

FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

GLENN R. FUNK,

Plaintiff,

v.

SCRIPPS MEDIA, INC., and
PHIL WILLIAMS,

Defendants.

2016 FEB 26 AM 10:37

RICHARD W. BROOKER, CLERK
Case No. 16C333
JURY DEMAND

AMENDED COMPLAINT

The Plaintiff, for his Amended Complaint against the Defendants, states as follows:

I. THE PARTIES

1. The Plaintiff is the District Attorney General for the 20th Judicial District in Nashville, Tennessee. Mr. Funk is a veteran trial attorney with twenty-nine years of experience. Mr. Funk is a member of the Westminster Presbyterian Church and serves on the board of directors of the YWCA of Nashville and Middle Tennessee, Tennessee Voices for Victims, the Vanderbilt Kennedy Center Leadership Council, the Rochelle Center, Room in the Inn and the Child Advocacy Center. He has also volunteered with the Special Olympics since 1994, and has served on the board of directors for the Down Syndrome Association of Middle Tennessee, Dismas House, and The Arc Davidson County, an organization that represents children and adults with intellectual and developmental disabilities.

2. Defendant Scripps Media, Inc. ("NewsChannel 5") is a Delaware company duly authorized to do business in Tennessee. Scripps Media, Inc. owns and operates NewsChannel 5 (WTVF) in Nashville, Tennessee.

3. Defendant Phil Williams is chief investigative reporter for NewsChannel 5 and an employee of Scripps Media, Inc., which is vicariously liable for all of Defendant Williams actions set forth herein.

II. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this dispute pursuant to Tenn. Code Ann. § 16-10-101.

5. This Court is the proper venue to hear this dispute pursuant to Tenn. Code Ann. § 20-4-104.

III. FACTUAL ALLEGATIONS

6. This is a lawsuit for defamation arising out of two patently false stories published by the Defendants which allege that Mr. Funk, in his role as District Attorney, extorted money from a criminal defendant, solicited a bribe, and even blackmailed a criminal defendant into dismissing a civil lawsuit.

7. Both stories were published in conjunction with one of Nielsen's "sweeps" weeks. Sweeps determine the advertising rates television stations may charge for commercial spots. The ratings are based on the number of viewers for each newscast. The higher the rating, the higher the advertising rate that can be charged for commercial spots. Television stations often identify highly controversial

or "hot button" stories leading up to sweeps and hold the story until the ratings period begins.

The First Story

8. On February 3, 2016, the beginning of "sweeps" week, the Defendants published a defamatory story about Mr. Funk on the NewsChannel 5 website and via broadcast television with the headline "Explosive Allegations Emerge From David Chase Case: \$2 Million Requested To Make Case 'Go Away'". A true and correct copy of this story is attached hereto as Exhibit A (the "First Story"). The written version and video are both available at <http://www.newschannel5.com/news/newschannel-5-investigates/the-deals/explosive-allegations-emerge-from-chase-case> (last visited Feb. 4, 2016).

9. The First Story has a juicy and deceptive "lead in" which is a clip from the video deposition of Sandra Chase (David Chase's mother) in which she says: "I did not get any impression about it involving Glenn Funk in the way of a bribe" which is immediately followed by the lawyer asking her the question: "Why would Bill Fletcher think he would just get to keep the \$2 Million Dollars." After Mrs. Chase responds: "I don't know", the Channel 5 newscaster says: "It was one of the most controversial domestic violence cases in recent Nashville history. Last year, the case against Nashville developer David Chase went away after Nashville DA Glenn Funk agreed to drop the charges. But now NewsChannel 5 Investigates has uncovered even more salacious allegations surrounding that case -- allegations of extortion, possible bribery, even blackmail. Those allegations raise questions about

a longtime Democratic political consultant, as well as the DA himself." (**Exhibit A**

(emphasis added).)

