

**FILED**

JUN 28 2011

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

JOSEPH FARAH,  
c/o 2020 Pennsylvania Avenue, N.W.  
#351  
Washington, D.C. 20006

JEROME CORSI,  
c/o 2020 Pennsylvania Avenue, N.W.  
#351  
Washington, D.C. 20006

WORLDNETDAILY.COM  
c/o 2020 Pennsylvania Avenue, N.W.  
#351  
Washington, D.C. 20006

And WND BOOKS,  
c/o 2020 Pennsylvania Avenue, N.W.  
#351  
Washington, D.C. 20006

Plaintiffs,

vs.

ESQUIRE MAGAZINE, INC.,  
300 West 57<sup>th</sup> Floor  
New York, New York 10019

HEARST COMMUNICATIONS INC.,  
300 West 57<sup>th</sup> Street  
New York, New York 10019

and MARK WARREN,  
c/o 300 West 57<sup>th</sup> Street  
New York, New York 10019

Defendants.

**JURY  
ACTION**

Case: 1:11-cv-01179  
Assigned To : Collyer, Rosemary M.  
Assign. Date : 6/28/2011  
Description: General Civil

CIVIL ACTION NO. \_\_\_\_\_

**COMPLAINT**

Plaintiffs, Joseph Farah, Jerome Corsi, WorldNetDaily.com, and WND Books bring this complaint against Defendants Esquire Magazine, the Hearst Communications Inc. and Mark Warren and allege as follows:

**Jurisdiction and Parties**

1. This is a case and controversy between citizens of different states, the causes of action exceed \$75,000 in damages and is based upon violation of federal statutes as well as the common law. This case and controversy arose in the District of Columbia and elsewhere.
2. Plaintiff Joseph Farah is at all times material hereto the Editor and Chief Executive Officer of WorldNetDaily.com, a news and commentary Internet publication which competes nationally and internationally with Defendant Esquire Magazine. Mr. Farah at all material times resides in Virginia. WND Books is a wholly owned subsidiary of WorldNetDaily.com.
3. Plaintiff Jerome Corsi is a world renowned author of several New York Times bestsellers and at all material times resides in New Jersey. He is the author of the newly released book by WND Books, "Where's the Birth Certificate? The Case that Barack Obama is Not Eligible to be President."
4. Plaintiff WorldNetDaily.com, as set forth in paragraph 2, at all material times is incorporated in Delaware and is the parent/holding company of WND Books and does business in the District of Columbia, nationally and internationally.
5. Defendant, Esquire Magazine Inc. ("Esquire"), is a print and Internet publication that competes with Plaintiff WorldNetDaily and is incorporated

in New York, and does business nationally and internationally, and in particular in the District of Columbia.

6. Defendant, The Hearst Communications Inc. (“Hearst”), is a multi-media conglomerate which publishes Esquire, and is incorporated in California, is the parent/holding company of Esquire and does business nationally and internationally, and in particular in the District of Columbia.
7. Defendant Mark Warren is the Executive Editor for Esquire for both its print and Internet publications. Mr. Warren resides in the District of Columbia.

#### **THE FACTS**

8. Plaintiffs Farah, Corsi, WorldNetDaily.com and WND Books (“collectively WorldNetDaily”) have at all material times covered the controversy concerning whether or not President Barack Hussein Obama is a natural-born American citizen eligible to be President of the United States.
9. In this regard, WND Books has recently published a book by Plaintiff Corsi entitled “Where’s the Birth Certificate? The Case that Barack Obama is not Eligible to be President,” which bears on President Barack Obama’s eligibility to have been elected and continue to serve as President of the United States.
10. About 25 percent of the American people believe that because President Barack Obama waited many years to release what he now claims is his birth certificate, as well as other factors, that the newly released birth

certificate is fraudulent and that he is not eligible to be President of the United States.

11. President Barack Hussein Obama, wanting to try to eliminate this issue among voters and the American populace, recently released what many people, including Plaintiff Corsi, have reason to believe is a fraudulent birth certificate purporting to show that he was born in Hawaii.
12. Specifically, just as Plaintiff's book was released, Defendants, each and every one of them, caused to be published and did publish at a minimum on the Internet, nationally and internationally, and specifically in the District of Columbia, an article entitled "Breaking: Jerome Corsi's Birther Book Pulled from Shelves?" about Plaintiffs' book. This article published on or about 10 am on May 18, 2011, set forth false and misleading facts about the Plaintiffs' book and stated in pertinent part: "In a stunning development one day after the release of 'Where's the Birth Certificate? The Case that Barack Hussein Obama is Not Eligible to be President,' by Dr. Jerome Corsi, World Net Daily Editor and Chief Executive Officer Joseph Farah has announced plans to recall and pulp the entire 200,000 first printing run of the book, as well as announcing an offer to refund the purchase price to anyone who has already bought either a hard copy or electronic download of the book. In an exclusive interview, a reflective Farah, who wrote the book's foreword and also published Corsi's earlier best selling work, 'Unfit for Command: Swift Boat Veterans Speak out Against John Kerry' and 'Capricorn One: NASA, JFK, and the Great "Moon

