

FILED

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

2018 MAR 28 PM 12:47

Case No: 6:18-cv-468-026-ADS

DEMAND FOR JURY TRIAL

DIMITRI PATTERSON,
Plaintiff,

vs.

ESPN, INC.,
Defendant,

INTRODUCTION

1. This action is brought by the Plaintiff, Dimitri Patterson, against the Defendant, ESPN, Inc., arising from an article published online and on www.espn.com under the headline, "*Dimitri Patterson in custody after courtroom escape attempt*", which has been disseminated globally by ESPN, Inc. throughout the Internet.

JURISDICTION AND VENUE

2. The Court has jurisdiction over this action pursuant to 28 U.S.C § 1332 and 28 U.S.C § 1357. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and both Plaintiff and Defendant are citizens of different states.
3. Venue is proper pursuant to 28 U.S.C. 1391, as the Defendant is subject to this Court's personal jurisdiction with respect to this action.

Parties

4. Plaintiff, Dimitri Patterson (hereinafter DP), was and continues to be *sui juris*, over the age of 18, and a citizen of the State of Florida.
5. At all times, material hereto, the Defendant, ESPN, Inc., (hereinafter ESPN), a corporation organized and existing under the laws of the state of Delaware with its principle place of business in Bristol, Connecticut owns, operates, and maintains the Internet Website, www.espn.com, where the article, at all times, was and is continuously maintained on an ongoing basis, in addition to it being disseminated globally. ESPN is the "information content provider" pursuant to 47 U.S.C. § 230 (f)(3).

Statements of Facts

DP's Background

6. DP was born in Miami, FL and is 34 years of age.
7. DP played in the NFL for ten years.

8. DP has one biological child who is 11-years-old.
9. DP has never been charged with a crime by the State of Florida pursuant to Florida law.

Satisfaction of Condition Precedent

10. DP has provided notice to the Defendant as required by Fla. Stat. 770.01, and has satisfied all conditions precedent to the filing of this lawsuit. The Defendant has waived all conditions precedent to the filing of this lawsuit. True and correct copies of the Fla. Stat. 770.01 Notice Letters are attached hereto. See **Exhibit “B”**. The Defendants have not complied with the demands for retractions of the defamatory and libelous statements, by way of publishing any such retractions.

Defamatory Statements by The ESPN, Inc. Article

11. On August 15, 2017, James Walker, an employee of ESPN, authors a defamatory article entitled, “*Dimitri Patterson in custody after courtroom escape attempt*” (hereinafter “The Article”), which ESPN published to third parties. See attached hereto **Exhibit “A”**
12. The Article is false and defamatory in its overall portrayal of DP as a violent, impulsive, unstable person. The article is also false in many of its particulars. This action is predicated both on what The Article communicates as a whole, including the headlines, captions, and the numerous defamatory statements concerning DP contained within the article.
13. Initially, Article 1 attempts to assassinate DP’s character by stating that, “Dimitri Patterson injured two police officers while trying to abruptly exit a Miami-Dade courthouse

and avoid being arrested, according to local police”, which is completely false. See **Exhibit “A”**

14. The Article then states that, “A female officer suffered neck and back injuries, and a male officer injured his wrist while apprehending Patterson,” which is false. See **Exhibit “A”**
15. The Article continues by stating that, “Dimitri Patterson appeared in a family court hearing on Tuesday due to a prior incident” which is false. See **Exhibit “A”**
16. The Article makes false claims by stating that, “Dimitri Patterson could face additional charges”, which was completely false at the time of publication. See **Exhibit “A”**
17. The Article continues character assassination of DP by stating that, “When the judge ordered Dimitri Patterson’s arrest, Dimitri Patterson attempted to bolt from the courtroom and tackled two officers, police said”, which is a total fabrication. See **Exhibit “A”**

Falsity

18. The Article is false in its overall defamatory portrayal of DP as a violent, impulsive, and unstable person. The Article is also defamatory in many of its specific details.
19. DP never ran out of a courtroom at the Lawson E. Thomas Courthouse in downtown Miami, nor did he injure any police officers, nor did a Judge order for him to be taken into custody. There are cameras outside and inside the courtroom, which supports this, and there is no legal documentation that exists of a judge holding DP in contempt of court.