10. The First Story, in part, published the following:

Explosive Allegations Emerge from Chase Case – Sworn testimony raises allegations of extortion, possible bribery, even blackmail in the domestic violence case. . . . Last year, the case against Nashville developer David Chase went away after Nashville DA Glenn Funk agreed to drop the charges. But now NewsChannel 5 Investigates has uncovered even more salacious allegations surrounding that case -- allegations of extortion, possible bribery, even blackmail. Those allegations raise questions about a longtime Democratic political consultant, as well as the DA himself. . . . But during the discovery process for that civil case, information surfaced about a mysterious demand for \$2 million pertaining to the criminal case. "To make it go away," David Chase's mother, Sandy Chase testified in her deposition. "But I don't -- what that means, what that translates to, you know, I don't know." Among the evidence uncovered in that case was a text message from David Chase's phone. "What's the status of your case?" a friend asked. The status of the case, Chase replied, is "my PR guy went beyond the extortion of me and told my dad he needs \$2 million to 'make this go away.'" . . . Under oath, Sandy Chase was asked by Nashville attorney Brian Manookian about the money. "Was your perception that Bill Fletcher wanted \$2 million to bribe someone?" Manookian asked. "I think Dean inferred that that was the purpose," the mother answered. Dean Chase was asked the same question: "Did you believe the \$2 million request was to pay a bribe to someone?" But his attorneys told him not to answer. . . . At the time, David Chase's fate was in the hands of Funk, who had apparently been signaling for months that he was open to the possibility that there just might not be enough evidence to continue the case. Attorney Manookian asked Sandy Chase, "Making it go away would have required a decision on Glenn Funk's part, correct?" "Well," she answered, "since he was in the control of the, dropping the charges or not, I guess then the answer would be yes." . . . But David Chase had harsh words for Funk after learning about the \$2 million request, texting his mother: "After today, Glenn Funk can rot in prison with everyone else." . . . A few days after the Chases fired Bill Fletcher, according to the testimony, Funk's office sent word that the charges would be dismissed.

(Id. (emphasis added).)

11. According to the First Story, a political consultant working for David Chase requested \$2 million from Chase's father to "make [the domestic violence case against Chase] go away." (emphasis added). The Defendants imply that this money was intended to pay a bribe to Funk.

12. Mr. Funk has had no contact with this political consultant (Bill Fletcher), whether by e-mail, telephone, or face-to-face conversation, during his tenure as District Attorney. Via a statement published by the Defendants on February 4, 2016, after the filing of the Complaint in this matter, Mr. Fletcher confirmed this fact:

Allegations made in media reports about my business relationship with the Chase family with regard to criminal charges filed and then dropped against David Chase are completely false. I have never proposed any payments of any kind to anyone regarding the criminal case. I never had any contact at all with District Attorney Glenn Funk, anyone in the Office of the District Attorney, or anyone representing Mr. Funk or his office in my representation of Mr. David Chase, his family or the D.F. Chase Company. I will explore all my options to see to it that these false and scurrilous allegations are corrected on the public record.

13. Next, the First Story goes on to state, "At the time, David Chase's fate was in the hands of Funk, who had apparently been signaling for months that he was open to the possibility that there just might not be enough evidence to continue the case."

14. Then, the First Story reads as follows:

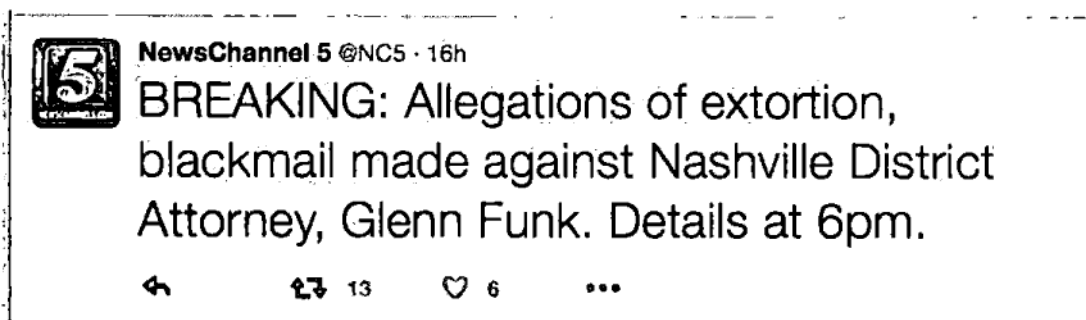
Attorney Manookian asked Sandy Chase, "Making it go away would have required a decision on Glenn Funk's part, correct?" "Well," she answered, "since he was in the control of the, dropping the charges or not, I guess then the answer would be yes." "Did you get the sense that Bill Fletcher's request for \$2 million was to give to Glenn Funk?" the

attorney asked. "I did not get that -- that feeling," Sandy Chase answered. "I didn't know what to think of it." But David Chase had harsh words for Funk after learning about the \$2 million request, texting his mother: "After today, Glenn Funk can rot in prison with everyone else."

