

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

JESSECA DUPART, d/b/a "MIRACLE DROPS,")
p/k/a)
"DAREALBBJUDY," an individual; SHAWNTAE)
HARRIS, p/k/a "DA BRAT," an individual,)
)
)
Plaintiffs,)

Case No. _____

v.)

JURY TRIAL DEMANDED

RODNEY J. ROUSSELL, an individual known as)
"M.C. SHAKIE," and d/b/a "SIP COSMETICS";)
GOOGLE, LLC, d/b/a "YOUTUBE",)
a California Limited Liability Company;)
FACEBOOK, INC., d/b/a "INSTAGRAM", a California)
Corporation; TWITTER, INC., a California Corporation;)
and DOES 1-100,)
)
Defendants.)

**VERIFIED COMPLAINT¹ FOR TRADEMARK INFRINGEMENT AND UNFAIR
COMPETITION AND REQUEST FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY AND PERMANENT INJUNCTION WITH DEMAND FOR JURY
TRIAL**

Plaintiffs, JESSECA DUPART, d/b/a "MIRACLE DROPS," p/k/a "DAREALBBJUDY,"
an individual; SHAWNTAE HARRIS, p/k/a "DA BRAT," an individual, by and through their
attorneys, Fishman Haygood, L.L.P., for their causes of action against Defendants, RODNEY J.
ROUSSELL, an individual known as "M.C. SHAKIE," and d/b/a "SIP COSMETICS";
GOOGLE, LLC, d/b/a "YOUTUBE", a California Limited Liability Company; FACEBOOK,
INC., d/b/a "INSTAGRAM", a California Corporation; TWITTER, INC., a California
Corporation; and DOES 1-100, allege as follows:

¹ The Verifications attached hereto were notarized and executed in accordance with Proclamation 37 JBE 2020, § 6, which permits notarization through electronic devices or processes during the existing public health emergency.



INTRODUCTION

1. Plaintiffs bring this lawsuit to protect the substantial goodwill that they have in their respective names, reputations, brands, word marks and logos.

2. Plaintiff Jesseca Dupart owns and operates a prominent beauty brand known as “Kaleidoscope.” Under the Kaleidoscope brand, which Plaintiff Dupart has used in commerce since on or about July 1, 2013, Plaintiff Dupart holds a registered design mark in Registration Number 5006069, which was registered on July 26, 2016:



3. Plaintiff Dupart also holds the following registered word marks:

Trademark	Registration No.	Date Registered
MIRACLE DROPS	5800328	July 9, 2019
KALEIDOSCOPE MIRACLE EDGES	5877346	October 8, 2019
KALEIDOSCOPE SILK & SEAL SERUM	5529116	July 31, 2018
KALEIDOSCOPE VERSATILE SPRITZ	5529113	July 31, 2018
KALEIDOSCOPE MIRACLE DROPS	5524022	July 24, 2018
KALEIDOSCOPE BEST	5508585	July 3, 2018

FRIEND		
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4. In addition, Plaintiff Dupart claims a common law trademark in KALEIDOKIDS and has filed for federal trademark protection in KALEIDOKIDS and has a pending application under serial number 88187059.

5. Plaintiff Dupart claims a common law trademark in “Kaleidoscope Milkshake.”

6. The Trademarks identified in paragraphs 2-5 will collectively be referred to herein as the “KALEIDOSCOPE MARKS.”

7. Further, Plaintiff Dupart holds a common law trademark in her professional and social media moniker “darealbbjudy” and she has 1.4 million followers on Instagram under the handle @darealbbjudy, in which she also claims a common law trademark, (hereinafter collectively referred to as “DRBBJ Marks”).

8. Plaintiff Shawntae Harris is known professionally as “Da Brat” and is a twice Grammy-nominated rapper and actress. Plaintiff Harris is the exclusive licensee of, and controls through her management company, the trademark in “Da Brat” which has been used in commerce by Plaintiff Harris since December 25, 1993 and for which she has applied for registration under serial number 88402711. Harris has 2.7 million followers on Instagram under the handle @sosobrat, in which she claims a common law trademark (hereinafter collectively referred to as “Da Brat Marks”).