Landing" Cover-Up,' said that after much serious reflection, he could not go forward with the project. 'I believe with all my heart that Barack Obama is destroying this country, and I will continue to stand against his administration at every turn, but in light of recent events, this book has become problematic, and contains what I now believe to be factual inaccuracies,' he said this morning. 'I cannot in good conscience publish it and expect anyone to believe it.' When asked if he had any plans to publish a corrected version of the book, he said cryptically, 'There is no book.'

Farah declined to comment on his discussions of the matter with Corsi. A source at WND, who requested that his name be withheld, said that Farah was 'rip shit' when on April 27, President Obama took the extraordinary step of personally releasing his 'long-form' birth certificate, thus resolving the matter of Obama's legitimacy for 'anybody with a brain.' 'He called upon Corsi and really tore him a new one,' says the source. 'I mean, we'll do anything to hurt Obama, and erase his memory, but we don't want to look like fucking idiots, you know? Look, at the end of the day, bullshit is bullshit.' Corsi, who graduated from Harvard and is a professional journalist, could not be reached for comment."

13. Immediately following the Esquire and Warren publication, news organizations, readers of WorldNetDaily, purchasers and distributors of WND Books and others began contacting Plaintiff Farah for confirmation of the story and comment. In addition, consumers began requesting refunds

and book supporters began attacking Farah and Corsi. Book stores also began pulling the book from their shelves, or not offering it for sale at all.

14. Only when Plaintiff Farah on behalf of himself and the other Plaintiffs issued a statement saying that he was exploring legal options against Esquire and Warren did they purport to issue a disclaimer. However, this so-called disclaimer was as false, misleading and legally actionable as the initial story that was published by the Defendants. Adding “insult to injury,” it represented later that day on the Internet, nationally and internationally, including the District of Columbia, the following false, misleading and disparaging information: “... for those who didn’t figure it out yet, and the many on Twitter for whom it took a while: We committed satire this morning to point out the problems with selling and marketing a book that has had its core premise and reason to exist gutted by the news cycle, several weeks in advance of publication. Are its author and publisher chastened? Well no. They double down, and accuse the President of the United States of perpetrating a fraud on the world by having released a forged birth certificate. Not because this claim is in any way based on reality, but to hold their terribly gullible audience captive to their lies, and to sell books. This is despicable, and deserves only ridicule. That’s why we committed satire in the matter of the Corsi book. Hell, even the president has a sense of humor about it all. Some more serious reporting from us on this whole “birther” phenomenon here, here, and here.”

15. The so-called disclaimer of Defendants Warren and Esquire was not a disclaimer at all. It was another actionable attack on Plaintiffs and exhibited the malice of Defendants toward the Plaintiffs. This actionable conduct and malice later manifested itself in comments made by Defendants to The Daily Caller, another Internet publication read by a viewing audience interested, among other topics, in the “birther issue.” Defendant Warren, on behalf of himself and Esquire, told The Daily Caller that they had “no regrets” in posting the subject stories and that Plaintiff Corsi, and by extension the other Plaintiffs, are an “execrable piece of shit.” The Daily Caller published these statements on May 18 and 19, 2011 in the District of Columbia, nationally and internationally.
16. These actionable statements remain on the Internet and have been widely published domestically, in the District of Columbia, and around the world.
17. Contrary to the false, misleading and otherwise actionable statements of Defendants, Plaintiffs never contemplated, much less offered, to pull the book from shelves, refund purchases to consumers and believed at all material times that the contents of the book are accurate and newsworthy. However, the representations of the Defendants, each and every one of them, resulted in books being pulled from the shelves by booksellers, harmed sales and damaged the goodwill and reputation of Plaintiffs among the buying and consuming public, in the District of Columbia and elsewhere. Defendants' stated malicious purpose in harming Plaintiff, through their actions, succeeded as planned.

