

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 24CV004366-310

AKIRA MONTAGUE,
Plaintiff,

v.

BRENAY KENNARD,
Defendant.

AMENDED COMPLAINT FOR
CRIMINAL CONVERSATION,
ALIENATION OF AFFECTION AND
ATTORNEY FEES (JURY TRIAL
DEMANDED)

NOW COMES Plaintiff, by and through counsel, complaining of Defendant, and saying as follows:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff is a citizen and resident of Durham County, North Carolina and has been for more than six (6) months preceding the commencement of this action.
2. Defendant is a citizen and resident of Pitt County, North Carolina and has been for more than six (6) months preceding the commencement of this action.
3. Upon information and belief, Defendant is employed as a Social Media Influencer with multiple sources of income, including but not limited to endorsements and commissions.
4. Defendant has over two million followers on Tiktok and Three Hundred Thousand followers on Instagram.
5. To the marital union Plaintiff and Plaintiff's Husband were lawfully married on October 20, 2018, in Wake County, North Carolina, and at all relevant times referred to herein remained husband and wife.
6. There were two children born of the marriage between Plaintiff and Plaintiff's Husband; Jakobi Darnell Montague born on June 10, 2019, and Baileigh Veneta Montague, born on July 2,

2021.

7. At all times since the date of marriage until events set forth in this complaint, Plaintiff and Plaintiff's Husband had a happy and loving marriage.

8. Plaintiff was a faithful and dutiful spouse and provided a comfortable home environment for Plaintiff's Husband.

9. Prior to the deliberate interference of Defendant, moreover, the marriage between Plaintiff and Plaintiff's Husband was one in which genuine love and affection existed between them.

10. Plaintiff and Plaintiff's Husband separated on March 14, 2024.

11. The interference of Defendant involved wrongful and malicious acts that caused Plaintiff and Plaintiff's Husband's genuine love and affection to be destroyed.

FIRST CAUSE OF ACTION:
CRIMINAL CONVERSATION

12. Plaintiff repleads and incorporates herein by reference, to the Jurisdictional Allegations set out in Paragraphs 1 through 11.

13. At all times mentioned herein, Defendant had actual knowledge of Plaintiff's marriage to Timothy Montague.

14. At all times mentioned herein, Defendant knew the home shared between Plaintiff and Plaintiff's Husband, and their children as the marital home.

15. Plaintiff and Defendant developed a close friendship due to Plaintiff's Husband being close with Defendant's Husband.

16. Defendant was married to the first cousin of Plaintiff's Husband.

17. Plaintiff considered Defendant as a friend, as they both confided in each other about one another's marriages.

18. Defendant utilized the personal information gained from the friendship to seduce Plaintiff's Husband.

19. Plaintiff confided in Defendant about personal matters concerning her marriage including Plaintiff's pregnancy with her second child during which Plaintiff's Husband cheated on her.

20. Defendant was aware that after Plaintiff's Husband cheated during Plaintiff's second pregnancy they reconciled and had a loving, affectionate and happy marriage.

21. Defendant is a Social Media Influencer and Plaintiff's Husband was a Sales Manager who managed Defendant.

22. Shortly after Defendant met Plaintiff's Husband, she engaged in behavior designed to seduce him and interfere with the couples marriage including, but not limited to:

- (a) Wearing very short skirts;
- (b) Bending over in front of Plaintiff's Husband while wearing short skirts;
- (c) Twirling her hair in a flirtatious manner;
- (d) Flicking her tongue to expose her tongue rings in a flirtatious manner and
- (e) Verbally flirting with Plaintiff's husband.

23. Defendant continued to pursue a friendship with Plaintiff while seducing Plaintiff's Husband.

24. Defendant would do cooking videos in the marital home, involving Defendant's Husband and Plaintiff and Plaintiff's Husband.

25. Defendant started to make social media posts with just Plaintiff's Husband involved, many of which were without Plaintiff's knowledge or consent.

