

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA
CIRCUIT CIVIL DIVISION**

DEVIN G. NUNES)) Plaintiff,)) v.))) GUARDIAN NEWS & MEDIA LTD.) PENSKE MEDIA CORPORATION) CHRIS ANDERSON)) -and-)) WILL WILKERSON))) Defendants.) _____)	CASE NO. _____ <u>CASE TYPE: CA Libel / Slander</u> <u>JUDGE: _____</u> TRIAL BY JURY IS DEMANDED
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COMPLAINT

Plaintiff, Devin G. Nunes (“Plaintiff” or “Nunes”), by counsel, files the following Complaint against defendants, Guardian News & Media Ltd. (“Guardian”), Penske Media Corporation d/b/a *Variety* magazine (“PMC”), Chris Anderson (“Anderson”), and Will Wilkerson (“Wilkerson”), jointly and severally.

Plaintiff seeks (a) compensatory damages and punitive damages in an amount to be determined by the Jury, (b) prejudgment interest on the principal sum awarded by the Jury from March 15, 2023 to the date of Judgment at the rate of 6.58 percent per year, and (c) costs – arising out of the Defendants’ defamation, defamation by implication and conspiracy to defame.

I. INTRODUCTION

1. Devin Nunes is the President, CEO and a Director of Trump Media & Technology Group Corp. (“TMTG”). Nunes works full-time in Sarasota County, Florida, where TMTG is headquartered. TMTG is a closely-held corporation. It has a small group of managers, including four (4) officers and five (5) directors. Nunes is the apex official and public face of TMTG and its business operations. He is synonymous with TMTG.¹ On March 15, 2023 and at times thereafter, Defendants published and republished egregious statements online and via social media (Twitter) that falsely accused or implied that Nunes engaged in or aided and abetted money laundering. Readers immediately understood and concluded that Defendants’ injurious statements were of or concerning Nunes. Defendants’ false criminal charges exposed Nunes to hatred, ridicule, contempt, distrust, and disgrace, and injured his business, reputation and occupation.

¹ Prior to March 15, 2023, Guardian reported extensively on Nunes’s close relationship with Donald Trump and Nunes’s role and involvement with TMTG. Guardian described Nunes as a “close ally of Donald Trump”, a “Trump loyalist”, and the “head” of Trump’s social media platform. PMC emphasized that Trump Media is “led” by Nunes. In this case, considering the entire context under which the Defendants published the statements at issue, the character of the audience and its relationship to the subject matter of Defendants’ publications, and the effect the publications reasonably had upon such audience, the circumstances reasonably give rise to the conclusion that the false and defamatory statements refer and apply to Nunes. *Compare De Witte v. Kearney & Trecker Corp.*, 265 Wis. 132, 60 N.W.2d 748, 751 (1953) (“In the instant case the words used in the letter are ‘the small group of officers of the EIU.’ The complaint states that for the entire period of time referred to in the letter, the four plaintiffs were the officers of the EIU. Four persons would certainly constitute a ‘small group’ and the use of the word ‘the’ denotes the *entire* group or *all* the officers. The persons who received the letter are all members of the union of which plaintiffs were the officers and it may be presumed they knew who their officers were. Under such circumstances it requires no innuendo to identify the plaintiffs as constituting the small group of officers to whom the letter referred. The plaintiffs being definitely ascertainable as the persons to whom the defamatory statements referred, the complaint must be held sufficient in stating a cause of action by each.”).

2. Nunes brings this case to recover actual damages and punitive damages for the harm caused to him by Defendants' actions.

