

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

DR. CHRIS M. JONES

PLAINTIFF

v.

Case No. _____

BART F. HESTER

DEFENDANT

COMPLAINT

By and through the undersigned counsel, Plaintiff Dr. Chris M. Jones (“Dr. Jones”) brings this Complaint for internet defamation with malice and actual and punitive damages against Defendant Bart F. Hester (“Mr. Hester”) in his individual capacity as a private citizen. For his Complaint, Dr. Jones alleges:

JURISDICTION and VENUE

1. Dr. Jones is a resident of Pulaski County, Arkansas.
2. Mr. Hester is a resident of Benton County, Arkansas.
3. This Court has jurisdiction of the subject matter of this Complaint and personal jurisdiction of the parties.
4. Venue is proper in the Circuit Court of Pulaski County, Arkansas.

FACTUAL ALLEGATIONS

5. The facts giving rise to this Complaint involve a defamatory “tweet” on a worldwide social media platform called “X” and previously known as “Twitter” that was published by Mr. Hester on May 1, 2024 at 10:47 a.m. (CT). The defamatory “tweet” in question has been viewed by at least 50,000 people, many of whom are registered to vote with the Arkansas Secretary of State.

THE PARTIES

6. Dr. Jones was the first African American to be nominated for Governor by a major political party in Arkansas. He holds five degrees including math and physics degrees from Morehouse College, nuclear engineering and policy degrees from MIT, and a Ph.D. in urban studies and planning from MIT. Jones has 20 plus years of experience in energy, infrastructure, community development, and business and he uses his background to advance innovation and entrepreneurship. Jones, the author of a 30-day devotional, *Quantum Pearls*, is married to Dr. Jerrilyn Jones, an emergency medicine physician.
7. Dr. Jones has never been in a controversy of his own making. During his campaign for Governor, Dr. Jones scrupulously avoided name-calling or demeaning his opponents in other ways and would not allow his campaign to post tweets that contained false information or that did not meet his high standards.
8. Mr. Hester holds a bachelor's degree in business management from the University of Arkansas. Mr. Hester was elected as the President Pro Tempore of the Arkansas Senate in 2021 and was recently reelected to serve as the leader of the Senate through 2026. Mr. Hester has publicly stated that he expects to be aligned with Arkansas Governor Sarah Sanders Huckabee on issues that are important to the future of Arkansas. Mr. Hester has a close relationship with U.S. Senator Tom Cotton, whose endorsement is prominently displayed on Mr. Hester's campaign website.
9. Mr. Hester is no stranger to controversy. Indeed, he seems to thrive on the attention he receives from making public statements that generate controversy, as evidenced by the subject of this Complaint.
10. This behavior has brought much attention upon Mr. Hester throughout his political career. Examples of Mr. Hester's controversial statements and positions include the following:
 - a. Mr. Hester has been a staunch ally of anti-LGBTQ groups in Arkansas, particularly

the Duggar Family, and by extension, the Family Research Council. In November of 2014, Mr. Hester and the Duggars appeared together at an event in Little Rock to “protest same sex marriage” and a judge’s decision to overturn Arkansas’ same sex marriage ban. At about the same time, Mr. Hester ranted against “homosexual marriage” on YouTube. When news later broke that Josh Duggar had been investigated by the police back in 2006 for molesting five girls, Mr. Hester came under harsh criticism for calling for the Springdale police chief to be fired for releasing the report.

- b. In 2015, Mr. Hester sponsored a bill that critics were quick to nickname the “Right to Discriminate Bill,” which then Governor Asa Hutchinson refused to sign into law.
- c. Thereafter, Mr. Hester came under fire for using the term “game of chicken” while referring to his effort to cause a health care funding shutdown that would adversely affect 100,000 elderly citizens in nursing homes, over a thousand blind people, countless underprivileged children, and tens of thousands of disabled people.
- d. In 2018, after seeing a billboard he did not approve of, Mr. Hester embarrassed himself on Twitter by tweeting a picture of the billboard with the caption:

"Why higher ed does NOT need increase funding. They lease a sign to encourage computer science degrees or math teachers? No they push for dance majors. Lots of hardworking Arkansans subsidizing this! Not ok @UALR."