15. The Defendants go on to claim that Mr. Funk not only solicited a \$2 million bribe, but he also allegedly blackmailed David Chase into dismissing a civil lawsuit:

A few days after the Chases fired Bill Fletcher, according to the testimony, Funk's office sent word that the charges would be dismissed. But it turned out there was a catch. According to the testimony, David Chase was forced to drop a separate federal lawsuit he had filed against Metro for allegedly violating his civil rights -- a lawsuit where the DA himself could have become a witness. Chase sent this text: "I dropped the federal case against metro and [the] PD." "Had to," he explained, "in order to get my stuff dropped after Funk blackmailed me."

16. Significantly, prior to the broadcast, the official NewsChannel 5 Twitter account published the following Tweet:



Available at <https://twitter.com/NC5/status/695033283697119232> (last visited Feb. 24, 2016.)

17. Also, on February 3, 2016, prior to the broadcast of the First Story, NewsChannel 5 reporter Nick Beres' Twitter account published the following statement: "DON'T MISS EXCLUSIVE I-Team report on David Chase. He talks.

Bribery, blackmail and he calls out the DA. At 6!" This tweet was published at all times from its original publication on February 3, 2016 through February 24, 2016.

18. The same day the First Story was published, Mr. Funk published the statement attached hereto as Exhibit B, explaining that an Assistant District Attorney handled Mr. Chase's case and that, after a thorough review of the evidence, the Assistant District Attorney decided to dismiss the charges primarily based on inconsistent statements made under oath by Lauren Bull (the victim), as well as other issues affecting Ms. Bull's credibility. The Assistant District Attorney's decision to dismiss the charges was approved by Mr. Funk. A true and correct copy of the State's Notice of Dismissal is attached hereto as Exhibit C.

19. Mr. Funk did not blackmail or attempt to blackmail David Chase. Although the dismissal of Mr. Chase's federal lawsuit, which included the Metropolitan Nashville Police Department as a defendant, was a condition precedent to having his criminal charges dismissed, conditioning dismissal of criminal charges on dismissal of a civil lawsuit (referred to as a "release-dismissal agreement") is routinely used by prosecutors throughout the United States, and such agreements were approved by the United States Supreme Court nearly thirty years ago.

20. Further, at no point has Mr. Funk solicited, been offered, or accepted any bribe, including during his tenure as District Attorney.

21. As of February 24, 2016, the title for the news story titled "Explosive Allegations Emerge from Chase Case - Sworn testimony raises allegations of

extortion, possible bribery, even blackmail in the domestic violence case” appeared on the first page of the NewsChannel 5 Investigates web page for newschannel5.com. On February 24, 2016, if a person “clicked” on this news story title, the person was directed to a story with a title: “Explosive Allegations Emerge From David Chase Case: \$2 Million Requested To Make Case 'Go Away'”. As of February 24, 2016, the news story appearing below the above title began:

It was one of the most controversial domestic violence cases in recent Nashville history. Last year, the case against Nashville developer David Chase went away after Nashville DA Glenn Funk agreed to drop the charges. But now NewsChannel 5 Investigates has uncovered even more salacious allegations surrounding that case -- allegations of extortion, possible bribery, even blackmail. Those allegations raise questions about a longtime Democratic political consultant, as well as the DA himself.

22. As of February 24, 2016, and at all times since its original publication on February 3, 2016 through February 24, 2016, Phil Williams' Twitter account published a link to the above referenced article.

23. As of February 24, 2016, and at all times from its initial publication on February 3, 2016 up to and including February 24, 2016, the First Story was published on newschannel5.com.

24. As of February 24, 2016, the Facebook page for Defendant Phil Williams referenced the First Story, and provided a link to the full story.

25. As of February 24, 2016, the First Story was published on NewsChannel 5's YouTube channel.

The Second Story

26. As evidenced by the record of this case, Defendant Williams was served with the summons and complaint on February 4, 2016 at 4:23 p.m., and Defendant Scripps Media, Inc. was served with the summons and complaint on February 5, 2016 at 9:40 a.m.