20. DP was never facing additional charges, nor was there a legal “family court” hearing requiring DP to be at the Lawson E. Thomas Courthouse, which can easily be proven by requesting copies of certified court records from the Clerk.

Fault

21. ESPN published The Article with negligence, gross irresponsibility, and with actual malice. ESPN knew that they were publishing a devastating portrait of DP as a violent, impulsive, unstable, heartless, and cruel person. ESPN never did due diligence to find the facts surrounding the unlawful arrest on April 15, 2017 by Miami-Dade Police officers. They were negligent in securing certified court documentation and video footage. In addition, they did not make legitimate contact with court officials, the county Clerk’s office, or the family members of DP that were present and actually witnessed what happened at the Lawson E. Courthouse.
22. Had the court officials, the county clerk’s office, family members, or any other credible source(s) close to the incident been contacted, the story would have collapsed and imploded. Had there been a scintilla of attempted verification and proper due diligence, the story published by ESPN would have been readily exposed as a complete fabrication. Yet, ESPN deliberately avoided the truth, by publishing their false and sensational claims based solely on the accusations of a single, biased source with no attempt of corroboration. This was not a case in which the journalist relied on a dependable verified source. This was the case where the only source of the story was a single, biased fabricated police report by the Miami-Dade Police Department who has an extensive history of using excessive force in arrests (See Department of Justice probes for 2002 & 2013).
23. To publish in this manner was not just mere negligence, but it was gross, irresponsible publishing without due consideration for the standards of information gathering and

dissemination ordinarily followed by responsible parties. Beyond gross irresponsibility, to publish under these circumstances, was to publish recklessly and deliberately by turning a blind eye to any effort to determine the truth. Such intentional avoidance of the truth in fear that an in-depth investigation would derail an irresistible story is actual malice, when publishing with reckless disregard for truth or falsity.

Count I- Defamation- Libel-Libel Per Se


ESPN, Inc.

24. The Plaintiff, DP, repeats and re-alleges paragraphs 1-23 of this Complaint, inclusive, as if fully stated herein.
25. On August 15, 2017, ESPN wrongfully and with actual malice and gross negligence, caused to be published the statements set forth above. The defamatory statements prove to be defamation and *libel per se*.
26. DP seeks recovery of actual, presumed, and punitive damages.
27. DP has suffered severe injuries in the form of internal and emotional distress, anguish, substantial damage to his well-being, overwhelming damage to his external reputation, and devastating damage to his family, personal, community, civic, and business relationships in Orlando, FL, his former residences of Miami, FL, and elsewhere, as a direct and proximate result of ESPN's cynical exploitation of the reputation of DP, who is entitled to damages and injunctive relief.

Relief

WHEREFORE, the Plaintiff, DP, respectfully demands judgment against the Defendant as follows:

- A. A judgment for damages in the amount of fifty million (\$50,000,000.00) dollars pursuant to 28 U.S.C 1357.
- B. Presumed damages in an amount to be determined by the court, but in no circumstances less than thirty million (\$30,000,000.00) dollars.
- C. Punitive damages against the Defendant in an amount to be determined by the Court.
- D. Injunctive Relief ordering the removal of the defamatory Article from www.espn.com and all online search engines worldwide for eternity.
- E. For such other and further relief for the Plaintiff, DP, as the Court deems just and equitable.



Dimitri Patterson
3701 Wilshire Blvd #530
Los Angeles, CA 90010
The1king83@gmail.com email
213-739-2800 fax
407-420-7734 phone

EXHIBIT A

investigation

2d - David Newton

Man convicted in Will Smith death files appeal

2d

QB dominoes could raise Russell Wilson's future price to \$30 million

3d - Brady Henderson

Jets have enough cap cash (\$73M and climbing) to win offseason

3d - Rich Cimini

Luck looking forward to working with

Dimitri Patterson in custody after courtroom escape attempt



James Walker
ESPN Staff Writer

Former Miami Dolphins cornerback Dimitri Patterson injured two police officers while trying to abruptly exit a Miami-Dade courthouse and avoid being arrested, according to local police.

