

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

DEVIN G. NUNES)
)
 Plaintiff,)
)
 v.)
)
 CABLE NEWS NETWORK, INC.)
)
 Defendants.)
_____)

Case No. 3:19-cv-889

**TRIAL BY JURY
IS DEMANDED**

COMPLAINT

Plaintiff, Devin G. Nunes, by counsel, files the following Complaint against defendant, Cable News Network, Inc. (“CNN”).

Plaintiff seeks (a) compensatory damages and punitive damages in an amount not less than **\$435,350,000**, (b) prejudgment interest on the principal sum awarded by the Jury from November 22, 2019 to the date of Judgment at the rate of six percent (6%) per year pursuant to § 8.01-382 of the Virginia Code (1950), as amended (the “Code”), and (c) court costs – arising out of CNN’s defamation and common law conspiracy.

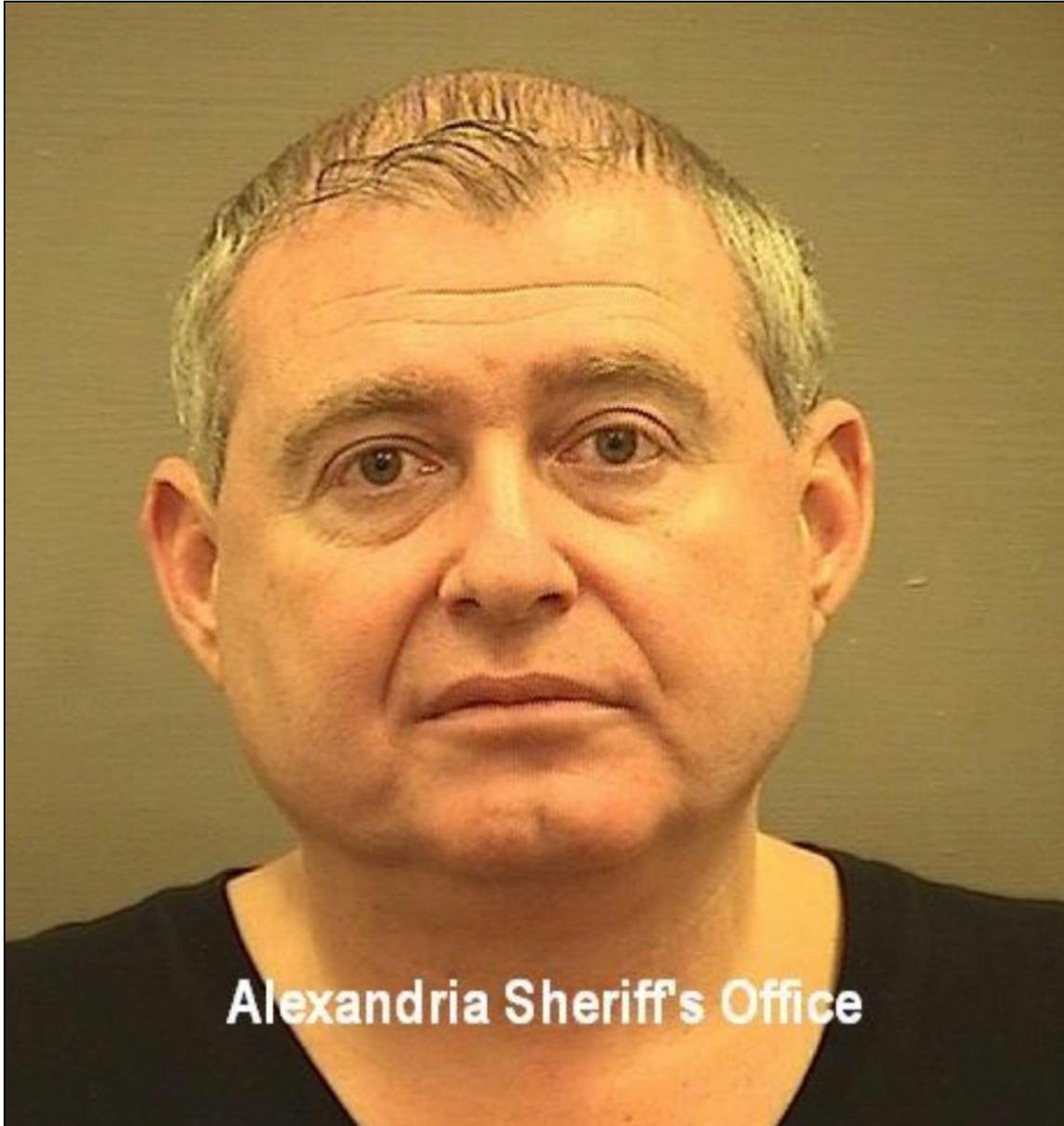
I. INTRODUCTION

1. CNN is the mother of fake news. It is the least trusted name. CNN is eroding the fabric of America, proselytizing, sowing distrust and disharmony. It must be held accountable.

2. On November 22, 2019, CNN published a demonstrably false hit piece about Plaintiff. CNN intentionally falsified the following facts:

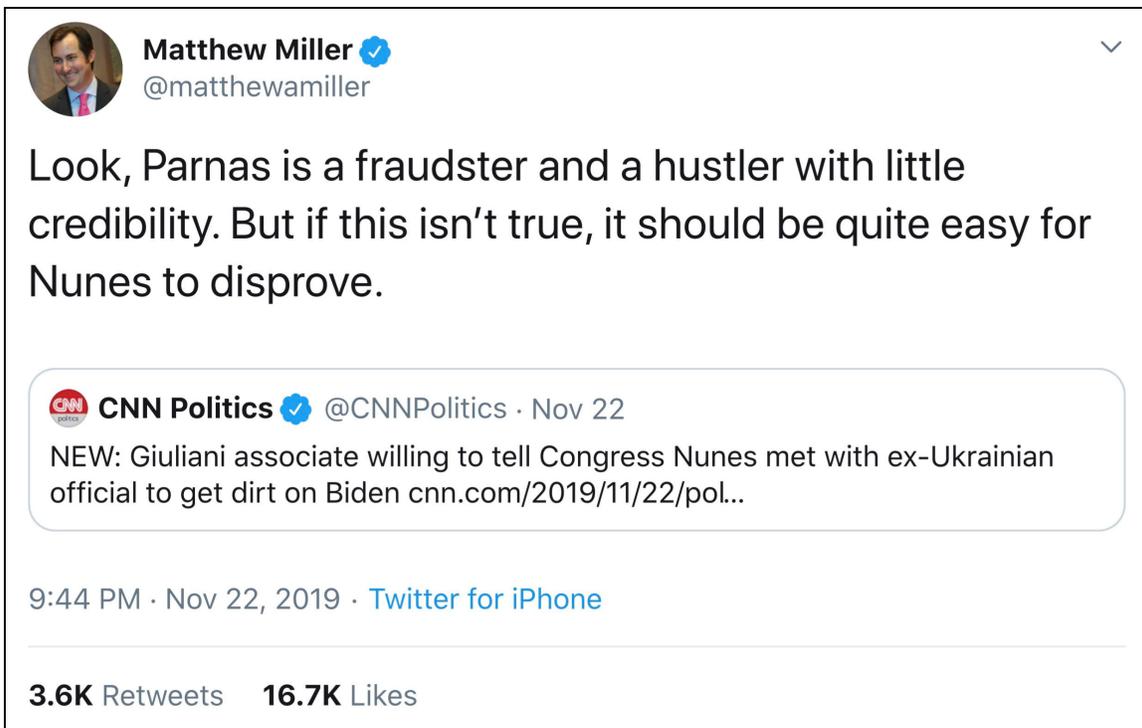
<p>CNN (Fake News)</p>	<p><i>THE TRUTH</i></p>
<p>Devin Nunes was in Vienna last year</p>	<p>Devin Nunes did not go to Vienna or anywhere else in Austria in 2018</p> <p>Between November 30, 2018 and December 3, 2018, Devin Nunes visited <u>Benghazi, Libya</u> on official business of the House Intelligence Committee to discuss security issues with General Khalifa Haftar</p> <p>Devin Nunes also traveled to <u>Malta</u>, where he met with U.S. and Maltese officials, including Prime Minister Joseph Muscat, and participated in a repatriation ceremony for the remains of an American World War II Soldier missing in action</p>
<p>Devin Nunes met with Victor Shokin to “discuss digging up dirt on Joe Biden”</p>	<p>Devin Nunes has never met Viktor Shokin</p> <p>“This meeting never took place. Viktor Shokin doesn’t know and hasn’t even heard of” Devin Nunes</p> <p>https://www.washingtonpost.com/politics/top-house-democrat-says-ethics-probe-of-nunes-is-likely-over-alleged-meeting-with-ukrainian-about-bidens/2019/11/23/0dde6b22-0e0a-11ea-97ac-a7ccc8dd1ebc_story.html</p> <p>“A person close to Shokin also has denied the claim”</p> <p>https://www.washingtonpost.com/politics/nunes-denies-allegation-he-met-with-top-ukrainian-prosecutor-about-bidens/2019/11/24/34644688-0edf-11ea-bf62-eadd5d11f559_story.html</p> <p>“Shokin denied that he met with Nunes”</p> <p>https://www.washingtonpost.com/politics/2019/11/25/devin-nunes-ukraine-allegations-explained/</p>
<p>Devin Nunes began communicating with Lev Parnas around the time of the Vienna trip</p>	<p>Devin Nunes did not communicate with Parnas in December 2018 around the time of the “Vienna trip” (a trip that never happened)</p>

