a clear violation of the rules of professional conduct.<sup>6</sup>

28. Then, during the pendency of the criminal case and only days after an indictment was filed against Mr. Smollett, Defendant Schmidt Rodriguez made numerous TV appearances in which she continued her unethical conduct, repeatedly discussing the expected testimony of her clients and continuing to improperly opine on Mr. Smollett’s guilt. Specifically, on March 11, 2019, she appeared on *Good Morning America*, *Anderson Cooper*, *CBS News*, and *Access*, repeatedly stating that Mr. Smollett abused his power and took advantage of her clients in asking them to participate in a hoax.

29. Mr. Smollett hired attorney Mark Geragos and his firm, G&G, to represent him in the criminal case.

30. On March 26, 2019, upon the Cook County State’s Attorney’s Office motion, the court dismissed all charges against Mr. Smollett.<sup>7</sup>

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<sup>6</sup> Rule 3.6(a) of the Illinois Rules of Professional Conduct provides that “[a] lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and would pose a serious and imminent threat to the fairness of an adjudicative proceeding in the matter.” Comment 6 to Rule 3.6(a) provides that “[c]riminal jury trials will be most sensitive to extrajudicial speech.”

<sup>7</sup> Following the appointment of a special prosecutor, Mr. Smollett was reindicted on six counts of disorderly conduct on February 11, 2020 (almost a year after the lawsuit against Plaintiffs was filed). Although Mr. Smollett was convicted of five of the six counts following a jury trial, he continues to maintain his innocence and he is appealing his conviction and sentence. On March 16, 2022, having read a preview of his arguments on appeal, the Appellate Court of Illinois, First District, Fifth Division ordered Mr. Smollett’s immediate release from custody.

***After All Charges Against Mr. Smollett Are Dismissed, Defendants File a Frivolous Federal Lawsuit Against G&G in a Desperate Attempt to Profit From an Attack Their Clients Admit They Perpetrated.***

31. On April 23, 2019, the Osundairo brothers, through their attorneys, sued G&G and Mark Geragos in the District Court for the Northern District of Illinois alleging that Mr. Geragos made false and defamatory statements about the Osundairo brothers on an episode of his podcast, *Reasonable Doubt*, which aired on April 6, 2019.

32. The complaint filed in federal court (hereafter “Complaint”)<sup>8</sup> asserted claims against Mr. Geragos for defamation and false light on the basis that he allegedly made the following statements on his *Reasonable Doubt* podcast:

- The Osundairo brothers “conspired to criminally attack” Jussie Smollett;<sup>9</sup>
- The Osundairo brothers “committed perjury before the February 20, 2019 grand jury and conspired to make false statements to Chicago Police;”<sup>10</sup>
- The Osundairo brothers “committed a heinous, racially, and homophobically motivated hate crime, that they lied under oath, and that they lied to CPD;”<sup>11</sup> and
- Mr. Geragos “could not think of anyone else who committed the hate crime against his client, Mr. Smollett, besides the Osundairo brothers.”<sup>12</sup>

33. The Defendants never quoted Mr. Geragos directly in the Complaint; rather, they fabricated statements out of thin air and falsely attributed them to Mr. Geragos. In actuality, and as the transcript of the podcast reveals, Mr. Geragos *never* said anything remotely similar to what the Complaint alleged.

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<sup>8</sup> A copy of the federal court complaint is attached hereto as Exhibit A.

<sup>9</sup> *Olabinjo Osundairo, et al. v. Mark Geragos, et al.*, Case No. 19-cv-02727 (N.D.Ill. 2019), Complaint ¶ 84.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* ¶ 88.

<sup>12</sup> *Id.* ¶ 83.