26. Plaintiff was under the belief and had physical evidence Defendant engaged in acts of sexual intercourse with Plaintiff's husband during Plaintiff's marriage including in the marital home.
27. Defendant would insist that Plaintiff's Husband go with her on sales calls, by telling him that she "needed [her] sales manager to play with [her]."
28. Defendant first had sex with Plaintiff's Husband in December 2023, in the marital home.
29. Plaintiff became aware of Defendant's sexual affair with Plaintiff's Husband in January 2024, from a video of Defendant and Plaintiff's Husband in the marital home.
30. Defendant was seen twerking and shaking her bottom on Plaintiff's Husband in a bathroom located in the marital home.
31. Defendant and Plaintiff's Husband constantly flaunt their relationship to the public on social media.
32. Defendant constantly posts on social media showing a flirtatious interaction between her and Plaintiff's Husband in the comments by leaving hearts, emoji with heart eyes etc.
33. Defendant's public post reaches over 2.5 million people over the world wide web and social media.
34. Plaintiff's Husband and Defendant exchanged numerous sexual videos and text messages.
35. During a time Plaintiff's Husband experienced a death in the family and stayed home from work, Defendant without consent from Plaintiff stayed in the marital home while Plaintiff was at work.
36. Defendant made videos about how she couldn't wait to have Plaintiff's Husband's last name.
37. Defendant also talked about how good and sexy Plaintiff's Husband made her feel.
38. Defendant can be seen in a video recorded by Plaintiff's Husband laying on him in a bed, in a 'cuddle' position in the marital home.

39. Defendant can be found in self-recorded videos expressing her inappropriate feelings and interactions with Plaintiff's Husband including all but not limited to:

- (a) Expressing her overwhelming desire to have four to five kids with Plaintiff's Husband;
- (b) Alluding to how she can not wait to become "Mrs. Montague;"
- (c) Expressing how much she loves and yearns for her and Plaintiff's Husband to be together;
- (d) Expressing how she will do anything for Plaintiff's Husband and would give him the world;
- (e) Expressing how Plaintiff's Husband makes her female genitals throb;
- (f) Expressing how she feels when Plaintiff's Husband touches her, especially when his hand is on her thigh while driving;
- (g) Expressing how their sexual interactions make her feel, while detailing the size of Plaintiff's Husband's genitals.

40. Defendant can be seen in videos reminiscing and bragging about just having sexual intercourse with Plaintiff's Husband and wanting more of it.

41. Defendant can be seen in the videos laughing and showing no remorse for her actions making a mockery of Plaintiff and Plaintiff's Husband's marriage.

42. The acts of sexual intercourse between Defendant and Plaintiff's Husband were without consent or connivance of Plaintiff.

43. Plaintiff tried to reconcile the marriage by suggesting marriage counseling but Plaintiff's Husband refused and took off Plaintiff's ring pushing it in her chest.

44. Defendant's acts of sexual intercourse with Plaintiff's Husband during Plaintiff's marriage resulted in the separation of Plaintiff and Plaintiff's Husband.

45. Plaintiff recalls a moment in February 2024, where she walked into the marital home and Plaintiff's Husband did not acknowledge her, moreover when Defendant walked into the marital home seconds later Plaintiff's Husband acknowledged Defendant.

46. Defendant had engaged in an emotional and sexual affair with Plaintiff's Husband since at least December 2023, all while having knowledge of Plaintiff and Plaintiff's husband's marital union.

47. Defendant told at least one of Plaintiff's friends that Plaintiff's Husband would cheat on Plaintiff.

48. Since December 2023, Defendant had sex on multiple other occasions with Plaintiff's Husband in the marital home and in Defendant's home.

49. Between December 2023, until present day, Defendant had sex on other numerous occasions with Plaintiff's Husband, which included sex in the marital home while Plaintiff was asleep.