II. PARTIES

3. Between 2003 and 2021, Nunes served as a United States Congressman. In 2021, he was Ranking Member of the House Permanent Select Committee on Intelligence (the "House Intelligence Committee"), having been appointed to the Committee in the 112th Congress and having served as Committee Chairman during the 114th and 115th Congresses. As a member of the House Intelligence Committee, Nunes participated 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. In January 2021, the President awarded Nunes the Medal of Freedom. Nunes's career as a United States Congressman was distinguished by his honor, dedication and service to his constituents and his country, his honesty, integrity, ethics, and reputation for truthfulness and veracity. These same qualities are crucial to Nunes's performance and success as CEO of TMTG. In this case, Nunes suffered the brunt of the harm to his reputation in Sarasota, Florida, where he works for TTMG and where Defendants' statements were accessed and read by Defendants' subscribers and social media followers. *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 776-777 (1984) ("[f]alse statements of fact harm both the subject of the falsehood *and* the readers of the statement ... The tort of libel is generally held to occur wherever the offending material is circulated.").

4. Defendant Guardian is a foreign corporation headquartered in King's Place, London, England. It is a British daily newspaper that is part of the Guardian

Media Group, PLC. In addition to its website, www.theguardian.com, with a large Florida subscriber base, Guardian sells newspapers throughout Florida and operates and promotes its business through a Twitter account, **@guardian**. It has 10,800,000 followers.

5. Defendant PMC is a global media and information services company headquartered in Los Angeles, California. PMC owns and operates a vast constellation of magazines and other brand businesses, including Variety, Rolling Stone, The Hollywood Reporter, Billboard, WWD, SHE Media, Deadline, Robb Report and Dick Clark Productions. PMC maintains offices and agents in Florida. PMC republished false and defamatory statements of or concerning Nunes in Florida through both its website, www.variety.com, that was accessed by thousands of Floridians, and by the sale of thousands of *Variety* magazines to residents of Florida.

6. Defendant Anderson is a citizen of Florida. Anderson lives and works in Sarasota County. He is a reporter for the Sarasota Herald-Tribune. Anderson published and republished false and defamatory statements of or concerning Nunes in Florida.

7. Defendant Wilkerson lives in North Carolina. Wilkerson and his agents – Phil Brewster (“Brewster”), Patrick M. Mincey (“Mincey”) and Stephen J. Bell (“Bell”) – are the source of the false and defamatory statements published and republished by Guardian and PMC in this action.

III. JURISDICTION AND VENUE

8. The Circuit Court of Sarasota County has subject matter jurisdiction over this action.

9. Defendants are subject to the Court’s general personal jurisdiction and specific personal jurisdiction.

10. Venue is proper in Sarasota County, where Nunes works, where the false and defamatory statements were published, and where Nunes suffered damage.

IV. STATEMENT OF MATERIAL FACTS

A. Guardian

11. On March 15, 2023, Guardian published an online article written by Hugo Lowell, entitled “*Federal investigators examined Trump Media for possible money laundering, sources say*”. [<https://www.theguardian.com/us-news/2023/mar/15/trump-media-investigated-possible-money-laundering> (the “Article”)].

12. The Article contains the following false statements and defamatory implications of or concerning Nunes:

- The headline falsely states that “Federal investigators examined Trump Media for possible money laundering”;
- The subheading of the Article falsely states that “New York prosecutors expanded criminal inquiry of company last year and examined acceptance of \$8m with suspected Russian ties”;
- The Article falsely states that “Federal prosecutors in New York involved in the criminal investigation into Donald Trump’s social media company last year started examining whether it violated money laundering statutes in connection with the acceptance of \$8m with suspected Russian ties”;
- The Article falsely states that “The company – Trump Media, which owns Trump’s Truth Social platform – initially came under criminal investigation over its preparations for a potential merger with a blank check company called Digital World (DWAC)”;
- The Article falsely states that “[t]owards the end of last year, federal prosecutors started examining two loans totaling \$8m wired to Trump Media”;