34. The Complaint also alleged that Mr. Geragos made the purported statements with actual malice.<sup>13</sup>

35. Not only did the Defendants sue Mr. Geragos individually, but they also sued the law firm of Geragos & Geragos for its agents' statements under a theory of *respondeat superior*. ***Defendants Hold a Press Conference to Draw National Attention to Their Frivolous Lawsuit.***

36. On April 23, 2019, immediately after filing the Complaint, Defendants Gloria Schmidt Rodriguez, James Tunick, and Gregory Kulis brazenly held a press conference, which had been scheduled in advance, in which they doubled down on the misrepresentations contained in the Complaint and lambasted Mark Geragos for statements he never made.

37. During the charade of a press conference, Defendants Schmidt Rodriguez, Gregory Kulis, and James Tunick each took turns speaking on camera to a room full of reporters, Defendant Schmidt Rodriguez read a prepared statement by their clients (Defendants Abimbola and Olabinjo Osundairo), and they handed out copies of the lawsuit to reporters.

38. As part of her statement, Defendant Schmidt Rodriguez quoted the Osundairo brothers as saying: "We have sat back and watched lie after lie being fabricated about us in the media only so one big lie can continue to have life. These lies are destroying our character and our reputation in our personal and professional lives."

39. Defendant Schmidt Rodriguez then called out Mark Geragos by name and blamed him for "false statements and hateful rhetoric" and for "continuing to destroy the reputation of the Chicago Police Department, the City of Chicago, and that of Ola and Bola Osundairo."<sup>14</sup>

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<sup>13</sup> *Id.* ¶ 89.

<sup>14</sup> Olabinjo Osundairo sometimes goes by the nickname "Ola," and Abimbola Osundairo sometimes goes by the nicknames "Bola" or "Abel."

40. This sad spectacle was covered nationally by countless news outlets. *See, e.g.,* Mitch Smith, *Brothers Sue Jussie Smollett's Lawyers, Saying Actor 'Directed' Staged Attack*, N.Y. TIMES (Apr. 23, 2019), available at <https://www.nytimes.com/2019/04/23/us/osundairo-brothers-jussie-smollett.html>; Nardine Saad, *Osundairo brothers accuse Jussie Smollett's attorneys of defamation in lawsuit*, LOS ANGELES TIMES (Apr. 23, 2019), available at <https://www.latimes.com/entertainment/tv/la-et-st-jussie-smollett-osundairo-brothers-defamation-lawsuit-20190423-story.html>; *Jussie Smollett News: Osundairo brothers file defamation lawsuit against 'Empire' actor's attorneys*, ABC7 (Apr. 23, 2019), available at <https://abc7.com/jussie-smollett-update-osundairo-brothers-filing-federal-lawsuit-against-actors-attorneys/5266021/>; Shelby Bremer, *Jussie Smollett Case: Osundairo Brothers File Federal Lawsuit Against Actor's Legal Team*, NBC CHICAGO (Apr. 23, 2019), available at <https://www.nbcchicago.com/news/local/jussie-smollett-update-osundairo-brothers-file-federal-lawsuit/159394/>; Ryan Parker, *Osundairo Brothers Sue Jussie Smollett's Legal Team for Defamation*, THE HOLLYWOOD REPORTER (Apr. 23, 2019), available at <https://www.hollywoodreporter.com/news/osundairo-brothers-sue-jussie-smollett-legal-team-defamation-1204016>.

41. Plaintiff G&G is an internationally renowned law firm and Plaintiff Geragos is an internationally renowned lawyer; they routinely represent A-list celebrities, athletes, and other high-profile individuals. The negative publicity surrounding the lawsuit caused Plaintiffs tremendous reputational harm.

***The Federal Court Promptly Dismisses All Claims Against Mark Geragos and G&G.***

42. Mr. Geragos and G&G responded to the Complaint by filing a motion to dismiss and a motion for Rule 11 sanctions, and attaching a transcript of the April 6, 2019 episode of

*Reasonable Doubt* in which Mr. Geragos allegedly made the defamatory statements contained in the Complaint.

43. On March 17, 2020, in a 26-page Memorandum Opinion and Order (“Order”), the federal court dismissed all claims against Mark Geragos and G&G. The Order shows that Defendants fabricated much of the factual support for the lawsuit against Geragos and G&G.

