

STATE OF RHODE ISLAND  
PROVIDENCE, Sc.

SUPERIOR COURT

JEFFREY BUTLER

v.

C A. No. PC-2025-04497

MELISSA POTTER; KELLEESILVA;  
SHANA CRANDALL; CHERIE CRUZ; and  
RECLAIM RI

**DEFENDANTS' ANSWER AND COUNTERCLAIM**

Defendants Melissa Potter ("Potter"), Kellee Silva, Shana Crandall ("Crandall"), Cherie Cruz ("Cruz"), and Reclaim RI hereby respond to Plaintiff Jeffrey Butler's ("Butler") Complaint as follows:

**Parties, Jurisdiction, and Venue**

1. Admitted upon information and belief.
2. Admitted.
3. Admitted.
4. The allegations in Paragraph 4 state a conclusion of law to which no response is required. To the extent that a response is required, Defendants do not challenge the jurisdiction or venue of the Court.
5. The allegations in Paragraph 5 state a conclusion of law to which no response is required. To the extent that a response is required, Defendants do not challenge the jurisdiction of the Court, but further aver that Plaintiff has failed to state a claim to invoke the equitable jurisdiction of the Court or to recover in damages.
6. Admitted.

**General Allegations**

7. [There is no Paragraph 7.]

8. Defendants admit that at all times material to the complaint, Potter and Kellee Silva each resided in residential property located at 1890 Broad Street, Cranston, RI 02905 (“1890 Broad Street”). Defendants further respond, upon information and belief, that 1890 Broad Street was at that time owned by Spring Street Realty, LLC, and managed by Elmwood Realty Property Management. Upon information and belief, Jeffrey Butler was sole manager and owner of Spring Street Realty LLC.

9. Defendants admit that Potter and Kellee Silva, among others, in Spring 2024 formed a tenants union, called the Elmwood Realty Tenants Union, with a goal to negotiate collectively with Butler and the owners of 1890 Broad Street to repair and maintain the property.

a. Defendants further state that Potter and Kellee Silva, among others, publicly announced the formation of the Tenants Union at a press conference at the Broad Street address on March 29, 2024.

b. The press conference was reported in the Providence Journal on or about April 2, 2024 (<https://www.providencejournal.com/story/business/2024/04/02/elmwood-realty-tenants-in-broad-street-apartments-unionize-against-landlord/73149513007/>, and <https://www.providencejournal.com/picture-gallery/news/local/2024/04/02/the-conditions-at-1890-broad-st-site-of-a-new-tenant-union/73168825007/>, accessed 12/15/2025). A copy of the two articles appearing in the Providence Journal (print and online) is attached hereto and incorporated herein as **Exhibit 1**.

c. The press conference was reported in the Boston Globe on or about April 2, 2024 (<https://www.bostonglobe.com/2024/04/02/metro/cranston-ri-renters-battle-flooding-pests->

[problematic-landlord/](#), accessed 12/15/2025). A copy of the article appearing in the Boston Globe (print and online) is attached hereto and incorporated herein as **Exhibit 2**.

d. A portion of the press conference was videotaped and made available by the Providence Journal as part of its reporting on April 2, 2024. A screenshot of the video and a transcript of the press conference, including remarks by Defendants Potter, Silva, Cruz, and others, is attached hereto and incorporated herein as **Exhibit 3**.

10. Admitted.

11. Defendants admit that an inspection was conducted at 1890 Broad Street on April 10, 2024, including the unit of Kellee Silva but deny that it was “routine.”

a. Defendants further aver that the inspection was ordered by the District Court of the State of Rhode Island by orders entered on April 5, 2024 by District Judge William Trezvant in matters filed by Potter, Kellee Silva, and another tenant (Stephanie Rodriguez) seeking an order of repairs to their rental properties at 189 Broad Street. These matters were docketed as case numbers Case No. 3CA-2024-02831 (Potter), 3CA-2024-2834 (Kellee Silva), and 3CA-2024-2835 (Stephanie Rodriguez). A copy of the petitions filed by Potter and Kellee Silva are attached hereto as **Exhibit 4** and incorporated herein.

b. District Judge Trezvant issued an order in all three cases, which order, among other things, directed defendant Landlord to conduct an inspection upon 48 hours’ notice. A copy of the order of April 5, 2024, is attached hereto as **Exhibit 5** and incorporated herein.

c. Upon information and belief, Defendants deny that Butler conducted the inspection “alone”.

d. Defendants are without information sufficient to admit the age of the Defendant.

e. Defendants are without information sufficient to admit the characterization of “a group of angry and hostile individuals” as they are not otherwise identified.