50. During the time period of the affair, as alleged above, Defendant and Defendant's Husband had double dates with Plaintiff and Plaintiff's Husband, attended family gatherings, group dinners, holiday parties, birthday parties, and basketball and baseball games with the Plaintiff and Plaintiff's Husband.

51. Defendant attended a Christmas celebration with Plaintiff, Plaintiff's Husband, and Defendant's Husband in December 2023, at Plaintiff's Mother's house.

52. Defendant's social media pages are known for involving death threats toward Defendant.

53. Defendant has posted Plaintiff's minor children without Plaintiff's consent all over social media, to Defendant's high volume of followers.

54. Defendant's action was so severe Plaintiff had to send a cease and desist letter to stop Plaintiff and Plaintiff's children from receiving death threats.

55. Plaintiff's Husband abandoned Plaintiff and their children and left the marital home and moved into Defendant's townhouse in Greenville, NC.

56. At this present time Defendant continues a public relationship with Plaintiff's Husband.

57. Defendant provided housing and financial support to Plaintiff's Husband, including cosigning the lease for the apartment where Plaintiff's Husband currently resides.

58. Defendant, well knowing Timothy Montague to be Plaintiff's Husband, unlawfully gained the affections of Plaintiff's husband, alienated his affections from Plaintiff, and induced him to neglect Plaintiff, their children, and their home.

59. Defendant has flaunted her affair and romantic relationship with Plaintiff's Husband in public and private places, in and around friends and acquaintances of Plaintiff, and with the intent to humiliate Plaintiff.

60. As a direct result of Defendant's actions including sexual intercourse with Plaintiff's Husband and Defendant's excessive posting on social media, Plaintiff has been deprived of: a) the right to consortium, b) society, companionship, friendship, sexual relations, aid and assistance, and c) economic and financial support from Plaintiff's Husband.

61. As a direct result of Defendant's actions including sexual intercourse with Plaintiff's Husband, Plaintiff has suffered humiliation, mental and emotional anguish, and injury to her health.

62. As a direct result of Defendant's malicious and unlawful conduct with Plaintiff's Husband the children born to the marriage have been deprived of a two parent household with the love and affection from their mother and father and financial stability.

63. As a direct result of Defendant's malicious and unlawful conduct with Plaintiff's Husband and the unauthorized exposure of the children born to the marriage the children have been deprived of their privacy and subjected to safety concerns and will likely suffer future humiliation due to Defendant's social media content that exposed the children.

64. As a result of Defendant's actions Plaintiff is in counseling with a licensed therapist.

65. As a result of Defendant's actions Plaintiff's family members are being harassed by Defendant's supporters causing Plaintiff further humiliation and distress.

66. Plaintiff has experienced extreme emotional distress since the malicious and intentional actions of Defendant and finding out about the sexual interactions between the Defendant and Plaintiff's Husband in the marital home.

67. The entirety of the conduct and the injuries complained of in this Complaint for which relief is sought occurred in the State of North Carolina.

68. Due to the above-mentioned conduct of Defendant, Plaintiff has been damaged in an amount in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00).

69. The acts of the Defendant were malicious, unlawful, willful and wanton. The evidence will display ill-will, spite, rudeness and oppression against the Plaintiff and was done with a careless, reckless, conscious and intentional disregard of and indifference to the rights of Plaintiff. By reason thereof, Plaintiff is entitled to recover punitive damages from Defendant.

SECOND CAUSE OF ACTION:

ALIENATION OF AFFECTION

70. Plaintiff realleges and incorporates herein by reference the allegations contained in Paragraphs 1-69 as if fully set forth herein.

71. Plaintiff and Plaintiff's Husband had a supportive and loving marriage prior to the acts and conduct of Defendant as herein being alleged with genuine love and affection existing between Plaintiff and Plaintiff's Husband.

72. Upon information and belief, Plaintiff's Husband and Defendant became friends when Defendant married Plaintiff's Husband's first cousin.

73. Defendant indicated she was having marital problems and began to stay in the marital home of Plaintiff and Plaintiff's Husband.