44. In the Order, the court first noted that “Plaintiffs do not cite to any verbatim quotes from the podcast; instead the Complaint only purports to paraphrase Geragos’ statements.” Order<sup>15</sup> at 20, *Olabinjo Osundairo, et al. v. Mark Geragos, et al.*, Case No. 19-cv-02727 (N.D. Ill. 2019) (Dkt. 45). The court found that “after reviewing the podcast transcript, this Court agrees with [Geragos]. Geragos did not make any statements during the podcast that could reasonably be interpreted as being implicated by the allegations in Plaintiffs’ complaint.” *Id.* (emphasis added). The court therefore dismissed the defamation and false light claims against Geragos.

45. The court also dismissed the claim against G&G on the ground that “*respondeat superior* is not by itself a cause of action under Illinois law.” *Id.* at p. 21 (emphasis added).

46. Quite stunningly, five separate attorneys from three different law firms, namely Defendants Gloria Schmidt Rodriguez, Jorge Rodriguez, Gregory Kulis, James Tunick, and Monica Ghosh<sup>16</sup>, all signed off on the Complaint, as evidenced by their names being included in the caption of the pleading. Each of these Defendants knew, or at least should have known, that there was no good faith basis to sue Mark Geragos or G&G, either in law or in fact. After the Complaint was filed, Geragos and G&G sent Defendants a Rule 11 letter in which they set forth the fatal flaws in the Complaint. Defendants did nothing to fix the deficiencies. Geragos and G&G then filed a Rule 11 motion, but again Defendants refused to correct the Complaint.

47. On the contrary, the circumstances surrounding the lawsuit and accompanying press conference demonstrate that Defendants shamelessly used the federal court system as their

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<sup>15</sup> A copy of the Order is attached hereto as Exhibit B.

<sup>16</sup> Ms. Ghosh is not named as a defendant in this lawsuit.

vehicle for a bizarre, lawyer-driven publicity stunt designed to try to keep the Osundairo brothers relevant after the dismissal of criminal charges against Mr. Smollett and to draw media attention to relatively unknown lawyers and their law firms.

***Defendant Schmidt Rodriguez Persists in Her Efforts to Defame Mr. Geragos and Mislead the Public.***

48. Even after the Osundairo brothers' lawsuit against Mark Geragos and G&G had been dismissed, Defendant Gloria Schmidt Rodriguez continued to make public, defamatory statements against Mr. Geragos, insinuating that the court had not dismissed him from the suit. For example, on April 15, 2020, Schmidt Rodriguez released the following misleading statement about a "Page Six" column in the *New York Post*:



**Statement from Gloria Schmidt Rodriguez  
Attorney for Ola and Abel Osundairo  
April 15, 2020**

This is not the first time the "Page Six" column of the *New York Post* has published complete fabrications using anonymous sources. Some facts:

- Page Six editors and reporters have my direct contact information. I was not contacted to comment on this salacious article.
- Ola and Abel Osundairo have no interest in bringing further attention to false statements. They urge anyone interested in the facts of this lawsuit to read the court documents, which are available publicly, or follow reputable news sources, not gossip columns interested only in clicks.
- This reporter clearly failed to read the lawsuit and the judge's ruling or he would have known the case was not dismissed.
- It is obvious the defendants in this lawsuit want to litigate in the media. Ola and Abel Osundairo are focused on revealing all the relevant information in this matter the right way: under oath and in a court of law.
- We urge this "insider" to have the same courage and come out from under the shadows. We are happy to take your deposition immediately.

49. Defendant Schmidt Rodriguez's statement accuses Mark Geragos by implication of publishing "complete fabrications" about her clients. Specifically, in the fourth bullet point,

after alleging that the Page Six article is fabricated, she writes: “It is obvious the *defendants* in this lawsuit want to litigate in the media. Ola and Abel Osundairo are focused on revealing all the relevant information in this matter the right way: under oath and in a court of law.” (emphasis added).