12. Defendants, upon information and belief, admit that there was an exchange of words at and outside the inspection of the apartment of Kellee Silva and that Robert Silva, Eugene Vasquez, and Kellee Silva were present and are without information sufficient to admit the characterization of “at least 2 other males individuals and 1 female individual” as they are not otherwise identified.

13. Defendants lack information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 13 and therefore deny same and leave Butler to his proof.

14. Defendants lack information sufficient to form a belief as to the truth of the allegations set forth in, Paragraph 14 and therefore deny same and leave Butler to his proof.

15. Admitted.

16. Admitted. Defendants further aver that, after reviewing video footage of the events, Cranston Police Department declined to charge anyone with assault or battery

17. Admitted.

18. Admitted. Defendants further aver that the charges against all persons arrested on April 10, 2024, including Kellee Silva, were dropped at the same time as Butler, and no further criminal action has been taken against any individual arrested on April 10, 2024, in relation to this incident.

19. Admitted. Defendants further aver that the story was extensively covered by the local media on April 10, 2024, including

a. WPRI (<https://www.wpri.com/target-12/cranston-landlord-tenants-arrested-after-fight/>),

b. WJAR (<https://turnto10.com/news/local/cranston-rhode-island-police-arrest-four-landlord-tenant-dispute-1890-broad-disorderly-conduct-video-spring-street-realty-april-10-2024>),

c. Providence Business News (<https://pbn.com/report-cranston-landlord-tenants-charged-after-brawl/>);

d. the Boston Globe (<https://www.bostonglobe.com/2024/04/10/metro/cranston-landlord-tenants-arrested-union-inspection-apartment-complex/?p1=StaffPage&p1=Article> [Inline Text Link](#)).

20. Admitted.

21. Admitted.

22. Defendants admit, upon information and belief, that Exhibit A to the Complaint contains a reproduction of a social media post (“the Post”) posted on the Account on or about April 14, 2024, as recorded on a cell phone and recorded in a loop.

23. Defendants admit, upon information and belief, that Exhibit A contains a recording of the Post (and other screens) while it was playing on a cell phone in a loop. Defendants further state, upon information and belief, that the Post itself is a static image with background music of approximately 12 seconds in length that will repeat in a loop.

Defendants deny the allegations in subparagraph d of Paragraph 23 and, upon information and belief, further state that the song playing in the background of the Post is a fragment of a song (verse 3) entitled “Asian Jake Paul,” by iDubbbz.( <https://genius.com/12805223?>; last accessed 12/13/2025) provided by TikTok, containing lyrics as follows:

[first voice]

Oh my God, you're such a legend  
You make me so wet with your reckless spending  
You gained my respect and you're oh so funny  
Please, take me to your mansion and fuck me!

[second voice]

You're fucking delusional  
So try your best to remember  
You are not a pimp  
You're a borderline sex offender

24. Defendants lack information sufficient to form a belief as to the truth of the allegations in Paragraph 24 of the Complaint. To the extent they allege facts against the Defendants, they are denied.

25. Denied. Defendants further state, as a matter of fact and law, without assuming the burden of proof thereon, that the Post does not contain a statement of fact but rather opinion, satire, and hyperbole and is not Defamatory. As such, Defendants decline to follow Plaintiff's reference to the Post as "the Defamatory Statement" and will continue to refer to it hereinafter as "the Post".

26. Defendants admit the purpose of general hashtags is to make a post searchable and deny all remaining allegations in Paragraph 26.

