

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

DANIEL M. SNYDER  
21300 Redskin Park Drive  
Ashburn, VA 20147

Plaintiff,

- against -

CREATIVE LOAFING, INC.  
1911 North 13th Street  
Suite W200  
Tampa, Florida 33605,

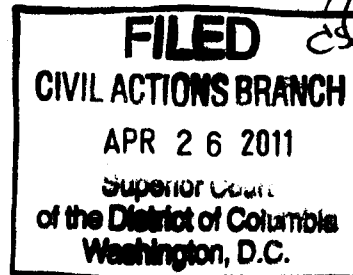
CL WASHINGTON, INC. (d/b/a  
WASHINGTON CITY PAPER)  
1911 North 13th Street  
Suite W200  
Tampa, Florida 33605,

and

DAVE MCKENNA  
2390 Champlain St. NW  
Washington, D.C. 20009

Defendants.

Civil Action No. 0003168-11

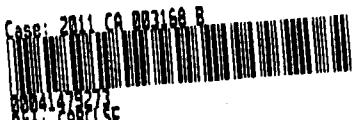


**COMPLAINT**

Plaintiff Daniel M. Snyder ("Plaintiff") for his Complaint against Defendants Creative Loafing, Inc.; CL Washington, Inc. (d/b/a Washington City Paper); and Dave McKenna (collectively "Defendants") alleges as follows:

**NATURE OF THE ACTION**

1. A tabloid newspaper is not entitled to defame a prominent member of the community in order to generate circulation. Yet that is exactly what the Washington City Paper and its principal columnist Dave McKenna have resorted to with respect to their coverage of



Mr. Snyder. Mr. Snyder is a public figure. As such, he accepts the right of the public and the press to criticize him or to express personal dislike, whether or not such expressions are justified by the facts. What he will not accept, however, is a tabloid recklessly printing lies, including that he personally engaged in criminal conduct by "forging names," or that he was thrown off a public company's board of directors. Mr. Snyder is fortunate to have the means to defend himself against such blatantly false allegations, and he will contribute any monetary damages recovered in this action to groups that are devoted to assisting the homeless.

2. Mr. Snyder is the principal owner of the Washington Redskins and co-owner of RedZone Capital Management Company ("RedZone Capital"), a private equity fund, and Red Zebra Broadcasting, LLC ("Red Zebra Broadcasting"), which owns and operates radio stations in the Washington, D.C. metropolitan area and elsewhere. The Washington Redskins hold the National Football League franchise for Washington, D.C..

3. In addition to his business ventures, Mr. Snyder is heavily involved in philanthropy. Some of the causes in which Mr. Snyder and/or the Washington Redskins (under Mr. Snyder's direction) have been heavily involved include donating transportation to help the Red Cross's disaster relief efforts in Haiti in 2010, donating to 9/11 and Hurricane Katrina victims, establishing and funding of the Snyder Family Emergency Center at Children's Hospital (where he donated \$6 million after the premature birth of his daughter) and the Snyder Family Communications Center at the Center for Missing and Exploited Children.

4. In 1999, Mr. Snyder made perhaps his most recognized investment when he purchased the Washington Redskins NFL football team (the "Team") and its stadium. As the son of a journalist, Mr. Snyder has always been well aware that he, as the owner of a high-profile NFL team with millions of fans, will be the subject of constant attention and scrutiny. He was,

and is, also well aware that he will be the subject of criticism and disdain from both the media and the Team's fans when the Team does not perform well. Mr. Snyder knowingly and wholeheartedly accepted that situation when he purchased the Team.

5. Notwithstanding often harsh personal and professional criticism leveled against him since he bought the Team, Mr. Snyder has never before brought an action against any media company for matters written or said about him, whether regarding the Team, his personal and business activities, or anything else.