UALR responded that the billboard was just part of a larger ad campaign and that other billboards displayed different majors the school offers. This controversy became so widely reported that Microsoft executives spoke out to say that universities should place as much emphasis on the arts as they place on math and science. KATV reported on the matter as follows:

LITTLE ROCK (KATV) — It's a controversial remark that's causing a buzz among Arkansans -- a state lawmaker tweeted against increasing funding for the Arkansas Department of Higher Education because of a university billboard.

- e. Two years later, Hester became a strident advocate for a House Bill that would allow the concealed carry of firearms at bars, schools, and public universities. Mr. Hester was apparently unaware that the wording of the bill would make it legal for people to bring guns into University of Arkansas football games where the presence of 70,000 people would create the potential for a mass shooting. For that reason and others, then Governor Asa Hutchinson vetoed that bill as well.
- f. In 2020, during a Legislative Council hearing regarding state contracts, Mr. Hester – a noted critic of rulings by the Arkansas Supreme Court – criticized the high court again, calling the Court “a friend of the child rapist.”
- g. More recently, Mr. Hester spearheaded the legislative effort to limit the public’s right to see public records, testifying that “tornadoes” were one of the main reasons the FOIA needed to be amended. Mr. Hester’s efforts to gut the FOIA created numerous headlines like the one shown below:

Arkansas in uproar over governor's bill limiting freedom of information; "assault on our republic"

by Andrew Mobley, Cory Evans | Tue, September 12th 2023 at 7:25 PM
Updated Wed, September 13th 2023 at 10:03 AM



- 11. Mr. Hester became a “Twitter” subscriber in 2011 and has used “Twitter” (“X”) almost exclusively for political gain for the past thirteen years. More specifically, Mr. Hester uses “X” primarily to post tweets and retweet others’ posts that appeal to his extreme conservative “MAGA” base and as a weapon against his political opponents. Mr. Hester describes himself as a “Christian Conservative” in his “X” profile. The political nature of Mr. Hester’s “X”

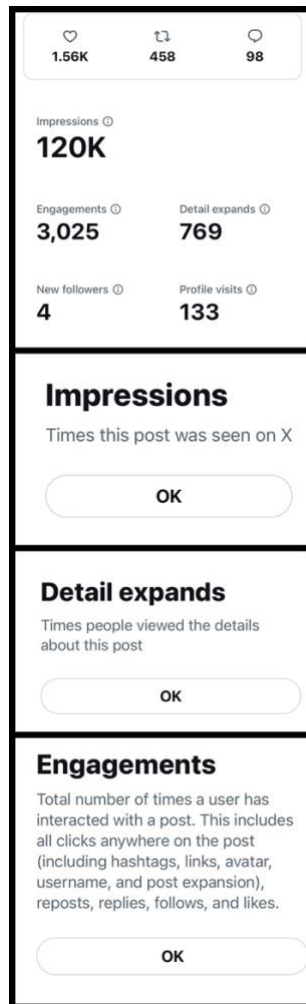
account is further evidenced by a link to his campaign website in his profile, which makes it easier for viewers of his profile to make campaign contributions. As of May 8, 2024, Mr. Hester had 2,107 followers on “X.”

“X,” FORMERLY KNOWN AS “TWITTER”

12. “X, “commonly referred to by its former name, “Twitter,” is a worldwide social media platform based in the United States. With over 500 million users, it is one of the world's largest social media networks and the fifth-most visited website in the world. Users of “X” can share text messages, images, and videos through posts called "tweets.” Users can also reply to posts of “retweet” posts made by other users, with or without comment.
13. The “X” platform measures far more than just views, likes, and retweets. A summary of other metrics can be viewed by a user – but not others – by clicking on “View Tweet activity,” as shown in the illustration below:



Doing so will allow the user to see other metrics, all of which are shown in the illustration below:



14. Roughly one-quarter of Americans use “X.” When users share their views on the site, quite often they are doing so about political issues. A Pew Research Center analysis of English-language tweets posted during 2020-21 found that one-third of those tweets were political in nature.

15. Political figures make up 20% of the accounts followed by large numbers of adults in the United States.

HAMAS IS ONE OF THE MOST EVIL, MURDEROUS TERRORISM GROUPS IN THE WORLD.

16. Hamas is the largest and most capable militant terrorist group in the Palestinian territories. Hamas has controlled the Gaza Strip in Israel for nearly two decades. Hamas also violently rejects Israel’s existence.