27. Denied.

28. Defendants upon information and belief assert that the Post was made as part of efforts to communicate with other tenants and members of the public on a matter of public concern as one action on behalf of the Elmwood Realty Tenants Union and that the Elmwood Realty Tenants Union was organized with the assistance, aid, and sponsorship of Reclaim, Crandall, and Cruz and otherwise deny the allegations in Paragraph 28.

29. Denied.

30. Denied. To the extent this Paragraph asserts that Potter, Kellee Silva, Reclaim, Crandall and Cruz continued to associate in their efforts to organize tenants at 1890 Broad Street and to advocate for enforcement of laws protecting tenants after the Post was published on April 14,

2024, Defendants admit such association continued and assert their rights under state and federal laws and constitutions to so engage and to act on matters of public concern.

31. Denied.

32. Denied.

33. Denied. Defendants further state, upon information and belief, that the original Post was removed from the Account in or about April or May 2024.

### **Count I**

#### *Defamation*

34. Defendants restate and incorporate by reference each of their responses to the preceding Paragraphs of the Complaint, as if fully set forth herein.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

### **Count II**

#### ***Invasion of Privacy (False Light)- R.I. Gen. Laws §§9-1-28.1 (a)(4) and 9-1-28.1 (b)***

44. Defendants restate and incorporate by reference each of their responses to the preceding Paragraphs of the Complaint, as if fully set forth herein

45. Denied.

46. Denied.

47. Denied.

**Count III**

**Intentional Infliction of Emotional Distress**

48. Defendants restate and incorporate by reference each of their responses to the preceding Paragraphs of the Complaint, as if fully set forth herein.

49. Denied.

50. Denied.

51. Denied.

52. Defendants lack information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 52 and therefore deny same.

53. Denied.

**Count IV**

**Negligent Infliction of Emotional Distress - Silva**

54. Defendant Kellee Silva restates and incorporates by reference each of her responses to the preceding Paragraphs of the Complaint, as if fully set forth herein.

55. Denied.

56. Denied.

**Count V**

**Tortious Interference with Current and Prospective Business Relations**

57. Defendants restate and incorporate by reference each of their responses to the preceding Paragraphs of the Complaint, as if fully set forth herein.



58. Defendants admit they were aware that Plaintiff is in the business of owning and managing rental properties and further state that they organized and exercised their statutory and constitutional rights to secure relief from Plaintiff's failure to comply with minimum housing requirements and other violations of the Residential Landlord Tenant Act.

59. Denied.

60. Defendants are without information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 60 and therefore deny same and leave Butler to his proof. Defendants further aver that Plaintiff has been exposed to publicity generated about Plaintiff due to his conduct as a landlord before the Post on April 14, 2024, including the following:

a. On or about December 29, 2023, four tenants residing in other rental properties managed by Plaintiff brought suit in Rhode Island District Court, Sixth Division, entitled Rivera, et al. v. Butler, et al., 6CA-2024-00134 (hereinafter "Rivera lawsuit"), seeking injunctive relief and damages on the basis that Plaintiff had threatened to evict them "because they associated with a tenant organization and/or engaged in organizing efforts with a tenant organization and tenant organizers from Reclaim RI." Exhibits to the complaint included transcripts of emails and voice messages alleged to have been made by Plaintiff to his tenants and/or Defendants Cruz and Crandall.

b. On December 29, 2023, the Boston Globe published a print and online article reporting on the Rivera lawsuit. A copy of the article, as it appears on the Globe's website, is attached hereto and incorporated herein as **Exhibit 6**. In the online version of the article, the Globe quoted from the voicemails left by Butler on the phones of Cruz and Crandall and embedded links to the complete voicemail messages left by Butler, which could be accessed both audibly, in Butler's voice, as an "M4A", or as a transcript. A transcript of each voicemail as left by

Butler on the phones of Defendants Cruz and Crandall, and as published by the Globe on December 29, 2023, is attached hereto and incorporated herein as **Exhibit 7**. These transcripts were also filed as exhibits D and E to the complaint filed in the Rivera lawsuit.