6. Since late 2009, defendants McKenna and the Washington City Paper have engaged in an ongoing campaign against Mr. Snyder to smear his business and personal reputation through the publication of false and malicious articles written by McKenna. Those articles rarely have focused on the Team and, in many instances, have not even focused on Mr. Snyder's current business activities. Instead, in an effort to smear and malign Mr. Snyder, McKenna and the Washington City Paper have reached back many years to piece together half-truths and innuendo to cobble together stories that contain blatant falsehoods. The Washington City Paper's willingness to print these articles displays an absolute disregard for fact-checking and the truth, and McKenna's reckless disregard for the truth is contrary to every standard of journalism. In their ongoing effort to vilify Mr. Snyder, a recent article went so far as to denigrate the public role of Mr. Snyder's wife, a breast cancer survivor, as the National Football League's national spokeswoman on breast cancer awareness, as a mere publicity stunt to "sell the transformation" of her husband.

7. Mr. Snyder has tolerated the Washington City Paper's lies and misrepresentations. His ability to turn the other cheek, however, was exhausted on or about November 18, 2010, when the Washington City Paper published a cover story on Mr. Snyder,

written by McKenna, purportedly providing an “encyclopedic tour” of the “heinous deeds” and “various perfidies of Dan Snyder.” Having no original material to support their assertion that Mr. Snyder has engaged in acts of treachery, deceit, and duplicity, McKenna wrote and the Washington City Paper published an alphabetical list summarizing articles the Washington City Paper had previously published about Mr. Snyder either in print or on-line. The Washington City Paper found this summary to be worthy of being the cover story. Neither the Washington City Paper nor McKenna, however, found the story’s most serious charges worthy of even the most basic fact checking. McKenna neither spoke with Mr. Snyder nor anyone from his office to check any of the facts in the story, nor did he bother to read publicly available information which directly contradicted what he wrote.

8. In fact, with respect to McKenna’s and the Washington City Paper’s contention in the opening paragraphs of its cover story that Dan Snyder personally committed the crime of forgery, the Washington City Paper’s publisher Amy Austin admitted in an “open letter” published in the Washington City Paper in February 2011 that “we have no reason to believe he personally did any such thing.” Although Ms. Austin nonetheless refused to retract, correct or apologize for her paper’s and McKenna’s admitted lie about Mr. Snyder, her February 2011 “open letter” constitutes an admission that McKenna and the Washington City Paper either knew that their statement about Mr. Snyder was false or published the statement without regard to its falsity.

9. Not content with mere lies, however, the Washington City Paper added insult to injury. In its cover art, the Washington City Paper depicted the Jewish Mr. Snyder in a blatantly anti-Semitic way, complete with horns, bushy eyebrows, and dollar signs. This is

precisely the type of imagery used historically, including in Nazi Germany, to dehumanize and vilify the Jewish people and to associate them with a litany of libels over the last 2,000 years.

10. Simply put, no reasonable person would accept the publication of these types of false, malicious, and/or defamatory statements. Nor would any reasonable person tolerate an anti-Semitic caricature of himself or herself prominently displayed on the front pages of a newspaper containing false and malicious allegations. McKenna and the Washington City Paper have crossed every line of ethics and decency, and because they have refused to retract these knowingly or recklessly false claims, Mr. Snyder is forced to bring this action.

### PARTIES

11. Upon information and belief, Defendant Creative Loafing, Inc. ("Creative Loafing"), a Florida corporation, wholly owns and operates its subsidiary CL Washington, Inc.,

12. Upon information and belief Defendant CL Washington, Inc. (d/b/a Washington City Paper), a Florida corporation, owns and publishes the Washington City Paper, a free weekly tabloid circulated in the Washington, D.C., metropolitan area.

13. Upon information and belief Defendant Dave McKenna is an individual who resides in the Washington, D.C., area. Further, upon information and belief McKenna is a staff writer employed by the Washington City Paper who wrote the statements at issue in this lawsuit.

14. Plaintiff is an individual who resides in the Washington, D.C., area.

15. Upon information and belief, Defendants, and each of them, were empowered to and did act as the agent, servant, and employee of each other and each and all the acts alleged to have been done by them were done in their capacity as agent, servant, and/or employee.

## JURISDICTION AND VENUE

16. Jurisdiction of this Court is founded on D.C. Code Annotated, 2001 edition, as amended, Sec. 11-921. Jurisdiction and venue are proper because Defendant CL Washington, Inc., maintains its principal place of business in the District of Columbia, and is in turn wholly owned and controlled by Defendant Creative Loafing, Inc., as its agent. Defendant McKenna also maintains his principal place of business in the District of Columbia.