27. On February 4, 2016, at 9:01 p.m., NewsChannel 5 caused to be published yet a second story (the "Second Story") about Mr. Funk, in which the following false statements of Mr. Chase were republished: "I think the term used by Attorney General Funk was, 'well if he doesn't [dismiss his civil suit] then I may go to jail, but David Chase definitely will go to jail. So that was not just blackmail, it was a threat"; and "In my opinion [Funk] blackmailed me, using my criminal case and incarceration as leverage to get me to drop a federal civil case that I had grounds to file" A true and correct copy of the text of this story is attached hereto as Exhibit D. The video of the Second Story is available at <http://www.newschannel5.com/news/david-chase-lashes-out-against-nashvilles-top-prosecutor> (last visited Feb. 26, 2016).

28. The interview of David Chase, of which the Second Story consisted, took place prior to the publication of the First Story.

29. Significantly, the Second Story recounted Mr. Chase's statement that "I've talked to Bill [Fletcher] about it, no that wasn't what it was supposed to be [a bribe]. It was [to] make it go away meaning the negative press". Given that the interview with David Chase was recorded prior to the publication of the First Story,

the Defendants knew there was no factual basis that there was any bribe or that Mr. Funk was involved with any bribe.

30. Further, the Second Story comments on the instant lawsuit (which demands a retraction) and states as follows: "NewsChannel 5 stands by our story."

Additional Evidence of Intentional Defamation

31. As of February 24, 2016, the title for the news story titled "Explosive Allegations Emerge from Chase Case – Sworn testimony raises allegations of extortion, possible bribery, even blackmail in the domestic violence case" appeared on the first page of the NewsChannel 5 Investigates web page for newschannel5.com. That story was published on the web site newschannel5.com at all times from its initial publication on February 3, 2016 up to and including February 24, 2016.

32. The fact that both the First Story and the Second Story are still on the NewsChannel5 website, weeks after this lawsuit was filed and served, is evidence of actual malice.

33. Defendants had no evidence whatsoever which would have supported the allegation that Mr. Funk had anything whatsoever to do with any bribe, or that there was any bribe involving anyone. That is egregious enough. But, this case is made that much worse by the fact that Channel 5 has refused to publish a retraction, and in fact, continues to publish the defamatory statements every single day — despite Mr. Funk's statement quoted above, despite the fact that it has been sued in a lawsuit in which Mr. Funk unequivocally states that he has no knowledge

of any bribe, despite the fact that Mr. Fletcher has provided Channel 5 with a statement unequivocally stating that he has no knowledge of any bribe, and despite the fact that David Chase, in an interview with Channel 5, states that the request by Mr. Fletcher was not a bribe, but rather was to run a public relations campaign to make the negative press go away.

34. The above-referenced statements by the Defendants, and the First Story and Second Story as a whole, are reasonably capable of being understood as charging something defamatory against Mr. Funk, including, but not limited to, a defamatory allegation that Mr. Funk solicited, accepted or was somehow involved with a bribe.

35. The above-referenced statements that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit are false.

36. The above-referenced statements that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit were made recklessly. The Defendants published these statements with knowledge of falsity or with reckless disregard as to truth or falsity, particularly in light of the Second Story.

37. Defendants published the above-referenced statements without adequately investigating the statements.

38. Defendants published the above-referenced statements even though they had serious doubts about their truth, particularly in light of the Second Story.

39. The above-referenced statements, and the First Story and Second Story as a whole, including the false allegations that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit, have caused damage to Mr. Funk's reputation in the community, which he has spent many decades building.

40. The First Story and Second Story are garbled and one-sided accounts of the facts, and contain defamatory observations and comments.

41. The Defendants have been pursuing a vendetta against Mr. Funk since he became the District Attorney, including intentionally publishing false and defamatory allegations against Mr. Funk. As of February 24, 2016, the home page of NewsChannel 5 Investigates has twelve "headline" stories — three of which relate to Mr. Funk — including the First Story, the Second Story and a story titled "Legal Expert Questions DA's Deal." Further, at the top of the home page, there are five main links. Four of the links are general: Investigates Home, Consumer Alert, Policing for Profit, Questions of Influence. But the fifth link is notably "The DA's Deals." That link takes the reader to no less than twenty-two (22) stories created and published by NewsChannel 5 — all negative — and all but two (2) written by Phil Williams. This vendetta provides further proof of Defendants' actual malice in intentionally and recklessly publishing defamatory statements regarding Mr. Funk.