50. By referencing “the defendants in this lawsuit,” Schmidt Rodriguez was clearly referring to Mr. Geragos in the lawsuit filed by her clients and suggesting that Mr. Geragos published “complete fabrications.” Not only does the Page Six article not reference Mr. Geragos, but it expressly notes that “[l]awyers for Mr. Smollett did not comment” on the article.

51. Defendant Schmidt Rodriguez also posted a message on her social media account trying to mislead the public into believing that the lawsuit against Mr. Geragos had not been dismissed. In the Tweet pictured below, Defendant Schmidt Rodriguez wrote: “Here is something to read to all the idiots who keep saying that the Osundairo Brother’s lawsuit against Smollett’s lawyers was dismissed,” thereby suggesting that Mark Geragos, one of Smollett’s lawyers, was still a defendant in the lawsuit.



***Defendants Exploit the Osundairo Brothers’ Involvement in Mr. Smollett’s Attack for Shameless Self-Promotion and Monetary Gain***

52. For many months, Defendant Gloria Schmidt Rodriguez exploited the Osundairo brothers for media attention, promoting herself on Twitter in her bio as, “Attorney for the Osundairo brothers and Azriel Clary; media inquiries contact admin@gloriaslaw.com; Instagram: gv\_rschmidt.”

53. Defendant Gloria Schmidt Rodriguez also issued a public statement on behalf of her clients wherein she stated: “My clients have tremendous regret over their involvement in this situation, and they understand how it has impacted people across the nation, particularly minority communities and especially those who have been victims of hate crimes themselves.”<sup>17</sup>

54. Defendant Schmidt Rodriguez further publicly claimed that the Osundairo brothers did not want to capitalize on this incident. She stated: “Keep in mind these guys felt embarrassed when this whole thing came out. And that is why you haven’t heard from them; the public has not heard from them. *They don’t want to capitalize on their platform because of the way the platform came about.*”<sup>18</sup>

55. But in stark contrast to their proclamations about being remorseful about their involvement, the Osundairo brothers have attempted to and continue to try to capitalize on this incident in multiple ways, not the least of which was the frivolous Complaint they filed against Plaintiffs.

56. But when their attempt to sue Plaintiffs for millions of dollars did not pan out, the Osundairo brothers tried to monetize their newfound infamy in other ways. For instance, they created a Twitter account under the handle “Nigerian Brothers NFT,” which they describe as “the official account for the Osundairo brothers NFT project.” On December 6 and 8, 2021, just as Mr.

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<sup>17</sup> *Brothers In Jussie Smollett Incident Have ‘Tremendous Regret,’ Their Attorney Says*, CBS CHICAGO (Feb. 28, 2019), available at <https://www.cbsnews.com/chicago/news/jussie-smollett-empire-attack-brothers-chicago/>.

<sup>18</sup> Gloria Schmidt Rodriguez’s radio interview on WGN Radio, Feb. 12, 2020, available at <https://wgnradio.com/roe-conn/lawyer-for-osundairo-brothers-on-the-planning-of-jussie-smolletts-alleged-attack-this-was-a-choreographed-stunt-in-front-of-cameras-with-the-understanding-that-this-was-going-to-be-a-publicity-st/> (emphasis added).

Smollett's criminal trial was concluding, the Osundairo brothers advertised on Twitter that their NFTs were "coming soon."



57. On December 15, 2021, the Osundairo brothers posted on their respective Instagram accounts, team\_abel and king\_ola\_the\_prince, that they were now selling MAGA hats on their website Teamabel.com for \$60.00, like the one pictured on Abimbola Osundairo.

