

Docketed 12/5/2023

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

NORFOLK SUPERIOR COURT
C.A. NO. 2382CV00881

TYLER MARTIN

Plaintiff

vs.

LIONEL FREDERIQUE TARGET

Defendant

*December 4, 2023
Clerk is to schedule
an Assessment of Damages
hearing. (Cannone, J.)
Att: Mr. J. K. Polubny
Asst. Clerk*

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT WITH PERMANENT
INJUNCTION AND MEMORANDUM IN SUPPORT THEREOF**

Plaintiff Tyler Martin, by and through counsel, hereby submits this Motion for Default Judgment with Permanent Injunction and Memorandum in Support Thereof pursuant to Mass. R. Civ. P. 55(b)(2).

As set forth more fully herein, and as supported by facts set forth in the Affidavit of Tyler Martin, attached hereto as Exhibit A, Plaintiff is entitled to Default Judgment against the Defendant, Lionel Frederique Target.

I. PROCEDURAL HISTORY AND BACKGROUND

On September 14, 2023, Plaintiff filed his Complaint in this matter against Defendant Lionel Frederique Target seeking compensatory damages and permanent injunctive relief against Defendant. In his prayer for relief, Plaintiff requested that this Court prohibit Defendant from making additional defamatory statements about Plaintiff and requiring the permanent deletion of such defamatory statements currently posted by Defendant on YouTube, 4Chan, and other websites. On October 5, 2023, service of the

Complaint and Summons was perfected on Defendant by the Norfolk County Sheriff's Office at Defendant's home in Quincy, Massachusetts.

Defendant has failed to plead or otherwise respond to the Complaint. On October 26, 2023, Plaintiff filed his Request for Entry of Default, and on October 27, 2023, the Clerk entered default pursuant to Mass. R. Civ. P. 55(a). To the best of Plaintiff's knowledge, Defendant is not in the military, nor is he an infant or an incompetent or incapacitated person as defined in Mass. Gen. Laws ch. 190B. (Affidavit of Tyler Martin, Exhibit A, ¶ __.)

II. FACTS ESTABLISHED BY DEFAULT OF DEFENDANT

The following facts are alleged in Plaintiff's Complaint and have been established by the default of Defendant:

Plaintiff is a popular online video game streamer, primarily among fans and players of the game Final Fantasy XIV. He has approximately 140,000 followers at the time of filing this motion on the video game streaming platform Twitch, and primarily communicates with his fans and followers on Twitch and on a Discord server.

Defendant operates and regularly publishes videos to a YouTube channel under the username Desolance. Beginning in May 2023, Defendant has published over 70 videos in which he makes repeated false, defamatory assertions about Plaintiff. Since the time of publication, many of those videos have been made private, so as to only be viewable by Defendant's YouTube followers, but all were initially published to YouTube and available for viewing to the general public. Defendant's discursive and directionless manner of speaking in these videos, combined with their sheer volume, makes it nearly impossible to give a precise quotation of each and every defamatory utterance. The defamatory sting of the statements at issue, however, is that Plaintiff has abused two women with whom he

previously had relationships, and that Plaintiff is a pedophile who “groomed” minors for the purposes of having sex with them.

The following are examples of false and defamatory statements made about Plaintiff by Defendant:

- “[Plaintiff] was dating Neomi Zero before he was dating Ember and the day before she flew out to meet him, he broke up with her because he had already been cheating on her with Ember and he decided he wanted to have sex with this person instead. He capped that one off by telling Neomi Zero to kill herself a month later.” June 17, 2023 (https://www.youtube.com/watch?v=E5hTGr5iKRQ&t=71s&ab_channel=Desolance)
- “[Plaintiff] told a woman he cheated on to kill herself and that he’s the only reason she has any friends.” June 17, 2023 (https://www.youtube.com/watch?v=vT3y6jWr_n4&ab_channel=Desolance).
- “TYLER MARTIN TOLD NEOMI ZERO TO KILL HERSELF AFTER CHEATING.” June 27, 2023 (<https://www.youtube.com/watch?v=wZywurtsetw>) (Private).
- “[Plaintiff] was forced to flee her Discord server” after engaging in joking banter with a 22-year-old female Twitch streamer. June 29, 2023 (https://www.youtube.com/watch?v=ZJQJKsuFY5k&ab_channel=Desolance).

- Repeats the false claim that Plaintiff cheated on Neomi Zero and subsequently told her to kill herself. June 30, 2023 (<https://www.youtube.com/watch?v=wZywurtsetw>) (Private).
- “The only reason why [Plaintiff] is platforming Spudsy is because he wants to know what her pussy looks like. Are you fucking kidding me if you think that this person is tier three subscribed to this fucking 17 freshly 18-year-old woman out of the goodness of his fucking heart hosting this person because he thinks, ‘Ah Spudsy you have what it takes, yeah she has what it takes to suck his fucking cock.’” July 24, 2023 (https://www.youtube.com/watch?v=8k1MaHbL-2g&ab_channel=Desolance).
- “People in [Plaintiff’s] life are too scared to tell him the truth so I’m just gonna say it for ‘em, so listen up closely you ugly son of a bitch. . . . You know damn well you’d want nothing to do with a good for nothing pedophile like yourself.” July 24, 2023 (https://www.youtube.com/watch?v=8k1MaHbL-2g&ab_channel=Desolance).
- Plaintiff is a “pedophile” and “trades child porn” with another individual. July 28, 2023 (<https://www.youtube.com/watch?v=pjjG6xJAEEY>) (Private).
- “LlamaTodd and [Plaintiff] are trading child porn.” July 28, 2023 (https://www.youtube.com/watch?v=F-bAYIraIoQ&ab_channel=Desolance).