IV. CAUSES OF ACTION

Defamation - Libel

42. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

43. Defendants publicized libelous statements regarding the Plaintiff with actual malice, knowledge that they were false, or with reckless disregard of the accuracy of the statements.

44. The Plaintiff suffered actual injury as a result of these statements.

Defamation by Implication

45. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

46. Defendants publicized libelous statements regarding the Plaintiff with knowledge that they were false or with reckless disregard of the accuracy of the statements.

47. In publishing the statements, the Defendants juxtapose a series of facts so as to imply a defamatory connection between them.

48. The Plaintiff suffered actual injury as a result of these statements.

False Light

49. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

50. Defendants gave publicity to matters concerning Plaintiff that placed the Plaintiff before the public in a false light.

51. The false light in which the Plaintiff was placed would be highly offensive to a reasonable person.

52. Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiff would be placed.

53. The Plaintiff suffered actual injury as a result of the Defendants' actions.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. That the Defendants retract the above-referenced defamatory statements;
2. All compensatory, consequential, and incidental damages to which the Plaintiff is entitled in an amount in excess of \$50,000,000.00;
3. Punitive damages in excess of \$150,000,000.00;
4. That all compensatory, consequential, incidental, and punitive damages be paid directly, and in its entirety, to non-profits dedicated to supporting women who have been victims of domestic assault and abuse;
5. That, to the extent the Defendants are unable to satisfy the judgment, the assets of NewsChannel 5 be sold to satisfy the judgment;
6. A jury of six (6) to try this cause;
7. Post-judgment interest;

8. Discretionary costs;
9. All costs be taxed against the Defendants; and
10. Such further relief as this Court may deem proper.

Respectfully submitted,

KAY, GRIFFIN, ENKEMA & COLBERT,
PLLC

By: 

JAMES D. KAY, JR. (#11556)
JOHN B. ENKEMA (#16670)
MICHAEL A. JOHNSON (#30210)
222 Second Avenue North
Suite 340M
Nashville, Tennessee 37201
615-742-4800

Attorneys for the Plaintiff

Copy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via hand delivery upon:

Ronald G. Harris
Neal and Harwell, PLC
150 4th Avenue North, Suite 2000
Nashville, TN 37219-2498

On this 26th day of February, 2016.

A handwritten signature in black ink, appearing to be "Gary", is written over a horizontal line.

223770

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

GLENN R. FUNK,

Plaintiff,

v.

SCRIPPS MEDIA, INC., and
PHIL WILLIAMS,

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2016 FEB -4 PM 3:42

RICHARD H. HOOKER, CLERK

[Handwritten Signature]
D.C.

Case No. 16C333

JURY DEMAND

COMPLAINT

The Plaintiff, for his Complaint against the Defendants, states as follows:

I. THE PARTIES

1. The Plaintiff is the District Attorney General for the 20th Judicial District in Nashville, Tennessee. Mr. Funk is a veteran trial attorney with twenty-nine years of experience. Mr. Funk is a member of the Westminster Presbyterian Church and serves on the board of directors of the YWCA of Nashville and Middle Tennessee, Tennessee Voices for Victims, the Vanderbilt Kennedy Center Leadership Council, the Rochelle Center, Room in the Inn and the Child Advocacy Center. He has also volunteered with the Special Olympics since 1994, and has served on the board of directors for the Down Syndrome Association of Middle Tennessee, Dismas House, and The Arc Davidson County, an organization that represents children and adults with intellectual and developmental disabilities.

2. Defendant Scripps Media, Inc. is a Delaware company duly authorized to do business in Tennessee. Scripps Media, Inc. owns and operates NewsChannel 5 (WTVF) in Nashville, Tennessee.

3. Defendant Phil Williams is chief investigative reporter for NewsChannel 5 and an employee of Scripps Media, Inc.

II. JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this dispute pursuant to Tenn. Code Ann. § 16-10-101.

5. This Court is the proper venue to hear this dispute pursuant to Tenn. Code Ann. § 20-4-104.

III. FACTUAL ALLEGATIONS

6. This is a lawsuit for defamation, civil conspiracy, and violation of the Tennessee Consumer Protection Act arising out of a patently false story published by the Defendants which alleges that Mr. Funk, in his role as District Attorney, extorted money from a criminal defendant, solicited a bribe, and even blackmailed a criminal defendant into dismissing a civil lawsuit.