17. The U.S. State Department designated Hamas as a foreign terrorist organization in October 1997. Dozens of other countries have also designated Hamas as a terrorist organization.
18. In October 2023, Hamas infiltrated southern Israel, killing some 1,200 people, including civilian women and children, and taking dozens more hostage. Among its other atrocities, Hamas mutilated and decapitated many of its victims.
19. To make matters even worse, Hamas broadcast the grisly murder of innocent non-military hostages on the internet. In one video scene, Hamas attackers entered a house and spoke to a young girl hiding under a table. After some talking back and forth, the terrorists shot and killed her. Another scene showed a father and his two sons, aged approximately seven and nine, running in their underwear to what appeared to be a bomb shelter. A Hamas attacker threw a grenade, killing the man. Other sequences showed a militant with an agricultural tool hacking at the head of a man lying on the ground and gunmen killing wounded female Israeli soldiers. Another video clip showed an Israeli woman inspecting a partially burned woman's corpse to see if it was a family member. The victim's dress was pulled up to her waist and her underpants had been removed. Authorities who briefed reporters after the viewing said there was evidence the murdered woman had been raped. Still images showed a decapitated soldier and charred human remains, including those of young children.
20. In response to the senseless torture and slaughter of Israeli citizens, the Israeli military has attempted to eradicate Hamas, an effort that had reportedly resulted in the deaths of more than thirty-three thousand Palestinians. With Hamas's regional partners – known as the “axis of resistance” – now targeting Israel, the war threatens to embroil much of the Middle East.
21. In recent weeks, numerous groups have engaged in protests on university campuses and at other public venues related to the Israel/Palestine conflict. Protesting students have been detained or arrested at many U.S. universities, as evidenced by the following *New York Times* report:

Campus protests where arrests and detentions have taken place since April 18



22. Activities at universities related to the Israel/Palestine conflict have also included students walking out of graduation ceremonies and commencement speakers making passionate pleas to end the war between Israel and Palestine.

THE EXTREME “MAGA” MEMBERS OF THE GOP INTENTIONALLY USE THE LABEL “PRO-HAMAS” AND SIMILAR LABELS TO DAMAGE THEIR POLITICAL OPPONENTS AND CURRY FAVOR WITH THEIR BASE.

23. As shown below, mainstream media reports have uniformly referred to the recent protests as “pro-Palestinian,” as opposed to “pro-Hamas.”

24. In contrast to the mainstream media, politicians who identify as “extreme MAGA conservatives” have consistently used the term “pro-Hamas” to inflict political damage on their opponents and stoke the fire of anti-Arab opinions which permeate their extremist base.
25. For example, Senator Tim Scott of South Carolina proposed ideological tests for universities to receive federal funding and said that he would deport students on visas who he claimed were "encouraging Jewish genocide." Similarly, Gov. Ron DeSantis of Florida encouraged the State University System of Florida to ban chapters of Students for Justice in Palestine, saying, "We're not going to use state tax dollars to fund jihad."
26. Closer to home, U.S. Senator Tom Cotton has taken the deliberate mischaracterization of Palestinian protests to an unprecedented level of distortion along with an overt call to violence against protestors:

Bart Hester Retweeted

Tom Cotton @TomCottonAR

I encourage people who get stuck behind the pro-Hamas mobs blocking traffic: take matters into your own hands to get them out of the way.

It's time to put an end to this nonsense.

Last edited 9:06 PM · 4/15/24 · 10.7M Views

3,074 Retweets 4,388 Quotes

18.3K Likes 858 Bookmarks

Bart Hester Retweeted

New York Post @nypost

Dozens of GOP senators demand Biden protect Jewish students from 'Pro-Hamas, antisemitic mobs'

[trib.al/NjeVUHL](https://www.nytimes.com/2024/04/23/us/politics/gop-senators-demand-biden-protect-jewish-students.html)

6:45 PM · 4/23/24 · 264K Views

Bart Hester Retweeted

Senate Republicans @SenateGOP

WATCH: @SenTomCotton leads Senate GOP in condemning the rampant pro-Hamas protests at colleges around the country.

9,029 viewers

Senate Republicans @SenateGOP

WATCH: @SenTomCotton leads S...

Bart Hester Retweeted

Tom Cotton @SenTomCotton

For nine years, many liberals have fantasized that Trump is Hitler and their brave "Resistance" proves how they would've acted in Germany in the 1930s. In reality, nascent pogroms have broken out across America's campuses and these very same liberals sit silently or even defend the mobs. Which actually tells you how they would've acted in Germany in the 1930s.