c. On February 2, 2024, Plaintiff agreed to a Consent Order, entered by the District Court in the Rivera lawsuit, in which he agreed, among other things, “to remove all notices from all rental properties owned and/or managed by the defendants and related entities under their control which instruct tenants that representatives from a tenants’ union or similar organization are denied access to the property and/or state that the tenants’ tenancies will be affected should they disregard the notices barring representatives from a tenants’ union or similar organization” and acknowledged “that it is legal and within their rights for tenants to speak with representatives from tenants’ union or similar organization, and that it is legal and within their rights for tenants to invite representatives from a tenants’ union or similar organization into their homes.” A copy of the Consent Order as entered by the Court on February 5, 2024, is attached hereto and incorporated herein as **Exhibit 8**.

d. The March 29, 2024 press conference announcing the formation and activities of the Elmwood Tenants Union was reported in the Providence Journal on or about April 2, 2024, Exhibits 1 and 3 hereto, and the Boston Globe, Exhibit 2, hereto.

e. On April 5, 2024, the Boston Globe reported on actions by Cranston Mayoral candidate Fenton-Fung concerning Plaintiff and Mayor Hopkins in response to its April 2, 2024 article. A copy of the Globe article of April 5, 2024, is attached hereto and incorporated herein as **Exhibit 9**. The Globe online article included a live link to a post by Plaintiff on his personal TikTok page, where Plaintiff discussed, among other things, the ongoing controversy with certain tenants and tenant organizers and news articles and reporting concerning it.

f. The altercation and arrests on April 10, 2024, were reported by multiple news sources on April 10, 2024, including broadcasts by WPRI (<https://www.wpri.com/target-12/cranston-landlord-tenants-arrested-after-fight/>), and WJAR (<https://turnto10.com/news/local/cranston-rhode-island-police-arrest-four-landlord-tenant-dispute-1890-broad-disorderly-conduct-video-spring-street-realty-april-10-2024>), and in print media by Providence Business News (<https://pbn.com/report-cranston-landlord-tenants-charged-after-brawl/>) and the Boston Globe (<https://www.bostonglobe.com/2024/04/10/metro/cranston-landlord-tenants-arrested-union-inspection-apartment-complex/?p1=StaffPage&p1=Article Inline Text Link>).

g. A copy of the online article appearing in the Boston Globe on April 10, 2024, is attached hereto and incorporated herein as **Exhibit 10**. The Globe online article includes a live link to Plaintiff Butler’s personal TikTok page and the following: “Butler also details issues with his tenants on TikTok, where he has more than 227,000 followers.”

h. The news broadcast on WPRI, which continues to be accessible, includes an embedded video featuring Plaintiff and two other persons providing responding police officers a report and requesting that persons be arrested, followed by the arrest of Plaintiff and others.

i. Upon information and belief, for at least many months prior to April 14, 2024 and continuing to the present, Plaintiff has extensively promoted and shared information about himself with the general public through his account on TikTok, under the name “@jeffneverhadjobsecurity” including hundreds of videos featuring himself, his thoughts, including his responses to many of the public reports identified above, with over 200,000 “followers” and characterizing himself as “on line streaming content creator” and “public figure now because of TikTok.”

61. Denied.

**Count VI**

**Civil Conspiracy**

62. Defendants restate and incorporate by reference each of their responses to the preceding Paragraphs of the Complaint, as if fully set forth herein.

63. Denied.

64. Denied.

**AFFIRMATIVE DEFENSES**

Defendants give notice to Plaintiff that they intend to raise any other Affirmative Defenses, Counterclaims and/or Third Party Claims that may become apparent during the course of discovery.

**First Affirmative Defense**

Plaintiff's Complaint and each count thereof fail to state a claim upon which relief may be granted.

**Second Affirmative Defense**

The alleged Defamatory publication complained of is privileged under the Constitution of the United States and the Constitution of the State of Rhode Island.

**Third Affirmative Defense**

The alleged Defamatory publication complained of is privileged in that it is a fair comment and opinion.

**Fourth Affirmative Defense**

The alleged Defamatory publication complained of is privileged in that all such statements related to matters of public concern and were published in good faith and without malice towards plaintiff.