7. On February 3, 2016, the Defendants published a defamatory story about Mr. Funk on the NewsChannel 5 website and via broadcast television with the headline "Explosive Allegations Emerge From David Chase Case: \$2 Million Requested To Make Case 'Go Away'". A true and correct copy of this story is attached hereto as Exhibit A (the "Story"). The written version and video are both

available at <http://www.newschannel5.com/news/newschannel-5-investigates/the-das-deals/explosive-allegations-emerge-from-chase-case> (last visited Feb. 4, 2016).

8. The Defendants begin the Story as follows:

It was one of the most controversial domestic violence cases in recent Nashville history. Last year, the case against Nashville developer David Chase went away after Nashville DA Glenn Funk agreed to drop the charges. But now *NewsChannel 5 Investigates* has uncovered even more salacious allegations surrounding that case -- allegations of extortion, possible bribery, even blackmail. Those allegations raise questions about a longtime Democratic political consultant, as well as the DA himself.

(Exhibit A (emphasis added).)

9. According to the Story, a political consultant working for David Chase requested \$2,000,000.00 from Chase's father to "make [the domestic violence case against Chase] go away." (emphasis added). The Defendants imply that this money was intended to pay a bribe to "someone."

10. Mr. Funk has had no contact with this political consultant (Bill Fletcher), whether by e-mail, telephone, or face-to-face conversation, during his tenure as District Attorney.

11. Next, the Story goes on to state, "At the time, David Chase's fate was in the hands of Funk, who had apparently been signaling for months that he was open to the possibility that there just might not be enough evidence to continue the case."

12. Then, the Story reads as follows:

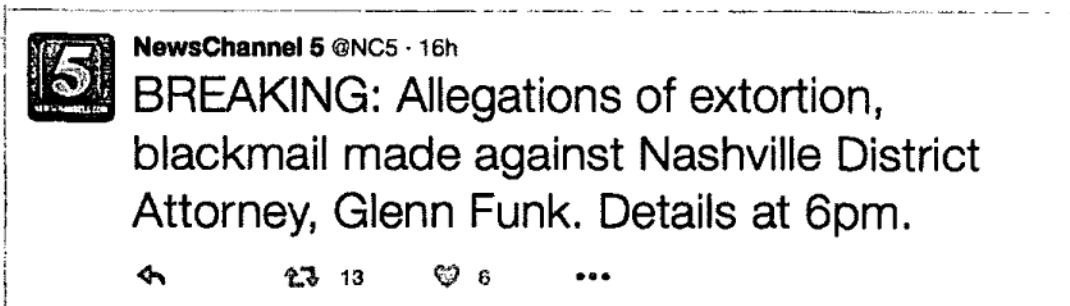
Attorney Manookian asked Sandy Chase, "Making it go away would have required a decision on Glenn Funk's part, correct?" "Well," she answered, "since he was in the control of the, dropping the charges or

not, I guess then the answer would be yes." "Did you get the sense that Bill Fletcher's request for \$2 million was to give to Glenn Funk?" the attorney asked. "I did not get that -- that feeling," Sandy Chase answered. "I didn't know what to think of it." But David Chase had harsh words for Funk after learning about the \$2 million request, texting his mother: "After today, Glenn Funk can rot in prison with everyone else."

13. The Defendants go on to claim that Mr. Funk not only solicited a \$2,000,000.00 bribe, but he also allegedly blackmailed David Chase into dismissing a civil lawsuit:

A few days after the Chases fired Bill Fletcher, according to the testimony, Funk's office sent word that the charges would be dismissed. But it turned out there was a catch. According to the testimony, David Chase was forced to drop a separate federal lawsuit he had filed against Metro for allegedly violating his civil rights -- a lawsuit where the DA himself could have become a witness. Chase sent this text: "I dropped the federal case against metro and [the] PD." "Had to," he explained, "in order to get my stuff dropped after Funk blackmailed me."

14. Significantly, prior to the broadcast, the official NewsChannel 5 Twitter account published the following Tweet:



Available at <https://twitter.com/NC5/status/695033283697119232> (last visited Feb. 4, 2016.)

15. The same day the Story was published, Mr. Funk published the statement attached hereto as Exhibit B, explaining that an Assistant District

Attorney handled Mr. Chase's case and that, after a thorough review of the evidence, the Assistant District Attorney decided to dismiss the charges primarily based on inconsistent statements made under oath by Lauren Bull (the victim), as well as other issues affecting Ms. Bull's credibility. The Assistant District Attorney's decision to dismiss the charges was approved by Mr. Funk. A true and correct copy of the State's Notice of Dismissal is attached hereto as Exhibit C.