10:49 AM · 4/22/24 · 166K Views

27. Senator Cotton appears to control, or at least influence, every political move Mr. Hester makes.

As shown above, Mr. Hester retweeted each of the above inflammatory tweets posted by Senator Cotton.

MR. HESTER’S DEFAMATORY TWEET

28. Mr. Hester appears to use “X” primarily as a “retweet machine.” Rarely does he post something original. Excluding replies, in the thirty days prior to the filing of this Complaint, Mr. Hester’s timeline of posts on “X” shows that he retweeted other users’ posts 50 times while only posting one original tweet.

29. At 9:17 a.m. (CT) on May 1, 2024, Dr. Jones replied to a tweet by *Arkansas Times* editor Austin Bailey. The screenshot below is a true and accurate reproduction of Ms. Bailey’s tweet and Dr. Jones’ reply:¹



30. At 10:47 a.m. (CT) the same day, Mr. Hester commented on Dr. Jones’ tweet by replying to Dr. Jones. The screenshot below is a true and accurate reproduction of Dr. Jones’ reply to Ms.

¹ Times in screenshots are EST.

Bailey’s tweet and Mr. Hester’s subsequent tweet:



31. The tweet shown in the previous paragraph shall hereinafter be referred to as the “defamatory tweet.”² As of noon on May 9, 2024, the defamatory tweet had been viewed 50,900 times.³ It had been retweeted 27 times (24 of which included a user’s comment), “bookmarked” 12 times, and “liked” 10 times.

² Mr. Hester’s defamatory tweet is not a “privileged communication,” as defined in Ark Code §16-63-503 of the “Citizen Participation in Government Act” (“CPGA”). Even if it were, however, the statute is unconstitutional. In *Fox v. Lyon*, Case. No. 60CV-20-1999, Pulaski County Circuit Judge Mackie Pierce entered an Order as follows:

“The Court also finds that the anti-SLAPP Act’s verification requirement—Ark. Code Ann. § 16-63-505—and the provisions related to sanctions and automatic stays—Ark. Code Ann. § 16-63-506 and Ark. Code Ann. § 16-63-507—are procedural rules that violate Article 4, § 2 and Amendment 80, § 3 of the Arkansas Constitution.” (emphasis added).

³ Multiple views may be counted if a user views a post more than once.

MR. HESTER MALICIOUSLY MADE THE STATEMENT THAT DR. JONES HAD TAKEN “A PRO HAMAS TERRORIST POSITION” IN HIS CAPACITY AS A PRIVATE CITIZEN – NOT AS A PUBLIC OFFICIAL.

32. In the U.S. Supreme Court’s recent decision in *Lindke v. Freed*, Case No. 22-611 (S. Ct. March 15, 2024), the Court said:

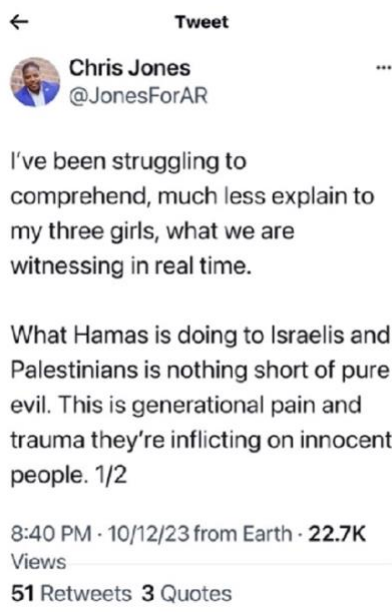
“For social-media activity to constitute state action, an official must not only have state authority, he must also purport to use it. If the official does not speak in furtherance of his official responsibilities, he speaks with his own voice.”

33. Mr. Hester did not possess actual authority to speak on the state’s behalf related to Hamas or regarding Dr. Jones’ views about student protests or the conflict between Israel and Palestine.

34. Mr. Hester did not purport to exercise that authority when he posted the defamatory tweet.

MR. HESTER’S STATEMENT THAT DR. JONES HAD TAKEN “A PRO HAMAS TERRORIST POSITION” WAS A STATEMENT OF FACT – NOT OPINION.