3. The “trusted” source of CNN’s fake news story was a man indicted by the United States Government, charged with multiple Federal crimes – a man who faces years in a Federal penitentiary – Lev Parnas (“Parnas”):



It was obvious to everyone – including disgraceful CNN – that Parnas was a fraudster and a hustler. It was obvious that his lies were part of a thinly-veiled attempt to obstruct justice and to trick either the United States Attorney or House Intelligence Committee

Chairman, Adam Schiff (“Schiff”), into offering “immunity” in return for “information” about Plaintiff – a prominent United States Congressman and Ranking Member of the House Intelligence Committee. There were obvious reasons to doubt the veracity and accuracy of the information Parnas provided. MSNBC Justice and Security Analyst, Matthew Miller, aptly stated:



[<https://twitter.com/matthewamiller/status/1198069740733976576>].

II. PARTIES

4. Plaintiff, Devin G. Nunes (“Nunes” or “Plaintiff”), is a citizen of California. Born October 1, 1973, Nunes has served in the United States House of Representatives since 2003. He currently represents California’s 22nd Congressional District, which is located in the San Joaquin Valley and includes portions of Tulare and Fresno Counties. He and his wife have three daughters. He is the author of the book, *Restoring the Republic*, which was published in September 2010. Nunes was born

in Tulare, California. His family is of Portuguese descent, having emigrated from the Azores to California. From childhood, he worked on a farm that his family operated in Tulare County for three generations. Nunes raised cattle as a teenager, used his savings to begin a harvesting business, and then bought his own farmland with his brother. Nunes graduated from Tulare Union High School. After associate's work at College of the Sequoias, Nunes graduated from Cal Poly San Luis Obispo, where he received a bachelor's degree in agricultural business and a master's degree in agriculture. Nunes was first elected to public office as one of California's youngest community college trustees in state history at the age of 23. As a member of the College of the Sequoias Board from 1996 to 2002, he was an advocate for distance learning and the expansion of programs available to high school students. In 2001, he was appointed by President George W. Bush to serve as California State Director for the United States Department of Agriculture's Rural Development section. He left this post to run for California's 21st Congressional District and now serves in the 22nd District as a result of redistricting in 2010. Nunes serves as Ranking Member of the House Permanent Select Committee on Intelligence, having been appointed to the Committee in the 112th Congress and serving as Committee Chairman during the 114th and 115th Congresses. He was appointed to the Ways and Means Committee in the 109th Congress and now serves as a Ranking Member of the Health Subcommittee and a member of the Trade Subcommittee, having served as Chairman of the Trade Subcommittee in the 113th Congress. Nunes previously served as a member of the House Budget Committee during the 111th Congress. In the 108th Congress, his first term in the House of Representatives, he served on the House Resources Committee, in which he was Chairman of the National Parks Subcommittee,

and on the Agriculture and Veterans Affairs Committees. Congressman Nunes has traveled extensively to war zones to meet with soldiers and examine first-hand their status. As a member of the House Permanent Select Committee on Intelligence, he participates in oversight of the U.S. national security apparatus, including the intelligence-related activities of seventeen agencies, departments, and other elements of the United States Government, most of which is located in Virginia. Nunes authored the Hubbard Act of 2008 (H.R. 5825), which was named in honor of the Hubbard brothers of California – Jared, Nathan, and Jason. Jared and Nathan lost their lives serving in Iraq. Jason was discharged as a sole survivor, but was denied separation benefits upon leaving the Army. The Hubbard Act, which was enacted into law, provides sole survivors with numerous benefits that were already offered to other soldiers honorably discharged. It relieves sole survivors from repaying any portion of their enlistment bonus; entitles them to the educational benefits of the Montgomery GI Bill; and allows them to receive separation pay and transitional healthcare coverage. [<https://nunes.house.gov/about/>; <https://www.devinnunes.com/bio>]. Nunes’ career as a United States Congressman is distinguished by his honor, dedication and service to his constituents and his country, his honesty, integrity, ethics, and reputation for truthfulness and veracity.

5. Defendant, CNN, is a Delaware corporation, headquartered in Georgia. CNN is a division of WarnerMedia. WarnerMedia is an operating segment of AT&T, Inc. (NYSE:T). CNN is part of WarnerMedia’s “Turner” business unit. The Turner business unit operates television networks and related properties that offer branded news, entertainment, sports and kids multiplatform content for consumers around the world. In the United States, its networks and related businesses and brands include TNT; TBS;

Adult Swim; truTV; Turner Classic Movies; Turner Sports; Cartoon Network; Boomerang; and CNN. Turner's digital properties include the CNN digital network, www.cnn.com. According to AT&T, the CNN digital network is "the leading digital news destination, based on the number of average monthly domestic multi-platform unique visitors and videostarts for the year ended December 31, 2018." CNN's digital platforms deliver news 24 hours a day, seven days a week, from almost 4,000 journalists in every corner of the globe. CNN claims that it reaches more individuals on television, the web and mobile devices than any other cable television news organization in the United States. In addition to its massive television and digital footprint, CNN employs multiple social media accounts as a means to publish its statements in Virginia and worldwide. As of November 22, 2019, @CNN had over 43,500,000 followers on Twitter; @CNNPolitics had over 2,900,000 followers; @cnni had over 9,200,000 followers; @CNNPhillipines had over 530,000 followers; and @cnnbrk had over 56,000,000 followers. In addition to CNN's corporate and institutional use of Twitter, most of CNN's reporters use Twitter to spread stories to readers, viewers and voters in Virginia and elsewhere. [See, e.g., @jaketapper (2,200,000 followers)].

6. Vicky Ward ("Ward") is a senior reporter for CNN, covering "the intersection of power, money and corruption". [<https://www.cnn.com/profiles/vicky-ward>]. Ward wrote the hit piece at issue in this action, and republished it extensively via her social media accounts: LinkedIn, Twitter and Facebook. Ward has 3,983 followers on LinkedIn. [<https://www.linkedin.com/in/vickypjward/detail/recent-activity/>]. Ward has 73,300 followers on Twitter. [<https://twitter.com/vickypjward?lang=en>]. In addition to Twitter and LinkedIn, Ward uses Facebook to republish her articles. She has 1,044

Facebook followers. Ward's Facebook profile is set to "public", meaning that her posts are available to all 2.45 BILLION monthly active users of Facebook. [<https://www.facebook.com/VickyPJWard/>].

7. Chris Cuomo ("Cuomo") anchors CNN's "Cuomo Prime Time", a 9:00 p.m. nightly news program, where Cuomo "tests power with newsmakers and politicians from both sides of the aisle, and reports on the latest breaking news from Washington and around the world". [<https://www.cnn.com/profiles/chris-cuomo-profile>]. Between his two accounts, @ChrisCuomo and @CuomoPrimeTime, Cuomo has over 1,500,000 followers on Twitter. [<https://twitter.com/CuomoPrimeTime>]. Cuomo is famous for his brash style, having recently threatened to assault a man who referred to him as "Fredo". According to Nielsen, Cuomo Prime Time is CNN's most-watched program among total viewers and adults 25-54 with an average of 1,000,000+/- viewers. [<https://www.adweek.com/tvnewser/october-2019-ratings-cnn-posts-significant-year-over-year-audience-growth-bolstered-by-its-democratic-debate/419277/>].