- The Article falsely states that there is and/or was a criminal investigation of TMTG and that Federal prosecutors “expanded” the “nature of the criminal investigation”;
- The Article falsely states that “[e]ven if Trump Media and its officers face no criminal exposure for the transactions, the optics of borrowing money from potentially unsavory sources through opaque conduits could cloud Trump’s image as he seeks to recapture the White House in 2024”;
- The Article states that “[t]he extent of the exposure for Trump Media and its officers for money laundering remains unclear. The statutes broadly require prosecutors to show that defendants knew the money was the proceeds of some form of unlawful activity and the transaction was designed to conceal its source. But money laundering prosecutions ... can be based on materials that show that the money in question was unlikely to have legitimate origins”;
- The Article falsely states that the “Russian connection” was “being examined by prosecutors in the US attorney’s office for the southern district of New York”;
- The Article falsely states or implies that there was an “investigation” targeted at TMTG by the Justice Department or the United States Attorney for the Southern District of New York: “A spokesman for the justice department, the US attorney’s office for the southern district of New York and outside counsel for Trump Media declined to comment about the investigation”;
- The Article falsely states that “[t]he obscure origins of the \$8m loans caused alarm at Trump Media and, in the spring of 2022, Trump Media’s then chief financial officer Phillip Juhan weighed returning the money ... But the money was never returned, Wilkerson said, in part because losing \$8m out of the roughly \$12m cash that Trump Media had in its accounts at that time would have placed significant stress on its financial situation”;
- The Article falsely states that “Prosecutors appear to have also taken a special interest in the payments because the off-shore Paxum Bank has a history of providing banking services for the pornography and sex worker industries, which makes it higher risk of engaging in money laundering and other illicit financing”.

The Guardian Article acknowledges that Wilkerson and his agents are the source of the false and defamatory charges. On March 17, 2023, Guardian published a second story written by Lowell, in which Guardian republished the false and defamatory Statements

and implications in the first Article, and added others. [<https://www.theguardian.com/us-news/2023/mar/17/trump-media-executives-worried-over-murky-8m-loan>]. The second

story included the following additional false and defamatory Statements and implications:

- “months after Trump Media came under criminal investigation for the merger by the US attorney’s office for the southern district of New York, federal prosecutors started to examine whether the company violated money-laundering statutes over the payments”;
- “The question about who knew about the origins of the \$8m that ran the risk of having illegitimate origins because of the Russian connection, and what Trump Media did to ensure that kind of money was not entering the United States has become a key issue arising from the episode”.

(each of the above is a “Guardian Statement” and together the “Guardian Statements”).

13. The express meaning and defamatory gist of the Guardian Statements is that Nunes – “Trump Media chief executive Devin Nunes” – committed or aided and abetted serious Federal crimes, including violations of 18 U.S.C. § 1956 (laundering of monetary instruments). The Guardian Statements impute to Nunes unfitness to hold an office of employment, including dishonesty, want of integrity, malfeasance and criminality. The Guardian Statements severely prejudice Nunes in his business and profession as CEO of Sarasota-based Trump Media.

14. Wilkerson and/or Brewster, Mincey and Bell contacted Guardian to coordinate publication of the Guardian Statements. Wilkerson and his agents combined, associated and worked in concert with Guardian to craft the language used in the Article. Wilkerson and his agents supplied select documents to Guardian as part of the scheme or artifice to defame Nunes and interfere with his business and occupation. Wilkerson and his agents communicated with Guardian via telephone and direct or encrypted messaging

and email applications. Wilkerson and his confederates pursued the common and collaborative goal of defaming Nunes and the management of TMTG.

15. As was naturally and foreseeably intended by Guardian and Wilkerson, the Guardian Statements were republished millions of times on March 15, 2023 and thereafter, including by Guardian and its agents, *see, e.g.*:

<https://twitter.com/hugolowell/status/1635985253239083011>

(“Federal prosecutors involved in the criminal investigation into Trump’s social media company last year started examining whether it violated money laundering statutes with the acceptance of \$8m with suspected Russian ties”);

<https://twitter.com/hugolowell/status/1635994881557426176>

(“Towards the end of last year, prosecutors started examining two loans totaling \$8m wired to Trump Media, through the Caribbean, from two obscure entities that both appear to be controlled in part by the relation of an ally of Putin”);

https://twitter.com/owen_g/status/1636641452997353472

(“Trump Media executives worried over murky \$8m loans, emails reveal”);

