

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)
)
Austin Stanley)
)
)
Plaintiff,)
)
v.)
)
FITSNEWS, LLC, and)
WILLIAM R. FOLKS, III)
Defendants.)
_____)

IN THE COURT OF COMMON PLEAS
CASE NO. 2024-CP-25-_____

**COMPLAINT
(JURY TRIAL DEMANDED)**

Comes now the Plaintiff, complaining of the Defendants, above-named, and shows unto this Honorable Court:

1. Plaintiff (hereinafter “Stanley”) is a citizen and resident of Hampton County, South Carolina.
2. Defendant FITSNEWS, LLC (hereinafter “FITSNEWS”) is a limited liability company organized under the laws of the State of South Carolina with its principal place of business in the State of South Carolina.
3. Defendant William R. Folks, III (hereinafter “Folks”) is a citizen and resident of South Carolina.
4. Venue is proper in Hampton County as the parties are not diverse and Hampton County is the place where the publication complained of was communicated to others and reputational harm of the Plaintiff occurred and continues to occur.

**FOR A FIRST CAUSE OF ACTION
(DEFAMATION)**

5. The allegations above are incorporated herein as if repeated verbatim.

6. FITSNEWS is a “news organization” which many refer to as a tabloid because it monetizes and traffics in salacious stories to gain followers and viewership across multiple platforms including its website, Instagram, Twitter, and Youtube. Furthermore, FITNEWS and Folks tweet and otherwise post provocative headlines as “clickbait” to attract attention and promote their content.

7. “FITS” stands for “First in the South” which exemplifies the Defendants’ financial goal of being “first” to “break” stories rather than taking time to verify the accuracy of information before releasing it and refusing to consider the long-term implications of the extended reach and permanence of the publications they make.

8. On or about April 1, 2023, the Defendants published an article identifying people that FITSNEWS contended were somehow involved in the **MURDER** of Stephen Smith, a 19-year-old gay man who was found dead in the middle of Sandy Run Road in Crockettville, South Carolina on July 8, 2015.

9. In the article and accompanying video, Defendants published a photograph of two people Defendants claimed were **PRIME SUSPECTS** in the **MURDER** of Stephen Smith.

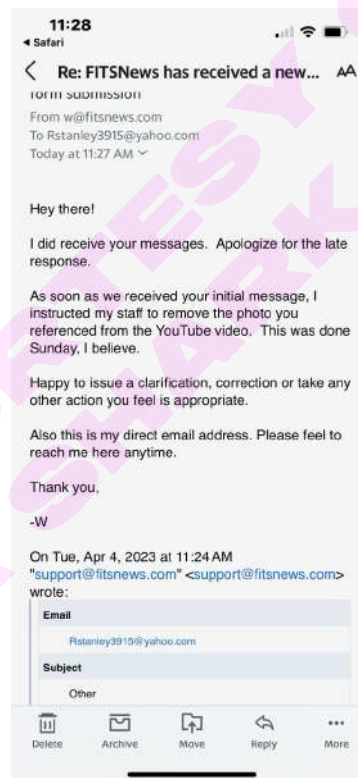


10. The photograph of the individual on the right-hand side of the photo is Stanley, the Plaintiff in this case, who had absolutely nothing to do with the death of Stephen Smith, who has **never** been a suspect or person of interest in the death of Stephen Smith and has never been linked to the death of Smith other than falsely by the Defendants and their agents.