## GENERAL ALLEGATIONS

### **A. Background**

17. Mr. Snyder is informed and believes, and based thereon alleges, that Defendant Creative Loafing currently operates five wholly-owned subsidiaries. Those subsidiaries are CL Washington, Inc.; Creative Loafing Atlanta, Inc; CL Charlotte, Inc.; CL Chicago, Inc.; and CL Tampa, Inc. Each of Creative Loafing's subsidiaries owns and publishes a different newspaper. The subsidiary known as CL Washington, Inc. (d/b/a Washington City Paper), owns and publishes the Washington City Paper, and its affiliated website, which is the publication at issue in this action. Defendant McKenna works as a staff writer for the Washington City Paper. Defendants Creative Loafing, Inc.; CL Washington, Inc.; and Dave McKenna are collectively referred to herein as the "Defendants."

18. Since late 2009, Defendants have engaged in an ongoing campaign against Mr. Snyder to smear his business and personal reputation through the publication of false and malicious articles in the Washington City Paper.

19. Since spring 2010, in connection with this campaign, the Washington City Paper has published (on line or in print) more than *fifty* columns in which Mr. Snyder (or, in a few instances, those who simply had associations with him) was the subject of derision, ridicule, and/or vilification.

20. This ongoing effort on the part of Defendants was capped by the Washington City Paper's cover story on November 19, 2010, wherein it featured an anti-Semitic depiction of Mr. Snyder with horns on his head, bushy eyebrows, and surrounded by dollar signs. This cover accompanied an article that contained numerous outrageous, false, and defamatory statements of and concerning Mr. Snyder (the "Article"). True and correct copies of the cover, the full-page interior illustration of Mr. Snyder from the November 19 edition, and the Article are attached hereto as Exhibits A, B and C, respectively.

**B. The Washington City Paper Article**

21. The Washington City Paper falsely and maliciously asserted in the Article that Mr. Snyder has engaged in "heinous deeds" and acts of treachery, disloyalty, and deceit.

The most egregious falsehoods in the Article (or items referenced in the Article) ("the Misrepresentations") include, without limitation, the following:

a. that "Dan Snyder ... got caught forging names as a telemarketer with Snyder Communications," a completely baseless allegation that the publisher of the Washington City Paper has since admitted the Defendants "have no reason to believe" is true, but which Defendants have nonetheless refused to retract;

b. that Mr. Snyder "cut down trees protected by the National Park Service" and "made a great view of the Potomac river for himself by going all Agent Orange on federally protected lands," a matter about which previously published reports had been publicly corrected, and errors that Washington City Paper compounded in its publisher's "open letter" when she falsely stated that the trees were located "next to" Mr. Snyder's property on "park service land";

c. That Snyder was "tossed off" the Six Flags' board of directors — an allegation which the Wall Street Journal easily disproved with the most basic fact checking.

22. The defamatory implication and effect of each of the false statements set forth in subparagraphs 21 a. through c. above has been magnified and aggravated by the outrageous anti-Semitic depiction of Mr. Snyder on the first page of the Article. The Misrepresentations give the reader the wholly false impression that Mr. Snyder has been "caught" engaging in acts of moral turpitude, that he went on to neighboring land owned by the National Park Service and cut down trees in violation of federal law,, and that he was fired from the board of directors of a public company. Inevitably, the result of such a portrayal is significant damage to Mr. Snyder's reputation as an investor, business manager, and executive officer, as well as his reputation as the owner of the Team.

23. By letter on November 24, 2010, Mr. Snyder, by and through his counsel, notified the Defendants of the falsity of the Misrepresentations and demanded the publication of a retraction. A true and correct copy of this letter is attached hereto as Exhibit D and incorporated herein by reference. Defendants were also contacted telephonically and asked to print a retraction. As of the date of the filing hereof, the Defendants have failed and refused to publish a retraction.

### **FIRST CAUSE OF ACTION**

#### **(AGAINST ALL DEFENDANTS)**

24. Plaintiff repeats and incorporates by reference paragraphs 1 through 23, inclusive, of the Complaint as though fully set forth herein.