A female officer suffered neck and back injuries, and a male officer injured his wrist while apprehending Patterson. Both officers are fine, Miami-Dade police confirmed.

ADVERTISEMENT



Replay

Patterson appeared in a family court hearing on Tuesday due to a prior incident.

When the judge ordered his arrest, Patterson attempted to bolt the courtroom and tackled two officers, police said. He could face additional charges, and he remains in custody.

Patterson, 34, is a Miami native who played for six NFL teams, including the Dolphins in 2012 and 2013. He had nine career interceptions in 79 games.

ESPN reported in 2015 that Patterson was arrested on a felony child abuse charge.



Recommended by

EXHIBIT B

March 14, 2018

SENT VIA Federal Express

The Walt Disney Company

ESPN, Inc.-Affiliate

Attn: Peter Scher

77 W. 66th Street

New York, NY 10023

Tracking Number

7801 2845 3474

RE: Notice of Intent to Bring Civil Action for Libel

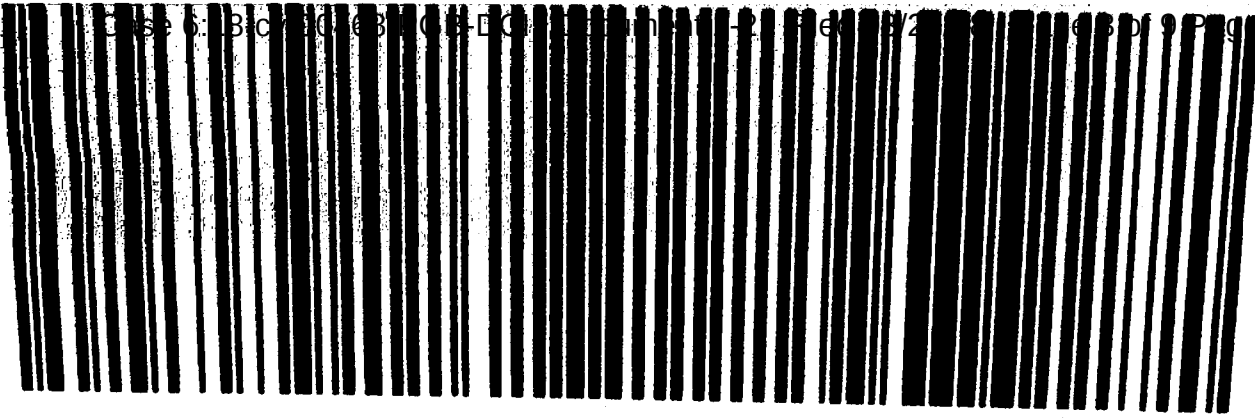
Pursuant to *Florida statute 770.01* this letter serves as formal notice of the false statements about Dimitri Patterson in the following article titled “*“Dimitri Patterson in custody after courtroom escape attempt”*” published by The Walt Disney Company/ESPN, Inc.

In accordance with section *770.02, Florida Statutes* the Walt Disney Company/ESPN, Inc. must publish a full and fair correction, apology, or retraction, in the same editions or corresponding issues of the newspaper or periodical in which the aforementioned articles appeared and in as conspicuous place and type as said original article within ten (10) days from the date of service of this notice. Failure to publish such a correction, apology, or retraction will result in the filing of a lawsuit and damages being sought against you, The Walt Disney Company/ESPN, Inc. **The following statements mentioned in the attached article below are false.**

- “Dimitri Patterson in custody after courtroom escape attempt” Article title
- Dimitri Patterson injured two police officers while trying to abruptly exit a Miami-Dade courthouse and avoid being arrested, according to local police.”
- “A female officer suffered neck and back injuries, and a male officer injured his wrist while apprehending Patterson”
- “Patterson appeared in a “family court hearing” on Tuesday due to a prior incident
- “He could face additional charges, and he remains in custody”.
- “When the judge ordered his arrest, Patterson attempted to bolt the courtroom and tackled two officers, police said”