9. The KALEIDOSCOPE MARKS, DRBBJ Marks and Da Brat Marks shall be collectively referred to as the “MARKS.”

10. Defendant Rodney J. Roussell is a YouTube gossip vlogger known as “M.C. Shakie” who has 81,500 followers on Instagram under the handle “@meshakielive”; 40,700 subscribers on YouTube under the name “MC Shakie”; 2,392 followers on Facebook; and 7,605

followers on Twitter under the handle “@meshakielive”. Defendant Roussell is also the owner and operator of “Sip Cosmetics” which sells cosmetic products.

11. On information and belief, Defendant Rodney J. Roussell is a felon convicted of bank fraud, forgery, monetary instrument abuse and access device fraud.

12. In an effort to gain interest and sales for his “Sip Cosmetics” brand, Defendant has engaged in a false and malicious YouTube and social media campaign of harassment, stalking, extortion, falsely designating the origin of products that feature the KALEIDOSCOPE MARKS, disparagement, invasion of privacy and defamation against Plaintiffs in an unlawful attempt to divert Plaintiffs’ customers to his own “Sip Cosmetics” products and to unfairly attempt to compete with the MARKS.

13. Plaintiffs have all rights and privileges in exclusive use to their MARKS, starting on the date of each federal filing and/or when Plaintiffs began first using the MARKS in commerce, in the case of their common law claims.

14. Plaintiffs routinely enter into social media influencer agreements and business relationships with third parties, including minor children, through the parents of the minor children.

15. Plaintiffs have a contract and a business relationship with the minor child known professionally as “Lil James.”

16. Plaintiffs have paid and expended resources in connection with their contract(s) and business relationship with “Lil James” in excess of \$89,500.00.

17. Defendant Roussell has created “fake news” stories on his social media accounts in an effort to defame, discredit, harass, and attempt to unfairly compete with Plaintiffs. For example, Defendant Roussell has staged “interviews” of people pretending, acting and/or

otherwise falsely stating information about Plaintiff Dupart in “fake news” stories including falsely and maliciously reporting false information relating to the tragic drowning death of a minor child at Plaintiff Dupart’s property, through the interview of a person falsely posing as an eye witness; falsely reporting information about Plaintiff Dupart’s liability insurance through the interview of a person falsely posing as Plaintiff Dupart’s insurance adjustor; falsely stating that Plaintiff Dupart required people to sign Non-Disclosure Agreements (“NDAs”) before she would call the police for the minor child’s drowning; falsely stating that Plaintiff Dupart changed her name to avoid people finding out about her negative legal history; falsely reporting that Plaintiff Dupart engages in “child slavery”; falsely reporting that Plaintiff Dupart’s products come from China and carry the coronavirus (COVID-19); falsely reporting that Plaintiff Dupart was involved in lawsuits to which she was not a party; and falsely reporting that Plaintiff Dupart worships the devil and/or engages in voodoo. In addition, Defendant Roussell has posted revenge porn content directed at Plaintiff Harris, which both amounts to an invasion of privacy and placed her in a false light, as further alleged below.

18. This is not the first time that Defendant Roussell has found himself a defendant in a lawsuit alleging that he disseminates “fake news.” See *Sheriff Gusman Sues New York Times Over Prison Rape Video*, NOLA.COM (July 14, 2018), https://www.nola.com/news/crime_police/article_61dee9b2-eb06-5f1e-9193-960d b18a326c.html. See also Complaint, *Gusman v. New York Times et al*, Case No. 2:18-cv-06689 (filed 7/13/2008 E.D. La.).

19. From the period of February 13, 2020 through the date of filing, through his YouTube channel and his various social media accounts, Defendant Roussell has posted not fewer than 24 (twenty-four) videos which publish to his viewers numerous false and defamatory statements, including, but not limited to, the following:

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