#### **Fifth Affirmative Defense**

Plaintiff's Complaint fails to state a claim upon which relief may be granted in that Defendants did not publish or republish any allegedly defamatory material concerning plaintiff.

#### **Sixth Affirmative Defense**

Plaintiff is and was a public figure, or in the alternative, a limited public figure.

#### **Seventh Affirmative Defense**

Defendants assert that Plaintiff's action and each of his claims are barred by the Rhode Island Limits on Strategic Litigation Against Public Participation Act, R.I. GEN LAWS § 9-33-1-et. seq., and Defendants are entitled to conditional immunity therefrom, as well as the recovery of their attorneys' fees and costs thereunder.

#### **Eighth Affirmative Defense**

Defendant did not act negligently or with reckless disregard for the truth.

#### **Ninth Affirmative Defense**

Plaintiff is not entitled to compensatory damages.

#### **Tenth Affirmative Defense**

Plaintiff is not entitled to punitive damages.

#### **Eleventh Affirmative Defense**

Plaintiff is not entitled to injunctive or other equitable relief.

#### **Twelfth Affirmative Defense**

To the extent Plaintiff has suffered any damages, such damages were caused by and are the responsibility of persons, parties, and/or entities other than Defendants.

### **Thirteenth Affirmative Defense**

To the extent Plaintiff has suffered any damages, such damages are the result of acts or omissions of third parties for which Defendants are not responsible.

### **Fourteenth Affirmative Defense**

Defendants deny that Plaintiff is entitled to any relief whatsoever, including any of the relief listed in the WHEREFORE clauses of each Count of the Complaint, and deny any all allegations contained therein.

WHEREFORE, Defendants pray that Plaintiff's Complaint be dismissed, that judgment be entered for the Defendants, plus costs, reasonable attorneys' fees, and such other and further relief as this Court shall deem just and proper under the circumstances.

### **COUNTERCLAIM**

Defendants bring this Counterclaim asserting Conditional Immunity under the Rhode Island Anti-SLAPP Act, R.I. Gen. Laws § 9-33 *et seq.* and allege as follows:

#### **Parties**

1. Defendants/Counterclaim Plaintiffs Melissa Potter ("Potter"), Kellee Silva ("Kellee Silva"), Shana Crandall ("Crandall"), Cherie Cruz ("Cruz"), and residents of Rhode Island.
2. Defendant/Counterclaim Plaintiff Reclaim RI is a domestic non-profit corporation operating within the State of Rhode Island with a principal place of business at 19 Forest Street, Providence, Rhode Island.
3. Plaintiff/Counterclaim Defendant Jeffrey Butler ("Butler") is a resident of Rhode Island.

**Factual Allegations**

4. At all times material to the complaint, Potter and Kellee Silva each resided in residential property located at 1890 Broad Street, Cranston, RI 02905 (“1890 Broad Street”). Upon information and belief, 1890 Broad Street was at that time owned by Spring Street Realty, LLC, and managed by Elmwood Realty Property Management. Upon information and belief, Jeffrey Butler was sole manager and owner of Spring Street Realty LLC.
5. Potter and Kellee Silva, among others, in Spring 2024 formed a tenants union, called the Elmwood Realty Tenants Union, with a goal to negotiate collectively with the owners and managers of 1890 Broad Street, including Butler, to repair and maintain the property.
  - a. Defendants/Counterclaim Plaintiffs further state that Potter and Kellee Silva, among others, publicly announced the formation of the Tenants Union at a press conference at the Broad Street address on March 29, 2024.
  - b. The press conference was reported in the Providence Journal on or about April 2, 2024 ( <https://www.providencejournal.com/story/business/2024/04/02/elmwood-realty-tenants-in-broad-street-apartments-unionize-against-landlord/73149513007/>, and <https://www.providencejournal.com/picture-gallery/news/local/2024/04/02/the-conditions-at-1890-broad-st-site-of-a-new-tenant-union/73168825007/>, accessed 12/15/2025). A copy of the two articles appearing in the Providence Journal (print and online) is attached as Exhibit 1.
  - c. The press conference was reported in the Boston Globe on or about April 2, 2024 (<https://www.bostonglobe.com/2024/04/02/metro/cranston-ri-renters-battle-flooding-pests->

[problematic-landlord/](#), accessed 12/15/2025). A copy of the article appearing in the Boston Globe (print and online) is attached as Exhibit 2.

d. A portion of the press conference was videotaped and made available by the Providence Journal as part of its reporting on April 2, 2024. A screenshot of the video and a transcript of the press conference, including remarks by Potter, Silva, Cruz, and others, is attached as Exhibit 3.