8. At all times relevant to this action, Ward and Cuomo acted as agents of CNN within the scope of their employment and authority. Ward and Cuomo used CNN's networks and properties to disseminate the false and defamatory statements at issue in this case as part of a scheme to boost CNN's ratings and further the House Democrats' impeachment "inquiry". CNN reviewed, approved and ratified the fake news prior to publication.

9. Edward Brian MacMahon, Jr. ("MacMahon"), an attorney from Middleburg, Virginia, and Joseph Bondy ("Bondy"), represent Parnas in connection with a Federal criminal indictment returned against Parnas on October 9, 2019, charging

Parnas with the Federal crimes (felony) of conspiracy to defraud the United States in violation of Title 18 U.S.C. § 371, making false statements to the Federal Election Commission (“FEC”) in violation of Title 18 U.S.C. § 1001, and falsification of records in a Federal investigation in violation of Title 18 U.S.C. § 1519.

10. Viktor Mykolayovych Shokin (“Shokin”) is a former Prosecutor General of Ukraine.

11. Joseph R. Biden, Jr. is the former Vice-President of the United States. While visiting Kiev in December 2015, Biden threatened Ukrainian President Petro Poroshenko that, if he did not fire Shokin, the U.S. would hold back its \$1 billion in loan guarantees. In January 2018, Biden specifically recalled the threat: “I looked at them and said, ‘I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money.’ Well, son-of-a-b*tch. He got fired. And, they put in place someone who was solid”. [<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>; https://www.realclearpolitics.com/video/2019/09/27/flashback_2018_joe_biden_brags_at_cfr_meeting_about_withholding_aid_to_ukraine_to_force_firing_of_prosecutor.html; <https://thefederalist.com/2019/09/24/watch-joe-biden-brag-about-bribing-ukraine-to-fire-the-prosecutor-investigating-his-sons-company/>]. Shokin was dismissed by the Ukrainian Parliament in late March 2016.

12. Dmitry Firtash (“Firtash”) is a Ukrainian oligarch, who lives in Vienna, Austria. In 2013, Firtash was indicted by the United States on multiple counts of racketeering, money laundering, conspiracy, and aiding and abetting. *USA v. Firtash*, Case 1:13-cv-515 (N.D. Ill.) (pending). On March 12, 2014, Firtash was arrested in Vienna by Austrian law enforcement on request of the United States. He was released on

bond several days later, but barred from leaving Austria. The United States thereafter submitted a request to the Republic of Austria to extradite Firtash. A Vienna Court ordered Firtash to be extradited to the United States. Firtash submitted a writ to the Austria Supreme Court requesting a retrial. The Austrian Supreme Court has not yet ruled on Firtash's writ.

III. JURISDICTION AND VENUE

13. The United States District Court for the Eastern District of Virginia has subject matter jurisdiction over this action pursuant to Title 28 U.S.C. § 1332 (Diversity) and § 1367 (Supplemental Jurisdiction). The parties are citizens of different States and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest, costs and fees.

14. CNN is subject to personal jurisdiction in Virginia pursuant to Virginia's long-arm statute, § 8.01-328.1(A)(1), (A)(3) and (A)(4) of the Code, as well as the Due Process Clause of the United States Constitution. CNN is subject to general personal jurisdiction and specific personal jurisdiction. CNN engages in continuous and systematic business in Virginia. It committed multiple intentional torts and acts of defamation in whole or part in Virginia, causing Plaintiff substantial injury in Virginia. CNN has minimum contacts with Virginia such that the exercise of personal jurisdiction over it comports with traditional notions of fair play and substantial justice and is consistent with the Due Process Clause of the United States Constitution.

15. Venue is proper in the Richmond Division of the United States District Court for the Eastern District of Virginia pursuant to Title 18 U.S.C. § 1391(b)(1).

IV. STATEMENT OF FACTS

16. On August 12, 2019, after speaking *ex parte* with a Democratic staff member of the House Intelligence Committee, an anonymous “whistleblower” filed a complaint with Michael Atkinson, the Inspector General of the Intelligence Community (“Atkinson”). The anonymous complaint, based entirely on hearsay, states in part:

In the course of my official duties, I have received information from multiple U.S. Government officials that the President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. This interference includes, among other things, pressuring a foreign country to investigate one of the President’s main domestic political rivals. The President’s personal lawyer, Mr. Rudolph Giuliani, is a central figure in this effort. Attorney General Barr appears to be involved as well.

17. On September 24, 2019, the United States House of Representatives announced an impeachment “inquiry” into U.S. President Donald Trump.

18. Between October 3, 2019 and October 31, 2019, Schiff conducted secretive interviews in connection with the Democrats’ impeachment inquiry. On October 31, 2019, a divided House of Representatives approved guidelines that cleared the way for nationally televised hearings in mid-November.

19. On October 10, 2019, Parnas was arrested at Dulles International Airport on charges that he schemed to funnel foreign money to U.S. politicians while trying to influence U.S.-Ukraine relations. At the time of his arrest, he had a one-way ticket on a flight out of the country. [https://www.washingtonpost.com/politics/two-business-associates-of-trumps-personal-lawyer-giuliani-have-been-arrested-and-are-in-custody/2019/10/10/9f9c101a-eb63-11e9-9306-47cb0324fd44_story.html]. As a result of his arrest, Parnas’ position as a reliable source of information was compromised.

20. On October 23, 2019, Parnas was released from custody on a \$1,000,000 secured bond. The Court required Parnas to surrender his passport; restricted his travel to

Virginia and D.C. to meet with lawyers; placed him on home detention with G.P.S. monitoring; and imposed multiple other restrictions on Parnas. The Court's complete lack of trust and confidence in Parnas, as evidenced by the bail disposition, was a matter of public record known to CNN. [https://www.cnn.com/politics/live-news/impeachment-inquiry-10-10-2019/h_10c49544ade8af0943742f340e377f13].

21. Not long after his release from custody, Parnas began to concoct a plan to obstruct the impeachment inquiry and, ultimately, to obtain favorable treatment, concessions and/or immunity from criminal prosecution.

22. With full knowledge of press accounts of the impeachment inquiry, Parnas started to manufacture stories that he believed would assist him in obtaining a deal with the United States Attorney and/or Schiff. Parnas claimed that not long before Ukrainian President Zelensky was inaugurated on May 20, 2019, he (Parnas) journeyed to Kiev to deliver a warning to the country's new leadership. Parnas stated that he told a representative of the incoming Ukraine government that it had to announce an investigation into President Trump's political rival, Joe Biden, and his son, or else Vice President Mike Pence would not attend the swearing-in of the new president, and the United States would freeze aid.

23. The problem with Parnas' story, as was reported by the *New York Times* on November 10, 2019, is that the story is knowingly false. Parnas' business partner (and co-Defendant in the pending criminal prosecution), Igor Fruman ("Fruman"), publicly confirmed to the *New York Times* that **"Mr. Parnas's claim was false; the men never raised the issues of aid or the vice president's attendance at the inauguration"**. [<https://www.nytimes.com/2019/11/10/nyregion/trump-ukraine-parnas-fruman.html>].

24. Parnas also lied about his connections with President Trump. Parnas told Ward that when he attended a White House Hanukkah party with Rudolph Giuliani (“Giuliani”) in December 2018, they huddled with the President privately. Parnas stated that President Trump gave him instructions for a secret “James Bond mission” to find material on Joe Biden. [<https://www.cnn.com/2019/11/15/politics/parnas-trump-special-mission-ukraine/index.html>]. In truth, Parnas and Fruman, posed for a one-minute photo with the President, and walked away.

“‘He [Parnas] has said a few things lately that are completely untrue and provably untrue,’ Mr. Giuliani said. ‘I don’t know what he’s doing. He claims we had a meeting with the president at the Hanukkah party, in December 2018. Someone should remind Lev that there were five witnesses including his good friend, Igor Fruman, who all say categorically untrue. Provably by records. He’s trying to make himself very important ... We never had that meeting with the president. He just made it up ... What he said was, we had a long private meeting in which the president instructed him to do things. False. Untrue ... His lawyer [Bondy] makes these comments that are not only untrue, they are provably untrue ... He’s getting very poor counsel.’”

[<https://www.washingtontimes.com/news/2019/nov/26/fbi-file-lev-parnas-rolex-watches-5000-trump-memen/>].

