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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

ERIC POSEY,

Plaintiff,

v.

SUMMER BUSHNELL,

Defendant.

Case No. CV28-22-5860

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

Filing Category: A.A

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1. In June 2022, Summer Bushnell falsely stated that Eric Posey exposed his genitals to the public, including children, at Pride in the Park in Coeur d'Alene, Idaho. Bushnell also doctored a video of Posey's performance to make it look like he had in fact exposed himself. Bushnell knew that Posey did not expose himself, but she lied anyway to gain popularity on social media. Her plan worked: her false statements and doctored video received nearly 19 times more views than each of her prior 10 videos. But Bushnell's publicity was not free; it came at the expense of Posey's reputation. He now sues her for defamation.

I. PARTIES

2. Plaintiff Eric Posey is an individual residing in Kootenai County, Idaho.

3. Posey is a drag performer. He performs under the name Mona Liza Million. He started performing when he was 18, and he has performed off and on since then. Prior to performing in Coeur d'Alene in June 2022, Posey had not performed in about five years.

4. Defendant Summer Bushnell is an individual residing in Kootenai County, Idaho.

5. Bushnell owns and operates Bushnell Media, an unincorporated digital marketing company that provides social media management services, webpage design, and digital strategy advice.

6. Bushnell regularly publishes blog posts on Facebook and other online platforms under the moniker The Bushnell Report. Bushnell publishes her blog posts to increase her popularity and to sell her related services through Bushnell Media.

7. To further increase her popularity, she promotes her blog posts on other online platforms, and encourages other online users to comment, repost, and take action based on her blog posts.

II. JURISDICTION AND VENUE

8. Jurisdiction is proper in Kootenai County District Court pursuant to Idaho Code § 1-705(1) and Idaho Code § 5-514. The damages in this case exceed \$10,000.

9. Venue is appropriate in Kootenai County, Idaho, pursuant to Idaho Code § 5-404.

III. FACTUAL ALLEGATIONS

A. Coeur d'Alene Pride in the Park

10. On June 11, 2022, the North Idaho Pride Alliance hosted its sixth annual Pride in the Park at the Coeur d'Alene City Park.

11. Pride in the Park is a community event celebrating diversity and building a stronger and more unified community for all. Pride in the Park features food, entertainment, a family activity area, and over 50 booths representing community resources, Pride partners, local businesses, and handmade goods. Over 1,000 people from across the Inland Northwest come to downtown Coeur d'Alene to enjoy the festivities at Pride in the Park.

12. This year, the North Idaho Pride Alliance endured a highly organized hate and disinformation campaign designed to disrupt through intimidation Pride in the Park. Leading up to the event, vendors, partners, and supporters of Pride in the Park experienced an onslaught of harassing calls, emails, social media messages, and other online activities. Individuals and groups circulated hate flyers with threatening language misrepresenting events, individuals, and partnering organizations.

13. As one example of the hate surrounding Pride in the Park, 31 members of the white supremacist group Patriot Front—hailing from 11 different states—traveled to Coeur d'Alene to disrupt Pride in the Park. They were seen loading into a U-Haul truck with riot gear and subsequently arrested.

B. Posey's Involvement with Pride in the Park

14. Pride in the Park featured about five hours of programming, including opening remarks, musical performances, local talent shows, and a drag dance party.

15. A few months before Pride in the Park, some of Posey's friends—who include board members of the North Idaho Pride Alliance and individuals who planned to perform at Pride in the Park—asked Posey whether he would perform as part of the programming scheduled for Pride in the Park. Posey agreed, and he performed three times—each lasting approximately three minutes—throughout the day.

16. This is the outfit that Posey wore during his performance at issue:



17. As depicted in the photograph in ¶ 16, Posey wore shorts under a leotard during the performance. He also had on tights, undergarments, and a boa wrapped around his waist.