74. Defendant continuously used the information gained from the friendship with Plaintiff including information vented to her about Plaintiff's marriage to gain the trust and confidence of Plaintiff's Husband.

75. Defendant had knowledge of Plaintiff's Husband previously cheating on her during Plaintiff's second pregnancy.

76. Defendant then proceeded to seduce and have sexual intercourse with Plaintiff's Husband, despite their "friendship."

77. Defendant never disclosed the inappropriate relationship between Defendant and Plaintiff's Husband to Plaintiff and continued to be Plaintiff's friend.

78. Defendant made several social media posts with all four parties throughout the year 2023 including: Plaintiff and Plaintiff's Husband, and Defendant and Defendant's Husband.

79. Defendant showcased the life of the two couples on social media without showing Plaintiff's preference for privacy and then proceeded to seduce and have sexual intercourse with Plaintiff's Husband.

80. Plaintiff was not in all of the content because she preferred to remain private.

81. Defendant started to make social media posts with just Plaintiff's Husband, many of which were without Plaintiff's knowledge or consent.

82. Defendant presented Plaintiff's Husband to the world as if he was Defendant's husband and/or boyfriend.

83. In December 2023, Defendant came to Plaintiff's Mothers' home and spent Christmas with Plaintiff's family, Plaintiff, Plaintiff's Husband and Defendant's Husband.

84. Defendant would also spend time with Plaintiff and Plaintiff's Husband's biological children.

85. Defendant would constantly call the Plaintiff's children her "God children" and proceeded to seduce and have sexual intercourse with Plaintiff's Husband (their biological father).

86. Defendant, while knowing that Tim Montague was Plaintiff's Husband, was supposed to be Plaintiff's best friend, but willingly engaged in inappropriate behavior that included sexual intercourse with Plaintiff's Husband without the consent of Plaintiff.

87. Defendant while knowing that Tim Montague was Plaintiff's Husband, engaged in sexual relations and intercourse with Plaintiff's husband on more than one occasion before Plaintiff and Plaintiff's Husband separated.

88. Defendant has flaunted her affair and romantic relationship with Plaintiff's Husband in public and private places, in the presence of friends and acquaintances of Plaintiff and with the intent to humiliate Plaintiff.

89. Plaintiff's Husband is seen in numerous videos on Defendant's social media using keys to open doors implying his access to Defendant's home.

90. Plaintiff's Husband has a garage door opener to Defendant's one door garage.

91. Plaintiff's Husband moved his drum set that he plays multiple times each day into the Defendant's home.

92. Upon information and belief Plaintiff's Husband is now residing at Defendant's home and subleasing his apartment.

93. Defendant has flaunted the affair and romantic relationship on various platforms such as Facebook, TikTok, Instagram and Twitter with millions of viewers.

94. Defendant wrongfully and maliciously deprived Plaintiff of the companionship, society, contributions and services of Plaintiff's Husband, without regard for the well-being of Plaintiff's marriage and family.

95. Plaintiff was a supportive, dutiful and faithful wife and maintained a loving and healthy home environment for her Husband and their two minor children.

96. Defendant's tortious actions include but are not limited to:

- (a) Engaging in a sexual and personal relationship with Plaintiff's Husband during his marriage to Plaintiff.
- (b) Using confidential information shared between both parties (Plaintiff and Defendant), to seduce Plaintiff's Husband.