25. In addition to CNN’s actual knowledge (a) that Parnas had lied to the FEC (resulting in the Federal indictment and pending charges) and (b) that after his arrest, Parnas began circulating false and fantastical stories about a “warning” to Ukraine’s new leadership and a “James Bond mission” – stories that were demonstrably false – CNN also knew from its review of “court filings” that a judgment had been entered by the United States District Court for the Eastern District of New York against Parnas in 2016, and that the judgment creditor had commenced proceedings in Florida in 2019 to collect the judgment. [<https://www.cnn.com/2019/10/29/politics/lev-parnas-republican-rudy-giuliani/index.html>]. CNN knew from the court filings that the claim against Parnas

resulted from his “deliberate, coercive and well-orchestrated scheme to steal \$350,000 from Plaintiff by fraudulently inducing Plaintiff to enter into the Loan” [See, e.g., *Case 2:11-cv-05537-ADS-ARL (E.D.N.Y) (Document 1)*].

26. CNN also knew from prior reporting that Parnas was a “hustler”, and not in the “good way”. On October 23, 2019, CNN published a story, written by Ward, that highlighted the fact that Parnas’ “business and networking activities over the past year had raised red flags with several prominent businessmen and their attorneys”. Ward noted many examples of Parnas’ shady dealings:

“Bruce Marks, an attorney in Philadelphia who represents prominent Eastern Europeans, told CNN in recent days there was a Russian proverb that applied to Fruman and Parnas. ‘Don't go in the forest if you're afraid of wolves,’ Marks said. ‘And **these guys, they just weren't wolves, I mean they were radioactive wolves.**’

...

South Florida attorney Robert Stok told CNN in an interview that Parnas and Fruman came to a wealthy client of his seeking money, claiming they were so short on cash they couldn't even pay for Parnas' newborn son's bris. Stok said the men asked Felix Vulis, a Russian-American natural resources magnate, if he could kick in some money for the event. They had also promised to open doors for Vulis through their connections to Giuliani and others ... When they were slow to repay, Vulis sued. Vulis told their since-indicted associate David Correia over text message he had been ripped off, and that he planned to tell Giuliani, Ayers and others that Parnas and Fruman would face a lawsuit”.

[<https://www.cnn.com/2019/10/23/politics/parnas-fruman-hustle-profit-access-giuliani/index.html>].

27. From all the evidence in its possession, CNN was well-aware that Parnas was a renowned liar, a fraudster, a hustler, an opportunist with delusions of grandeur, a man in financial *in extremis* laboring under the weight of a \$500,000 civil judgment, and an indicted criminal defendant with a clear motive to lie. CNN and Ward knew that Parnas was not just a wolf in sheep's clothing, he was a “radioactive” wolf.

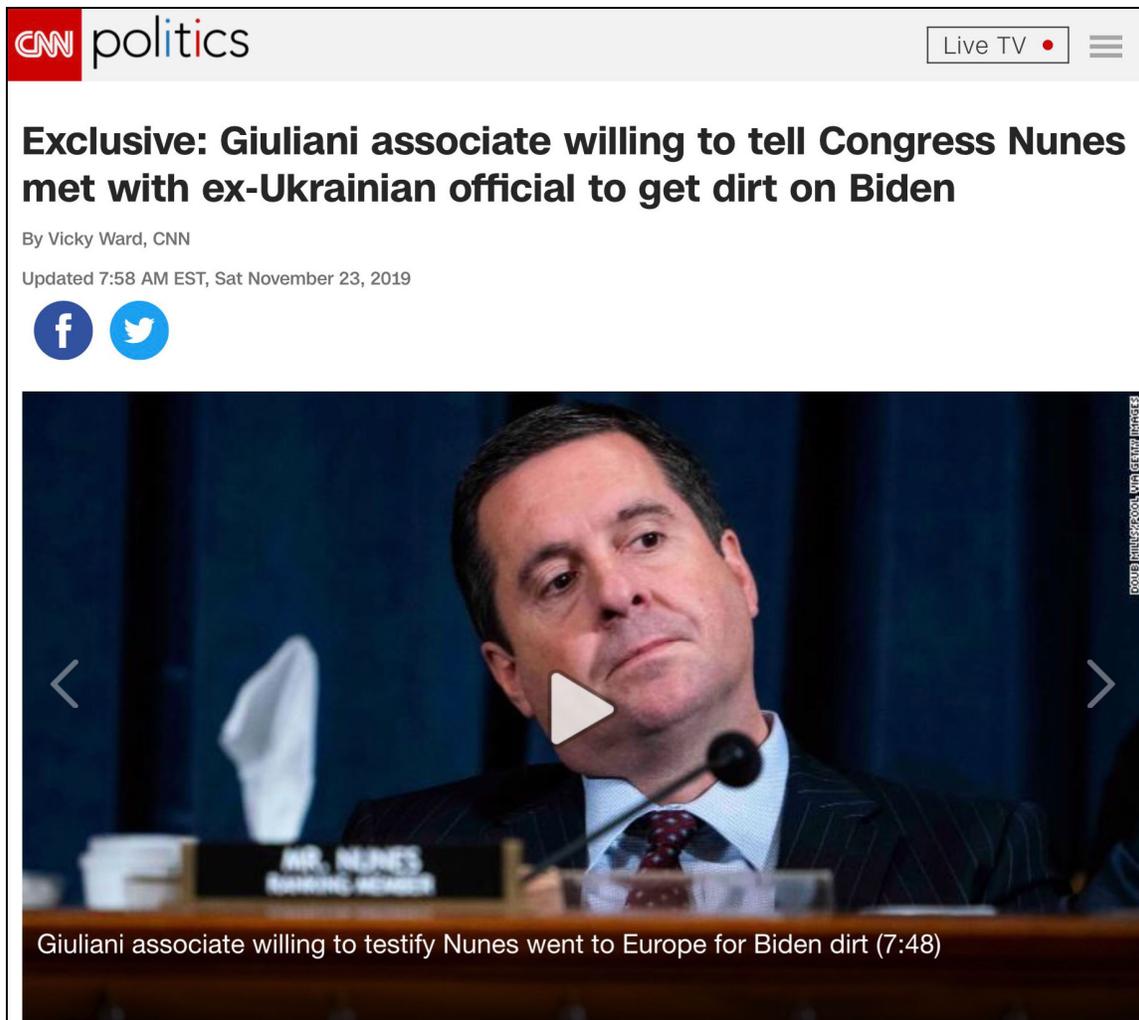
28. Prior to November 22, 2019, CNN knew that Parnas and his attorneys or other political operatives were shopping a story to the press that made claims about the Plaintiff, implicating him in efforts to get “dirt” on Joe Biden and his son, Hunter Biden. CNN knew that no other news outlet would touch the salacious story because *none* of the “facts” provided could be verified.

29. In spite of its actual knowledge of Parnas’ pattern of fraud and false statements and in spite of serious doubts as to Parnas’ veracity and the truth and accuracy of his statements,¹ CNN published Parnas’ statements as if they were true. Although other media outlets immediately recognized Parnas’ serious credibility issues [*see, e.g.,* <https://www.msn.com/en-us/news/politics/giuliani-associate-lev-parnas-claims-to-have-hard-evidence-of-wrongdoing-for-trump-impeachment-inquiry/ar-BBXbRYu> (Parnas is

¹ The CNN Article, in pertinent part, is based entirely on hearsay statements provided to CNN by Parnas’ attorney, Bondy. Nowhere in the Article does CNN actually state that Ward *ever* spoke with Parnas directly. The necessary inferences to be drawn from CNN’s publication of Bondy’s statements are: (1) prior to publication, CNN confirmed that Bondy was fully authorized to speak for his client, (2) prior to publication, CNN confirmed that Bondy accurately conveyed *in haec verba* Parnas’ statements, (3) the statements are Parnas’ statements conveyed through his agent, Bondy, and (4) Parnas has first-hand knowledge of the truth of the statements conveyed through Bondy. An agent (here, Bondy) may take actions that are binding on the principal (Parnas) in only a limited number of ways. First, the agent may act with “actual authority” – that is, where “the agent reasonably believes, in accordance with the principal’s manifestations to the agent, that the principal wishes the agent so to act,” Restatement (Third) of Agency § 2.01 (Am. Law Inst. 2005), which may be actual or implied, *see id.* § 2.02. Second, the agent may act with “apparent authority,” which binds a principal to a third party “when a third party reasonably believes the actor has authority to act on behalf of the principal and that belief is traceable to the principal’s manifestations.” *Id.* § 2.03. Third, an action taken by a putative agent without actual or apparent authority may nonetheless be binding on the principal if the principal subsequently ratifies the action, *see id.* § 4.01, which “retroactively creates the effects of actual authority,” *id.* § 4.02(1). In this case, publication of the CNN Article and the content of the Article itself establishes Bondy acted with Parnas’ actual or apparent authority. It is also reasonable to infer that prior to publication, CNN confirmed with Bondy that Parnas was aware Bondy was speaking with CNN and that Parnas ratified Bondy’s actions.