18. During his performance, Posey never removed any articles of clothing. His genitals were always completely covered.

C. Bushnell's False Statements

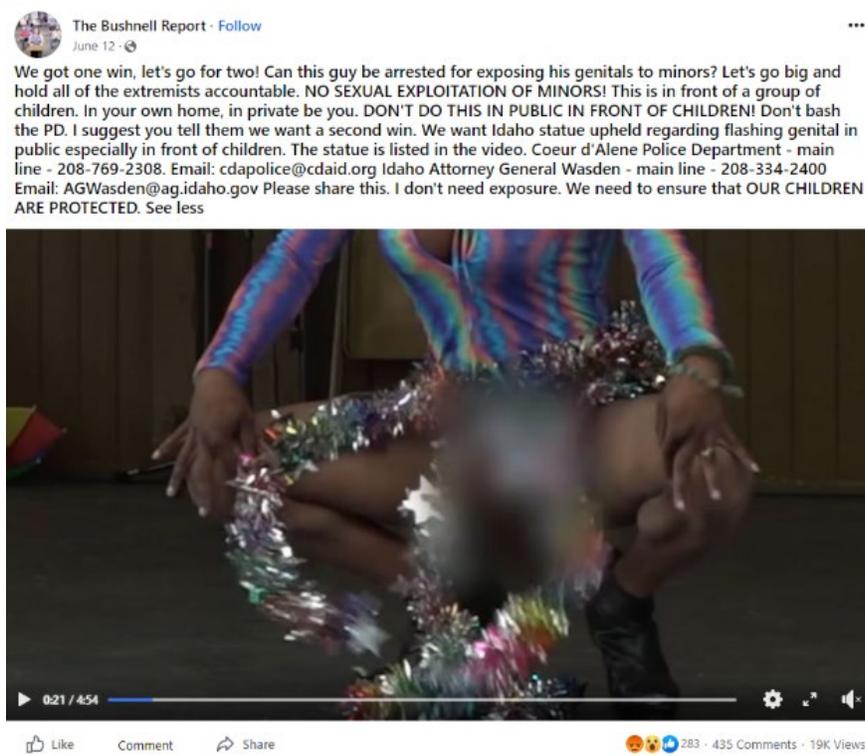
19. The day after Pride in the Park—June 12, 2022—Bushnell decided to boost her popularity on social media by seizing on the attention surrounding the event, especially the national coverage of the arrest of 31 members of Patriot Front. To do so, she fabricated a sensationalist story that Posey exposed his genitals in public, including in front of children.

20. Bushnell started by posting on her public Facebook page a video of herself talking to the camera. She stated that a man in a dress flashed his genitalia to the crowd, including minors. She said she would put up blurred video to prove it.

21. Bushnell then published a second Facebook post and repeated the assertion that Posey exposed his genitals in public, including in front of children. She further stated that Posey

committed felonies and encouraged the public to call the Coeur d'Alene Police Department and the Idaho Office of the Attorney General to have Posey arrested. She posted the same false statements on her blog, The Bushnell Report.

22. To accompany her false statements, Bushnell posted an edited video with censoring that made it look like Posey exposed his genitals. This is an image of the video:

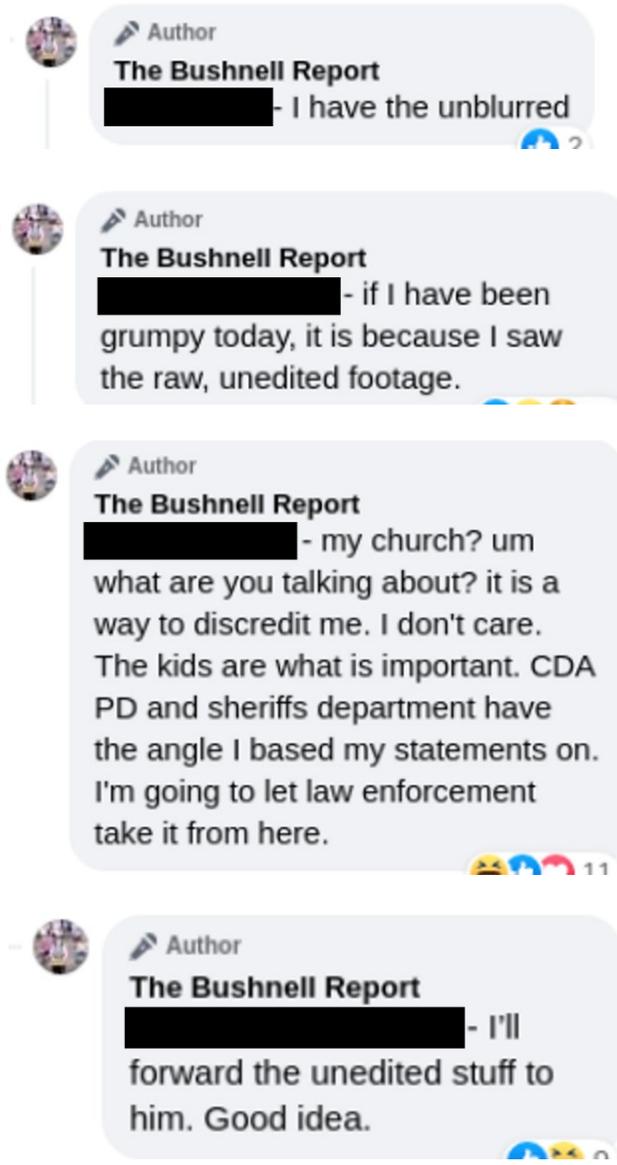


23. Bushnell's lies had the intended effect. Bushnell's popularity on Facebook soared, as her video has been viewed approximately 19,300 times and shared on other social media accounts and platforms. By comparison, her prior 10 videos were each viewed between approximately 235 and 1,400 times.

24. Bushnell's statements about Posey and her video are false. Posey never exposed his genitals at Pride in the Park. In contrast to Bushnell's edited video, this unedited image of the same performance shows that Posey did not reveal his genitals:



25. Bushnell knew that her statements about Posey and her video were false because she saw the unedited video. On June 14, 2022 and June 22, 2022, she sent a link to the unedited video to the City of Coeur d'Alene. Bushnell also posted on Facebook that she saw the unedited video:



26. On June 22, 2022, Bushnell again falsely stated that Posey exposed his genitals at Pride in the Park. Upon information belief, on that day she spoke with public officials in Coeur d'Alene. During their conversation, she said that Posey exposed his genitals.