35. Mr. Hester’s statement that Dr. Jones had taken “a Pro Hamas Terrorist position” implied an assertion of an objectively verifiable fact, *i.e.*, Dr. Jones’ public position regarding Hamas, as evidenced by two tweets he posted on October 12, 2023 – one of which referred to Hamas’ atrocities as “pure evil.”



36. Mr. Hester did not use figurative or hyperbolic language that would negate the impression that he was seriously asserting or implying a fact.

37. The general tenor of the publication did not negate the impression that Mr. Hester was making a statement of fact.

MR. HESTER'S STATEMENT THAT DR. JONES HAD TAKEN "A PRO HAMAS TERRORIST POSITION" WAS FALSE AND DEFAMATORY.

38. Mr. Hester's statement that Dr. Jones had taken "a Pro Hamas Terrorist position" was demonstrably false and defamatory and caused damage to Dr. Jones' reputation.

39. As evidenced by Dr. Jones' tweets on October 12, 2023, Dr. Jones' position regarding Hamas was a matter of public record. Dr. Jones never communicated anything to the contrary – publicly or privately.

40. It is difficult to imagine an allegation that could be more damaging to one's reputation than a false public statement that a person supports a terrorist group that is known throughout the world for having committed horrific atrocities, including the senseless slaughter of innocent women and children. Except for members of Hamas and members of other terrorist groups, no sane person would acknowledge being supportive of Hamas.

41. Relative to other defamatory statements, nothing could be worse. As recent events have made clear, being known as a puppy killer would be incredibly damaging to one's reputation and likely bring an end to an elected official's political career. However, for politicians or anyone else, being viewed as a person who supports the world's most evil, murderous terrorist group is far worse.

MR. HESTER MALICIOUSLY MADE THE STATEMENT THAT DR. JONES HAD TAKEN "A PRO HAMAS TERRORIST POSITION" KNOWING THAT THE STATEMENT WAS FALSE AND WITH THE INTENT TO CAUSE HARM TO DR. JONES' REPUTATION.

42. Mr. Hester deliberately chose the words he used in his defamatory tweet and tagged the Democratic Party of Arkansas with the intent to inflict the maximum amount of possible damage

to Dr. Jones' reputation.

43. *In contrast to the 50,000 views of Mr. Hester's defamatory tweet*, Mr. Hester's other original tweets have garnered far less attention. For example, as of May 7, 2024:

- a. A rare tweet Mr. Hester posted himself on May 1, 2024 (as opposed to a retweet) captioned "Arkansas Elected Officials United for Trump" was viewed 6,326 times.
- b. Another original tweet Mr. Hester posted on April 1, 2024 was viewed 2,900 times.
- c. Another original Mr. Hester tweet posted on March 26, 2024 was viewed only 447 times.

44. Mr. Hester knew that his defamatory statement that Dr. Jones had taken a "Pro-Hamas Terrorist position" was false when he posted it on "X" or, in the alternative, did so in reckless disregard of whether it was true or not.

45. There is ample evidence that Mr. Hester acted with malice in posting the defamatory tweet. For instance:

- a. As noted above, Mr. Hester rarely posts original content on "X" and instead retweets content posted by other like-minded users. On this occasion, however, Mr. Hester uncharacteristically took the time and made the effort to post his defamatory statement about Dr. Jones in his own words. He chose his words carefully.
- b. No reasonable, intelligent person could have possibly construed Dr. Jones' reply to Ms. Bailey's tweet as even arguably supporting Hamas or taking a "Pro-Hamas Terrorist position."
- c. Mr. Hester not only used the phrase "Pro-Hamas" to describe Dr. Jones' reply to Ms. Bailey's tweet but deliberately inserted the word "Terrorist" after "Pro-Hamas" to reinforce the false assertion that Dr. Jones supported terrorists.
- d. The Democratic Party of Arkansas has 17,800 followers on "X." Mr. Hester deliberately tagged the Democratic Party of Arkansas for no other reason than to increase the number of

members of Dr. Jones’ own party who would view his tweet.