- “[Plaintiff] is a pedophile.” August 12, 2023
(https://www.youtube.com/watch?v=Di-BTS4N9so&ab_channel=Desolance).
- “TYLER LACKS THE MENTAL FACTULTIES REQUIRED TO BE A BAHAMAS BARISTA AT TACO BELL. . . . IN SPITE OF THE FACT THAT HE’S A PEDOPHILE. . . . ARE THEY GONNA STAND BY HIM BY FILING JOINT APPLICATIONS FOR CONJUGAL (sic) VISITS WHEN THE PEDOPHILE IS FINALLY DYING IN PRISON LIKE THE DOG HE IS.” September 28, 2023 (<https://boards.4channel.org/v/thread/652359839>).
- “You’re an ephebophile. It might be your father’s fault – for what he did to you. But at the end of the day – you’re almost 40 years old, man. . . . We don’t care that you French your father, Tyler. . . . This your idea of a revenge kick? This your way of ‘sticking it to pops’? Messin’ with adolescent kids? Just like he did to you?” October 11, 2023
(https://www.youtube.com/watch?v=E5hTGr5iKRQ&t=71s&ab_channel=Desolance).

Defendant published each of the foregoing statements, and many others, without privilege or authorization. These statements are false, and were published with malice as they were made with knowledge of falsity and with reckless disregard for the truth of the statements contained therein. The statements were directed toward Plaintiff’s followers and potential followers, with the clear and express intention of damaging Plaintiff’s reputation. Each of Defendant’s videos has amassed hundreds of views among people interested in online gaming generally and Plaintiff specifically. Defendant’s statements are false and directly harm Plaintiff in his trade or profession. As a result of Defendant’s

obsessive authorship and publication of false statements about Plaintiff, Plaintiff has suffered significant reputational harm and sustained damages, including but not limited to loss of capital and revenue, lost productivity, mitigation expenses, and loss of good will and intangible assets.

As a direct result of Defendant's publication of false and defamatory statements about Plaintiff, beginning in early 2023, Plaintiff has sustained significant losses in his subscriber numbers and revenue from his streaming. From May to June 2023, Plaintiff lost nearly 300 total paying subscribers to his Twitch channel, from 5,316 in May to 5,048 in June and his monthly revenue decreased from \$26,986 in May to \$24,520 in June. In July 2023, during the height of Defendant's defamatory activity, Plaintiff lost 1,286 subscribers (bringing his total to 3,762), and his revenue decreased again to \$15,343 (\$11,343 less than in May). In August 2023, when Defendant's output of defamatory content slowed, Plaintiff briefly recovered his subscriber base, but as Defendant's output has increased in September and October, Plaintiff's revenue has decreased again, with monthly totals of \$18,722 and \$18,199 for those two months respectively.

From January through June 2023, Plaintiff averaged \$23,966.50 per month in revenue from his Twitch streaming alone. From July through October, his average revenue is \$18,689.25, a difference of \$5,277.25, on average, per month. Thus, Plaintiff has sustained at least \$21,109.00 in past lost revenue. Because Plaintiff's income is directly tied to his popularity among the audience that Defendant has targeted with his defamatory comments, Plaintiff anticipates comparable losses for the foreseeable future.

As of November 10, 2023, YouTube banned Defendant's account and removed all videos from his channel. However, because YouTube bans and deletions can be impermanent and evaded, and because Defendant's videos may be republished on other

platforms, Plaintiff respectfully requests that the injunctive relief include orders that Defendant permanently remove all videos containing defamatory statements about Plaintiff, in addition to prohibition of future publication.

III. LAW AND ARGUMENT

Despite service of the Complaint having been perfected on October 5, 2023, Defendant has failed to file an answer or any other responsive pleading or motion to Plaintiff's Complaint. Accordingly, Plaintiff is entitled to judgment by default. Mass. R. Civ. P. 12(a)(1) states that, "after service upon him of any pleading requiring a responsive pleading, a party shall serve such responsive pleading within 20 days unless otherwise directed by order of the court." Defendant failed to do so, and the Court entered Defendant's default on October 27, 2023.

Mass. R. Civ. P. 55(b) provides, in pertinent part, that "the party entitled to a judgment by default shall apply to the court therefor; but no judgment by default shall be entered against an infant or incompetent person or an incapacitated person[.]" It further requires that the party moving for default judgment file "an affidavit made by any competent person, on the affiant's own knowledge, setting forth facts showing that the defendant is not a person in military service as defined in the 'Servicemembers Civil Relief Act,' as set forth in 50 U.S.C. §§ 3901 *et seq.*" "Upon default under Mass. R. Civ. P. 55(b), the factual allegations of the Complaint are accepted as true for purposes of establishing liability." *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943, 550 N.E.2d 402 (1990).

In this case, Defendant is not a minor, nor incompetent or incapacitated. Defendant is not in military service as defined in 50 U.S.C. § 3901, *et seq.* Defendant has

not entered an appearance in this case and has failed to file any responsive pleading within the time allowed by Mass. R. Civ. P. 12(a)(1).

In light of the foregoing, Plaintiff is entitled to default judgment under Mass. R. Civ. P. 55(b), as he has demonstrated a meritorious claim and Defendant has failed to answer or otherwise respond to the Complaint.

Respectfully Submitted,

The Plaintiff,
By his Attorneys,

Law Offices of Beauregard, Burke & Franco

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Dated: December 1, 2023