<https://www.youtube.com/watch?v=wb1RQJ5AORc>

(“Federal prosecutors in New York involved in the criminal investigation into Donald Trump’s social media company last year started examining whether it violated money laundering statutes in connection with the acceptance of \$8m with suspected Russian ties, according to new Guardian reporting. Hugo Lowell discusses”);

<https://twitter.com/NoahBookbinder/status/1636112533672325120>

(“Not only has Donald Trump’s social media company come under criminal investigation for potential money laundering, but \$8 million in loans to the company that are a subject of that investigation apparently came from an ally of Vladimir Putin”);

<https://twitter.com/RVAwonk/status/1636078876957765632>

(“Aaaand Trump’s Truth Social platform/network is being investigated for possible money laundering violations involving Russian \$”);

<https://twitter.com/mitchellvii/status/1636100085539897347>

(“More troubles for Truth Social. Will it ever merge with DWAC?”);

https://twitter.com/Thom_Hartmann/status/1636021351365615616

(“Trump is still being funded by Putin - while running for President of the USA? Where’s the national media?”);

https://twitter.com/bobcesca_go/status/1636033867730567170

(“Troth Senchul could be a Russian money laundering front? You don’t say”);

<https://twitter.com/JohnF1CDO/status/1636685024043859972>

(“Trumps ‘truth social’ led by Devin Nunes, was bailed out by Putin, now under investigation by FBI for money laundering”).

16. The Guardian Statements directly implicate Nunes as “Trump Media chief executive”. The Statements were clearly and immediately understood by readers to be of or concerning Nunes, *see, e.g.*:

<https://twitter.com/eviebauer727/status/1638046780011999235>

(“Donald Trump and the Trump clan fall all over themselves committing crimes. We can’t even keep up. Now, they’re laundering Russian money through Truth Social? There’s no limit to their criminality”);

<https://twitter.com/CrockerBoy/status/1636679407812108288>

(“Prosecutors are conducting a criminal investigation into Donald Trump’s Truth Social company. The company laundered money - accepting \$8m from Russia. Devin Nunes is looking for a new job”);

https://twitter.com/unruh_jean/status/1636750225883959298

(“Devin Nunes is a Putin and Trump puppet. How much money is he making?”);

<https://twitter.com/rbyrnereilly/status/1636226455280680960>

(“Trumps ‘truth social’ run by disgraced former California rep Devin Nunes bankrolled by favored Putin oligarch; under investigation by FBI for money laundering”);

<https://twitter.com/Sophia94Miller/status/1636683959764414467>

(“Trumps ‘truth social’ run by disgraced former California rep Devin Nunes bankrolled by favored Putin oligarch; under investigation by FBI for money laundering”);

<https://twitter.com/Spartan31722559/status/1636369523195478016>

(“Devin Nunes that numbskull, left his Congress job for the money laundering operation called Truth Social”);

<https://twitter.com/45bestwords/status/1636883718530007042>

(“Let’s see, the criminal investigations into the shady foreign (Russian) money loans + money laundering for Trump Media/Truth Social would seem to ensnare Donald Trump jr. + Devin Nunes. I’ll take that ‘crooks and liars’ daily double for 1,000 Alex!”);

<https://twitter.com/CattardSlim/status/1635958467705069568>

(“So long Truth Social & \$DWAC! Trump, Devin Nunes, Kash Patel, and Don Jr. got financing for Trump Media from a money laundering overseas sex trafficking bank with direct ties to Putin and the Russians);

<https://twitter.com/mac6272/status/1636784871526875136>

(“Look at this article...Trump’s Truth Social getting \$8 MILLION from lenders linked to Putin. What is more shocking is that Devin Nunez is the CEO of Truth Social. OMG, is this bigger than the Hunter story?”);

<https://twitter.com/CSchiesari/status/1636018866693496832>

(“Not at all surprising. It was obvious at its inception run by moron Devin Nunes that this was a money laundering scheme”);

<https://twitter.com/DigiVorr/status/1636046497992122368>

(“What did Devin Nunes know and when did he know it?”);