Legal Department
3701 Wilshire Blvd., #530
Los Angeles, CA 90010

Cc: The Walt Disney Company

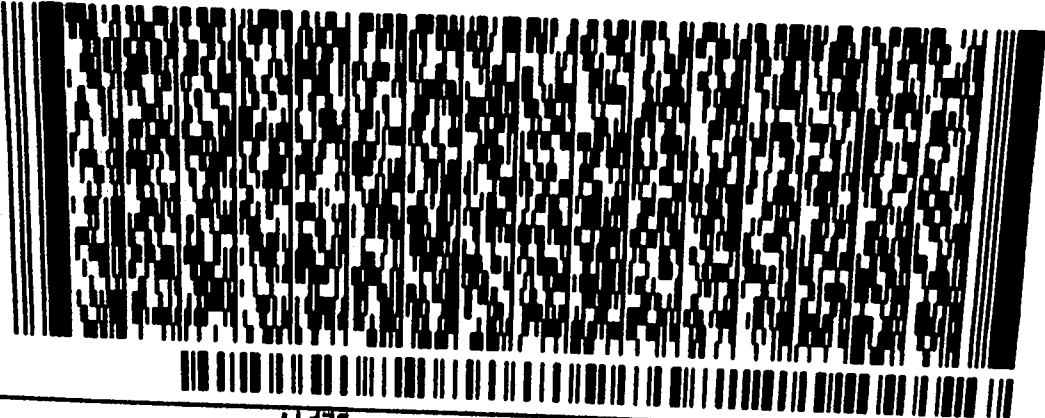


XA SVAA

10023 NY-US EWR

MON - 19 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 7801 2845 3474
0201



TO ATTN: PETER SCHER
THE WALT DISNEY COMPANY
ESP.N. INC - AFFILIATE
77 W 66TH ST
NEW YORK NY 10023
REF: (000) 000-0000
INVT
DEPT:

SHIP DATE: 17MAR18
ACTWGT: 0.20 LB
CAD: 6892096/58F01822
BILL CREDIT CARD

ORIGIN ID:ORLA (407) 420-7734
BRENDA PATTERSON
16827 E COLONIAL DR
UNIT 403
ORLANDO, FL 32820
UNITED STATES US

81/01 5529 1407/005-63051 #003

3



March 25, 2018

Dear Customer:

The following is the proof-of-delivery for tracking number **780128453474**.

Delivery Information:

Status:	Delivered	Delivered to:	Mailroom
Signed for by:	J.GRULLON	Delivery location:	New York, NY
Service type:	FedEx Priority Overnight	Delivery date:	Mar 19, 2018 10:13
Special Handling:	Deliver Weekday		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	780128453474	Ship date:	Mar 17, 2018
		Weight:	0.5 lbs/0.2 kg

Recipient:
New York, NY US

Shipper:
Orlando, FL US

Thank you for choosing FedEx.



ESPN, Inc.

77 W. 66th St. New York, New York 10023
Tel: 646. 547. 5445 Fax: 646. 547. 5904

January 17, 2018

VIA FIRST CLASS MAIL

Legal Department
C/O Dimitri Patterson
3701 Wilshire Blvd #530
Los Angeles, Ca 90010

RE: Letter Dated January 8, 2018

To Whom It May Concern:

ESPN takes seriously assertions of inaccuracy in its reporting. Your letter to ESPN dated January 8, 2018, in which you asserted that several ESPN articles about Dimitri Patterson are false and defamatory, was therefore referred to my attention.

Your letter fails to point out any specific inaccuracies in any of the articles. Nonetheless, I have looked into the articles that were the subject of your letter, and disagree with your assertion that the articles are false.

Going forward, please direct any communications of a legal nature to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter E. Scher", is written over a light blue horizontal line.