- (c) Having sexual intercourse with Plaintiff's Husband in their marital home.
- (d) Having sexual intercourse with Plaintiff's Husband in the marital home, in the marital bed.
- (e) Having sexual intercourse with Plaintiff's Husband in the marital home on the couch.
- (f) Making social media posts to Defendant's millions of followers with Plaintiff's Husband and showing the entire world wide web that they are in fact a couple.
- (g) Making social media posts to humiliate Plaintiff and make disparaging comments about Plaintiff and negatively referring to Plaintiff as "that girl."
- (h) Planning and taking trips with Plaintiff's Husband without the knowledge or consent of Plaintiff.
- (i) Making several videos expressing her love for Plaintiff's Husband.
- (j) Making several videos expressing her future with Plaintiff's Husband including having four to five kids and getting married.
- (k) Making several videos with Plaintiff's Husband stating that she can not wait to be "Mrs. Montague."
- (l) Allowing Plaintiff's Husband to move in with her when he left the marital home due to Defendant's actions.
- (m) Assisting Plaintiff's Husband in securing housing to help him leave the marital home that they shared, including cosigning a lease to the apartment Plaintiff's Husband currently resides in.

97. During the time described and as a direct result of Defendant's seduction of Plaintiff's Husband, Plaintiff's Husband began to withdraw emotionally from Plaintiff.

98. Plaintiff's Husband hid phone and email communications with Defendant from Plaintiff. Additionally, Plaintiff's Husband began concealing his financial matters and expenses, including hiding the many outings, dates, transactions, and payments with Defendant from Plaintiff.

99. Plaintiff's Husband was taking Defendant on outings and dates. Defendant concealed these outings and dates from Plaintiff.

100. Plaintiff recalls a moment in February 2024, where she walked into the marital home and Plaintiff's Husband did not acknowledge her, moreover when Defendant walked into the marital home seconds later he acknowledged Defendant.

101. Plaintiff tried to reconcile the marriage by suggesting marriage counseling but Plaintiff's Husband refused and took off Plaintiff's ring pushing it in Plaintiff's chest.

102. Plaintiff is in therapy as a result of Defendant's malicious and deliberate acts.

103. Plaintiff is experiencing extreme emotional distress as a result of Defendant's actions.

104. Defendant pursued a romantic and inappropriate relationship with Plaintiff's Husband and engaged in such relationship knowingly and aware of the existence of Plaintiff's marriage and young children in Plaintiff's home. Despite such knowledge, and knowing the fatalistic effect that Defendant's relationship with Plaintiff's Husband would have on the marital relationship, Defendant continued and persisted in a course of conduct that was deliberate and intentional, and maliciously designed to seduce Plaintiff's husband and to alienate Plaintiff's Husband's love and affection from Plaintiff.

105. Defendant has intentionally, wrongfully and unjustifiably interfered with the relationship between Plaintiff and Plaintiff's Husband. Defendant's repeated actions and behavior, knowing that Plaintiff was seeking to maintain and continue a relationship of love and affections with Plaintiff's husband, were reckless and willful and especially aggravated and wanton.

106. After the commencement of a lawsuit against Defendant, during a public live on Defendant's influencer Tiktok account seen by over seventeen thousand viewers Defendant in the presence of Plaintiff's Husband:

(a) Did not show any remorse for ruining the Montague family.

(b) Tried to justify her actions of sleeping with Plaintiff's Husband by stating that Plaintiff has gone through her Husband cheating on her before with another woman and did not bring charges against her.

- (c) Expressed that Plaintiff has been through this same situation previously with another woman, which Plaintiff's Husband in the background verbally agreed with Defendant.
- (d) Admitting to their affair with one another.
- (d) Did not show any remorse for her own Husband's "broken heart."
- (e) Did not deny any of the allegations against her, instead said "influencers do things for views sometimes."
- (f) Expressed she was living her best life, and "everyone can stay mad."
- (g) Expressed that she makes Plaintiff mad and uncomfortable.
- (h) Constantly antagonized Plaintiff during the live, who was her friend prior to Plaintiff finding out about the affair.
- (i) Expressed Plaintiff is just jealous of her and if she wanted Plaintiff's Husband she could have him.
- (j) During the time that Defendant was on TikTok live, Plaintiff's Husband was seen in the background making derogatory comments about his wife/Plaintiff.
- (k) Defendant continuously stated that she "does not care" and "so what" regarding her actions and the harm that was caused to the Montague family.