25. Persons who read the Misrepresentations reasonably understood the references to Mr. Snyder contained therein to be references to Plaintiff herein.

26. The Misrepresentations are fabricated, false, malicious, and defamatory statements of fact of and concerning Mr. Snyder, as alleged hereinabove.

27. The Misrepresentations are libelous on their face and constitute libel *per se* in that they charge Mr. Snyder with crimes, and especially of moral turpitude. The Misrepresentations clearly expose Mr. Snyder to hatred, contempt, ridicule, and obloquy and/or cause Mr. Snyder to be shunned or avoided, and have a tendency to injure him in his occupation.

28. Upon information and belief, Defendants, and each of them, portrayed Mr. Snyder in this manner knowing that the depiction was false or with reckless disregard for its truth or falsity.

29. As a direct and proximate result of the above-described conduct by Defendants, and each of them, Mr. Snyder has suffered general and special damages in an amount of not less than One Million Dollars (\$1,000,000), including damage to Mr. Snyder's reputation and standing in the community, shame, mortification, hurt feelings, embarrassment, humiliation, damage to peace of mind, emotional distress, and injury in his occupation. Although the full nature, extent, and amount of these damages are currently unknown, this Complaint will be amended at or before trial to insert such information if such amendment is deemed necessary by the Court.

30. The aforementioned acts of Defendants were done intentionally or with a conscious disregard of Mr. Snyder's rights, and with the intent to injure Mr. Snyder, such as to constitute oppression, fraud, or malice thus entitling Mr. Snyder to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants, and each of them, and to deter such conduct in the future, which amount will be proved at trial.

### **SECOND CAUSE OF ACTION**

#### **(AGAINST ALL DEFENDANTS)**

31. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 30, inclusive of the Complaint, as though fully set forth herein.

32. The Misrepresentations, taken together with the anti-Semitic depiction of Mr. Snyder at the very beginning of the Article, imply to readers of the Article – falsely – that Mr. Snyder is a dishonest, unethical businessman who habitually engages in misconduct and fraud in his business dealings and personal life.

33. The Misrepresentations are libelous on their face and constitute libel *per se* in that they cast Mr. Snyder in a light that associates him with moral turpitude. The Misrepresentations clearly expose Mr. Snyder to hatred, contempt, ridicule, and obloquy and/or cause Mr. Snyder to be shunned or avoided, and have a tendency to injure him in his occupation.

34. Upon information and belief, Defendants, and each of them, portrayed Mr. Snyder in this manner knowing that the depiction and association was false or with reckless disregard for its truth or falsity.

35. As a direct and proximate result of the above-described conduct by Defendants, and each of them, Mr. Snyder has suffered general and special damages in an amount of not less than One Million Dollars (\$1,000,000), including damage to Mr. Snyder's reputation and standing in the community, shame, mortification, hurt feelings, embarrassment, humiliation, damage to peace of mind, emotional distress, and injury in his occupation. Although the full nature, extent, and amount of these damages are currently unknown, this Complaint will be amended at or before trial to insert such information if such amendment is deemed necessary by the Court.

36. The aforementioned acts of Defendants were done intentionally or with a conscious disregard of Mr. Snyder's rights, and with the intent to injure Mr. Snyder, such as to constitute oppression, fraud, or malice thus entitling Mr. Snyder to exemplary and punitive

damages in an amount appropriate to punish or set an example of Defendants, and each of them, and to deter such conduct in the future, which amount will be proved at trial.

**WHEREFORE**, Mr. Snyder prays for judgment as follows:

1. For general and special damages in an amount not less than One Million Dollars (\$1,000,000), together with interest thereon at the maximum legal rate;
2. For exemplary and punitive damages in an amount sufficient to punish and deter the Defendants;
3. For costs of suit incurred herein;
4. For reasonable attorneys' fees and costs; and
5. For such other and further relief as to the court may deem just and proper.

**JURY DEMAND**

The Plaintiff demands a trial by jury on all issues so triable.

Dated: April 26, 2011

By: Richard W. Smith

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- and -

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