11. When the false statements were made about the Plaintiff and his photograph was

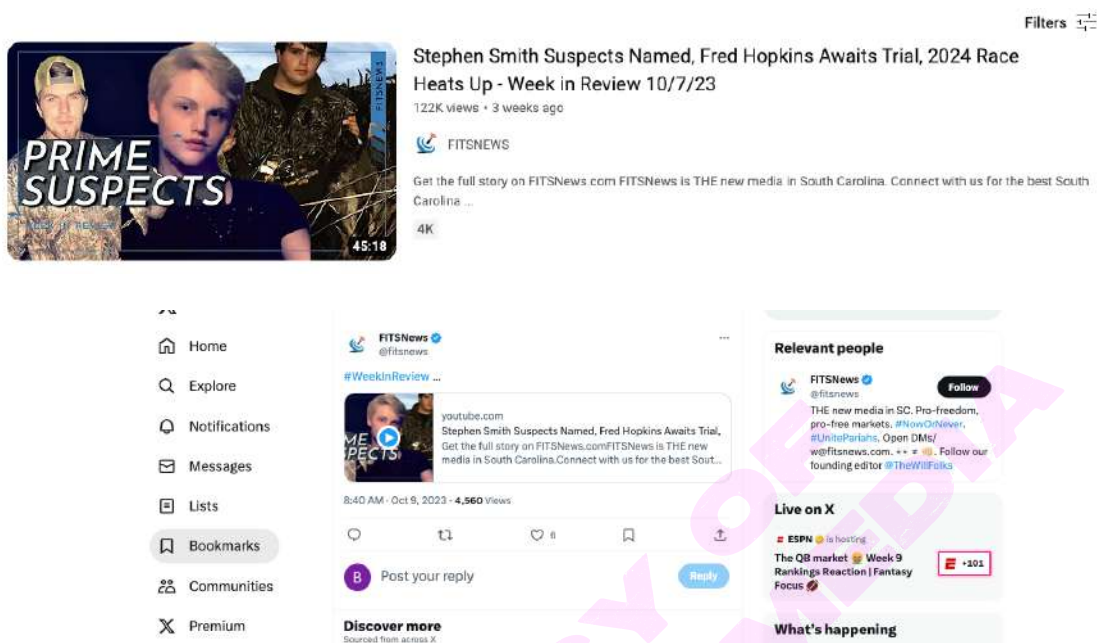
published, Stanley's mother repeatedly emailed Folks and FITSNEWS and let them know that they made a mistake, since Austin has not and will never be a suspect in the death of Stephen Smith, nor has any law enforcement agency ever named him as a suspect or person of interest in the investigation of the death of Stephen Smith.

12. On or about April 4, 2023, after the false statements concerning the Plaintiff had been broadcast and published for days, Folks responded to the message/email and acknowledged that the statement about the Plaintiff was false, Stanley's mother was correct, Stanley had nothing to do with this story, and promised the photograph would be removed immediately.



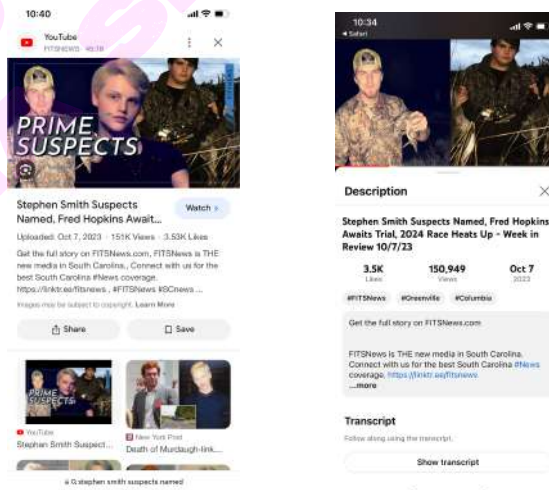
13. Nonetheless, on October 9, 2023, despite their acknowledgment about their false statements, Defendants published another story again indicating that Plaintiff was a person of interest in the murder of Stephen Smith and a photograph of the Plaintiff next to the words **PRIME SUSPECTS** on all of its outlets including but not limited to its website fitsnews.com, YouTube,

and X (previously known as Twitter.)



14. These videos and publications constitute false statements which accuse Plaintiff of a serious crime, and which were published to the world.

15. According to the YouTube video, as of this date, that video a received at least 151,000 thousand views and has likely been viewed by many more.



Furthermore, in the YouTube video, Folks goes to great lengths to explain how seriously they take calling someone “a person of interest” and implying that means the suspect or person

of interest was in fact involved in the death of Stephen Smith.

16. As a result of these false statements and publications, many residents of Hampton County who recognized Stanley's photograph have commented to him, his family, friends, and others about Austin's alleged involvement in the **murder** of Stephen Smith. The statements or insinuations cast Plaintiff in a false light and were defamatory per se; Defendants and their agents, servants and employees actually knew of the falsity of the statements when they were made for financial gain.