107. As a direct and proximate result of the wrongful, willful, wanton, aggravating and malicious conduct of Defendant, the marital relationship between Plaintiff and Plaintiff's Husband was irretrievably damaged and destroyed.

108. As a direct and proximate result of the wrongful, willful, wanton, aggravating and malicious conduct of Defendant, Plaintiff has been deprived of the love, affection, companionship, society, consortium, sexual relations and economic support of Plaintiff's Husband and Plaintiff has suffered injury to her physical and mental health and reputation.

109. As a result of Defendant's malicious conduct, and the humiliation it has caused, Plaintiff is currently seeking counseling from a licensed therapist.

110. Defendant's repeated actions and behavior in pursuing and engaging in an inappropriate romantic relationship including publicly displaying the relationship; knowing that Plaintiff was maintaining and continuing a marital relationship with Plaintiff's Husband and parties (Plaintiff & Plaintiff's Husband) were raising their biological children together in the marital home, were reckless and willful, and especially aggravating and wanton, for which Defendant is liable for punitive damages to Plaintiff.

111. Due to the above-mentioned conduct of Defendant, Plaintiff has been damaged in an amount in excess of One Million Dollars (\$1,000,000.00).

112. That acts of Defendant were malicious, unlawful, willful and wanton. The evidence will display ill-will, spite, rudeness and oppression against Plaintiff and was done with a careless, reckless, conscious and intentional disregard of and indifference to the rights of Plaintiff. By reason thereof, Plaintiff is entitled to recover punitive damages from Defendant.

THIRD CAUSE OF ACTION

ATTORNEY FEES

113. Plaintiff hereby incorporates by reference paragraphs 1-105 herein as if fully set forth

114. Plaintiff has instituted this action in good faith and does not possess the resources with which to pay the costs incurred in this action including reasonable attorneys's fees incurred in connection with Plaintiff's claims for Criminal Conversation and Alienation of Affection.

115. Defendant's actions were the sole, actual, and proximate cause of Plaintiff having to incur substantial attorney's fees and that, but for the conduct of Defendant, Plaintiff would not now be in a position of having to secure counsel and of having to incur substantial attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays the Court as follows:

1. Pursuant to Plaintiff's First Claim for Relief, Plaintiff have and recover from Defendant compensatory damages in an amount in excess of Two Hundred and Fifty Thousand Dollars (\$250,000.00);

2. Pursuant to Plaintiff's First Claim for Relief, Plaintiff have and recover from Defendant punitive damages in an amount in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);
3. Pursuant to Plaintiff's Second Claim for Relief, Plaintiff have and recover from Defendant compensatory damages in an amount in excess of One Million Five Hundred Dollars (\$1,500,000.00) for Defendant's alienation of affection of Plaintiff's Husband and Plaintiff's loss of society, comfort, friendship, assistance, consortium, sexual relations and economic support of Plaintiff's Husband, and injury to Plaintiff's health, feelings and reputation.
4. Pursuant to Plaintiff's Second Claim for Relief, Plaintiff have and recover from Defendant punitive damages in an amount in excess of One Million Five Hundred Dollars (\$1,500,000.00). Defendant intentionally slept with Plaintiff's husband and now is in a relationship with him.
5. That Plaintiff have and recover from Defendant pursuant to provisions of N.C.G.S. 24-5 for compensatory damages recovered from Defendant for criminal conversations.
6. That Plaintiff have and recover interest of Defendant pursuant to the provisions of N.C.G.S. 24-5 for compensatory damages recovered from Defendant for alienation of affection.
7. That all issues in this case be tried by a jury;
8. That the costs of this action be taxed against Defendant;
9. That Defendant be required to pay the cost of this action including reasonable attorney fees incurred in connection with Plaintiff's claims for Alienation of Affection and Criminal Conversation;
10. For such other and further relief as the Court may deem just and proper.

This 2nd day of June 2024.

/s/ Robonetta B. Jones

Robonetta B. Jones, Attorney for Plaintiff

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