<https://twitter.com/VOvegan/status/1636304253168885761>

(“I’m shocked Trump only took \$8 million of Putin’s rubles to startup and run Bluth Social. I repeat, Devin Nunes is going to have a cow in prison”);

<https://twitter.com/DevinCow/status/1636128340263456768>

(“Your boy is at it again @NunesAlt”);

https://twitter.com/Kevin_C_ONeil/status/1636147400711479296

(“I sure hope that CEO @DevinNunes doesn’t get arrested for running an organization involved in money laundering. That would be such a shame”);

https://twitter.com/ugh_him_again/status/1636121599740121088

(“A potentially wonderful thing about alleged Russian money laundering via Trump Social is that it could also take down their CEO... former Rep Devin Nunes”);

<https://twitter.com/AllanBassett1/status/1636029392211300354>

(“Why Is Devin Nunes Exempt From His Crimes? He Ran A Money Laundering Scheme For Trump, For God’s Sake”);

<https://www.benzinga.com/m-a/23/03/31365312/trumps-dwac-stock-tanks-how-a-trump-media-money-laundering-investigation-has-putin-undertones>

(“Several Trump Media executives including CEO Devin Nunes, who is a former Congressman, and Donald Trump Jr. were aware the \$2 million payment was coming through and authorized it, though their knowledge of where the money came from is still being investigated”).

17. The Guardian Statements are materially false. The entire story is fabricated. Federal investigators never examined Trump Media for possible money laundering. There was never any criminal inquiry or investigation targeting TMTG. Federal prosecutors never examined or took a “special interest” in the two loans totaling \$8m wired to TMTG. No “Russian connection” was “being examined by prosecutors in the US attorney’s office for the southern district of New York”. The \$8m loans never “caused alarm” at Trump Media. The Guardian Statements are defamatory. They make Nunes, the CEO of Trump Media, appear odious, ridiculous and contemptible. [*Jews for Jesus, Inc. v. Rapp*, 997 So.2d 1098, 1108-1109 (Fla. 2008); *Nunes v. W.P. Company*, 2021 WL 3550896, at * 4 (D. D.C. 2021) (“Taken as a whole, the article says (or at least a reasonable juror could understand the article to say) that Nunes had made baseless claims about spying on Trump Tower and then visited the White House to inspect documents that might support those baseless claims. And a reasonable juror could conclude that an elected official is ridiculous or unfit for office if he searched for evidence to support baseless claims. Indeed, the online article stated that Nunes had searched for this evidence ‘late at night,’ suggesting something untoward about the outing”)].

B. PMC

18. On March 15, 2023 and March 22, 2023, PMC republished the Guardian Statements in its *Variety* magazine. [<https://variety.com/2023/digital/news/trump-social-media-federal-investigation-money-laundering-1235555139/> (“*Trump’s Social Media Company Investigated by Feds for Potential Money-Laundering Violations (Report)*”); <https://variety.com/2023/digital/news/trump-media-merger-dwac-fires-ceo->

[patrick-orlando-1235561215/](https://www.pmc.com/author/patrick-orlando-1235561215/) (“*Trump Media Merger Partner DWAC Fires CEO, Citing ‘Unprecedented Headwinds’*”). In its March 15 article, PMC identified Nunes by name and advised readers that “TMTG is led by CEO Devin Nunes”. PMC acknowledged that the source of the Guardian Statements was “ousted TMTG co-founder Will Wilkerson”. (Emphasis added). In spite of Wilkerson’s extreme ill-will and bias towards TMTG – well-known to PMC – PMC recklessly republished the Guardian Statements without obtaining corroboration of a single one of Wilkerson’s scandalous accusations.

19. In an effort to reach a new and different target audience and to increase the breadth of the defamation further than *Variety’s* Internet and print magazine audiences, agents of PMC republished the March 15 article to their followers on Twitter. [<https://twitter.com/xpangler/status/1636028664247640067> (“Federal investigators examined Trump Media for possible money laundering, The Guardian reports”)].