- e. Dr. Jones has 143,300 followers on “X.” Mr. Hester posted the defamatory tweet as a “reply” to Dr. Jones’ tweet and used the name @JonesForAR twice in his tweet with the intention of further increasing the number of people who viewed his tweet.
- f. Mr. Hester’s defamatory tweet was not just an inadvertent, stupid mistake, nor a momentary lapse of judgment. It was part of deliberate pattern of conduct that he has been engaged in for many months. According to a story published in the *New York Times* on November 29, 2023, when Pulitzer prize-winning author Nathan Thrall was invited to speak at the University of Arkansas, “he was told that he had to pledge, according to a 2017 state law, that he would not boycott Israel. He declined.” The Times story reported the reaction of both Governor Sanders and Mr. Hester:

When news broke that Mr. Thrall would not sign the pledge, Gov. Sarah Huckabee Sanders applauded the university. “On campuses across America, **pro-Hamas protesters are harassing Jews, praising terrorism, and calling for the destruction of Israel,**” Ms. Sanders, a Republican, wrote on social media. “That is unacceptable and won’t happen in Arkansas.”

“Keeping someone who wants to come speak on behalf of terrorists off our college campuses is a win,” [Hester] said.

Mr. Thrall would have spoken about his new book “A Day in the Life of Abed Salama,” about a deadly bus crash outside Jerusalem and a Palestinian father’s journey to locate his 5-year-old son.

“It’s telling that Senator Hester would describe an immersive work of narrative nonfiction – about a group of Palestinian kindergartners killed in a tragic school bus accident – as a defense of terrorism,” Mr. Thrall said.⁵

⁵ *At University of Arkansas, a State Law Stifles Pro-Palestinian Speakers*, New York Times (Nov. 29, 2023).

g. Mr. Hester is not an uneducated person. Nor is he a person who does not follow the news closely and who might claim ignorance of the distinction between being “pro-Palestinian” and “pro-Hamas.” To the contrary, he has closely followed the events related to the conflict between Israel and Palestine. What’s more, *he is the President of the Arkansas Senate.*

THE DEFAMATORY STATEMENT MADE BY MR. HESTER PROXIMATELY CAUSED INJURY TO DR. JONES’ REPUTATION, AS WELL AS OTHER DAMAGES, AND DETRIMENTALLY AFFECTED HIS RELATIONS WITH OTHERS.

46. As Mr. Hester and other leaders of the Arkansas GOP are aware, Dr. Jones has not ruled out a second campaign for Governor of Arkansas. That possibility poses the largest present threat to the Arkansas GOP, and Mr. Hester knows that.

47. The advent of social media has been linked to the acceleration of polarizing political rhetoric. Politicians like Mr. Hester strategically engage with social media, often relying on communication strategies to attract attention to their political brand.

An important metric politicians use to gauge the success of a social media campaign is whether the posts produce user engagement, such as favorites, likes, retweets, or other actions. This engagement indicates that an end user has given measurable attention to specific content. Tone and emotional expression influence how users respond to posts on social media, with research indicating that stronger emotional expressions elicit more comments, likes, retweets, or other reactions that are platform dependent.⁶

48. According to a study led by University of Cambridge psychologists, social media posts criticizing or mocking those on the opposing side of a political issue receive twice as many shares as posts that advocate the views of one’s own political party.

“Slamming the political opposition was the most powerful predictor of a post going viral out of all those we measured. This was the case for both Republican and Democrat-leaning media outlets and politicians on Facebook and Twitter.”⁷

⁶ *Polarizing Feedback Loops on Twitter*, <https://doi.org/10.1177/237802312412289>.

⁷ *Slamming political rivals may be the most effective way to go viral – revealing social media’s perverse incentives*, University of Cambridge (June 21, 2012).

49. The findings from a 2013 research study further indicate that the amount of attention received by a candidate on Twitter relative to his or her opponent is a statistically significant indicator of voting behaviors.⁸
50. Professional “opposition researchers,” also known as “oppo researchers,” are used in virtually every major political campaign. The job of an “oppo researcher” is to dig up dirt on their political opponents, overturning every rock and screen-grabbing every potentially harmful social media post. The results of so-called “oppo research” can be devastating, stripping away the entire identity of a candidate and replacing it with a singular emphasis on just a few words. The truth rarely matters. Even a snippet of bad publicity can cause any undecided voter to reject a candidate once they have viewed the results of “oppo research.”
51. While there are rules about patently false advertising, there are no such rules in politics. *The dark arts of 'oppo' researchers who search for online dirt on political opponents*, National Post (Sept. 9, 2019). Once a campaign or opposition group gets damaging “oppo research,” they frequently distort or change the context of the information in attack ads or “mailers” sent to registered voters.
52. For instance, during a 2015 campaign in Canada, conservatives began circulating a then deleted social media post suggesting that the liberal candidate was in favor of Israel’s intention to “ethnically cleanse” the Middle East. The liberal candidate called foul play and asserted that he was the victim of a “shameful and dishonest” smear campaign. Nonetheless, the damage from the “oppo research” was so devastating that the liberal candidate dropped out of the race, saying: “Being accused of being an anti-Semite, that’s pretty much defamation. *Id.*”

⁸ *More Tweets, More Votes: Social Media as a Quantitative Indicator of Political Behavior*, DiGrazia J, McKelvey K, Bollen J, Rojas F. (2013).