“a dubious character who could make a problematic witness”)], CNN ignored known “red flags” and proceeded to publish the fake news sponsored by a “radioactive” wolf in sheep’s clothing.

30. On November 22, 2019, CNN published the following article on its digital network written by Ward:



[<https://www.cnn.com/2019/11/22/politics/nunes-vienna-trip-ukrainian-prosecutor-biden/index.html>] (the “CNN Article”).

31. The CNN Article contains numerous egregiously false and defamatory statements, including:

a. Plaintiff had **“meetings ... in Vienna last year with a former Ukrainian prosecutor to discuss digging up dirt on Joe Biden”**. This statement is demonstrably false. Plaintiff was not in Vienna in 2018. Between November 30, 2018 and December 3, 2018, when CNN claims Plaintiff was in “Vienna”, Plaintiff was actually in Libya and Malta. While in Libya, the delegation traveled to Benghazi on a fact-finding mission in which they met with General Haftar to discuss security issues both inside Libya and in the wider region. During the meeting in Libya, Plaintiff was photographed with General Haftar:



A planned stop in Tripoli for talks with officials there was cancelled due to security concerns. During the same trip, Plaintiff met with Prime Minister Joseph Muscat of

Malta to discuss security and intelligence issues related to Malta, the European Union, and Libya. While in Malta, Plaintiff was photographed with Prime Minister Muscat:



And, significantly, Plaintiff participated in a repatriation ceremony for a fallen World War II Army Air Corps service member, whose remains were handed over for return to the United States for DNA testing, to alert family members, and for proper burial. The repatriation ceremony in Malta for the World War II Soldier was photographed, *see, e.g.:*



At no time during his visits to Libya or Malta did Plaintiff or his staff ever meet any Ukrainians or have any discussions with anyone about the Bidens. Parnas, or those behind his fake news operation, chose “Vienna” for one reason: that is where Firtash lives.² In a November 1, 2019 article published by CNN, Parnas claimed to have a strong connection to Firtash. [<https://www.cnn.com/2019/11/01/politics/parnas-firtash-giulianities/index.html>]. By placing Plaintiff in the same city as Firtash, Parnas would be able to fabricate more fake news, including that Plaintiff was working with the indicted oligarch Firtash on some nefarious plot.

² When the story was first shopped to media outlets, the story was that Plaintiff was meeting with Firtash in Vienna. After Parnas was indicted and charged by the United States Government, the story changed and Plaintiff was meeting with Shokin.

b. **“Nunes met with Shokin in Vienna last December”**. This statement is demonstrably false. Plaintiff was not in Vienna in December 2018. Further, he has never met Shokin; never spoken to Shokin; and never communicated with Shokin. Parnas fabricated the story after reviewing congressional records that show Plaintiff and members of his staff traveled to “Europe” between November 30 and December 3, 2018. [<http://clerk.house.gov/foreign/reports/2019q1mar04.pdf>]. Despite multiple immediate public denials by Shokin and his associates of CNN’s false claim, CNN refuses to retract and apologize for its fake news.

c. **“[Parnas] and Nunes began communicating around the time of the Vienna trip”**. This statement is demonstrably false. Plaintiff and Parnas could not have communicated around the time of the “Vienna trip” because, in fact, there was no Vienna trip. Further, there were no communications whatsoever between Plaintiff and Parnas at or around the time identified for the fictitious Vienna trip, November 30, 2018 – December 3, 2018. CNN could never have verified this fake news because, in truth, it is unverifiable.

d. **“Parnas ... worked to put Nunes in touch with Ukrainians who could help Nunes dig up dirt on Biden and Democrats in Ukraine”**. This statement is demonstrably false. Plaintiff never worked with Parnas, other Ukrainians, or anyone else to dig up dirt on Biden or other Democrats in Ukraine.

e. **“Parnas helped arrange meetings and calls in Europe for Nunes last year”**. This statement is demonstrably false without a scintilla of evidence to support it.

f. **“Nunes worked to push similar allegations of Democratic corruption. Nunes had told Shokin of the urgent need to launch investigations into Burisma, Joe and Hunter Biden, and any purported Ukrainian interference in the 2016 election”.** This statement is a total fabrication. CNN simply chose to publish the false statements of a source (Parnas) who had no first-hand knowledge of conversations between Plaintiff and Shokin because no conversations ever took place. CNN disregarded “red flags” and accepted the word of known liar, a con man and hustler, who CNN knew had every reason to lie.

g. **“Nunes planned the trip to Vienna after Republicans lost control of the House in the mid-term elections on Nov. 6, 2018. Mr. Parnas learned through Nunes' investigator, Derek Harvey, that the Congressman had sequenced this trip to occur after the mid-term elections yet before Congress' return to session, so that Nunes would not have to disclose the trip details to his Democrat colleagues in Congress”.** These non-sensical statements are patently false and unverifiable. They were simply made up by Parnas, acting in concert with CNN. CNN published the false statements as fact with reckless disregard for the truth, without any verification, contrary to every standard of journalistic ethics and integrity.

h. **“[F]ollowing a brief in-person meeting in late 2018, Parnas and Nunes had at least two more phone conversations, and ... Nunes instructed Parnas to work with Harvey on the Ukraine matters ... [S]hortly after the Vienna trip, [Parnas] and Harvey met at the Trump International Hotel in Washington, where they discussed claims about the Bidens as well as allegations of Ukrainian election interference ... Following this, ... Nunes told Parnas that he was conducting his own**

investigation into the Bidens and asked Parnas for help validating information he'd gathered from conversations with various current and former Ukrainian officials, including Shokin. Parnas said that Nunes told him he'd been partly working off of information from the journalist John Solomon, who had written a number of articles on the Biden conspiracy theory for the Hill". These statements are patently false and unverifiable. Plaintiff has never met Parnas. It is Plaintiff's standard operating procedure to refer matters to his staff. The statements attributed to Plaintiff are false. Parnas fabricated these communications, and CNN published the false facts, again, without any effort to verify.

32. On November 22, 2019 at 9:00 p.m., at the same time CNN published the CNN Article on its digital network, Ward appeared on Cuomo's television program "Cuomo Prime Time". During the broadcast, Cuomo and Ward vouched for the story as if it were fact, doubled-down, and published further defamatory statements about Plaintiff, including:

CUOMO: All right, so next big question. How do we know that Nunes met with Shokin?

WARD: So, it gets interesting. So, Shokin tells Lev Parnas ... And what's interesting is that Nunes comes back and tries to recruit Lev Parnas. He does recruit Lev Parnas to merge his effort, his and Rudy Giuliani's investigations, with his."

...

CUOMO: Devin Nunes, at the hearing, saying, 'This is crazy that the President would want Ukraine to look at the Bidens.' The prosecutor who was the one at the center of all the controversy ... met with Nunes in Vienna—

WARD: Right.

CUOMO: --last December. So, before all this other stuff that they're saying was just about one phone call—

WARD: Way before.

CUOMO: Months before. Shokin then tells Parnas, the shady guy, at the center of all this.

WARD: Right.

CUOMO: And then Nunes' staffer meets with Parnas – Parnas?

WARD: Well so does Nunes. Nunes meets with Parnas. Nunes speaks to Parnas several—

CUOMO: About dirt on the Bidens?

WARD: [S]everal times. Yes, they're asked to merge operations, essentially. So, in other words, you know, this whole impeachment, Chris, is about a shadow foreign policy.

CUOMO: Right.

WARD: That Devin Nunes appears to have ... some involvement in.

CUOMO: So, he knew it was going on ... He knew they were looking for dirt on the Bidens.

WARD: Right. He is a drama in the – in this play himself. And ... yet, he has not told anyone about this.

...

CUOMO: What is the chance of getting to him [Shokin] on this because, obviously, he can confirm or deny also.

WARD: Well, you know, I have his phone number. So, I've texted him. I've got to him. We've reached out to him. He's not talking.