17. All the aforementioned false and defaming statements were made with reckless disregard for the truth by the Defendants and were published to multiple third parties.

18. The above-mentioned defamatory statements were published with actual malice which includes knowledge of the falsity of the statements about Plaintiff and reckless disregard for the truth by the Defendants. Further, the statements were malicious, non-privileged, and false and were published and made negligently, recklessly, or with an intent to injure Plaintiff's reputation and destroy his good name.

19. As a direct and proximate result of the above acts, the Plaintiff has been suffered great harm, embarrassment, worriation, and injury and will in the future continue to suffer such harm and injury; the Plaintiff suffered great pain, suffering, mental anguish, emotional distress, anxiety, humiliation, and frustration; and the Plaintiff's reputation and standing in the community was damaged.

20. Because of the Defendants' conduct, Plaintiff is entitled to an award of actual and punitive damages to be determined by the jury.

FOR A SECOND CAUSE OF ACTION
(NEGLIGENCE)

21. The allegations above are incorporated herein as if repeated verbatim.

22. Defendants owed the Plaintiff or undertook a duty of due care to protect the Plaintiff from improper and false allegations by the Defendants or their agents, servants or employees; this duty included the duty to properly train and supervise its employees and verify the information before they published or broadcast it.

23. Defendants, including and through the acts or omissions of their agents, servants, or employees, were negligent, grossly negligent, reckless, willful and wanton at the time and place above mentioned in the following particulars:

- a) In failing to adequately supervise and review its personnel to insure that they were carrying out their responsibilities in a reasonable fashion to not make false reports;
- b) In failing to establish any proofreaders or copy editors or employ an editing protocol to prevent the improper use of photographs and the publication of false or misleading information;
- c) In failing to recognize that private people have a greater right to control information about themselves than public figures and failing to weigh the consequences of publishing or broadcasting false personal information;
- d) In failing to properly train its agents, servants and/or employees;
- e) In pandering to lurid curiosity;
- f) In failing to consider the long-term implications of the extended reach and permanence of a false publication;
- g) In unreasonably making a false statement about or accusing Plaintiff of being a person of interest in the death of Stephen Smith;
- h) In failing to verify information before releasing it;
- i) In failing to institute proper policies and procedures to protect innocent people like the Plaintiff, or if such policies and procedures existed, in failing to follow and abide by such policies and procedures that would have prevented the false publication of Plaintiff's photograph;
- j) In making such publications in utter and complete disregard for the rights of the Plaintiff or the harm he would suffer;

- k) In failing to exercise that degree of care which a reasonable, prudent journalist would have exercised under the same or similar circumstances;
- l) In such other and further particulars as the evidence in trial may show;

all of which combined and concurred as the direct and proximate cause of the injuries and damages suffered by the Plaintiff herein, said acts and omissions being in violation of the statutes and common laws of the State of South Carolina.

24. As a direct and proximate result of the aforementioned negligence, carelessness, recklessness, willfulness, wantonness and gross negligence of the Defendants, by and through their agents, servants, or employees, the Plaintiff has suffered great harm, embarrassment, worry, and injury and will in the future continue to suffer such harm and injury; the Plaintiff suffered great pain, suffering, mental anguish, emotional distress, anxiety, humiliation, and frustration; and the Plaintiff's reputation and standing in the community was damaged.

25. Because of the Defendants' conduct, Plaintiff is entitled to an award of actual and punitive damages.

WHEREFORE, having fully Complained of Defendants, Plaintiff prays for a jury trial and judgment against Defendants for actual and punitive damages; costs and expenses associated with having to litigate this cause of action; and for such other and further relief as this Court might deem just and proper.

GOODING AND GOODING, P.A.

s/Mark B. Tinsley
Mark B. Tinsley (SC Bar #15597)
P. O. Box 1000
Allendale, SC 29810
803-587-7676

-and-

LAW OFFICE OF BRENDAN J. GREEN, LLC

s/Brendan J. Green, Esquire

Brendan J. Green, SC Bar No. 104648

Law Office of Brendan J. Green, LLC

2711 Middleburg Drive Suite 106

Columbia, SC 29204

Phone: 803-400-6678

February 6, 2024

Attorneys for Plaintiff

COURTESY OF
LUNA SHARK MEDIA