6. The “Elmwood Realty Tenants Union” was created with the aid, assistance, and direction of Reclaim, Crandall, and Cruz.

7. On April 10, 2024, an inspection was conducted at 1890 Broad Street, including the unit of Kellee Silva.

a. The inspection was ordered by the District Court of the State of Rhode Island by orders entered on April 5, 2024 by District Judge William Trezvant in matters filed by Potter, Kellee Silva, and another tenant (Stephanie Rodriguez) seeking an order of repairs to their rental properties at 189 Broad Street. These matters were docketed as case numbers Case No. 3CA-2024-02831 (Potter), 3CA-2024-2834 (Kellee Silva), and 3CA-2024-2835 (Stephanie Rodriguez). A copy of the petitions filed by Potter and Kellee Silva are attached as Exhibit 4.

b. District Judge Trezvant issued an order in all three cases, which order, among other things, directed defendant Landlord to conduct an inspection upon 48 hours’ notice. A copy of the order of April 5, 2024, is attached as Exhibit 5.

c. Upon information and belief, Butler conducted the inspection, with the presence of other staff or assistants.



8. Upon information and belief, during and after the inspection there was an exchange of words and efforts to prevent videotaping of the inspection by several persons in attendance, resulting in the summoning of the Cranston Police Department.
9. Upon information and belief, after reviewing video footage of the incident, Robert Silva, Eugene Vasquez, Kellee Silva, and Butler were arrested for disorderly conduct by the Cranston Police Department.
10. Upon information and belief, Robert Silva, Eugene Vasquez, Kellee Silva, and Butler were booked at the Cranston Police Department, and mugshots were taken of them.
11. Upon information and belief, the prosecution of all persons arrested on April 10, 2024, including Kellee Silva and Butler were dropped at the same time, and no further criminal action has been taken against any individual arrested on April 10, 2024, in relation to this incident.
12. Defendants/Counterclaim Plaintiffs further aver that the events of April 10, 2024 were extensively covered by the local news media on April 10, 2024, including
  - a. WPRI (<https://www.wpri.com/target-12/cranston-landlord-tenants-arrested-after-fight/>),
  - b. WJAR (<https://turnto10.com/news/local/cranston-rhode-island-police-arrest-four-landlord-tenant-dispute-1890-broad-disorderly-conduct-video-spring-street-realty-april-10-2024>),
  - c. Providence Business News (<https://pbn.com/report-cranston-landlord-tenants-charged-after-brawl/>);

d. the Boston Globe (<https://www.bostonglobe.com/2024/04/10/metro/cranston-landlord-tenants-arrested-union-inspection-apartment-complex/?p1=StaffPage&p1=Article Inline Text Link>).

13. As part of their tenant advocacy efforts, Kellee Silva and Potter administered social media accounts for the Elmwood Tenant Union, including a TikTok account, “@elmwoodtenantunionri” and/or “@elmwood\_ri” (the “Account”), and an Instagram account “elmwoodtenantunionri,” “@elmwoodtenantunionri.”
14. On or about April 14, 2014, a Post was posted on the Account. Upon information and belief, Exhibit A to the Complaint (the “Post”) contains a recording of the original Post created by recording the Post while it was playing on a cell phone, and continuing in a loop.
15. The original Post, upon information and belief, included:
  - a. A still picture of a TV screen displaying a Channel 10 news program (broadcast at 6:09 pm) containing a photograph of Butler from the April 10, 2024 incident;
  - b. The caption, “Jeffrey butler slumlord,” with a sub-caption of “[t]he public reviews speak for themselves on this one” and a “saluting” emoji;
  - c. The hashtags, “#jeffneverhadjobsecurity,” “#elmwoodrealty,” “#elmwoodtenantunion,” “#jeffreybutler,” “#slumlord,” “#landlord,” “#klarissabutler,” “#foryou,” “#foryoupage,” “#drama,” “#fyp,” “xyzabc,” “#viral,” “#springstreetrealty,” “#union,” “#messytiktok,” and “#lawyer;” and
  - d. A background audio containing an approximately 12-second fragment of a song provided by TikTok which, upon information and belief, consists of verse 3 of a song entitled “Asian Jake Paul,” by iDubbbz.( <https://genius.com/12805223?>, last accessed 12/13/2025), as