27. Contrary to Bushnell's false statements, the unedited video shows that Bushnell lied. After Bushnell encouraged the public to ask law enforcement to arrest Posey, the Coeur d'Alene Police Department opened an investigation and questioned Posey. On July 1, 2022, the City of Coeur d'Alene Prosecuting Attorney's Office issued a public statement indicating that it

had reviewed Bushnell’s “edited video recording that has been widely circulated on various social media platforms” and “the unedited video recording of” Posey’s performance. Based on the facts, the Office determined that: “The unedited video recordings do not depict any exposure of genitalia. The allegations of indecent exposure, or other crimes cannot be supported by the evidence. Therefore, prosecution is declined.”

IV. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF (DEFAMATION)

28. Posey re-alleges and incorporates by reference all prior paragraphs of this complaint as if set forth in full herein.

29. In her two June 12, 2022 Facebook posts, her posts on The Bushnell Report blog, and her June 22, 2022 conversation with officials of the City of Coeur d’Alene, Bushnell defamed Posey by stating that he exposed his genitals to the public, including children, at Pride in the Park and committed felonies. Upon information and belief, Bushnell made similar false statements on other dates as well.

30. Bushnell’s statements about Posey were false. Unedited footage of Posey’s performance shows that he did not expose his genitals or commit any felonies.

31. Bushnell knew that her statements about Posey were false because she possessed and viewed the unedited footage of Posey’s performance.

32. Bushnell’s false statements about Posey defamed him. Thousands of people viewed Bushnell’s Facebook posts, and many believed Posey had committed a serious crime and sexually abused children. Unknown individuals posted flyers throughout Coeur d’Alene depicting the doctored picture of Posey. As a result of Bushnell’s false statements, Posey’s reputation was injured and he was exposed to hatred, contempt, and ridicule.

33. Others continued to use Bushnell's false statements and blurred images of Posey's Pride in the Park performance to spread misinformation regarding a scheduled kids drag show performance at the Boise Pride Festival, further injuring Posey's reputation and further exposing him to hatred, contempt, and ridicule.

34. Posey has been damaged by Bushnell's false statements. His reputation has been tarnished, and he has suffered extreme emotional distress from the constant public harassment and the police investigation into his performance. He has also suffered consequences with his permanent employer, and he has lost other professional opportunities.

**SECOND CLAIM FOR RELIEF
(DEFAMATION BY IMPLICATION)**

35. Posey re-alleges and incorporates by reference all prior paragraphs of this complaint as if set forth in full herein.

36. When Bushnell doctored the footage of Posey's performance at Pride in the Park, Bushnell took an otherwise truthful video and falsely suggested, impressed, or implied that Posey's genitals were exposed.

37. In addition to and separate from Bushnell's false statements that Posey exposed himself, the video that she posted defamed Posey by falsely "showing" that he exposed his genitals to the public, including minors, at Pride in the Park and committed felonies.

38. The implications of Bushnell's video were false. Unedited footage of Posey's performance shows that Posey did not expose his genitals or commit any felonies.

39. Bushnell knew that the implications of her video were false because she possessed and viewed the unedited footage of Posey's performance.

40. Bushnell's video defamed Posey. Thousands of people viewed Bushnell's video, and many believed Posey had committed a serious crime and sexually abused children. As a result of the video, Posey's reputation was injured and he was exposed to hatred, contempt, and ridicule.

41. Others continue to circulate still photos taken from Bushnell's video in a manner that suggested Posey had exposed his genitals to children.

42. Posey has been damaged by Bushnell's edited video. His reputation has been tarnished, and he has suffered extreme emotional distress from the constant public harassment and the police investigation into his performance. He has also suffered consequences with his permanent employer, and he has lost professional opportunities.

V. ATTORNEY'S FEES

43. As a result of Bushnell's conduct, Posey has been required to retain the services of Stoel Rives LLP. Posey requests that he be reimbursed for all reasonable attorney's fees and costs as permitted under the laws of Idaho.

VI. PRAYER FOR RELIEF¹

Wherefore, Plaintiff Eric Posey prays for judgment in his favor and against Defendant Summer Bushnell:

1. Compensatory damages;
2. Reasonable attorney's fees, costs and disbursements incurred herein;
3. Pre-judgment and post-judgment interest; and
4. All such other relief as the Court deems just and equitable.

¹ Posey reserves the right to later seek punitive damages, as permitted by Idaho Code § 6-1604.

VII. DEMAND FOR JURY TRIAL

Eric Posey requests trial by jury of not less than 12 persons as to all issues triable to a jury in this matter.

DATED: September 26, 2022.

STOEL RIVES LLP

/s/ Wendy J. Olson

Wendy J. Olson

Cory M. Carone

Attorneys for Plaintiff