C. Anderson

20. On March 18, 2023, Anderson republished the Guardian Statements. [<https://www.heraldtribune.com/story/opinion/columns/2023/03/18/is-trumps-sarasota-company-tied-to-russia-investigators-want-to-know/70017116007/>] (“*Federal prosecutors in New York have reportedly been investigating two loans worth \$8 million given to Trump Media & Technology Group [link to Guardian Article] by obscure entities with ties to Russian president Vladimir Putin.*”). Independently, Anderson also falsely stated that TMTG was being “investigated for money laundering”.

21. In order to endorse the defamatory meaning of the Guardian Statements and his own false statements, Anderson named Nunes and included a picture of him:



22. Fla. Stat. § 770.01 provides that before any civil action is brought for publication in a newspaper, periodical, or other medium, of a libel or slander, the plaintiff “shall, at least 5 days before instituting such action, serve notice in writing on the defendant, specifying the article or broadcast and the statements therein which he or she alleges to be false and defamatory.” Nunes has served notice on each Defendant pursuant to § 770.01 and requested retraction and/or correction. Defendants refuse to retract the false and defamatory Statements.

23. Defendants’ Statements were not published in good faith. The falsity of Defendants’ Statements was not due to an honest mistake of the facts. There were no reasonable grounds for believing that Defendants’ Statements were true. Publication was part of an intentional effort to damage Nunes and interfere with the business of TMTG.

**FIRST CAUSE OF ACTION –
DEFAMATION**

24. Nunes restates paragraphs 1 through 23 of this Complaint, and incorporates them herein by reference.

25. Defendants made and published to third-parties, including their subscribers, advertisers, viewers, and followers in Sarasota County, Florida, false factual Statements, which are detailed verbatim above, of or concerning Nunes.

26. By publishing the false and defamatory Statements on the Internet and by tweeting the false Statements, Guardian, PMC, Anderson and Wilkerson each knew or should have known that their false and defamatory Statements would be republished over and over and over by third-parties to Nunes' detriment and injury. Republication was the natural and probable consequence of Defendants' actions and was actually and/or presumptively authorized by Defendants. In addition to the original publications, Defendants are each liable for the republications of the false and defamatory Statements by their agents and by third-parties.

27. Defendants' false Statements constitute defamation *per se*. The Statements accuse Nunes of infamous crimes and tend to subject him to hatred, distrust, ridicule, contempt, or disgrace. The Statements are inherently injurious.

28. Defendants' publication and republication of the false and defamatory Statements caused Nunes to suffer public shame, ridicule, insult, humiliation, embarrassment, emotional distress and mental anguish (past and future), anxiety, insecurity, anger regarding Guardian, PMC and Anderson's intentional ratings-driven, scandal-ridden abandonment of journalistic integrity and personal attacks, fear for safety and the safety of family members, fear that the defaming remarks reached family, friends

and other members of the public beyond Guardian, PMC and Sarasota Herald-Tribune's advertisers, subscribers, viewers and followers and beyond those who are identified in the Complaint, fear that the false facts have agitated bad actors and caused such persons to defame Nunes, fear that Nunes has lost standing, good will and credibility in the community, fear that Nunes will never be able to clear his name, and injury to Nunes's reputation (past and future) due to the reputational risk created by Defendants.

29. Defendants each acted with actual malice and reckless disregard for the truth for the following reasons:

a. First, Guardian, PMC and Anderson fabricated facts about a criminal money laundering investigation and published and republished Statements that were a product of their imagination. They made up facts out of whole cloth in order to impute intentional wrongdoing to Nunes. *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) ("Professions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant [or] is the product of his imagination"). Guardian, PMC and Anderson relied on an inherently suspect source (Wilkerson), who they knew had been "ousted" from TMTG and who had an axe to grind. *AdvanFort Co. v. Maritime Executive, LLC*, 2015 WL 4603090, at * 8 (E.D. Va. 2015) ("If, in fact, TME knew of the bad blood between Plaintiffs and Defendant Cartner, it would have indeed had obvious reason to doubt Cartner's veracity and the accuracy of his statements given the blatantly hostile and sarcastic tone of the Article."). In spite of serious doubts as to the veracity of Wilkerson's words, Guardian, PMC and Anderson published the Statements anyway.