### **COUNT I – DEFAMATION**

18. Plaintiffs re-allege and re-aver paragraphs 1 through 17 of the complaint as if fully set forth herein.
19. As set forth above, Defendants, jointly and severally, made false and defamatory statements about Plaintiffs, published these statements to third parties, the Defendants' publications were made with malice and at least were negligent, and these statements are actionable as a matter of law irrespective of special harm, but indeed did cause Plaintiffs, each and every one of them, special harm.
20. Plaintiffs sustained and prays for actual and compensatory monetary damages to compensate them for lost business, loss of good will and reputation as a result of Defendants' actions, in an amount in excess of \$10,000,000, and punitive damages in excess of \$20,000,000, plus attorneys fees and costs and such other relief as this court may deem just and proper.

### **COUNT II – FALSE LIGHT**

21. Plaintiffs re-aver and re-allege paragraphs 1 through 17 of the complaint as if fully set forth herein.
22. As set forth above, Defendants' misleading and false statements and related actions, which were joint and several, were outrageous and admittedly held Plaintiffs Farah and Corsi up for extreme ridicule in the community where they reside and where their works are viewed and read,



including but not limited to the District of Columbia and throughout the United States and abroad.

23. This severely damaged the Plaintiffs Farah and Corsi.

24. Plaintiffs Farah and Corsi sustained and pray for actual and compensatory damages for business losses and to their good will and reputation in an amount in excess of \$5,000,000, and punitive damages in an amount in excess of \$10,000,000, plus attorneys fees and costs, and such other relief as the court may deem just and proper.

**COUNT III- TORTIOUS INTERFERENCE**  
**WITH BUSINESS RELATIONS**

25. Plaintiffs re-allege and re-aver paragraphs 1 through 17 of the complaint as if fully set forth herein.

26. Plaintiffs, each and every one of them, and at all material times had a business relationship with distributors and booksellers, such as Borders, Barnes & Noble, Amazon, Tower and others, who sell and distribute their books to the consuming public, including the book at issue in this complaint.

27. Defendants, each and every one of them, and at all material times, have knowledge of these relationships.

28. Defendants, each and every one them, jointly and severally, intentionally interfered with these relationships, causing and/or inducing the abridgment, limitation, breach or termination of these relationships as concerns the sale of the subject book.

29. As a result of Defendants' actions, jointly and severally, Plaintiffs sustained and pray for actual and compensatory damages in an amount in excess of \$10,000,000 and punitive damages in excess of \$ 20,000,000, and attorneys fees and costs and such other relief as this court may deem just and proper.

**COUNT IV - LANHAM ACTION VIOLATIONS UNDER 15 U.S.C. 1125 (a)((1)(A).**

**(B).**

30. Plaintiffs re-allege and re-aver paragraphs 1 through 17 of this complaint as if fully set forth herein.

31. Defendants are commercial competitors of the Plaintiffs generally and with regard to the issue of President Barack Obama's birth certificate and his country of birth.

32. Defendants, each and every one of them, jointly and severally, caused confusion, mistake and deception through their publication of false and misleading information and description of fact which include but are not limited to the accuracy, motives, nature, characteristics, and qualities of the subject book, on their Internet advertising and reporting sites, and as republished by others both domestically and internationally, in the District of Columbia and elsewhere.

33. Defendants' actions, each and every one of them, jointly and severally, damaged Plaintiffs in an amount in excess of \$30,000,000.

34. Plaintiffs pray for damages as calculated under the above statutes, trebled, in an amount, in an amount to be determined by the trier of fact, attorneys fees and costs, and such other relief as this court may deem just and proper.

COUNT V – INVASION OF PRIVACY

35. Plaintiffs re-allege and re-aver paragraphs 1 through 17 of the complaint as if fully set forth herein.

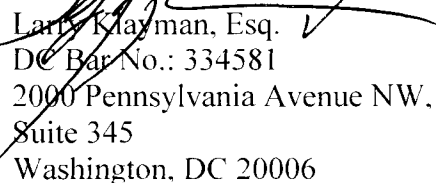
36. Defendants' wholly fabricated, false and misleading quotations attributed to Plaintiffs and use and misuse of Plaintiffs' names, without authorization, were intentional, and with malice, and were calculated and did substantially damage Plaintiffs, each and every one of them, and constitutes the common law tort of invasion of privacy.

37. Defendants acted jointly and severally.

38. Plaintiffs pray for actual and compensatory damages in excess of \$100,000,000, and punitive damages in excess of \$20,000,000, plus attorney's fees and costs and such other relief as this court may deem just and proper.

Plaintiff prays for a trial by jury of all claims so triable.

Respectfully submitted,

  
Larry Klayman, Esq.  
DC Bar No.: 334581  
2000 Pennsylvania Avenue NW,  
Suite 345  
Washington, DC 20006