...

CUOMO: [S]houldn't he [Plaintiff] have disclosed ... that he went over to ... Vienna, Austria, to meet with Shokin?

WARD: Well what's so intriguing, for want of a better word, about his whole trip was the timing of it. And, in fact, his aide, Derek Harvey told Lev Parnas that the timing of it was very deliberate. It was done right after the Republicans lost the House in the midterms, but before the Democrats took over in January.

CUOMO: Why[?]

WARD: Because once the Democrats took over, he would have had to ... disclose the details of it. So, this is why nobody has known, until now, what Devin Nunes was doing last December."

After Ward, Cuomo paraded Katie Hill ("Hill") before the camera so CNN could get Hill to publish further defamatory statements about Plaintiff. Hill resigned from Congress in October 2019 amid allegations of an improper sexual relationship with a staff member and after shocking pornographic pictures of her appeared on the Internet.

[<https://www.dailymail.co.uk/news/article-7609835/Katie-Hill-seen-showing-Nazi-era-tattoo-smoking-BONG-NAKED.html>]; <https://www.youtube.com/watch?v=D5PD-pIFeok>].

CNN published the following exchange between Cuomo and Hill:

CUOMO: Can you believe this? Help me understand this Vicky Ward reporting. Devin Nunes, I guess, being Chairman, you don't have to tell people what you're going. But putting in the record, 'I'm going to Vienna with a couple of staffers,' and you know you're investigating all this Ukraine stuff and you don't mention that you met with the guy at the center of the whole situation? ... But he had to know that we were going to find out. It's not like these players are exactly, you know, lock-lipped, you know, that these guys that we're dealing with. And he sat in the hearings, Katie. I don't know how much of them you saw but ... every time they bring up 'The President wanted Ukraine to get dirt on the Bidens,' he was, 'Oh man, I can't believe!' And he even said, 'I can't believe,' you know, and in some words that you guys would think this was possible when he knew damn well that he was trying to.

HILL: He was doing it. Yes.

CUOMO: Unless Parnas' lawyer is lying because Shokin ... hasn't confirmed it yet. Nunes says he won't answer any questions.

...

HILL: Look, I don't know if he ... thought he would never get found out. But you know he's going to deny it until the day he dies ... It's just ... where we're at, unfortunately, with Republicans right now, is that there's ... zero shame in lying, just straight-up lying constantly.

[<http://transcripts.cnn.com/TRANSCRIPTS/1911/22/CPT.01.html>].

33. CNN coordinated publication of the false and defamatory statements about Plaintiff across each of its platforms. CNN published the CNN Article to multiple new target audiences, including CNN's 32,000,000+ Facebook followers and CNN's 56,000,000+ Twitter followers in Virginia and around the World:



 **CNN** 
@CNN 

EXCLUSIVE: An associate of President Trump's personal lawyer Rudy Giuliani is willing to testify that Rep. Devin Nunes met with an ex-Ukraine official to get dirt on Joe Biden, his lawyer says



Exclusive: Giuliani associate willing to tell Congress Nunes met with ex-Ukraini...
A lawyer for an indicted associate of Rudy Giuliani told CNN that his client is willing to tell Congress about meetings the top Republican on the House ...
[cnn.com](https://www.cnn.com)

9:21 PM · Nov 22, 2019 · [SocialFlow](#)

 **CNN International** 
@cnni 

EXCLUSIVE: An associate of President Trump's personal lawyer Rudy Giuliani is willing to testify that Rep. Devin Nunes met with an ex-Ukraine official to get dirt on Joe Biden, his lawyer says



Exclusive: Giuliani associate willing to tell Congress Nunes met with ex-Ukraini...
A lawyer for an indicted associate of Rudy Giuliani told CNN that his client is willing to tell Congress about meetings the top Republican on the House ...
[cnn.com](https://www.cnn.com)

9:25 PM · Nov 22, 2019 · [SocialFlow](#)



CNN's goal was to inflict maximum damage to Plaintiff's reputation Worldwide and to cause him to be removed from the impeachment inquiry. At the same time CNN tweeted the CNN Article, Ward, Cuomo, Vaughn Sterling, Jake Tapper, and a host of other CNN employees republished the CNN Article to their millions of Twitter followers, *e.g.*:



Vicky Ward ✓
@VickyPJWard



NEW: Indicted Giuliani associate Lev Parnas is willing to tell Congress about meetings Devin Nunes—the top Republican on the House Intelligence Committee—had in Vienna last year with a former Ukrainian prosecutor to discuss digging up dirt on Joe Biden.



Giuliani associate willing to tell Congress Nunes met with ex-Ukrainian official ...
A lawyer for an indicted associate of Rudy Giuliani tells CNN that his client is willing to tell Congress about meetings the top Republican on the House ...
[cnn.com](https://www.cnn.com)

9:08 PM · Nov 22, 2019 · [Twitter Web App](#)

9.7K Retweets **24.2K** Likes

 **Cuomo Prime Time** 
@CuomoPrimeTime 

An indicted associate of Rudy Giuliani is willing to tell Congress about meetings in Vienna between Devin Nunes and a former Ukrainian prosecutor. As [@VickyPJWard](#) tells [@ChrisCuomo](#), the purpose of the meetings was to discuss digging up dirt on Joe Biden. cnn.it/2QKrPhY



6:40 240.1K views

9:44 PM · Nov 22, 2019 · [Twitter Media Studio](#)

1.5K Retweets **3.6K** Likes

 **Vaughn Sterling** ✓
@vplus

CNN BREAKING ---->

Giuliani associate PARNAS willing to tell Congress that Rep NUNES met with ex-Ukrainian official to get dirt on BIDEN

[@ChrisCuomo](#) and [@VickyPJWard](#) will break it down shortly on CNN - [@CuomoPrimeTime](#)



Giuliani associate willing to tell Congress Nunes met with ex-Ukrainian official ...
A lawyer for an indicted associate of Rudy Giuliani tells CNN that his client is willing to tell Congress about meetings the top Republican on the House ...
[cnn.com](#)

9:03 PM · Nov 22, 2019 · [Twitter Web App](#)



The breadth of CNN's publication is staggering.

34. The defamation continued on November 23, 2019. Ward tweeted the following:

 **Vicky Ward** 
@VickyPJWard

Giuliani to FOX today: "I do not believe that Devin Nunes met with Shokin. ... And if he did, there would have been nothing wrong with it."

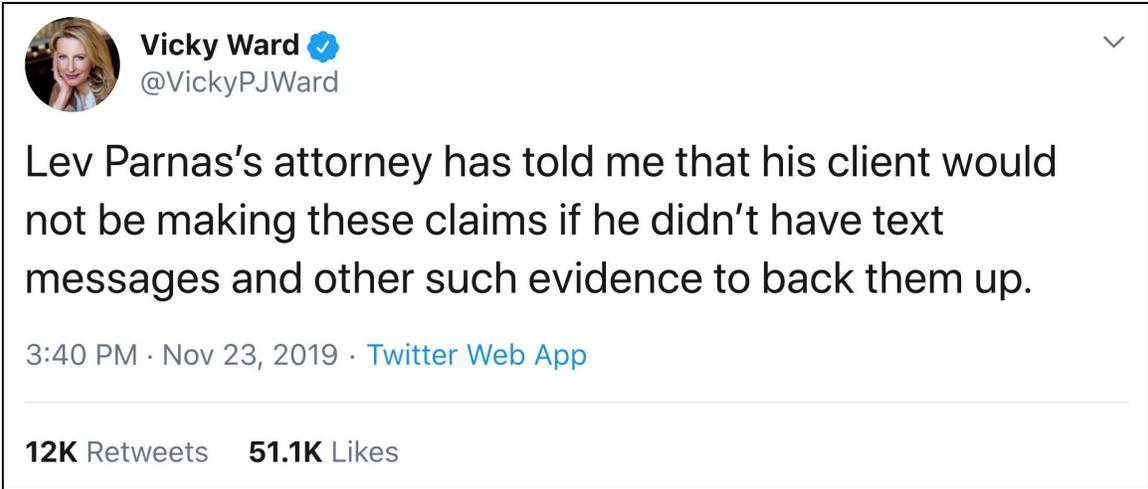
I'd beg to differ on that.