b. Second, given Nunes's stature and accomplishments as of March 2023, Defendants' scandalous story about Federal criminal investigations involving money laundering and TMTG was so inherently improbable that only a reckless person would have put the Statements in circulation. *St. Amant*, 390 U.S. at 732 ("Professions of good faith will be unlikely to prove persuasive, for example, ... when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation.").

c. Third, Defendants' statements were intentionally extreme and outrageous. Defendants knew that publication of the statements would cause a media frenzy. Defendants deliberately and recklessly conveyed a false narrative about Nunes in order to sensationalize the news. *Tomblin v. WCHS-TV8*, 2011 WL 1789770, at * 5 (4th Cir. 2011) (unpublished) ("on the question of whether WCHS-TV8 deliberately or recklessly conveyed a false message to sensationalize the news and thus to provide factual support for a finding of malice, there are disputed facts").

d. Fourth, Guardian, PMC and Anderson intentionally violated their code of ethics and abandoned all journalistic standards in writing, editing and publishing the Statements, and relying on Wilkerson. They did so with the intent to inflict injury. *Curtis Pub. Co. v. Butts*, 388 U.S. 130, 161 (1967) ("Where a publisher's departure from standards of press responsibility is severe enough to strip from him the constitutional protection our decision acknowledges, we think it entirely proper for the State to act not only for the protection of the individual injured but to safeguard all those similarly situated against like abuse").

e. Fifth, Defendants each harbored extreme bias, ill-will and desire to inflict harm on Nunes through knowing falsehoods. *Don King Productions, Inc. v. Walt Disney Co.*, 40 So.3d 40, 45 (Fla. 4th DCA 2010) (“[a]n intention to portray a public figure in a negative light, even when motivated by ill will or evil intent, is not sufficient to show actual malice unless the publisher intended to inflict harm through knowing or reckless falsehood.”) (citing *Garrison v. Louisiana*, 379 U.S. 64, 73 (1964)); see *Celle v. Filipino Reporter Enters., Inc.*, 209 F.3d 163, 186 (2nd Cir. 2000) (“Plaintiff introduced sufficient circumstantial evidence to establish clearly and convincingly that defendant Pelayo entertained serious doubts about the truth of the headline ‘US judge finds Celle ‘negligent.’ This conclusion is based in part on evidence indicating ill will and personal animosity between Celle and Pelayo at the time of publication”); *Duffy v. Leading Edge Products, Inc.*, 44 F.3d 308, 315 fn. 19 (5th Cir. 1995) (“[E]vidence of ill will can often bolster an inference of actual malice.”); *ExpertConnect, LLC v. Fowler*, 2020 WL 3961004, at * 3 (S.D.N.Y. 2020) (plaintiff alleged that the defendants “‘engaged in a concerted effort to deliberately disparage the business reputations of Fowler, Parmar, and Strafluence with false statements’ that they had committed a serious crime and were under investigation. These statements were made ‘with full knowledge of their falsity’ because ‘[t]here has never been any criminal action commenced against Fowler or Parmar, no investigation of any sort and, to be sure, no allegations of criminal conduct.’”).

f. Finally, after Nunes notified Guardian in writing that the Guardian Statements were false and defamatory, Guardian brazenly republished the false and defamatory statements about Nunes. *Nunes v. Lizza*, 12 F. 4th 890, 901 (8th Cir. 2021)

(“Republication of a statement after the defendant has been notified that the plaintiff contends that it is false and defamatory may be treated as evidence of reckless disregard.” Restatement (Second) of Torts § 580A cmt. d (Am. L. Inst. 1977). Lizza tweeted the article in November 2019 after Nunes filed this lawsuit and denied the article’s implication. The pleaded facts are suggestive enough to render it plausible that Lizza, at that point, engaged in ‘the purposeful avoidance of the truth.’”). In this case, Guardian reporter Lowell pinned the Article and an accompanying tweet to his Twitter homepage.