53. It may be an understatement to call politics a brutal sport. With countless digital breadcrumbs available online, veteran Republican opposition researcher Jacob Daniels has said that nothing is off limits and that “oppo research” draws no distinction between truth and falsity:

“We’re always looking for that silver bullet moment, that piece of information that you know is going to be really detrimental to your opponent's campaign. We find everything, and we throw the spaghetti at the wall and see what sticks.”⁹

54. Any ongoing “oppo research” on Dr. Jones has already captured Mr. Hester’s defamatory tweet.

55. Even if Mr. Hester does nothing more than delete the defamatory tweet, and refuses to correct the record, it is a virtual certainty that some viewers have taken and saved screenshots of the tweet for future reference.

56. “Twitter analytics” with appropriate follow up – as well as expert testimony – will show that of the more than 50,000 people who viewed Mr. Hester’s defamatory tweet, a yet undetermined portion of them did not have an unfavorable impression of Dr. Jones until they viewed the defamatory tweet.

57. In the event Dr. Jones again runs for Governor or seeks a seat in Congress or some other high office, it is far more likely than not that Mr. Hester’s defamatory tweet will surface during that campaign in one form or another and cause even further damage to his reputation. Even if Dr. Jones does not run for office again, he will continue to be a powerful voice of influence and leadership in the Arkansas Democratic Party and the state more broadly. As such, he will continue to be the target of GOP “oppo research” for years to come.

⁹ *Your Skeletons Are Showing: How Opposition Researchers Find Dirt on Politicians*, WNYC (Feb. 4, 2016).

MR. HESTER REFUSED DR. JONES' REQUEST FOR A RETRACTION FROM WHICH MALICE CAN BE INFERRED.

58. On May 2, 2024, Dr. Jones' counsel sent a letter to Mr. Hester via e-mail requesting that he delete the defamatory tweet and retract his statement that Dr. Jones had taken "a Pro-Hamas Terrorist position." Dr. Jones' counsel also invited Mr. Hester to reply via e-mail before noon on May 6, 2024 if he refuted the defamatory nature of his tweet or wished to offer some explanation for his conduct.

59. Mr. Hester never deleted the defamatory tweet. Nor did he retract his defamatory statement about Dr. Jones or reply to the e-mail from Dr. Jones' counsel.

**CLAIM FOR ACTUAL AND PUNITIVE DAMAGES FOR
DEFAMATION WITH MALICE**

60. Plaintiff incorporates by reference the allegations made hereinabove as though set forth herein word for word.

61. The Defendant published a false statement of fact concerning Plaintiff.

62. The statement of fact was defamatory.

63. The Defendant acted with knowledge the statement was false or, in the alternative, recklessly failed to make a reasonable inquiry to determine the truth or falsity of the statement prior to its publication.

64. The publication of the statement was a proximate cause of damage to Plaintiff's reputation as well as other damages.

65. The Defendant knew or ought to have known, in the light of the surrounding circumstances, that his conduct would naturally and probably result in damage to the Plaintiff and continued such conduct with malice or in reckless disregard of the consequences from which malice may be inferred. Malice can also be inferred from Mr. Hester's refusal to delete the defamatory tweet and publicly retract his defamatory statement.

66. Accordingly, Plaintiff is entitled to an award of punitive damages not only to punish the Defendant but also to deter him and others from engaging in similar conduct in the future.

67. Plaintiff requests a trial by jury.

WHEREFORE, Dr. Jones requests that judgment be entered in his favor for defamation and that he be awarded actual damages in an amount that exceeds the sum required to invoke federal diversity jurisdiction, that he also be awarded appropriate punitive damages, and that the Court grant him all other relief to which he may be entitled.

Respectfully submitted,

By: /s/ Thomas A. Mars

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