Peter E. Scher
Assistant Chief Counsel, ESPN

March 14, 2018

SENT VIA Federal Express

The Walt Disney Company
ESPN, Inc.-Affiliate
500 South Buena Vista Street
Burbank, CA 91521

Senders Copy
7800 9236 1843

RE: Notice of Intent to Bring Civil Action for Libel

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Legal Department
3701 Wilshire Blvd., #530
Los Angeles, CA 90010

ORIGIN ID: TIXA (407) 420-7734
BRENDA PATTERSON

16877 EAST COLNIAL DRIVE
UNIT 403
ORLANDO, FL 32820
UNITED STATES US

SHIP DATE: 15MAR18
ACTWGT: 0.20 LB
CAD: 6892102/68F01822

BILL CREDIT CARD

Part # 156297590/549/1759 02/19

TO THE WALT DISNEY COMPANY
ESPN, INC. - AFFILIATE
500 SOUTH BUENA VISTA STREET

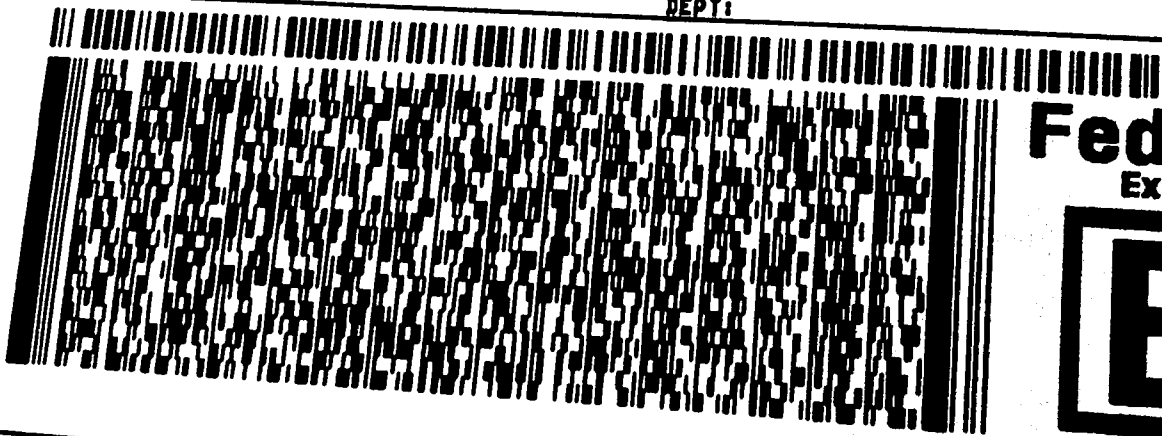
BURBANK CA 91521

(000) 000-0000

YNU:
PO:

REF:

DEPT:



FedEx
Express



J1811180126010V

TRK# 7800 9236 1843
0201

FRI - 16 MAR 10:30A
PRIORITY OVERNIGHT

XH BURA

91521
CA-US BUR



investigation

2d - David Newton

Man convicted in Will Smith death files appeal

2d

QB dominoes could raise Russell Wilson's future price to \$30 million

3d - Brady Henderson

Jets have enough cap cash (\$73M and climbing) to win offseason

3d - Rich Cimini

Luck looking forward to working with

Dimitri Patterson in custody after courtroom escape attempt

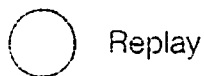


James Walker
ESPN Staff Writer

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ADVERTISEMENT

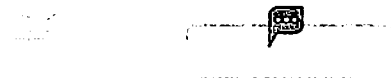


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Recommended by

EXHIBIT C

MEMORANDUM OF LAW

Defamation is defined as the unprivileged publication of false statements which naturally and proximately result in injury to another. Wolfson v. Kirk, 273 So. 2d 774 (Fla. 4th DCA 1973). To establish a cause of action for defamation, a plaintiff must show; (1) That the defendant published a false statement about the plaintiff; (2) To a third party; and (3) That the falsity of the statement caused injury to the Plaintiff. See Razner v. Wellington Regional Med. Ctr. Defamation. Id. Also, statements of pure opinion are not actionable. Florida Med. Ctr. Inc. v. New York Post Co., Inc., 568 So. 2d 454 (Fla. 4th DCA 1990).

There are four categories of statements that constitute defamation-libel per se:

1. **Imputing to another a criminal offense amounting to a felony.**
2. Imputing to another a presently existing venereal disease or other loathsome and communicable disease;
3. Imputing to another, the other being a woman, acts of unchastity;
4. Imputing to another conduct, characteristics or a condition incompatible with the proper exercise of his lawful business, trade, profession, or office.

See Wolfson, 273 So. 2d at 777 (internal citations omitted).