30. As a direct result of Defendants’ defamation, Nunes suffered damages, including, but not limited to, pain and suffering, emotional distress and trauma, insult, mental anguish (past and future), stress and anxiety, public ridicule, humiliation, embarrassment, indignity, damage and injury to personal and professional reputations (past and future), costs, and other out-of-pocket expenses in an amount to be determined by the Jury.

**SECOND CAUSE OF ACTION –
DEFAMATION BY IMPLICATION**

31. Nunes restates paragraphs 1 through 30 of this Complaint, and incorporates them herein by reference.

32. The strong defamatory gist and false implication from the Defendants’ Statements is that Nunes orchestrated, engaged in, participated in, or aided and abetted money laundering by TMTG.

33. Defendants carefully chose their words and purposefully misrepresented facts. Defendants juxtaposed a series of facts, including references to a “criminal investigation” of “money laundering,” a Dominican bank, wire transfers to TMTG, and a “Russian,” so as to imply a defamatory connection between them. However, there is no

connection between Nunes and any criminal investigation for money laundering. In addition, Defendants omitted facts in a way that intentionally conveyed a preconceived false meaning and implication – that Nunes was involved in money laundering.

34. Defendants’ statements and actions constitute defamation by implication.

35. As a direct result of Defendants’ defamation by implication, Nunes suffered damages, including, but not limited to, pain and suffering, emotional distress and trauma, insult, mental anguish (past and future), stress and anxiety, public ridicule, humiliation, embarrassment, indignity, damage and injury to personal and professional reputations (past and future), costs, and other out-of-pocket expenses in an amount to be determined by the Jury.

THIRD CAUSE OF ACTION – CONSPIRACY

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

37. Beginning in March 2023 and continuing through the present, Guardian, Wilkerson and his agents (Brewster, Mincey and Bell) combined, associated, agreed or acted in concert together for the express purpose and illegal objective of injuring Nunes, intentionally interfering with and destroying his business and employment, and defaming Nunes. In furtherance of the conspiracy and preconceived plan, Guardian and Wilkerson worked together and engaged in a joint scheme the unlawful purpose of which was to publish false and defamatory Statements about Nunes in order to destroy Nunes’s personal and professional reputations. The Guardian Article and its republications were overt acts in furtherance of the conspiracy.

38. Guardian and Wilkerson acted intentionally, purposefully, without lawful justification, and with the express knowledge that they were defaming Nunes.

39. Defendants' actions constitute a conspiracy at common law.

40. As a direct result of the Defendants' willful misconduct, Nunes suffered damages, including, but not limited to, pain and suffering, emotional distress and trauma, insult, mental anguish (past and future), stress and anxiety, public ridicule, humiliation, embarrassment, indignity, damage and injury to personal and professional reputations (past and future), costs, and other out-of-pocket expenses in an amount to be determined by the Jury.

Nunes alleges the foregoing based upon personal knowledge, public statements of others, and records in his possession. He believes that substantial additional evidentiary support, which is in the exclusive possession of Guardian, PMC, Anderson and Wilkerson and their agents and other third-parties, will exist for the allegations and claims set forth above after a reasonable opportunity for discovery.

Nunes reserves his right to amend this Complaint upon discovery of additional instances of Defendants' wrongdoing.

CONCLUSION AND REQUEST FOR RELIEF

WHEREFORE, Plaintiff, Devin G. Nunes, respectfully requests the Court to enter Judgment against Guardian, PMC, Anderson and Wilkerson, jointly and severally, as follows:

- A. Compensatory damages in an amount to be determined by the Jury;
- B. Punitive damages in an amount to be determined by the Jury;
- C. Prejudgment interest from March 15, 2023 until the date Judgment is entered at the maximum rate allowed by law;
- D. Postjudgment interest at the maximum rate allowed by Florida law;
- E. Such other relief as is just and proper.

TRIAL BY JURY IS DEMANDED

DATED: April 3, 2023

Signature of Counsel on Next Page

DEVIN G. NUNES

By: /s/ Jason Kobal

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(Application for Admission Pro Hac Vice
To be Filed)