follows:

[first voice]

Oh my God, you're such a legend  
You make me so wet with your reckless spending  
You gained my respect and you're oh so funny  
Please, take me to your mansion and fuck me!

[second voice]

You're fucking delusional  
So try your best to remember  
You are not a pimp  
You're a borderline sex offender

16. The Post was made as part of numerous efforts to communicate with other tenants and members of the public on a matter of public concern, being the ongoing public and publicly-reported controversy concerning substandard living conditions at 1890 Broad Street and the failure of the owner/manager, including Butler, to adequately or timely address them.
17. The Post was one action on behalf of the Elmwood Realty Tenants Union.
18. The Elmwood Realty Tenants Union was organized with the assistance, aid, and sponsorship of Reclaim, Crandall, and Cruz.
19. Defendants/Counterclaim Plaintiffs continued to associate and engage in their efforts to organize tenants at 1890 Broad Street and to advocate for enforcement of laws protecting tenants after the Post was published on April 14, 2024.
20. Such association and advocacy to so engage and to act on matters of public concern are protected under state and federal laws and constitutions.
21. Butler has been exposed to and the subject of extensive local publicity generated about his conduct as a landlord before the Post on April 14, 2024, as well as his own

deliberate, intentional and voluntary exposure to the public, including the following:

a. On or about December 29, 2023, four tenants residing in other rental properties managed by Plaintiff brought suit in Rhode Island District Court, Sixth Division, entitled *Rivera, et al. v. Butler, et al.*, 6CA-2024-00134 (hereinafter “Rivera lawsuit”), seeking injunctive relief and damages on the basis that Plaintiff had threatened to evict them “because they associated with a tenant organization and/or engaged in organizing efforts with a tenant organization and tenant organizers from Reclaim RI.” Exhibits to the complaint included transcripts of emails and voice messages alleged to have been made by Plaintiff to his tenants and/or Cruz and Crandall.

b. On December 29, 2023, the Boston Globe published a print and online article reporting on the Rivera lawsuit. A copy of the article, as it appears on the Globe’s website, is attached hereto and incorporated herein as Exhibit 6. In the online version of the article, the Globe quoted from the voicemails left by Butler on the phones of Cruz and Crandall and embedded links to the complete voicemail messages left by Butler, which could be accessed both audibly, in Butler’s voice, as an “M4A”, or as a transcript. A transcript of each voicemail as left by Butler on the phones of Defendants Cruz and Crandall, and as published by the Globe on December 29, 2023, is attached as Exhibit 7. These transcripts were also filed as exhibits D and E to the complaint filed in the Rivera lawsuit.

c. On February 2, 2024, Butler agreed to a Consent Order, entered by the District Court in the Rivera lawsuit, in which he agreed, among other things, “to remove all notices from all rental properties owned and/or managed by the defendants and related entities under their control which instruct tenants that representatives from a tenants’ union or similar organization are denied access to the property and/or state that the tenants’ tenancies will be affected should they disregard the notices barring representatives from a tenants’ union or similar organization” and acknowledged

“that it is legal and within their rights for tenants to speak with representatives from tenants’ union or similar organization, and that it is legal and within their rights for tenants to invite representatives from a tenants’ union or similar organization into their homes.” A copy of the Consent Order as entered by the Court on February 5, 2024, is attached as Exhibit 8.