 EXCLUSIVE: Giuliani reacts to impeachment inquiry after se...
President Trump's personal attorney Rudy Giuliani joins Ed Henry for an exclusive interview on 'America's News HQ.' F...
[youtube.com](#)

3:17 PM · Nov 23, 2019 · [Twitter Web App](#)

329 Retweets **1.4K** Likes

Ward's tweet stated or implied that a meeting between Plaintiff and Shokin actually occurred *and* that, if the meeting had occurred, there would have been something wrong with it. In another tweet, Ward also confirmed that the entire CNN Article was based on information she received from Parnas (through Bondy). Ward falsely implied that there were "text messages and other such evidence" to back up the fake news about Plaintiff:



There is no such evidence.

35. The defamatory gist of the CNN Article was clear to everyone. On November 22, 2019 and, thereafter, multiple third-parties republished the CNN Article, e.g.:



 **Phil Arballo**
@PhilArballo2020

#DevinNunesGotCaught



Exclusive: Giuliani associate willing to tell Congress Nunes met with ex-Ukraini...
A lawyer for an indicted associate of Rudy Giuliani told CNN that his client is willing to tell Congress about meetings the top Republican on the House ...
[cnn.com](https://www.cnn.com)

9:32 PM · Nov 22, 2019 · [Twitter for iPhone](#)

[\https://secure.actblue.com/donate/arb_dd_search_1909_nunes?gclid=EAIAIQobChMIwcKpvKiV5gIVyODICH1BegNfEAAYASAAEgKHN_D_BwE

(“#DevinNunesGotCaught Devin Nunes met with Ukrainians to get dirt on Joe Biden -- he took part in Donald Trump’s impeachable offense”).

 **Michael Avenatti** ✓
@MichaelAvenatti

As I mentioned last night, neither Parnas nor his attorney [@josephabondy](#) are playing games. Nunes must be criminally prosecuted for the felony he committed and he should immediately be removed from the committee.

 **Maxine Waters** ✓
@RepMaxineWaters

Nunes is an unhinged liar! He knows he met with Shokin in Vienna. This sounds like the midnight visit to the White House to try and prove a lie against Obama. Remember that? Parnas is going to out Nunes. Impeachment proceedings will reveal him and his lies.

 **Ryan Lizza** ✓
@RyanLizza

If this CNN report is accurate, that would mean that Nunes and his colleagues sat there every day accusing Schiff of meeting with the whistleblower (he didn't) and never disclosed that Nunes met with Shokin to get dirt on Biden.

 **Grant Stern** ✓
@grantstern

A new CNN report from [@VickyPJWard](#) just gave 100% credence to what Rep. Swalwell said about [#DevinNunes](#) being a fact witness to the [#impeachment](#) inquiry.

[#DevinNunesGotCaught](#) meeting one of the former Ukrainian prosecutors with Lev Parnas' help.

COUNT I – DEFAMATION PER SE

36. Plaintiff restates paragraphs 1 through 35 of his Complaint, and incorporates them herein by reference.

37. CNN, using its vast digital network, television network and resources, and social media network, made, published and republished numerous false factual statements of and concerning Plaintiff. These statements are detailed verbatim above. CNN published the false statements without privilege of any kind.

38. CNN's false statements constitute defamation *per se*. The statements accuse and impute to Plaintiff the commission of felonies and crimes involving moral turpitude and for which Plaintiff may be punished and imprisoned in a state or federal institution. The statements impute to Plaintiff an unfitness to perform the duties of an office or employment for profit, or the want of integrity in the discharge of the duties of such office or employment, including dishonesty, lack of candor, fraud and concealment, lack of ethics, self-dealing and conflicts of interest. CNN's false statements prejudice Plaintiff in his profession and employment as a United States Congressman.

39. By publishing the CNN Article on the Internet, by talking about Plaintiff on Cuomo's show, and by tweeting the CNN Article to the Twitter universe, CNN knew or should have known that its defamatory statements would be republished over and over by third-parties to Plaintiff's detriment. Indeed, there have been millions of republications to date. Republication by both CNN subscribers and viewers and Twitter users was the natural and probable consequence of CNN's actions and was actually and/or presumptively authorized by CNN. In addition to its original publications online, on air, and on Twitter, CNN is liable for the republications of the false and defamatory

statements by third-parties under the doctrine (the “republication rule”) announced by the Supreme Court of Virginia in *Weaver v. Home Beneficial Co.*, 199 Va. 196, 200, 98 S.E.2d 687 (1957) (“where the words declared on are slanderous per se their repetition by others is the natural and probable result of the original slander.”).

40. CNN’s false statements have harmed Plaintiff and his reputation.

41. CNN made the false statements with actual or constructive knowledge that they were false or with reckless disregard for whether they were false. CNN acted with actual malice and reckless disregard for the truth for the following reasons:

a. CNN, in fact, entertained serious doubts as to both the veracity of its source, Parnas, and the truth and accuracy of the statements in the CNN Article. In spite of these serious doubts, CNN published Parnas’ demonstrably false statements as if they were true and later directly vouched for the truth of the statements. The three (3) pillars of Parnas’ story are demonstrably false:

- **Devin Nunes was not in Vienna in December 2018;**
- **Devin Nunes has never met Shokin;**
- **Devin Nunes never communicated with Parnas in December 2018 at the time of the “Vienna trip” (that also never happened).**

CNN knew Parnas was an unreliable source. CNN failed to reasonably assess the veracity of its sole source prior to publication. *Compare, e.g., Wells v. Liddy*, 2002 WL 331123, at * 4-5 (4th Cir. 2002).

b. CNN misrepresented the extent of its investigation and knowledge, misrepresented that it had verified Parnas’ story, and deliberately minimized the

credibility problems of its source. CNN knew its statements were materially false, and possessed information that demonstrated the falsity of its statements.

c. CNN conceived the story line in advance of any investigation and then consciously set out to publish statements that fit the preconceived story.

d. CNN deliberately ignored source material, including Parnas' phone records, that would have demonstrated that Parnas' statements were absolutely false.

e. CNN and its reporters, editors and publishers abandoned all journalistic standards and integrity, including CNN's own code of ethics, in writing, editing and publishing the CNN Article. CNN did not seek the truth or report it. CNN betrayed the truth for the sake of its political and ideological slant, and institutional bias against President Trump and Plaintiff. CNN did not confirm facts and verify Parnas' information before releasing it. The CNN Article was nothing less than opposition research. CNN rushed to get the story out in order to blunt the disastrous spectacle of the House Democrats' impeachment inquiry, and to hurt the leader of the Republican opposition. CNN misrepresented facts and oversimplified issues in promoting the fake news story. In spite of multiple reports on November 23, 2019, November 24, 2019 and November 25, 2019, confirming that Shokin never met with Plaintiff, CNN refused to update or correct its story. CNN withheld from the public key pieces of information about Parnas that bore directly upon his veracity, reliability and motivations. CNN deliberately distorted facts to support its false narrative that Plaintiff concealed from the House Intelligence Committee a clandestine effort to "dig up dirt on the Bidens". Rather than minimize harm, CNN set out to inflict maximum pain and suffering on Plaintiff in order to support the impeachment effort and to undermine due process and the search for

the truth. In promoting fake news about secret meetings in Vienna with a corrupt former Ukraine prosecutor, CNN pandered to lurid curiosity. CNN never once considered the long-term implications of the extended reach and permanence of its various online, on air, and social media publications. CNN abjectly failed to act independently. Rather, it accepted and published the false statements of an indicted criminal, a known fraudster, known liar, known hustler, with a motive to lie. Whereas other media outlets refused to take the bait, CNN eagerly published Parnas' lies. CNN refuses to be accountable; refuses to acknowledge its mistakes; refuses to retract; refuses to correct; refuses to clarify; and refuses to apologize. [<https://cnnsoc185.wordpress.com/vision-statement/>; <https://www.warnermediagroup.com/company/corporate-responsibility/telling-the-worlds-stories/journalistic-integrity>; <https://www.spj.org/ethicscode.asp>].

f. CNN intentionally employed a scheme or artifice to defame Plaintiff with the intent to obstruct, interfere with and impede the impeachment inquiry. CNN, Ward and Cuomo acted intentionally, purposefully and in concert with Parnas to accomplish an unlawful purpose through unlawful means, without regard for the Plaintiff's rights and interests.

g. CNN chose to manufacture and publish false and scandalous statements and use insulting words that were unnecessarily strong and that constitute violent, abusive and hateful language, disproportionate to the occasion, in order to foment controversy, undermine public confidence in Plaintiff, and hinder him from performing his duties as Ranking Member of the House Intelligence Committee. The ulterior purpose of the CNN Article is to advance the impeachment inquiry, to seed doubt in the minds of Americans, and to influence the outcome of the 2020 election.

