

IN THE DISTRICT COURT OF JOHNSON COUNTY, NEBRASKA

CHARLES W. HERBSTER,)	CASE NO: CI _____
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
)	
JULIE SLAMA,)	
)	
Defendant.)	

Comes Now Plaintiff Charles W. Herbster, by and through his attorneys, and for his Complaint against Defendant Julie Slama states and alleges as follows:

1. Plaintiff Charles W. Herbster (“Plaintiff”) is the victim of a politically motivated and groundless attack against him by a political opponent, who resorted to false and malicious lies about Plaintiff, accusing him of scandalous conduct. The accusations against Plaintiff lack even a shred of credibility. Plaintiff has never and would never engage in the type of conduct of which he has been accused. Plaintiff therefore brings this lawsuit to defend his reputation and good name.

PARTIES

- 2. Plaintiff is, and all times relevant herein was, a resident of Falls City, Nebraska.
- 3. Upon information and belief, Defendant Julie Slama (“Defendant Slama”) is, and all times relevant herein was, a resident of Sterling, Johnson County, Nebraska.

JURISDICTION AND VENUE

4. Jurisdiction and venue are appropriate before the District Court of Johnson County, Nebraska, as the conduct of the Defendant which is the subject of this Complaint took

place within the state of Nebraska and, at all times relevant herein, Defendant has been a resident of Johnson County, Nebraska, thereby making Johnson County an appropriate venue for this action pursuant to Nebraska Revised Statute Section 25-403.01(1).

FACTS

I. Plaintiff's Background

5. Plaintiff is a leader in Nebraska's business community. In 1994, Plaintiff and his late wife purchased the Conklin Company, and Plaintiff has run the company successfully ever since. Plaintiff is currently the CEO and President of Carico Farms and Herbster Angus Farms.

6. Plaintiff has worked with women his whole career and has empowered women to help run his company, his farm, and his campaign.

7. Prior to the publication of Defendant's false allegations, Plaintiff had never once faced an accusation of misconduct similar to the false claims asserted by Defendant Slama.

8. Plaintiff is a Republican candidate in Nebraska's gubernatorial primary election.

9. It is well known that Nebraska's current governor, Pete Ricketts ("Governor Ricketts"), opposes the Plaintiff's candidacy and Ricketts has actively supported an opponent of the Plaintiff in the current governor's race, Jim Pillen.

10. Governor Ricketts and his father have admitted to funding "dark money" attack ads against Plaintiff.

II. Defendant Slama's Background

11. In 2018, Defendant Slama served as Governor Ricketts' press secretary in his gubernatorial campaign.

12. In December 2018, Governor Ricketts appointed Defendant Slama to be a state senator for Nebraska's Legislative District 1 after a vacancy emerged.

13. Approximately two years later, Governor Ricketts appointed Defendant Slama's twin sister, Emily Ethington, to be the Sarpy Election Commissioner.

14. Upon information and belief, Governor Ricketts has employed or has provided funding to an employer of Defendant Slama's husband, Andrew LaGrone.

15. Defendant Slama has publicly endorsed Plaintiff's opponent, Jim Pillen.

16. Defendant Slama's husband, Andrew LaGrone, was recruited to launch a dark money Political Action Committee to attack Plaintiff in connection with Plaintiff's gubernatorial campaign.

III. The 2019 Elephant Remembers Dinner

17. In Spring 2019, Plaintiff, Defendant Slama and several hundred other people attended the Douglas County Republican Party's annual Elephant Remembers dinner (the "Dinner").

18. As a top sponsor of the Dinner, Plaintiff was seated in the front row and would have been widely known and recognized by other attendees at the Event.

19. Plaintiff did not grope anyone, reach under anyone's skirt, or otherwise inappropriately touch anyone at the Dinner, including Defendant Slama.

20. In the approximately three years following the Dinner, no one came forward to accuse Plaintiff of any misconduct at the Dinner whatsoever. Slama chose to publicize her false claims against Plaintiff less than a month before the Republican Primary for the race for Nebraska governor. At the time of Slama's publication, Plaintiff Herbster was leading in the polls of the primary Republican candidates in the race for Governor and was ahead of the candidate that Defendant Slama was supporting.

21. Slama's publication and republication of her false statements concerning Plaintiff Herbster were calculated to harm Herbster's candidacy.

IV. Defendant Slama's Continued Interactions with Plaintiff Following the Dinner

22. In the approximate three years following the Dinner, Defendant Slama unilaterally sought out contact with Plaintiff, in both professional and social ways.

23. In 2020, Defendant Slama asked Plaintiff for a \$10,000 donation to her campaign.

24. In 2021, Defendant Slama and her husband personally invited Plaintiff to attend their destination wedding in the Dominican Republic.