d. The March 29, 2024 press conference announcing the formation and activities of the Elmwood Tenants Union was reported in the Providence Journal on or about April 2, 2024, Exhibits 1 and 3 hereto, and the Boston Globe, Exhibit 2, hereto.

e. On April 5, 2024, the Boston Globe reported on actions by Cranston Mayoral candidate Fenton-Fung concerning Butler and Mayor Hopkins in response to its April 2, 2024 article. A copy of the Globe article of April 5, 2024, is attached as Exhibit 9. The Globe online article included a live link to a post by Butler on his personal TikTok page, where Butler discussed, among other things, the ongoing controversy with certain tenants and tenant organizers and news articles and reporting concerning it.

f. The altercation and arrests on April 10, 2024, were reported by multiple news sources on April 10, 2024, including broadcasts by WPRI (<https://www.wpri.com/target-12/cranston-landlord-tenants-arrested-after-fight/>), and WJAR (<https://turnto10.com/news/local/cranston-rhode-island-police-arrest-four-landlord-tenant-dispute-1890-broad-disorderly-conduct-video-spring-street-realty-april-10-2024>), and in print media by Providence Business News (<https://pbn.com/report-cranston-landlord-tenants-charged-after-brawl/>) and the Boston Globe (<https://www.bostonglobe.com/2024/04/10/metro/cranston-landlord-tenants-arrested-union-inspection-apartment-complex/?p1=StaffPage&p1=Article Inline Text Link>).

g. A copy of the online article appearing in the Boston Globe on April 10, 2024, is attached hereto and incorporated herein as Exhibit 10. The Globe online article includes a live link to Butler’s

personal TikTok page and the following: “Butler also details issues with his tenants on TikTok, where he has more than 227,000 followers.”

h. The news broadcast on WPRI, which continues to be accessible, includes an embedded video featuring Butler and two other persons providing responding police officers a report and requesting that persons be arrested, followed by the arrest of Butler and others.

i. Upon information and belief, for at least many months prior to April 14, 2024 and continuing to the present, Butler has extensively promoted and shared information about himself with the general public through his account on TikTok, under the name “@jeffneverhadjobsecurity” including hundreds of videos featuring himself, his thoughts, including his responses to many of the public reports identified above, with over 200,000 “followers” and characterizing himself as “on line streaming content creator” and “a public figure now because of TikTok.”

22. Without assuming the burden of proof thereon, the Post was not defamatory.

## COUNT I

### ***Conditional Immunity under the Rhode Island Anti-SLAPP Act, R.I. Gen Laws § 9-33 et seq.***

23. Defendants/Counterclaim Plaintiffs restate and incorporate herein all prior allegations set forth above.

24. Defendants/Counterclaim Plaintiffs are entitled to freedom of speech, association, and to petition the government for a redress of grievances under the First Amendment of the United States Constitution and Art. 1 §21 of the Rhode Island Constitution, as well as protections of the Rhode Island Residential Landlord-Tenant Act, R.I.G.L. §34-18-46, to organize and/or join a tenants’ union or similar organization.

25. With respect to the matters complained of in the Complaint, including but not limited to the Post, all actions of Defendants/Counterclaim Plaintiffs concerning Butler are

matters of public concern within the meaning of the anti-SLAPP Act, R.I.G.L. 9-33 et seq..

26. Butler's lawsuit constitutes a strategic lawsuit against public participation, brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances, for the purpose of deterring and/or punishing tenant advocacy and public speech by or on behalf of tenants to secure minimally habitable housing.

27. As a direct result whereof, Defendants/Counterclaim Plaintiffs are entitled to immunity from Butler's claims, including judgment in their favor, attorneys' fees and costs.

**WHEREFORE**, Defendants/Counterclaim Plaintiffs demand judgment in their favor against Plaintiff/Counterclaim Defendant and award mandatory costs and attorneys' fees pursuant to R.I.G.L. 9-33-2(d).

Defendants and Counterclaim Plaintiffs,  
By their attorneys,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2025, the within document was electronically filed through the Rhode Island Judiciary Case Management System by means of the EFS and is available for viewing and/or downloading by counsel of record.

/s/Mary C. Dunn