h. The words chosen by CNN, Ward and Cuomo evince their ill-will, spite and actual malice.

i. CNN, acting in concert with Parnas, manufactured the claims about Plaintiff out of whole cloth. CNN did not act in good faith because, in the total absence of evidence, it could not have had an honest belief in the truth of its statements about Plaintiff or in the veracity of Parnas.

j. CNN harbors an institutional hatred, extreme bias, spite and ill-will towards Plaintiff, the GOP and President Trump, going back many years. CNN is notorious for making false claims about Republicans and publishing fake news that later has to be retracted. For example, in August 2017, CNN published a story smearing then-Trump ally, Anthony Scaramucci. CNN stated that Scaramucci was connected to a Russian investment fund that was supposedly under investigation by the U.S. Senate. Scaramucci threatened to take immediate legal action. CNN retracted the fake news and fired three reporters over the incident. [<https://www.foxnews.com/politics/cnn-faced-100m-lawsuit-over-botched-russia-story>]; [<https://www.nytimes.com/2017/09/05/business/media/cnn-retraction-trump-scaramucci.html>] (“**At CNN, Retracted Story Leaves an Elite Reporting Team Bruised**”). In December 2017, CNN was again caught peddling fake news, this time misrepresenting that Donald Trump, Jr. had advance notice from WikiLeaks of documents that WikiLeaks planned to release during the 2016 presidential campaign. [<https://www.nytimes.com/2017/12/08/business/media/cnn-correction-donald-trump-jr.html>] (“**CNN Corrects a Trump Story, Fueling Claims of ‘Fake News’**”). In July 2018, CNN published a blockbuster fake news story, heavily promoted by Cuomo on his

show, that Michael Cohen was prepared to tell Robert Mueller that President Trump knew in advance about a meeting with Russians at Trump Tower. [<https://www.cnn.com/2018/07/26/politics/michael-cohen-donald-trump-june-2016-meeting-knowledge/index.html>]. In August 2019, CNN's Brian Stelter allowed a psychiatrist to falsely claim that President Trump was "as destructive ... as Hitler, Stalin and Mao" and that he "may be responsible for many more million deaths than they were". [<https://www.cnn.com/videos/tv/2019/08/25/exp-two-psychiatrists-discuss-coverage-of-trump.cnn>]. Between 2017 and the present, CNN has been at the forefront of the advancement of false narratives about the Trump campaign, Trump associates, collusion with Russia, and now Ukraine. Plaintiff poses a threat to CNN. Between 2017 and March 22, 2019, Plaintiff emphatically argued that there was no "collusion" between Trump associates and Russia to hack the 2016 presidential election, and that CNN and others were perpetuating a hoax and lying to the American people. Most recently, as Ranking Member of the House Intelligence Committee, Plaintiff spearheaded Republican efforts to investigate and defend the truth during the impeachment inquiry. CNN is out to get the Plaintiff. CNN's reporting is part of a coordinated opposition research smear campaign against Plaintiff that has been ongoing since at least 2018. [[See https://dailycaller.com/2019/11/27/fusion-gps-devin-nunes/](https://dailycaller.com/2019/11/27/fusion-gps-devin-nunes/)]. In furtherance of the operation, CNN defamed Plaintiff in order to drum up negative publicity and manufacture an "ethical" issue, where none exists. CNN knew that its reporting would then be used by political operatives to file "ethics" complaints. And, in fact, as a result of CNN's publication of the CNN Article, Plaintiff now faces a potential ethics

investigation. [<https://thehill.com/homenews/house/471994-nunes-faces-potential-ethics-review-over-alleged-meeting-with-ukrainian>].

k. Publication of the CNN Article was an unmitigated act of retaliation against Plaintiff. Plaintiff stopped talking to CNN in the spring/summer of 2017. He told CNN that he would not talk until CNN retracted its fake news stories. CNN refused. In 2018, Plaintiff pointed out that CNN was the Democratic Party’s “leading propaganda” tool. He reiterated that he would not talk to CNN:

The image is a screenshot of a tweet from Ryan Saavedra (@RealSaavedra). The tweet text reads: "CNN tries to question Rep. @DevinNunes (R-CA) who responds in the best possible manner. Just say no to CNN." Below the text is a video player showing a CNN news segment. The video has a play button in the center. The video's title is "KEEPING THEM HONEST EVERYTHING OLD IS NUNES AGAIN" and it includes the CNN logo, the time "5:45 PM PT", and "AC360°". Below the video player, the tweet shows 12.8K likes and was posted at 11:19 PM on Jul 23, 2018.

Plaintiff refuses to speak with CNN, and this angers CNN. That anger manifested itself in the CNN Article and CNN's willingness to publish the demonstrably false statements of Parnas. The CNN Article is an act of retribution against Plaintiff.

l. CNN also initiated the defamation on November 22, 2019 in retaliation and reprisal for Plaintiff and the Republican's investigation and defense of President Trump at the impeachment inquiry. CNN went out of its way to publish and then republish false statements about Plaintiff that CNN knew were untrue.

m. CNN reiterated, repeated and continued to republish the false defamatory statements about Plaintiff out of a desire to hurt Plaintiff and to permanently stigmatize him, even after CNN learned that Parnas had lied.

n. Plaintiff loudly and publicly notified CNN that its false statements were demonstrably untrue. The *Washington Post* published three (3) stories in which Shokin and his associates denied ever meeting Plaintiff. CNN disregarded all these communications, and continues to stand by its fake news. *Daniczek v. Spencer*, 2016 WL 153086, at * 12 (E.D. Va. 2016) ("Spencer neglects that malice may be inferred under aggravating circumstances, including disregard for communications by others and the appearance of reprisal.").

42. As a direct result of CNN's defamation, Plaintiff suffered presumed damages and actual damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, special damages, costs, and other out-of-pocket expenses, in the sum of \$435,000,000 or such greater amount as is determined by the Jury.

COUNT II – COMMON LAW CONSPIRACY

43. Plaintiff restates paragraphs 1 through 42 of his Complaint, and incorporates them herein by reference.

44. Beginning in October 2019 and continuing through the present, CNN (including agents such as Ward acting within the scope of their employment for CNN), combined, associated, agreed or acted in concert with Parnas and his attorneys, and, upon information and belief, an opposition research firm (whose identity is unknown at this time) for the express purposes of injuring Plaintiff, intentionally and unlawfully impeding and interfering with his business and employment as a United States Congressman, and defaming Plaintiff. In furtherance of the conspiracy and preconceived plan, CNN and its co-conspirators engaged in a joint scheme the unlawful purpose of which was to destroy Plaintiff's personal and professional reputations, interfere with Plaintiff's duties as a United States Congressman, including the performance of his duties as Ranking Member of the House Intelligence Committee during the impeachment inquiry, and to further the goal of the ongoing opposition research smear campaign against Plaintiff.

45. CNN acted intentionally, purposefully, without lawful justification, and with the express knowledge that it was defaming Plaintiff. As evidenced by its concerted actions online, on air, and via Twitter, CNN acted with the express and malicious intent to cause Plaintiff permanent injury.

46. CNN's actions constitute a conspiracy at common law.

47. As a direct result of CNN's willful misconduct, Plaintiff suffered actual damages, including, but not limited to, insult, pain, embarrassment, humiliation, mental suffering, injury to his reputation, special damages, costs, and other out-of-pocket

expenses, in the sum of \$435,000,000 or such greater amount as is determined by the Jury.

Plaintiff alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. Plaintiff believes that substantial additional evidentiary support, which is in the exclusive possession of CNN, Ward, Cuomo, Parnas, Bondy, MacMahon, and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Plaintiff reserves his right to amend this Complaint upon discovery of additional instances of CNN's wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Devin G. Nunes respectfully requests the Court to enter Judgment against CNN as follows:

- A. Compensatory damages in the amount of \$435,000,000 or such greater amount as is determined by the Jury;
- B. Punitive damages in the amount of \$350,000 or the maximum amount allowed by law;
- C. Prejudgment interest from November 22, 2019 until the date Judgment is entered at the maximum rate allowed by law;
- D. Postjudgment interest at the rate of six percent (6%) per annum until paid;
- E. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: December 3, 2019

DEVIN G. NUNES

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