16. Mr. Funk did not blackmail or attempt to blackmail David Chase. Although the dismissal of Mr. Chase's federal lawsuit, which included the Metropolitan Nashville Police Department as a defendant, was a condition precedent to having his criminal charges dismissed, conditioning dismissal of criminal charges on dismissal of a civil lawsuit (referred to as a "release-dismissal agreement") is routinely used by prosecutors throughout the United States, and such agreements were approved by the United States Supreme Court nearly thirty years ago.

17. Further, at no point has Mr. Funk solicited, been offered, or accepted any bribe, including during his tenure as District Attorney.

18. The above-referenced statements by the Defendants and the Story as a whole are reasonably capable of being understood as charging something defamatory against Mr. Funk.

19. The above-referenced statements that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit are false.

20. The above-referenced statements that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit were made recklessly. The Defendants published these statements with knowledge of falsity or with reckless disregard as to truth or falsity.

21. Defendant Williams published the above-referenced statements without adequately investigating the statements.

22. Defendant Williams published the above-referenced statements even though he had serious doubts about their truth.

23. The above-referenced statements and the Story as a whole, including the false allegations that Mr. Funk extorted money from a criminal defendant, solicited a bribe, and blackmailed a criminal defendant into dismissing a civil lawsuit, have caused damage to Mr. Funk's reputation in the community, which he has spent many decades building.

24. The Story is a garbled and one-sided account of the facts, and contains defamatory observations and comments.

IV. CAUSES OF ACTION

Libel

25. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

26. Defendants publicized libelous statements regarding the Plaintiff with actual malice, knowledge that they were false, or with reckless disregard of the accuracy of the statements.

27. The Plaintiff suffered actual injury as a result of these statements.

Defamation by Implication

28. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

29. Defendants publicized libelous statements regarding the Plaintiff with knowledge that they were false or with reckless disregard of the accuracy of the statements.

30. In publishing the statements, the Defendants juxtapose a series of facts so as to imply a defamatory connection between them.

31. The Plaintiff suffered actual injury as a result of these statements.

False Light

32. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

33. Defendants gave publicity to matters concerning Plaintiff that placed the Plaintiff before the public in a false light.

34. The false light in which the Plaintiff was placed would be highly offensive to a reasonable person.

35. Defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the Plaintiff would be placed.

36. The Plaintiff suffered actual injury as a result of the Defendants' actions.

Civil Conspiracy

37. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

38. Defendants held a common design to accomplish by concerted action an unlawful purpose and/or a lawful purpose by unlawful means.

39. Defendants committed various overt acts in furtherance of the conspiracy to commit the torts of libel, defamation by implication, and false light, as set forth above.

40. The Plaintiff suffered actual injury as a result of the conspiracy.

Tennessee Consumer Protection Act

41. The Plaintiff incorporates the foregoing allegations as if fully set forth herein.

42. As set forth above, the Defendants have disparaged the services or business of the Plaintiff by false or misleading representations of fact in violation of the Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-104(b)(8).

WHEREFORE, Plaintiff respectfully requests the following relief:

1. That the Defendants retract the above-referenced defamatory statements;
2. All compensatory, consequential, and incidental damages to which the Plaintiff is entitled in an amount in excess of \$50,000,000.00;
3. Punitive damages in excess of \$150,000,000.00;
4. Treble damages and attorneys' fees pursuant to Tenn. Code Ann. § 47-18-109;
5. That all compensatory, consequential, incidental, and punitive damages be paid directly, and in its entirety, to non-profits dedicated to supporting women who have been victims of domestic assault and abuse;
6. That, to the extent the Defendants are unable to satisfy the judgment, the assets of NewsChannel 5 be sold to satisfy the judgment;
7. A jury of six (6) to try this cause;
8. Post-judgment interest;
9. Discretionary costs;
10. All costs be taxed against the Defendants; and
11. Such further relief as this Court may deem proper.

Respectfully submitted,

KAY, GRIFFIN, ENKEMA & COLBERT,
PLLC

By: 

JAMES D. KAY, JR. (#11556)
JOHN B. ENKEMA (#16670)
MICHAEL A. JOHNSON (#30210)
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Attorneys for the Plaintiff