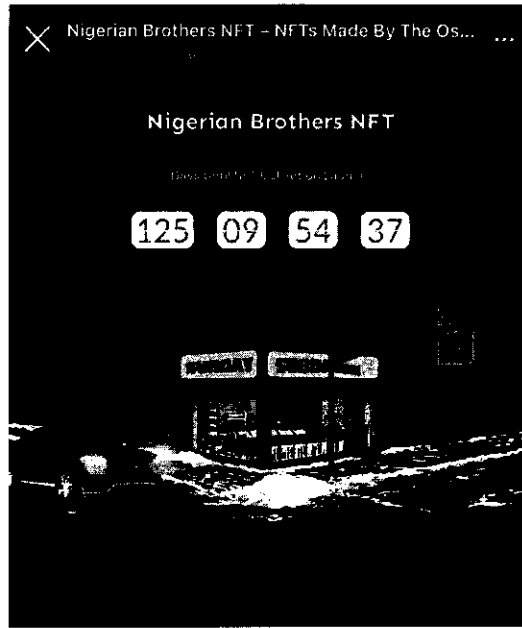


58. On December 30, 2021, the Osundairo brothers again tweeted about the launch of their NFTs from their Nigerian Brothers NFT Twitter account, directly attributing their new NFT collection to their attack on Mr. Smollett.

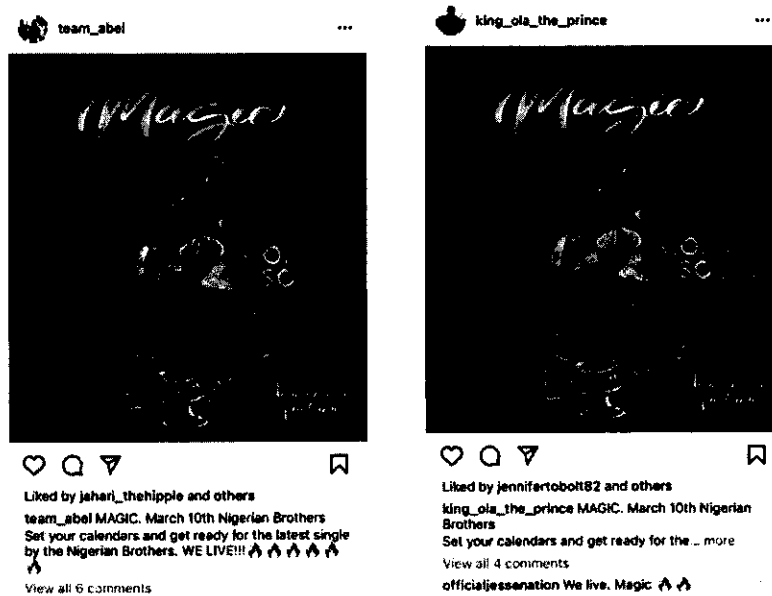


59. The Osundairo brothers' NFT collection depicts a Subway restaurant renamed as "Subday" on the corner of New Street and Water Street. In the cartoon image, on one side of "Subday" is the "North Water Beauty Supply," which is next to "The Bathhouse." On the other side of "Subday" is the "Crafty Beaver" hardware store. The time in the image is depicted as 2:04 and the temperature is -17 degrees. There is also a graphic of a black Mercedes Benz with a red MAGA hat on its dashboard. The entire NFT collection is intended as some sort of twisted parody of an event which the Osundairo brothers claimed to have "tremendous regret" over.





60. Beginning in early March 2022, the Osundairo brothers started advertising the launch of “MAGIC,” their “latest single” on their respective Instagram accounts, even though it does not appear that the pair had previously made any music. Not coincidentally, the launch of this new single was scheduled for March 10, 2022—the same date as Mr. Smollett’s sentencing on the disorderly conduct convictions.



61. On information and belief, Defendants are also attempting to capitalize on the attack on Mr. Smollett by devising a documentary about the Osundairo brothers’ involvement.

62. Since the time the fraudulent lawsuit was filed, Plaintiffs have wasted considerable time, effort, and resources to defend themselves, and to mitigate the damage to their reputation that flowed from Defendants' reckless and malicious actions. Plaintiffs also suffered special injuries, as described more fully below. For all these reasons, Plaintiffs bring the following causes of action against all Defendants.