25. On January 22, 2022, Defendant Slama sent Plaintiff an unsolicited text message sharing her residential address with Plaintiff so that Plaintiff could send her a wedding gift.

January 22, 2022 – Text Message to Charles W. Herbster



26. At no time over these three years did Slama suggest, either through her words or her actions, that anything inappropriate had ever transpired between her and Plaintiff.

V. The April 14, 2022 *Nebraska Examiner* Article

27. On or about April 14, 2022, the *Nebraska Examiner* published an article (“April 14 Article”) about the Dinner in which the reporter, Aaron Sanderford (“Sanderford”), published defamatory statements about Plaintiff that Defendant Slama had made.

28. Sanderford stated in the April 14 Article that Defendant Slama stated, “Yes, confirmed” when asked whether Plaintiff reached up her skirt and touched her inappropriately at the Dinner.

29. Defendant Slama's statement about Plaintiff's conduct at the Dinner was false, as Plaintiff had not reached up her skirt nor touched her inappropriately.

30. On April 14, 2022, Defendant Slama issued a press release stating that the Nebraska Examiner's article "about Charles Herbster sexually assaulting me in 2019, when I was 22 years old, is true."

31. Sexual assault is a crime under Nebraska law. Neb. Rev. Stat. § 28-320 (2021).

32. In that same press release, Defendant Slama went on to state: "I am not seeking media attention or any other gain, I simply was not going to lie and say it did not occur. I would request my family's privacy be respected at this difficult time."

33. Yet, almost immediately after claiming she desired "privacy," Defendant Slama began a public campaign going on radio station KFAB on or about April 15, 2022, to repeat her false allegations:

As I was going in, walking to my table I felt a hand reach up my skirt, up my dress and the hand was Charles Herbster's. I was in shock. I was mortified. It's one of the most traumatizing things I've ever been through.

iHeart, "Senator Julie Slama discusses her allegations against Charles Herbster – Ian Swanson," https://www.iheart.com/podcast/53-ian-swanson-85544919/episode/senator-julie-slama-discusses-her-allegations-95604375/?cmp=web_share&embed=true (from 1:47–2:09) (last accessed Apr. 22, 2022).

34. She also publicly tweeted about the alleged assault:

This dress is what I was wearing when I was sexually assaulted.



<https://t.co/VHliO0NovE> [pic.twitter.com/g47LuumFO6](https://t.co/VHliO0NovE)" <https://t.co/VHliO0NovE>
[pic.twitter.com/g47LuumFO6](https://t.co/VHliO0NovE)

— Senator Julie Slama (@SenatorSlama) April 14, 2022

VI. Damage to Plaintiff's Reputation

35. As a result of Defendant Slama's false statements about him, Plaintiff has suffered grievous harm to his reputation.

36. Journalistic outlets both in Nebraska and across the country have republished the defamatory remarks about Plaintiff, bringing Plaintiff disrepute and damage to his reputation.

COUNT I: DEFAMATION (SLANDER PER SE)

37. Plaintiff realleges and incorporates by reference each of the foregoing paragraphs as though fully set forth herein.

38. Defendant Slama made a false and defamatory statement of and concerning Plaintiff when she stated, "Yes, confirmed" when Sanderford asked her whether Plaintiff reached up her skirt and touched her inappropriately at the Dinner.

39. Defendant Slama repeated her false and defamatory statement of and concerning Plaintiff when she appeared on KFAB radio and accused the Plaintiff of “sexually assault [her] in 2019” when she stated that Plaintiff’s hand “reach[ed] up [her] skirt”.

40. Defendant Slama published the defamatory statement alleged above to Sanderford and through her statements KFAB radio, and her publications were not subject to any privilege.

41. Defendant Slama acted with actual malice as evidenced by (1) she knew her statement about Plaintiff was false since Plaintiff never engaged in the conduct of which he was accused; (2) Defendant Slama had a politically motivated reason to smear Plaintiff; and (3) Defendant Slama’s interactions with Plaintiff in the years immediately subsequent to the Dinner are wholly inconsistent with her statements about the Dinner in the April 14 Article and in the KFAB radio interview.

42. Defendant Slama’s defamatory remark constitutes slander per se because her false accusation about Plaintiff relates to a crime of moral turpitude, as well as a crime under Nebraska law.

43. As a result of Defendant Slama’s defamatory statements about him, Plaintiff has suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Charles Herbster prays for judgment in his favor against Defendant Slama for all of his general and special damages in an amount to be determined at trial, fees and costs, and such other relief as may be appropriate under the premises.

Respectfully submitted,
Charles W. Herbster, Plaintiff

By: /s/ David A. Warrington

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