**CAUSE OF ACTION**  
**Malicious Prosecution**  
(Against all Defendants)

63. Plaintiffs incorporate by reference the allegations set forth in all preceding paragraphs.

64. The Defendant law firms and attorneys, on behalf of the Osundairo brothers, filed a knowingly baseless lawsuit against Plaintiffs in federal court in Illinois.

65. The court promptly dismissed all claims against Plaintiffs when it was revealed that there was no basis in law or fact to support Defendants' claims.

66. No reasonable person would have believed that Defendants had a reasonable basis either in law or in fact to sue Plaintiffs.

67. At the time they filed the Complaint, Defendants knew or should have known that Mr. Geragos had not, in fact, made any of the statements they alleged he made, for which they attempted to hold G&G liable under a theory of *respondeat superior*.

68. Moreover, it is well settled that under Illinois law, *respondeat superior* is a theory of liability, not the basis for an independent cause of action.

69. The lawsuit against Plaintiffs was filed for an improper purpose. Specifically, at the time the Complaint was filed, the Osundairo brothers were widely disparaged in the media for their role in the attack on Mr. Smollett. The sole purpose of the lawsuit against Plaintiffs was to try to keep the Osundairo brothers relevant after all criminal charges were dismissed against Mr. Smollett, to deflect from the Osundairo brothers' criminal conduct, and to draw media attention to Defendant lawyers and law firms which are relatively unknown.

70. In filing the frivolous and fraudulent Complaint against Plaintiffs, Defendants acted willfully, maliciously, and with reckless disregard for the truth.

71. Plaintiffs were forced to incur substantial expenses in defending themselves in this frivolous out-of-state court action including meeting the deductible for their insurance policy. In addition, this frivolous action has caused the matter to be reported on the loss run, resulting in inflated malpractice premiums for the firm.

72. Plaintiffs also suffered reputational damage as a direct result of Defendants' lawsuit and accompanying press conference and false statements.

73. In addition to the injuries above, Plaintiffs also suffered special injuries. Mr. Geragos co-hosts a weekly podcast, *Reasonable Doubt*, with comedian and radio personality Adam Carolla, on which Mr. Geragos speaks about and provides his opinion on the relevant legal issues of the day. The *Reasonable Doubt* podcast is part of Mr. Geragos' livelihood and business. By suing Mr. Geragos and G&G for allegedly defamatory statements made on his podcast, Defendants intentionally sought to silence Mr. Geragos from speaking out about the Smollett case. And in fact, Defendants' frivolous lawsuit had the effect of chilling Mr. Geragos' free speech on the Smollett matter, despite the fact that this was a very high-profile legal case and none of his prior statements had been defamatory.

74. Moreover, Defendants' lawsuit interfered with and undermined Plaintiffs' representation of their client. Following the frivolous Complaint against Mr. Geragos personally and G&G, Mr. Geragos did not represent Mr. Smollett pursuant to Illinois Supreme Court Rule 707 in the subsequent criminal proceedings against Mr. Smollett. The Smollett case has been the subject of an extraordinary amount of pretrial publicity, and Mr. Geragos' ability to protect Mr. Smollett from the substantial undue prejudicial effect of that pretrial publicity was impeded.

75. Because Defendants' actions were willful, malicious, and deliberate, and demonstrated a conscious disregard for Plaintiffs' interests, Plaintiffs are also entitled to an award of punitive damages.

**WHEREFORE**, Plaintiffs pray for judgment as follows:

1. For general and special damages in excess of \$50,000, with the amount to be determined by proof at trial;
2. For punitive and exemplary damages against the Defendants;
3. For pre- and post-judgment interest according to proof;
4. For costs of suit, including reasonable attorneys' fees, statutory fees, and costs as provided by statute;
5. For all other relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial.

Dated: March 17, 2022

Respectfully submitted,

MARK GERAGOS and GERAGOS &  
GERAGOS

By: /s/ Brendan J. Healey  
One of their attorneys

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